City of Santa Fe

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION OCTOBER 15, 2020 AT 6:00 PM ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than ten (10) people, the Planning Commission meeting will be conducted using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA. The YouTube live stream can be accessed at this address from most computers, mobile devices, or smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: https://www.santafenm.gov/events. The direct Zoom link is: https://us02web.zoom.us/j/83065229752?pwd=UUJOMm9FUlJ3aEFrbnZrbEFIeHNrZz09

Passcode: 860393

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:
US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 830 6522 9752

Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Noah Berke (505-490-5930, nlberke@santafenm.gov) no later than Monday, October 12, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email (LandUsePublicComment@santafenm.gov), by U.S. Postal Service (City of Santa Fe, ATTN: Noah Berke, PO Box 909, Santa Fe, NM 87504-0909), or by dropping off a comment at the physical drop box which will be located outside City Hall at the entrance to Land Use Lobby facing Marcy Street. Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Monday, October 12, 2020.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES:

E. APPROVAL OF FINDINGS/CONCLUSIONS

F. OLD BUSINESS

G. NEW BUSINESS

1. Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of One Thousand (1000)

Short-Term Rental Permits in the City, to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person, to Prospectively Limit the Proximity of Short-Term Rental Units, to Require a Local Operator for Short-Term Rental Units, to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms, and to Clarify Other Provisions of the Short-Term Rental Ordinance; Amending the Land Use Code Definitions in Section 14-12.1 SFCC 1987 as They Relate to Short-Term Rental Units; and Amending Section 12-2.3 SFCC 1987 to Clarify That a Short-Term Rental Unit is not a Group R-1 Occupancy for Purposes of Fire Inspections. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730; Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

COMMITTEE REVIEW:
Planning Commission: 10/15/20
Quality of Life Committee: 10/21/20
Public Works and Utilities Committee: 10/26/20
Governing Body (request to publish): 10/28/20
Finance Committee: 11/2/20
Governing Body (public hearing): 12/9/20

2. **Case #2020-2499. 1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5).** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variances to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density). The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587) **(POSTPONED FROM OCTOBER 1, 2020)**

3. **Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [~~14-7.2(B)(5)~~] Table 14-9.2-1.** James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to [~~14-7.2(B)(5)~~] Table 14-9.2-1 "Design Criteria for Street Types" to allow 9 dwelling units on a Lot Access

Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain. (Dan Esquibel, Case Manager, daesquibel@santafenm.gov, 955-6587)

4. **Case #2020-2498**. **Plaza Contenta Development Plan**. Autotroph, Agent for B&R Land Development, owner, requests final Development Plan approval for a mixed-use project including multi-family residential comprising 150 apartments; 14,000 sqare feet of neighborhood commercial uses; and public open space as located at 6001 Jaguar Drive. The property is located within the Tierra Contenta Master Plan Area Phase 1A, as Tract 11, zoned PRC (Planned Residential Community) and is approximately 7.2 acres in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov 955-6566.)

H. STAFF COMMUNICATIONS

MATTERS FROM THE COMMISSION

I. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

MEMORANDUM

DATE: October 15, 2020

TO: Planning Commission, Finance Committee, Public Utilities/Public Works Committee, Quality of Life Committee, Governing Body

FROM: Elias Isaacson, Planning & Land Use Director ESI
Sally Paez, Assistant City Attorney SAP

RE: Proposed Legislation - Short-Term Rental Ordinance

Executive Summary:

The proposed legislation would amend the Short-Term Rental Ordinance set forth in the Santa Fe City Code (SFCC) Subsections 14-6.2(A)(5)-(8). Specifically, the legislation would (1) adopt by ordinance a maximum of one thousand (1000) short-term rental permits on residentially zoned property, (2) prospectively limit the number of short-term rental permits to one per natural person, (3) prospectively limit the proximity of short-term rental units, (4) require a local operator for short-term rental units, (5) adopt record-keeping and reporting requirements for short-term rental unit owners and host platforms, and (6) clarify other provisions of the short-term rental ordinance. The legislation would also amend the Land Use Code definitions in SFCC Section 14-12.1 SFCC 1987, as they relate to short-term rental units; and amend SFCC Section 12-2.3 to clarify that a short-term rental unit is not a Group R-1 occupancy for purposes of fire inspections.

Background:

This proposal originally included two separate bills, one amending the Short-Term Rental (STR) Ordinance set forth in SFCC Subsections 14-6.2(A)(5)-(8), and the other amending the Land Use Code Enforcement Ordinance set forth in SFCC Section 14-11.4. The bill sponsors, who include Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal, presented the bills as a package aimed at improving the administration and enforcement of the City's STR program.

Amendments to the Land Use Code require a public hearing and recommendation by the Planning Commission (Commission) prior to consideration by the Governing Body. On June 18, 2020, the

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Commission reviewed both bills at a public hearing but postponed the matter for further review of the proposed amendments and the high volume of public comment received. The Commission provided the Governing Body with a memorandum (attached) that included initial input on both bills.

On June 24, the bill sponsors decided to table the amendments to the STR Ordinance to consider additional revisions based on input received. Amendments to the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4, continued through the committee review process and were adopted by the Governing Body on August 12, 2020 as Ordinance No. 2020-18.

New Proposal to Amend STR Ordinance:

Following the introduction of the original STR legislation, the bill sponsors received input from numerous constituents and stakeholders, as well as the Commission. The sponsors chose to introduce a new version of the bill that incorporates revisions in response to the public input received. Significant changes from the previous draft legislation include the following:

- STR units on non-residentially zoned property, including the Business Capitol District (BCD), would require a registration and would not be subject to permit limitations, including the 1000 permit limit, the one permit/natural person limit, and the limitation on permit transfers.
- STR units on non-residentially zoned property would not be subject to the limitation of one rental within a seven-day period (this existing limitation would continue to apply to STR units on residentially zoned property).
- The proposed proximity limitations have been revised for both residentially zoned property and non-residentially zoned property.
- The Commission's proposed clarifications to the "natural person" provision and the permit transfer provision have been incorporated.
- The local operator requirement has been revised to require that the operator must be accessible by telephone and able to be physically present at the STR unit within one (1) hour of being contacted.
- The provisions addressing fire and safety inspections have been revised.
- The provisions that apply to host platforms have been revised.
- The provisions that "grandfather in" existing permits and registrations have been revised.

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Analysis of Criteria for Amendments to the Land Use Code:

Under SFCC Section 14-3.3, "Amendments to Text of Chapter 14," the Land Use Director must provide the Planning Commission with a recommendation regarding proposed amendments to the Land Use Code, including an assessment of whether the amendments meet the six criteria set forth in Section 14-3.3(B). The criteria are set forth below, followed by the Land Use Director's assessment of each.

(1) compliance with law;

The proposed amendments comply with municipal, state, and federal law concerning regulation of STR.

(2) consistency with the general plan;

Although the General Plan does not speak directly to the regulation of STR, the proposed amendments will further many of the themes and policies set forth in the General Plan, including enhancing the quality of life for residents; fostering economic diversity; maintaining Santa Fe's unique personality, sense of place, and character; and preserving a community-oriented downtown.

(3) consistency with other policies adopted by the governing body;

The policy objectives behind the proposed amendments are consistent with other policies adopted by the Governing Body and are described in the "purpose and intent" section of the draft legislation.

(4) consistency with the purpose and intent of Chapter 14 and of the section being amended;

The proposed amendments are consistent with the general purposes of the Land Use Code, as set forth in SFCC Section 14-1.3, because they are intended to promote the health, safety, order, convenience, prosperity, and general welfare of the residents of Santa Fe.

(5) consideration of how the amendment relates to other provisions of the Santa Fe City Code and the avoidance of unintended consequences; and

The proposed amendments to the STR Ordinance are intended to work in concert with recent amendments to the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4, and with other provisions of the SFCC, including those that govern business licenses and lodgers' tax.

(6) consistency with any approved neighborhood conservation overlay districts.

The amendments are consistent with the regulations that apply in the City's overlay districts.

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Recommendation:

Staff recommends that the Commission make a positive recommendation to the Governing Body concerning the proposed legislation and that the Governing Body adopt the proposed legislation.

Attachments:

1. Proposed Legislation (2nd Draft STR Bill)
2. FIR
3. Previous Draft Legislation (1st Draft STR Bill), Considered by Planning Commission June 18, 2020
4. Planning Commission Meeting Minutes from June 18, 2020
5. Memo from Planning Commission dated June 24, 2020
6. Summary of Public Comments Received on 1st Draft STR Bill
7. Written Comments Received on 1st Draft STR Bill

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE; AMENDING THE LAND USE CODE DEFINITIONS IN SECTION 14-12.1 SFCC 1987 AS THEY RELEATE TO SHORT-TERM RENTAL UNITS; AND AMENDING SECTION 12-2.3 SFCC 1987 TO CLARIFY THAT A SHORT-TERM RENTAL UNIT IS NOT A GROUP R-1 OCCUPANCY FOR PURPOSES OF FIRE INSPECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10,

2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18-1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park* , as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the

office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14-7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site-built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [~~of Dwelling~~] Units [~~- Residentially Zoned Property~~]

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5) are allowed.~~] This section shall be known as the *Short-Term Rental Unit* Ordinance. The purposes of the *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* does not disrupt the character of the *city*'s residential neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing

the availability of long-term housing;

(iii) to allow residents who comply with the *city*'s *short-term rental unit* regulations the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with s*hort-term rental units*, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* or Registration Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~

~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~

~~(ii) Short-term rental units located in a development containing resort facilities approved pursuant to a special use permit which are owned in common by the owners within the development, are allowed. As used in this item, "resort facility" means any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.~~

~~(iii) The land use director may issue rental permits in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not~~

~~subject to the permit limit imposed by this subsection.~~

~~(iv) Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and either a short-term rental *permit* or a short-term rental registration, as set forth in subsections 14-6.2(A)(5)(c) and (d).

(ii) An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* or registration.

(iii) A *city*-issued *permit* or registration number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

(c) *Permit*; *Residentially Zoned Property*.

(i) *Permit*. A *short-term rental unit* on *residentially zoned property* requires a *city*-issued *permit*.

(ii) One thousand (1000)-*Permit* Limit. The *land use director* shall issue a maximum of one thousand (1000) short-term rental *permits*. The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the *land use director* may require the *applicant* to indicate a continued interest in remaining on the list.

(iii) One (1) *Permit* per Natural Person Limit. The *land use*

director shall issue *permits* to *natural persons* only, and each *natural person* may possess a maximum of one (1) *permit*. If the subject *property* is owned by a legal or business entity, the *permit* must be held in the name of a person with legal authority to act on behalf of that entity. The fact that a *permit* must be issued to a *natural person* does not mean that the *property* cannot be titled in such entities as a revocable trust, an LLC, or a corporation. The *land use director* shall not issue *permits* to *dwelling units* that are comprised of multiple, time-divided ownership interests, provided, however, that certain *dwelling units* may be eligible to maintain short-term rental registrations, as set forth in subsection 14-6.2(A)(6)(b).

(iv) *Permit* Not Transferrable. A *permit* is not transferable to another person or *property*. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the *property* as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department. A transfer that does not result in new ownership of the *property*, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the *property*, does not constitute a transfer for purposes of this subparagraph.

(v) Frequency of Rental. A permitted *short-term rental unit* shall not be rented more than once within a seven (7)-day period.

(vi) Proximity. Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject *property*, as identified in the *application*, is located within a fifty (50)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject *property* boundary. This limitation shall not apply to the following:

(A) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling unit* ordinance, subsection 14-

6.3(D)(1);

(B) an *application* for a *short-term rental unit* in a *multiple-family dwelling development* that contains that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental *permits* for more than twenty-five (25%) of such *dwelling units*, rounded down to the nearest whole number, and shall not issue more than twelve (12) short-term rental *permits* within a single building within a *multiple-family dwelling development.*

(d) Registration; Non-*Residentially Zoned Property*.

(i) Registration. A *short-term rental unit* on non-*residentially zoned property* requires a *city*-issued registration.

(ii) Proximity.

(A) If a *multiple-family dwelling development* located within two-hundred (200) feet of *residentially zoned property* contains four (4) or more *dwelling units*, the *land use director* shall not issue short-term rental registrations for more than twenty-five (25%) of such *dwelling units*, rounded down to the nearest whole number.

(B) The *land use director* shall not issue more than twelve (12) short-term rental registrations within a single building within a *multiple-family dwelling development.*

[~~(c)~~](e) General Provisions

Unless otherwise stated, the following general provisions apply to all short-term rental units[~~:~~].

[~~(i) no more than one rental is allowed within a seven consecutive day period;~~

~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For~~

~~the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining units in a condominium, townhouse development, in an apartment complex, or residential compound;~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. The *operator* must be accessible by telephone and able to be physically present at the *short-term rental unit* within one (1) hour of being contacted.

[~~(iii)~~](ii) An *owner* of a *short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1)~~]

(A) one (1) bedroom, one (1) parking space; and [~~2)~~]

(B) two (2) or more bedrooms[~~;~~], two (2) parking spaces[~~;~~].

[~~(iv)~~](iii) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~;~~].

(iv) Prior to issuance of a *permit* or registration, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(v) At or before the time of *application* for a *permit* or registration, the *owner* of a *short-term rental unit* must also apply for and obtain a business license under Section 18-1 SFCC 1987.

[~~(v)~~](vi) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street[~~;~~].

[~~(vi)~~](vii) [~~short-term~~] *Short-term rental units* located on *residentially zoned property* shall be used exclusively for residential purposes and shall not be

used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the number of legally allowed [~~occupants~~] ***guests*** in the *short-term rental unit* [~~(including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~;~~].

[~~(vii)~~](viii) [~~the~~]The total number of [~~persons~~]***guests*** that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~;~~].

[~~(viii)~~](ix) [~~noise~~]Noise or other disturbance [~~outside the~~]emitted from a *short-term rental unit* is prohibited after 10:00 p.m., including noise or disturbances emitted from decks, portals, porches, balconies, or patios[~~;~~].

[~~(ix)~~](x) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]***guests*** shall comply with all relevant *city* ordinances [~~and comply with all provisions of the lodger's tax ordinance;~~].

[~~(x)~~](xi) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the land use department.~~]

[~~(d)~~](f) [~~*Applications*~~] *Application* for a Short-Term Rental *Permit* or Registration

[~~Unless otherwise stated, an~~]An *applicant* shall submit an *application* for a short-term rental *permit* or registration[~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local [~~owner/~~]operator[~~ who is available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~]a statement signed by the [~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit* [~~shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this~~

~~Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short-term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);~~

~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~

~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Table 14-6.1-1 Annual Permit and Registration Fees*		
Short-term Rental Type	**Permit Fee per Unit**	**Registration Fee per Unit**
§ 14-6.2A(5)(b)(i) Accessory Dwelling Units	$325.00	
§ 14-6.2A(5)(b)(ii) Resort Units		$100.00
§ 14-6.2A(5)(b)(iii) Residential Units	$325.00	
§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) Commercial Districts		$100.00
Initial Application and Processing Fee (one-time)	$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.

(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.

(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.~~

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.~~]

(g) *Permit* and Registration Renewals

(i) Unless revoked pursuant to section 14-11.4, an *owner* may renew a short-term rental *permit* or registration annually.

(ii) An *application* for renewal of a *permit* or registration shall include the records required by subparagraph 14-6.2(A)(5)(k) for the previous one (1) year.

(iii) An owner must renew a short-term rental *permit* or registration and the associated business license by March 15 of each year. If a *permit* or registration is not renewed by March 15, the owner may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. If a *permit* is not renewed by its expiration date, including any thirty (30) day extension, then the *permit* will revert to the land use department and will become available to the next eligible *applicant* on the waiting list, if any. An *owner* whose *permit* or registration has expired may submit a new *application* for a short-term rental *permit* or registration to the *land use director*. Issuance of a new permit is subject to the availability of *permits*.

(h) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* on *residentially zoned property* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(iv) Registration fee. A *short-term rental unit* on non-*residentially zoned property* is subject to an annual registration fee of two hundred and ninety dollars ($290).

(i) Inspections

The *city* shall perform an inspection prior to the issuance of an initial *permit* or registration to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements; and may, upon notice to the *owner*, perform additional inspections as warranted. To obtain a short-term rental *permit* or registration, a *dwelling unit* must meet the following requirements:

(i) fire evacuation plan;

(ii) carbon monoxide detection;

(iii) smoke alarms in all bedrooms;

(iv) fire extinguishers on each floor;

(v) no storage of combustible materials in mechanical, boiler, or electrical rooms;

(vi) fireplace or wood stove must have non-combustible ash receptacle outside the *dwelling unit*; and

(vii) address numerals must be at least four (4) inches tall, with one-half inch stroke width, in contrasting color, visible from the street.

(j) Required Notice for Short-term Rental *Permits*

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners

association within which the unit is located (if applicable); to the *owners* of *residentially zoned property* within two hundred (200) feet of the subject *property*, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice to all parties entitled to notice.

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(k) Records

Each *owner* or *operator* shall maintain records for the *owner's short-term rental unit* for at least the most recent three (3) years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. The records that must be maintained for each *short-term rental unit* include the following:

(i) For a *short-term rental unit* located on *residentially zoned property*, the starting date of each reservation and the number of nights rented for each reservation;

(ii) For all *short-term rental units*, the amount of rent guests paid by month; and

(iii) For all *short-term rental units*, the amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

[~~(e)~~](l) Violations and Penalties

[~~(i) The land use director shall document all alleged violations of this~~

~~paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon conviction of a first violation, the land use director shall revoke the permit and operation of the short-term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short-term rental a dwelling unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.~~]

If an *owner* or *operator* fails to obtain the necessary *permit* or registration before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit* or registration.

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short-term rental permit pursuant to Subsection 14-~~

~~6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short-term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.~~]

[~~(g)~~](m) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[~~(h)~~](n) Real Estate Disclosure

A [~~Real~~] real estate [~~brokers~~] broker listing [~~residential~~] *property* in Santa Fe shall provide prospective buyers with a current copy of this ordinance.

(o) Host Platforms.

(i) A *host platform* shall require an *owner* or *operator* of a *short-term rental unit* to include a *city*-issued *permit* or registration number in all listings or advertisements for a *short-term rental unit*.

(ii) Upon notice from the *city* that a *permit* or registration number on a *short-term rental unit* listing is invalid, the host platform shall deactivate that listing within five (5) business days.

(iii) A *host platform* shall provide a monthly report to the *city* that includes the web address (URL) for each *property* listed on the *host platform*, together with the *permit* or registration number associated with that URL.

[~~(i) The land use director shall establish administrative procedures necessary~~

~~to implement, manage and enforce this paragraph.~~

~~(6) Short-term Rental of Dwelling Units - Non-residentially Zoned Property~~

~~Short-term rental of dwelling units on non- residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(6) Existing Short-Term Rental *Permits* and Registrations

(a) Short-term rental *permits* and registrations held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted remain valid and are not subject to the limitations on proximity set forth in subsection 14-6.2(A)(5)(c) or (d) or the limit of one *permit* per natural person set forth in subsection 14-6.2(A)(5)(c)((iii). The *owner* does not need to renew those *permits* or registrations until they expire. Upon expiration, and in subsequent years, the *owner* is eligible to timely renew the *permits* or registrations pursuant to subsection 14-6.2(A)(5)(i), subject to compliance with applicable requirements of subsection 14-6.2(A)(5) and payment of required fees.

(b) A *short-term rental unit* that is validly permitted or registered at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted and that either is located within a *development containing resort facilities* or is comprised of multiple, time-divided ownership interests may continue to operate as a *short-term rental unit* as provided in this subparagraph. Such units are not subject to the limitations on proximity set forth in subsection 14-6.2(A)(5)(c) or (d) or the limit of one (1) *permit* per natural person set forth in subsection 14-6.2(A)(5)(c)((iii). Upon expiration of the existing *permit* or registration and in subsequent years, the *owner* is eligible to timely file a renewal *application* and to obtain a short-term rental registration for the following year. Eligible units shall be issued a short-term rental registration, not a *permit*, regardless of whether the unit is located on residentially or non-

residentially zoned property, subject to ongoing compliance with applicable requirements of subsection 14-6.2(A)(5) and payment of applicable fees.

(7) *Dwelling Units* in Specified Commercial Districts

In the C-2 and SC Districts, *dwelling units* do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) *accessory dwelling units* for occupancy only by *owners*, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

[~~(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.~~]

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions:

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A *development* in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental *owner* or *operator* with guests and to facilitate the booking of a *short-term rental unit*.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a *short-term rental unit* to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

Section 3. Section 12-2.3 of SFCC 1987 (being Ord. No. 2004-53, §§ 6, 7 as amended) is amended as follows:

12-2.3 Annual fire inspections.

The following types of occupancies, as defined by the International Building Code, shall require an annual inspection by the fire department for compliance with the fire code of the *city* of Santa Fe.

A. Group A-1 occupancies (assembly occupancies including, but not limited to, motion picture theaters, and symphony and concert halls, theaters);

B. Group A-2 occupancies (assembly occupancies including, but not limited to, banquet halls, night clubs, restaurants, taverns, and bars);

C. Group E occupancies (occupancies for educational purposes);

D. Group M occupancies, or greater, (mercantile occupancies including, but not limited to, department stores, drug stores, markets, motor fuel-dispensing facilities, retail or wholesale stores, sales rooms); and

E. Group R-1 occupancies (residential occupancies where the occupants are primarily transient in nature including, but not limited to, [~~short-term rental units,~~] boarding houses, hotels, and motels).

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Short-Term Rental Changes

FIR No. 3254

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): Short-Term Rental Changes

Sponsor(s): Mayor Webber, and Councilors Lindell, Romero-Wirth, and Villarreal

Reviewing Department(s): Land Use, City Attorney's Office, Finance

Staff Completing FIR: Elias Isaacson, Land Use Director Date: 09/29/20 Phone: 505-955-6370

Reviewed by City Attorney: _____ Date: Oct 7, 2020

Reviewed by Finance Director: _____ Date: Oct 8, 2020

Summary:
The legislation would (1) adopt by ordinance a maximum of one thousand (1000) short-term rental permits in the City, (2) prospectively limit the number of short-term rental permits to one per natural person, (3) prospectively limit the proximity of short-term rental units, (4) require a local operator for short-term rental units, (5) adopt record-keeping and reporting requirements for short-term rental unit owners and host platforms, and (6) clarify other provisions of the short-term rental ordinance. The legislation would also amend the Land Use Code definitions in SFCC Section 14-12.1 SFCC 1987, as they relate to short-term rental units; and amend SFCC Section 12-2.3 to clarify that a short-term rental unit is not a Group R-1 occupancy for purposes of fire inspections.

Departments Affected:
Land Use, Tourism, Finance, and Fire Department

Consequences of Not Enacting Legislation:
Existing Ordinance remains in place, and difficulties with administration, enforcement, and revenue collection persist.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
No conflicts or duplications exist. This ordinance will work in concert with recently adopted Ordinance amending Section 14-11.4 of the Land Development Code to implement civil penalty provisions, a civil fine schedule, and civil citation procedures for Land Use Code enforcement actions.

Performance and Administrative Implications:
The revised ordinance will make the City's STR program easier to administer and enforce, while also ensuring the proper revenues to the City are collected.

Fiscal Implications:
The impacts to revenue are moderate. Adoption of these revision to the existing Ordinance may lead to more permit fees coming into the City. Impacts to expenditures are negligible.

Fiscal Impact:

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$	$	$				
Operating	$	$	$				$
Total:	$	$	$				$

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE 20	FYE 21	FYE 22	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$11,250	$11,250	R	
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$11,250	$11,250		

Revenue Narrative:

The amendment includes an increase of the registration fee so that it is commensurate with the permit fee. The recurring revenue increase is based on an assumption of issuing a combined total of 50 new and renewal non-residential registrations over the next year. The difference in current vs. proposed fees for new non-residentially zoned STR registrations is $225. The difference in renewal fees is also $225, suggesting this will be a recurring increase in revenues in years to come.

ATTACHMENT 3

Previous Draft Legislation (1st Draft STR Bill)

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10, 2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18-1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park* , as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14-7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site-built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [~~of Dwelling~~] Units [~~–Residentially Zoned Property~~]

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).~~] The purposes of this *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-*

term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* Required

[~~Short-term rental units are prohibited on residentially-zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* from the *city*.

[~~(ii) Short-term rental units located in a development containing resort facilities approved pursuant to a special use permit which are owned in common by the owners within the development, are allowed. As used in this item, "resort facility" means any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.~~]

[~~(iii)~~](ii) The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~ in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially-zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed by this subsection~~].

(iii) The *land use director* shall issue *permits* to *natural*

persons only, and each *natural person* may possess a maximum of one (1) *permit.*

(iv) [~~Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~] The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

(c) General Provisions

[~~Unless otherwise stated, the following general provisions apply to short-term rental units:~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. For purposes of this subparagraph, "local" means within the municipal boundaries of the city of Santa Fe.

[~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a~~

~~public street frontage, but does not include adjoining *units* in a condominium, townhouse development, apartment complex, or residential compound;~~]

(ii) An *owner* or *operator* shall not rent a *short-term dwelling unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[~~consecutive~~] day period[~~;~~].

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1)~~]

(A) one bedroom, one parking space; and [~~2)~~]

(B) two or more bedrooms[~~;~~], two parking spaces[~~;~~].

(iv) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~;~~].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18-1 SFCC 1987.

(vii) A valid business license number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[~~(v)~~](viii) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street;

[~~(vi)~~](ix) [~~short-term~~] *Short-term rental units* located on *residentially-zoned property* shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the

number of legally allowed [~~occupants~~] *guests* in the *short-term rental unit* [~~(including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~;~~].

[~~(vii)~~](x) [~~the~~]The total number of [~~persons~~]*guests* that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~;~~].

[~~(viii)~~](xi) [~~noise~~]Noise or other disturbance [~~outside the~~]emitted from a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[~~;~~].

[~~(ix)~~](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]*guests* shall comply with all relevant *city* ordinances, including [~~and comply with all provisions of~~] the [~~lodger's~~]lodgers' tax ordinance[~~;~~].

[~~(x)~~](xiii) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the~~

~~land use department.~~]

(d) *Applications* for a Short-Term Rental *Permit*

[~~Unless otherwise stated, an~~]An *applicant* shall submit an *application* for a short-term rental *permit* [~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local owner[~~/operator~~] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~] a statement signed by the [~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~ shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);]~~

[~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~]

[~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

~~Table 14-6.1-1 Annual Permit and Registration Fees*~~		
~~Short-term Rental Type~~	~~Permit Fee per Unit~~	~~Registration Fee per Unit~~
~~§ 14-6.2A(5)(b)(i) — Accessory Dwelling Units~~	~~$325.00~~	
~~§ 14-6.2A(5)(b)(ii) — Resort Units~~		~~$100.00~~
~~§ 14-6.2A(5)(b)(iii) — Residential Units~~	~~$325.00~~	
~~§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) — Commercial Districts~~		~~$100.00~~
~~Initial Application and Processing Fee (one-time)~~	~~$100.00~~	
~~*The annual permit fee shall not be prorated for a portion of the year.~~		

~~(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.~~

~~(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.~~

~~(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental~~

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.~~

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.~~]

(e) Proximity of *Short-Term Rental Units* on *Residentially Zoned Property*

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the *application*, is located within a seventy-five (75)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling unit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

[~~(e)~~](f) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and

inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(g).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

Each *owner* or *operator* shall maintain all records for the *owner's short-term rental unit* for at least the most recent three years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The

records to be maintained for each *short-term rental unit* must include the following:

(i) The number of reservations and number of nights rented each calendar month;

(ii) The amount of rent guests paid by month; and

(iii) The amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-term rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the *owner* may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

~~[(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon~~

~~conviction of a first violation, the land use director shall revoke the permit and operation of the short-term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short-term rental a dwelling unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.~~]

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit.*

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short-term rental permit pursuant to Subsection 14-6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short-term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court~~

~~hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.~~]

[~~(g)~~] (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[~~(h)~~](m) Real Estate Agent Disclosure

[~~Real~~]A real estate [~~brokers~~] agent [~~listing~~] who represents a prospective buyer of [~~residential~~] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in all listings or advertisements for a *short-term rental unit.*

(ii) A *host platform* shall provide a monthly report to the city that includes the following information about the *short-term rental units* advertised in the city, disaggregated by owner, describing the following information for that month:

(A) The number of *short-term rental unit* listings and owners in the city;

(B) The number of reservations and number of rental nights for each unit;

(C) The amount of revenue owners collected through the *host platform*, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary to implement, manage and enforce this paragraph.~~]

(6) [~~Short-term Rental of Dwelling Units – Non-residentially Zoned Property~~]

Existing Short-Term Rental Permits and Registrations

[~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(a) Short-term rental *permits* held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted are valid, even if multiple permits are held by one owner. The *owner* does not need to renew those *permits* until they expire. Upon expiration, the *owner* may be eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* pursuant to Section 14-11.4.

(b) Short-term rental *permits* that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-__) is adopted are valid and owners of such *permits* are eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* pursuant to Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

~~[(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.]~~

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions:

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental

owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Short-Term Rental Changes

ATTACHMENT
4
Planning Commission Meeting Minutes
June 18, 2020

City of Santa Fe

Agenda

PLANNING COMMISSION
Thursday, June 18, 2020 - 6:00pm
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, this meeting will be conducted virtually using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA. The YouTube live stream can be accessed at this address from most computers, mobile devices, and smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: https://www.santafenm.gov/events. The direct Zoom link is: https://us02web.zoom.us/j/86975140993?pwd=R21va0g5c1NJdyttdU45T1E3UVlqZz09 and use password: 419763.

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 869 7514 0993

Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Noah Berke (505-490-5930, nlberke@santafenm.gov) no later than Monday, June 15, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email (LandUsePublicComment@santafenm.gov), by U.S. Postal Service (City of Santa Fe, ATTN: Noah Berke, PO Box 909, Santa Fe, NM 87504-0909), or by dropping off a comment at the physical drop box which will be located outside City Hall at the entrance to Land Use Lobby facing Marcy Street. Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Monday, June 15, 2020.

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:

MINUTES: May 21, 2020
FINDINGS/CONCLUSIONS: None

OLD BUSINESS

E. NEW BUSINESS

1. **Case #2020-2115. Vista del Rio Final Subdivision Plat.** JenkinsGavin, Inc., Agent, for Moellenbeck Professional Association Retirement Trust and Twilight Homes, Owners, requests approval of a final subdivision plat for twenty-one single family lots located at 5401 Agua Fria St. The property is approximately 4.02 acres and is zoned MU (Mixed Use). (Dan Esquibel, Case Manager, daesquibel@santafenn.gov, 955-6587)

2. An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

3. An Ordinance Amending Section 14-11.4 of the Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person Who Has Violated the Short-Term Rental ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

F. STAFF COMMUNICATIONS

G. MATTERS FROM THE COMMISSION

H. ADJOURNMENT

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.

***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: May 2, 2020
TIME: 11:12 AM

SUMMARY INDEX
PLANNING COMMISSION MINUTES
JUNE 18, 2020

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F. New Business		
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G. Staff Communications	Comments	37-38
H. Matters from the Commission	Comments	38
I. Adjournment	Adjourned at 10:06 pm	38

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, June 18, 2020 - 6:00pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
Commissioner Lee Garcia (Excused)
(One Vacancy)

Others Present:
Mr. Elias Isaacson, Land Use Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Chair Hiatt led the Pledge of Allegiance.

Mr. Berke explained the process for participation by members of the public once the Chair opens the Public Hearing.

C. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Hogan, to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 21, 2020

Commissioner Clow noted on page 25, the sixth paragraph, "Commissioner Clow said the *applicant* appeared to have determined that having..." Instead of *applicant* it should say City staff.

MOTION: Commissioner Sategna moved, seconded by Commissioner Faulkner to approve the Minutes of May 21, 2020 as amended.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS:

None.

F. NEW BUSINESS

1. **Case #2020-2115. Vista del Rio Final Subdivision Plat.** JenkinsGavin, Inc., Agent, for Moellenbeck Professional Association Retirement Trust and Twilight Homes, Owners, requests approval of a final subdivision plat for twenty-one single family lots located at 5401 Agua Fria St. The property is approximately 4.02 acres and is zoned MU (Mixed Use). (Dan Esquibel, Case Manager, daesquibel@santafenn.gov, 955-6587)

Staff Report

Dan Esquibel presented the staff report.

Mr. Esquibel stated the Land Use Department recommends approval for the final subdivision plat for the 21 family units, with the conditions of approval as outlined in the report and technical corrections in Exhibit A. He noted the criteria of section 14-3.7(C) is shown in Exhibit C and the applicant has agreed to the conditions.

Applicant's Presentation

Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. She stated the applicant agreed with all conditions of approval and technical corrections. She stood for questions.

Public Hearing

There were no public comments, therefore, Chair Hiatt closed the public hearing.

Commission Discussion

MOTION: In Case #2020-2115, Vista del Rio Final Subdivision Plat, Commissioner Hogan moved to approve with staff recommendations and technical corrections and conditions of approval. The motion was seconded by Commissioner Clow.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case #2020-2115, Vista del Rio Final Subdivision Plat Findings of Fact and Conclusions of Law, Commissioner Hogan moved, seconded by Commissioner Clow to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

2. **An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of**

the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

3. **An Ordinance Amending Section 14-11.4 of the Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person Who Has Violated the Short-Term Rental ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)**

Chair Hiatt asked if both ordinances should be heard at the same time.

Ms. Paez explained it was up to the Commission, but the two proposals are meant to work in harmony and have one staff report. Taking them together made sense.

Seeing no objections from the Commission, Chair Hiatt ruled the two Ordinances would be heard together

Staff Report

Director Isaacson provided the staff report. The amendments improve enforcement of the City's Short-Term Rental (STR) program and create a system to impose penalties on owners operating STRs without authorization from the Land Use Department. The sponsors include Mayor Webber and Councilors Signe Lindell, Carol Romero-Wirth, and Renée Villarreal.

Per section 14-3.3, amendments to the Land Use Code require a public hearing, a review, and a recommendation from the Planning Commission before consideration by the Governing Body.

The amendments to section 14-6.2 amend and clarify the existing Short-Term Rental ordinance. The current limitation maximum is 1000 permits that may be issued by the Land Use Department as previously adopted by the City, by resolution. That amount will remain unchanged.

Additionally, the Ordinance will limit short-term rental permits to one per natural person and the proximity of STRs on residentially zoned property and require a local

operator for STR units. The Ordinance will require permit holders and host platforms to adhere to record-keeping and reporting.

Amendments to Section 14-11.4 include provisions for adopting civil penalties, a civil fine schedule, and civil citation procedures for Land Use Code enforcement. The amended ordinance would clarify the circumstances under which the Land-Use Director can invoke permits, including short-term rental permits. The Director could order for anyone that violates Code, a one year waiting period for application for a STR permit.

Director Isaacson referred to a chart in the packet showing the substantive changes to the two ordinances, the policy objectives, and the City's regulatory approach which is to ensure that operation of the STR in residential areas does not disrupt the character or quality of life of the neighborhood. The regulatory approach will be to limit the density and proximity of STRs by preventing new STRs on residentially zoned property within 75 feet of an existing STR. The resolution's 1,000 permit limit would be maintained and incorporated into the Ordinance.

Another policy objective is to prevent speculators from purchasing multiple homes for the purpose of operating multiple STR units, resulting in the reduction of long-term rental (LTR) housing. The regulatory approach is to issue only one permit to one actual person. Additionally, law-abiding residents would be allowed an option to utilize accessory dwelling units (ADU) as STR units to create wealth and generate supplemental income. The regulatory approach would exclude ADUs operating in compliance with the ADU ordinance section 14-6.3(D)(1) from the proximity/density limitations set forth in 14-6.2(E)(5)(e).

The policy objective to minimize public safety risks associated with STR units such as higher traffic levels, parking issues, noise, litter, and other public nuisances. Regulatory approaches would include who is available requiring a local operator 24/7 to respond to complaints and include their contact information. Also proposed is to limit frequency in STR guest turnover by prohibiting the rental of STR units to no more than once in 7 days. Existing limitations will be maintained on the maximum number of guests (2 x the number of bedrooms) and continued administration of the City's formal annual permitting requirements.

Last, to ensure the owner/operator of STR's follows applicable regulations, including the payment of all fees and taxes, they will adopt and enforce new enforcement options. That includes the schedule of civil fines which increases for repeat violators, the revocation of permits, and a one-year application waiting period for anyone who has violated. Permit holders will also be required to maintain books and records for a three-year minimum and record-keeping/reporting by host platforms and to collect revenues.

Director Isaacson turned the floor over to City Attorney Paez to discuss the policy making process and opportunities for public participation.

Ms. Paez said this is the first opportunity for public input on the legislation and is a matter of interest for City Councilors and the Mayor. Due to the limitations in State law for open meetings they cannot get together as a group of interested Councilors outside the context of formal public meetings. The objective of the four sponsors was to create a preliminary proposal with a lot of ideas and take that into the committee process. They would then obtain input from members of the public and stakeholders.

Staff has received a lot of input already and this is the first time a City body could weigh in on the amendments in a formal public meeting. The schedule proposed for the committees staffed by City Councilors is to go before the Quality of Life Committee on July 1; Public Works and Utilities Committee, July 6; request to publish before the City Council on July 8, go to the Finance Committee on July 13; and public hearing before City Council on August 12, 2020.

It is possible the Planning Commission could reach a final recommendation to approve, that contains possible nuances. They can recommend changes of what they like or eliminate what they don't like within their purview.

Staff has been compiling comments even those received after the deadline (Monday), due to the large volume. She hoped that Commissioners had a chance to review the first batch because three additional batches of recent public comments were sent to Commissioners.

Ms. Paez said she would like to read the names of those who sent written comments into the record. Additional comments have been received since the last batch. She will continue to gather that input and make it available to the City Councilors and other committees and the Governing Body to retain as a formal record.

Chair Hiatt asked if the draftsmen or sponsors of the Ordinance had an opportunity to involve the STR community or interested citizens.

Ms. Paez replied she is aware that sponsors individually have been speaking with stakeholders and community members ad hoc. There was no formal opportunity until tonight.

Mr. Berke provided historical context on the STR Ordinance and changes. He said that in about 2005, Santa Fe recognized the operation of vacation rentals throughout the City and they were somewhat disruptive to neighborhoods. They received a lot of neighborhood input on the issue and the City decided to look into the issue. Subsequently through a series of stakeholder meetings an STR ordinance was drafted and passed in 2007/2008. In 2015 the Governing Body passed a resolution that asked staff to analyze the current Land Development Code regarding STRs. They were asked to make recommendations in the ordinance.

There were a series of well attended public meetings with neighborhoods, different stakeholders, the Tourism/Hospitality industry. Options were presented at the meetings by City staff and the Tourism Department and considered changes and issues that would be needed through ordinance revisions. There were online platforms that could be rented through AirBNB, Craig's List, VRBO, etc. all showing short-term rentals that were not captured as having a permit.

The cap at that time was 350 STRs with a lengthy waiting list. They drafted major changes to the STR ordinances in 2015-2016 which included that:

- All rentals of less than 30 days had to register with the City with a registration permit regardless of zoning district.
- The cap for residential permits was increased from 350 to 1000 and could be adjusted if City Council thought necessary.
- They eliminated the 17 rentals per year but kept that there could only be 1 rental every 7 days.
- Two adjoining STRs on a residential street was prohibited.
- They clarified that STR permits were nontransferable and only for the owner of the property, it wouldn't transfer to a new owner.
- Applicants were allowed to submit self-compliance statements for renewal.
- A mailing requirement was added that applicants should notify the homeowners and neighborhood associations within a specific range.
- Fees were adjusted to cover the cost of staff performing fire inspection, home inspection and business permitting, and a late fee of $50 that granted a 30-day extension for renewals.
- Fees for enforcement were added and a fine of $500 with a required written notice to the applicant of a violation.
- Applicants had to list on the application where they advertised for verification by the City that the applicant legally advertised.
- A Short-Term Rental office was added with an increase in staffing of that office.
- The City purchased compliance software with the ability to compare the list of STRs with permits and the lists from VRBO, AirBNB, etc. and the ability to send a notification for non-compliance.
- Council instructed staff to report back and provide an update in 18 months from the adoption of the changes. That has been done.

Chair Hiatt asked Director Isaacson if there was anything else from staff. He was told there was none.

Vice Chair Hogan said he wanted to disclose two things: One, he received a large number of calls on this issue. Out of concern about ex parte, he had encouraged everyone to send their comments in writing to the City to be distributed to everyone. He added he did not believe his capacity to take action on this had been compromised.

Commissioner Hogan said secondly, he may soon be an STR operator. He had applied for a permit in January for his converted office and was given a permit. But he has never acted on that nor received any income because of COVID.

Commissioner Hogan said he felt the obligation to disclose his permit, but again did not think that compromised his ability to participate. He offered to recuse himself if the Chair or Attorney Paez felt differently.

Chair Hiatt said his understanding is that legislative matters for ex parte have a different connotation. He asked Ms. Paez to comment.

Ms. Paez agreed. A legislative matter has no ex parte communication limitation, whereas a quasi-judicial matter does have an ex parte communication limitation. In a quasi-judicial matter, the applicant has a constitutional right to impartial decision-makers who have not been swayed by information from outside the formal record. In this case, as a legislative matter it is okay to correspond. The sponsors have been trying to correspond with interested parties, which is appropriate. She saw no problem as long as a quorum of the Commission does not discuss this outside the context of a public meeting.

Chair Hiatt said on the second matter of the Vice Chair owning a STR but not having any tenants yet, based on Vice Chair Hogan's comments, he did not find an inability for him to participate. He asked if any Commissioner objected to the ruling of the Chair. There were no objections noted.

Ms. Paez provided for the record additional context in the Code of Ethics in Code, Section 1-7 requiring a public official with a conflict of interest to disclose that conflict at the public meeting. It states, *"A public official shall not perform an official act or attempt to influence another person to perform an official act in any matter in which he/she has a conflict of interest."* In this case because changes are not being made that would increase the revenues received, voting on the legislation would not be a conflict of interest. As long as no money is a result to the Commissioner.

Public Hearing

Chair Hiatt explained the process for the public hearing and that the comments were limited to two minutes. He noted 58 people wanted to participate and he appreciated all of their comments.

Ms. Paez read the names of those submitting written comments to the Commission, noting they continue to receive comments. Those will be compiled and be of benefit to additional committee meetings. She read into the record names of those sending written comments in alphabetical order: Rebecca Anderson, Cindy Atanasoff, Irene P. Ayala, Cheryl Benard, Tai Bixby, Steve Harris, Karen Heldmeyer, Robert

Hilgendorf, Craig Lamb, Patricia Lillis, David Mansure (with petition attached), John M. Nye, Paul Plunket, Karen Kolbert Richelli, Victoria Rogers, Tim Ryan, Marvin Schrager, Ron & Myrna Simon, Sara & Dave Singleton, Michael Tankersley, Jon B. Tucker, Elizabeth West, Janet Williams and Richard A. Woodruff. The written public comments are attached hereto as Exhibits 1, 2, 3 and 4.

Ms. Paez indicated the list of names would be provided to the stenographer. She apologized for any incorrect pronunciations.

Chair Hiatt noted for the record that he had not seen at least half of those comments. He counted the names on the petitions and appears there are 700 names.

Preston Ellsworth,1412 Cerrillos Road, was sworn. He thanked Mr. Berke for his help in navigating the administrative management of the system. He said he preferred this go to the Governing Body for better administration and oversight. Secondly, they need to get the County on board so the community could comprehend the problem. Third, the revenues, which are substantial, should be coming to the City and distributed by the Governing Body to the Convention and Visitor's Bureau, minus the fees and charges for enforcement.

Myra Canterbury, 15 Mesa Encantado, Unit 227, was sworn. She wasn't sure if she fell under the guidelines or was outside the boundaries of the 1000 people who are permitted. She asked the boundaries for the legislation.

Chair Hiatt asked Ms. Canterbury if she was registered with the City as a short-term rental owner. She told him she thought she was outside City limits.

Chair Hiatt said they were interested in her comments either way. He asked Mr. Berke to assist Ms. Canterbury.

Ms. Canterbury continued, saying how important it is to balance having affordable housing in Santa Fe because they need them to help manage their properties. She lives in a townhome community that has on-site management. She thought they could probably accommodate that. She pays her taxes through VRBO and they have started collecting taxes for the State and she presumes for Santa Fe, around December.

She asked if she has to be registered with the City of Santa Fe. She is not opposed to the changes other than that this community has a lot of short-term owners. They are back to back and attached, etc. and the 75 feet rule would be a problem for them. She wasn't sure what the 75 feet rule buys them when you have a community that is well-maintained and has a very strict HOA. She wanted to be sure she is legal and has no desire to cheat anyone out of revenues or money.

Ms. Paez encouraged Ms. Canterbury to contact the City. She noted the information is on the website for the Short-Term Rental office and they are easy to contact about the City's boundaries.

Chair Hiatt said he would go a step further and be proactive. He asked Mr. Berke to take Ms. Canterbury's address and initiate contact. He thanked her for coming.

Karen Kolbert Rokelly, 214 Griffin Street, was sworn. She didn't agree with this. She lives downtown and knows that the City needs to look for revenue, but where she lives there are no residents. It is just her and one other person. The City should look at another part, like Catron to Grant, not the Capital District area. They are different than a residential district. Her house was a business for 10 years and she now lives in it and uses it as both. She thought this absurd because the City needs the money more than ever because of the pandemic. They are cutting off their nose to spite their face by not letting a district like this, which is really business. STRs in this area should be exempt if they are not already, because it is not residential and areas like downtown should be excluded.

Andy Duettra, 25 Bluebonnet Circle, was sworn. He owns WSR Properties and manages almost 40 STRs in commercial districts, most within three blocks of the Plaza. They feel zoning rules should be consistent and reasonable. He agrees with Ms. Rokelly on separating commercial and residential areas, the BCD is a business district. He has operated a lodging business recognized by the City for 15 years. He doesn't understand why now that would change and residential rules brought into a business zone. The distinction contained in 14-6.2(A)(6) should remain and be reinserted into the Ordinance. He operates like any other hotel and B&B and the zoning should stay in place and remain sensible.

Marc Bertram, 906 Trail Cross Court, was sworn. He was thankful that Mr. Burke provided the history of the Ordinance. He echoed Andy's concerns on non-residential zoning versus residential. Every iteration of the Ordinance has taken that difference into account and the difference should remain. Another problem with the Ordinance is enforcement. The recommendations of the O'Donnell Report said additional regulation might be needed at some point. The City has to do better at enforcing laws already on the books. He asked how the Planning and Land-Use staff would grade themselves on the enforcement issue. He thought the ultimate problem was the City is trying to get those not in compliance, not registered and/or permitted, to either be in compliance, or get out of the business. Enforcement would go a long way to address the concerns of those in the residential zones. He recommends removing the "*natural person*" ownership requirement and wasn't sure that is legal. It is problematic and could be a legal problem down the road. He agreed with the previous speaker on the 75-foot rule.

David Mansure, 212 E. Berger St., was sworn. He works with Mr. Duettra and would add what he and many others have said, they need to reinsert 14-6.2(A)6. As a

BCD downtown business for 15 years they were exempt from residential rules. They are licensed as a business and operating solely in the BCD District. They should be treated like any other hotel and B&B downtown. He and Mr. Duettra initiated and sent the petition with 700 online signatures and had garnered them in one week. He also canvassed the downtown, BCD District retail businesses, galleries, restaurants, jewelers etc. and has a fair number of signatures in hand from them that he could share. The lists from which the signatures were garnered has past guests, property managers/owners, realtors, and other fellow business owners who all assert the language should be reinserted and all favor the exemption from residential rules.

Chair Hiatt stated unless the Commission objected, the Commission will permit the additional signatures to be added to the record if Mr. Mansure could turn them in to the Land Use staff by tomorrow at 5 PM, since the hearing is a virtual hearing.

Susan Orth, 2115 Calle Tecalote, was sworn. She noted she is the president of the Santa Fe Association of Realtors with over 900 realtor members and 100 affiliated industry members. She respectfully requested on their behalf that the action on the two ordinances be postponed. The ordinances represent significant changes to the City's existing short-term rental ordinance, as well as a fines and penalties structure. They believe the Association, STR owners and the public needs more time to review the proposals and the significant impact they will have on property owners and businesses in how the City will enact those regulations. The regulations were only available for public preview last week and the ordinance was extensively rewritten. Additionally, the fine and penalties section was severed from the original ordinance and changed extensively from a criminal to a civil structure. The Association was not involved nor consulted regarding the proposed changes. They believe the timing of the significant Land Use changes is particularly problematic. The community and local businesses are already seriously stressed in responding to the COVID 19 pandemic. The City should be completely invested in an open, transparent, inclusive process on any regulatory changes, particularly those that impact property rights. The City should ensure that changes are thoroughly vetted and supported to the extent possible by the community. The Association strongly urged the Planning Commission members to postpone action this evening.

Gregg Bovee, 3760 Academy Road, Unit A, was sworn. He said the regulation was brought to preserve the neighborhood's cohesiveness by eliminating traffic, noise, and complaints from neighbors. But he couldn't find a list or police reports verifying that those occurred. He asked if that was available.

Chair Hiatt asked that he address his questions to him as Chair. He has been making a note of them. He asked staff to put his question on the list of questions to be answered at the end of public comment.

Paula Moya, 625 Garcia St., was sworn. She is a registered, compliant short-term rental owner and pays STR taxes even before the platforms started collecting them. They have worked hard to contribute to the City. She grew up and went to school in Santa Fe and her parents owned a business here. She and her husband plan to retire from their jobs as professors at Stanford University to their home in Santa Fe. They purchased the home in Santa Fe not only as a home for them when visiting Santa Fe and her parents, but to be financially feasible they rent the house as an STR. She has two problems with the proposal: one is the STR should be one per natural person. They have the home in an LLC and the "natural" language could be problematic. Also, on the requirement of being a local operator. She manages the rental herself and works with many local residents in Santa Fe. She is available 24 hours a day and has never had any complaints or problems. Those two provisions make it financially unfeasible for her to own the home that they hope to retire to.

Charles Burkhardt, 13 Desert Plume Trail, was sworn. He noted he also owns 1155 Camino Delora and operates his own and several other vacation rentals throughout town. He said he is against the majority of the regulations. Someone earlier asked if the restrictions were to address current weaknesses in regulations. He didn't think so. Additional restrictions will only hurt those following the rules and does nothing to curb those who are operating illegally. The City should enforce the current regulations and look at the results. The Commission should consider the number of actual complaints filed over the last year; how many fines were issued for illegal operation of STRs. He was against all of the restrictions proposed.

Robert Zilinski, 502 Sunset, Unit B, was sworn. He currently lives in New Jersey and graduated from the University of New Mexico. In 1976 he bought property in Santa Fe and started the STR in 2008 after regulations were put in. He has always had a permit and paid all taxes and fees and has never had problems with noise or parking at the rental. He wondered who the regulation benefits because he thought it limits competition and benefits larger hotels. He saw no benefit for the City to limit competition. His renters have said they like staying in a house rather than a hotel and some of his people return again and again. This could hurt the visitors and tourism in Santa Fe and the investors who purchased property with conditions that appear to be changing. He thought this overregulation, and as one person with one property, appeared he was being pushed out of the STR market. He recommended postponing the ordinance or rejecting it.

Frances Maier, 633 Garcia Street, was sworn. She lives in both San Francisco and Santa Fe and grew up here. She has two rental properties that are loved by her guests, pays the taxes and has notified her neighbors. She has never had a complaint and her guests comply with everything. Vacation rentals bring in families who are not comfortable in hotels and like to support the local community. STRs allow her to keep her properties in the best shape. She agrees there is not enough enforcement. This change puts more burden on those who are compliant than someone who is not. She couldn't understand the benefit of the natural person rule. There are good reasons to

have an LLC to protect themselves. And the local operator rule is ridiculous. She pointed out that the Internet and phone works well both in Santa Fe and San Francisco and she can address any issues her guests might have. She said she does have a question on the part of the Ordinance that is grandfathered and isn't clear how or what that applies to. She purchased her second property based on the last ordinance and wants to be sure her property rights are not violated.

Germaine Gomez, 511 Cortez Street, was sworn. She owns and operates Fridays Off in Santa Fe, a STR property management company. She and her business partners were born and raised in Santa Fe. The proposed changes would hurt their small business, which supports 10 local families. They buy and shop in Santa Fe. Vacation rentals bring in revenue to the area and expand the economic pie. They provide jobs, support vendors and contractors regularly, and some rentals bring in traveling nurses. They provide a place for people to stay in a local vacation rental and this will limit competition. They want to see current regulations enforced. She has been in the industry almost 13 years when there were only 350 rentals. She understands a lot of changes have happened, but enforcement has not come full circle. They oppose the one rental per person, and the natural person and have several homeowners that own multiple properties. That should be allowed, and it helps to support the economy. Lastly, on the 16.3 or the one year, if there is a violation there should be a warning. Some of their owners are getting letters of violation when there is no violation. It would be unfair for the home to lose their permit without verification.

Barbara Yoffee, 209 Polaco Street, was sworn. She is the vice president of the Historic Guadalupe Neighborhood Association. She has lived in the neighborhood since 2002 and understands those with a vested interest. She said residential neighborhoods are not here as a business proposition or only for investors. As residents they have invested a lot of blood, sweat and tears and money in their neighborhoods. She has talked to many residents in the neighborhood who feel this is a good balance. Finally, there is a proposal and it should be discussed. Also, the STR rentals in historic neighborhoods have cut the long-term rental housing problem. Their neighborhood used to have long-term rentals for people who worked here, and the neighborhood was more substantial and consistent. She asked that they please talk with the neighbors, not just realtors and investors.

Karl Hans Sommer, PO Box 2678, was sworn. He said the job tonight is to look at the policy behind the amendment in light of the policies for the STR Ordinance. The proposed amendments, with the inclusion of the BCD, will be counterproductive. He noted that Mr. Bertram is just one of many local investors who revitalized buildings that were obsolete and difficult to occupy. He and others have spent tens of millions of dollars to bring properties to a new vitality in the downtown area. If the BCD is subject to the new regulations, they will limit the supply and eviscerate and discourage those investments and discourage further investment downtown. That is a serious policy to consider. Also, there is a serious question about the ownership provision. There is a

case in the New Mexico Supreme Court that may prohibit the amendment on who owns the property.

Chair Hiatt asked that Mr. Sommer to forward a copy of the Supreme Court case to Ms. Paez.

Jerry Richardson, 703 Don Felix St., was sworn. He is the president of the Historic Guadalupe Neighborhood Association but was speaking for himself. He has notified all of the members so they could make their opinions known. He is gratified to see the City looking at problems created by unlimited STR growth that has negatively impacted his neighborhood. His neighborhood is close to downtown and walkable to the Railyard, etc.

Mr. Richardson said people lose the sense of neighborhood and don't know their neighbors and there are a lot of people going in and out. They don't understand how densely populated their neighborhood is with zoning that allows 19 units per acre. It isn't that people are misbehaving or there have been significant issues. They are just not aware of other people living here. He appreciates the efforts to get the issue under control and thought it obviously needs more work. Most of the people talking tonight are not going to be affected by the amendments because they are grandfathered in. This is just trying to control it in some way.

Richard A. Woodruff, 615 Onate St., was sworn. He said for the record he co-owns Adobe Casitas Vacation Rentals. They have been renting about 18 homes for about six years and pay all their taxes and have never had a complaint. There are too many things wrong to go through each point. He doesn't believe they did due diligence on an economic impact study and what it would mean if they did not capture STR and if transfers were prohibited. They are mostly rented by tourists with families, often with pets. The 75-foot radius will decimate home transfer by about 75% of the existing vacation permits. Another point of fact is that since 2018 and the increase from 350 to 850 STR permits, they have not grown and remain flat. He recommends a proper economic impact study be done by City Council and an evaluation.

Laura Post, 832 Dunlap Street, was sworn. She lives in the Guadalupe neighborhood and this has been a concern of hers. She does not have an STR. She lives and works at St. Vincent Hospital and is a full-time resident for 45 years and raised her family here. She understands the economic impact that was expressed but is concerned more about the explosion of the AirBNB's. Specifically, downtown where she lives now. Her focus is on the availability and affordability of houses and the ability to buy affordable houses. Many of the AirBNBs are bought by people from out of State, out-of-towners who are exploiting their neighborhoods. Her son recently moved back with his family this year and couldn't find anything nearby to rent or buy. There is a long list of young people in the same situation.

Denise Ramonas, 600 A Griffin Street, was sworn. She is the president of the Griffin Park Condominium Association off Paseo de Peralta. They have 27 units and now have 8 units licensed for STR. Most of the other units are full-time residents who are very unhappy about the STRs. The Association's declaration prohibits STRs, *"No unit can be used for hotel or transient purposes"*. They have written and met with the STR office over the last three years and ask them not to renew or issue STRs for Griffin Park. Yet renewals continue and new permits have been issued. Most of the Griffin Park owners, including herself, support the proposed changes to the Ordinance. They ask that the Commission also consider including in the ordinance that if a condominium document prohibits STR, the City will honor that and not issue short-term licenses.

Mr. Berke offered to look into that if Ms. Ramonas emailed him the addresses.

Marilyn Proctor, Sandia Circle, was sworn. She has owned Proctor Property Management and Adobe Destinations for over 40 years. Her most important question is addressed to the Land-Use Director or Mr. Berke: "why this is happening"? She wants to hear the complaints and where they were and what the complaint was about. This is her livelihood and she has never had a complaint in 40 years. She asked why now the City is starting random inspections and why they couldn't go back to fire inspections instead. As a small business she shouldn't be punished because of the large corporate businesses like AirBNB. She follows the rules and guidelines and as many others said, there is and never has been enforcement. There has been a huge turnover in the Land Use Department, and she has never had them return her calls. She manages 50 properties and since the pandemic has lost over $300,000 of revenue since March. Tourism is suffering.

Stefanie Beninato, PO Box 1601, was sworn. She was happy that fines would be civil rather than criminal penalties because they will be easier to enforce. She has concerns about some of the provisions. It will not be easy to enforce a 75-foot separation of STRs. There are about the same number of unpermitted STRs as those permitted. The problem is enforcement and the City has been putting that off for at least three years. They say they are acquiring more programs and staff that is needed to enforce, but nothing changes. She favors one STR rental per owner because that does not affect the availability of affordable housing, which is a huge issue in neighborhoods like South Capital. Also, it can be disruptive in terms of feeling like they are part of the neighborhood. She sees a lot of RVs parked on the street in her neighborhood and appreciates that supposedly will not be allowed. But again, it is about enforcement. The City needs for not just the AirBNBs to pay taxes, but all of the platforms and to pursue those without a permit. She knows a person who rents apartments and uses them for AirBNBs. That is a total abuse of the system, as well as the people who own 10 units. People who have a second unit on their property are treated differently than someone with one unit. The treatment of STRs compared to hotels, now STRs have to meet hotel standards for fire. She goes to AirBNBs to avoid chemicals at the hotels. The Commission should look at consistency in terms of fire standards.

Madelyn Carey, 1674 Camino de Cruz Blanca, was sworn. She explained she is Nick's partner and is using his computer. Nick runs an STR. Her experience comes mostly from a federal level in environmental. She is heartened by the amount of diligence, care and opportunity for the public to comment. She would like the City to be regulating, managing and enforcing towards a vision, instead of in response to complaints. It is important to have a vision and know how STR rentals will exist within it. She wanted more discussion about tourism economy and how it has long been a consistent opportunity for locals to participate. To deny or limit how individuals can participate creates an equity issue. She encourages policymakers to consider how STRs can be part of a healthy, thriving Santa Fe and contribute to the locals' ability to remain in Santa Fe and participate in the economy. Ms. Carey said her partner is a full-time freelance creative and the AirBNB allows him to maintain his expenses while participating in the artistic and creative community.

Janet Williams, 1200 Don Gaspar, was sworn. She was speaking on behalf of the amendments which she believes are important. Her daughter lives on Apodaca Hill and neighbors on two sides are AirBNB. They have no neighbors, the STRs are destroying the fabric of neighborhoods. The City needs to get them under control. Owning one is fine, or a guest house rental is fine, but she doesn't want people owning 50 AirBNBs. She wants a limit and approves of the amendments.

Eric Enfield, 612 Old Santa Fe Trail, was sworn. He has lived in Santa Fe most of his life and has invested in the BCD zone and had an AirBNB. He said it is a mistake to include the BCD District in the Ordinance and is short sighted. The dynamics of a downtown area requires visitors. He has lived here for 48 years and worked with many of the City agents and including the BCD in a residential ordinance isn't right. Currently you can build a restaurant and bar next to a house in the BCD District. That is important for them to consider. The idea that a person can only own one unit makes no sense economically. When they change a district in the center of the City there is a lot to consider; it should be vibrant with people coming and going. He would rather have a family stay three days with their dog than a restaurant and bar. That would be what they are talking about if they eliminate residential use in the BCD.

Patricia Lilis, 2119 Conejo Drive, was sworn in. She appreciates the changes to the STRs and recognizes their negative effects on Santa Fe's long-term housing and the neighborhoods. The ordinance is written, *"Any natural person from anywhere can obtain one short-term rental permit."* Primary residency is not a requirement. Denver, Boulder, Charleston, Portland and many other cities chose to have a primary resident requirement in residential neighborhoods to address STR speculation and housing challenges. She has two requests: first, that the ordinance consider allowing one short-term rental per primary residence in residential neighborhoods. One permit per household for a main house or a guest house. Secondly, page 17, *"All current rentals are grandfathered in".* She asked how that would address the current housing issues and neighborhood

complaints. She asked that the Commission consider a grandfather clause of two years, which is generous, and more than many cities have allowed; including anonymous complaints to help identify illegal rentals and the safety of anyone making a complaint; post STR permit numbers instead of a business license; and require the owner's name(s) on the permit to match all names in the deed. STR abuse takes homes from people and families who have a primary residence in Santa Fe. STR regulations need to be reformed and a primary residence requirement is the best way to do that.

Nancy Bookbinder, 426 Abeyta Street, was sworn in. She said she seconded and concurred with everything Ms. Lilis said. Core to the conversations is to define what is meant by community. They use the word a lot and have talked about a key issue, a community that doesn't have housing.

Ms. Bookbinder said Long-term rentals are fine in a neighborhood, but short-term rentals tear up the neighborhood fabric. Not having neighbors or knowing who they are, people who come into your neighborhood and don't respect your property, or letting their dogs come onto your grounds. Someone had mentioned they live in San Francisco. San Francisco recognized what STRs were doing to the neighborhoods and changed their requirements. They allow STRs for a shorter period of time with the requirement that the owner must live on the property. She agrees with one property with a casita, etc., but when talking about what community is, means they have to support the people who want to live in Santa Fe. The hotels in Santa Fe serve people and support tourism. Neighborhoods are not established for people to come in for a night or two and disrupt the rest of the neighborhood. They preclude the opportunity for Santa Fean's to live in these neighborhoods. People who are concerned about their investments should look at the market today and put their place up for sale. It will sell in the next two weeks.

Mr. Berke noted that Karen Heldmeyer, 325 E. Berger had called in and was not able to access the meeting. She asked that her following statement be read into record:

> I swear. Karen Heldmeyer, 325 E. Berger.
>
> I sent in a consensus document w/ suggestions from the Neighborhood Network board.
>
> 3 issues with STRs: affects actual neighborhoods wactual neighborhoods, decreases stock of available housing in many neighborhoods, never really been adequate enforcement especially of fiscal impact
>
> People who actually live here also contribute to the city financially through their ownership and through their living expenses, but also contribute in many other ways to the community. that doesn't occur with transient renters.

Mr. Berke indicated he would email the comments to the stenographer for the record.

Chair Hiatt thanked Ms. Heldmeyer for her comments. He informed the Commission for those who didn't know, Councilor Heldmeyer was *the* Councilor who brought this to the Land Use Department and the various committees and to the Planning Commission when it was originally passed in the early 2,000's.

Paul Dedomenico, 1413 Paseo de Peralta, was sworn. He commented there had been a lot of focus on the BCD, but there are other commercial zonings that allow residential use. He owns properties in both BCD and C1 and thought there shouldn't be any STR limitations on property zoned commercially that allows residential use. He thought if that were to happen it was taking away his property rights.

Michael John Blackwell, 709 Don Felix, Unit D, was sworn in. He said he knows the STR's bring in a lot of revenue to the City in Gross Receipts Tax. He asked if the property tax would be increased or City workers would be laid off if STRs are decreased.

Chair Hiatt said Mr. Blackwell's question would be posed to Director Isaacson after the public hearing.

Chair Hiatt allowed a minute to ensure anyone wanting to comment had done so.

Mr. Berke noted there appeared to be no one else who wanted to comment.

Chair Hiatt closed the public hearing. He asked if there were questions from the Commissioners to staff. There were none.

He noted that he had been in the Director's chair at one time and was there when the Ordinance was passed. He had tried to create a strong enforcement team but thought he had not succeeded and hasn't been successful in enforcement since. He asked if there were statistics on enforcement activity in STR.

Mr. Isaacson replied he didn't have specific data on enforcement. The short-term rental enforcement is challenged by staff's ability to respond in a timely manner to issues. When a complaint is received of noise in the late evening, by the time staff receives the complaint they are not in a position to act. They are not able to verify that a violation occurred when they go to the site the following day.

Another challenge is that, as drafted, the Ordinance contains inherently difficult to enforce supervisions that either lacked clarity. Worse, staff doesn't have the tools to verify a violation. That motivated them in providing clarity in the ordinance where it was not clear and to simplify where necessary for easier interpretation.

He indicated when Ms. Paez started work on the amendments and presented it to the City Attorney's office, a comment was made that the Ordinance, as drafted, was very vague. That kicked off the question, before they went into public comment of, what is your opinion on areas of weakness and do the amendments address them? He thought one area of weakness is the drafting of the current ordinance. They have made significant strides with the proposals to strengthen the areas that are difficult to enforce.

Director Isaacson said they have made important strides in the department in the past 18 months and did a good job aligning their human resources to their technological resources. They now have better tools, especially with the switch to the Inter-Gov Permitting System. They no longer have to manage the STR program by spreadsheet and the licensing program allows them to accept applications online or in person. They can be entered into the system and tracked year to year. The system also communicates with another platform that allows them to monitor the permitted and unpermitted short-term rentals. By comparing a list of both they get a clear picture of who is operating outside the lines. Now they are in a position to strengthen the Ordinance in regard to enforcement. The tools through the civil penalties system will make it significantly easier for them to enforce the STRs.

Commissioner Clow asked to clarify the statement that a permit has to be issued to a natural person. She asked if that meant that the person applying for the permit has to have their name on the permit, but the house could still be deeded in an LLC.

Ms. Paez said yes, the intent of the natural person provision is to ensure the permit is held in the name of an actual human, not a legal or business entity. A real property owned by an LLC would typically have an operating agreement that specifies managing members who have authority to sign documents on behalf of the LLC. The people with that authority could obtain the permit. The intent is to have a human identity for the permit, but it doesn't restrict the underlying manner in which the real property is owned.

Commissioner Clow thought she had heard comments of concern it was legal title.

Ms. Paez said a sentence could be added to clarify that.

Chair Hiatt asked Ms. Paez to work in the meantime on an appropriate sentence.

Ms. Paez confirmed it would be okay to have a concept, so she wouldn't lose track of the substantive discussion.

Chair Hiatt addressed Mr. Isaacson on the argument on the BCD. He didn't understand why they should be treated differently than hotels.

Director Isaacson wasn't sure that had been contemplated. He explained motivation behind one of the changes was to simplify the program rather than have to

make a distinction between permits and registrations. Staff thought STRs would be easier to administer, manage and enforce by having only one license/permit application for all STR operators.

Chair Hiatt said he still didn't understand why they shouldn't be treated that way if in the District and competing with the hotels.

Director Isaacson said the number of comments received indicate the area warrants additional consideration.

Mr. Berke explained the requirements for hotels are completely different in their regulations and fire codes than an STR. At the time the Ordinance was drafted there was a difference between a bed-and-breakfast, a hotel and an STR. The Code differentiates through definitions, not just the amount of days the person stays. Amenities are also considered such as meeting rooms and recreation centers to determine what districts the hotels are allowed.

Commissioner Faulkner thought that wouldn't even be feasible in more dense neighborhoods on the requirement for 75 feet between STRs. The houses are six feet from each other and there isn't enough distance between properties.

Director Isaacson explained the 75 feet is measured with their software, not from property lines, but from the center of the property. As written, no two adjoining properties could have STRs but what is unclear is if adjoining means side to side or rear to rear. That lacks clarity and has been a challenge for staff to determine what properties are eligible for STR permits based on the existing permits. This is a clearer more precise way to quickly analyze proximity and density of the existing permits in any neighborhood.

Commissioner Faulkner asked if the 75 feet is from permits owned by the same person or between permits, period.

Director Isaacson replied 75 feet between permits. Applicants under the new system with exiting permits do not have to give up permits, even if they violate the 75 feet rule. But applicants who apply in the future may not be eligible if within 75 feet of a property holding a permit shown in the system.

Commissioner Faulkner said that would eliminate the ability for anyone in a dense neighborhood to have an STR. Her property is not 75 feet wide.

Director Isaacson agreed if her neighbor has a permit, she may not be eligible.

Commissioner Faulkner said that would exclude a massive amount of people who could have benefited from this in their retirement.

Director Isaacson said this is a way to express an existing provision in Code that is easier for staff to interpret.

Commissioner Faulkner asked if there is a way to specify restrictions of an area based on density and zoning. The 75-foot rule is very prohibitive regarding density. In Tierra Contenta or Las Solaras less than one person per 7-10 houses could have an STR.

Director Isaacson explained they ran an analysis and found applying the existing STRs to the existing permit holders affects roughly 125-140 existing permits. This is not as restrictive, but it is restrictive, intentionally. This was partly an approach to try to reduce the intensity and concentration of STRs in residential areas.

Commissioner Faulkner asked what areas of the City were facing that problem.

Director Isaacson replied that analysis confirmed their suspicions. The densest areas for short-term rentals are in the BCD and neighborhoods immediately adjacent.

Commissioner Faulkner asked why not just address those neighborhoods more stringently.

Chair Hiatt asked to interrupt. He noted that everyone on the Commission has the opportunity to amend and Commissioner Faulkner could provide specific limitations in a motion. He noted there were others that wanted to speak, and they could return to this issue.

Commissioner Sategna in trying to understand the one STR per natural person limitation, asked when married if each individual could own an STR.

Ms. Paez replied yes, one permit per human.

Commissioner Sategna clarified that a married couple could actually own two properties and be within the law.

Ms. Paez said it could be argued that way as community property.

Commissioner Sategna noted that given that; a single person doesn't have the same economic advantage as a married couple.

Ms. Paez replied that could be argued. There are a lot of benefits that tend to favor married couples, taxes and economics. This is not much different.

Commissioner Sategna asked if that was considered when this was being drafted and if staff believes it complies with the law.

Ms. Paez responded she hasn't come across anything that indicated the contrary. Other restrictions were looked at, such as restricting out-of-state owners. That type of limitation is problematic and raised potential issues with constitutional doctrines. She is unaware of a legal limitation treating one person the same as another, married or not.

Commissioner Sategna asked if they had also considered families that pass down property or in a trust where a family will benefit from the property. He asked if this Ordinance would impact that.

Ms. Paez said her understanding is a transfer of property ownership does not transfer an STR permit. She thought that was not allowed in the existing Ordinance. It is an ambiguity they want to clean up and in the current draft it is not allowed. The property has to be held by a natural person, which may have limited duration of ownership. To that point they could add language about transfers to allow the permit to be renewed and remain effective if it remains within the family. More precise limitations could be drafted, but none are in the current draft.

Commissioner Sategna said they have to consider consistency of the criteria with the General Plan. There is not a lot of detail how the changes meet that. The executive summary notes that the General Plan includes enhancing the quality of life for residents; fostering economic diversity; maintaining Santa Fe's unique personality; a sense of place and character; and preserving a community oriented downtown. Other issues raised in public comment were how this will impact small businesses.

He asked if there had been an economic impact study and details on how this met the criteria of consistency with the General Plan.

Director Isaacson said a main motivating factor in the revisions is the quality of life for residents. Several of the public comments today were on concerns for their neighborhoods, some centrally located. The sentiment is that the proliferation of STRs come at the expense of long-term rental units. The O'Donnell Report looked at issues around accessory dwelling units as well as short-term rentals. A connection was made between the proliferation of STRs and the decrease of the long-term rental units available, and the commencement increase in rents with LTR units. The report also connected the proliferation of STRs with the rising cost of housing. Ms. O'Donnell attributed roughly a 20% increase in average home prices directly caused by having more STR units.

Director Isaacson said comments were made tonight on economic diversity and that having LTR units on the market is important to the local workforce. They can see the vulnerabilities in local economy caused by relying solely on tourism for Santa Fe's economic base. More rental units on the market allows people in more diverse sectors of the economy to live, work and have families in Santa Fe. The City is more resilient to things like economic and health crises as currently experienced.

Commissioner Sategna thanked the Director for the additional information. He pointed out that an economic impact study has not been done on the changes.

Director Isaacson replied some decisions in preparation of the proposals have relied on the study by Ms. O'Donnell and informed these changes. But, he agreed, analysis on the changes themselves or the potential economic impact has not been done.

Commissioner Lawrence commented on Commissioner Faulkner's point on the 75 feet. She said she supports a radius and limitations on STRs and is often concerned about the possibility of STRs on multiple sides of her at one time. She wasn't sure 75 feet was the right number, but it is a good way to address the issue. She asked why one STR, opposed to two or three.

Director Isaacson thought that had come up in conversations and questions about primary residents. Limiting one STR to a natural person seemed a way to achieve the same outcome of limitation and move in that direction without going too far. Comments received over the last week may suggest that warrants further consideration.

Commissioner Lawrence asked if other ways were considered to limit the speculation, which clearly is the problem they need to solve.

Director Isaacson replied staff investigated the legality of restricting the permits to local residents, reducing the out-of-towners buying to use as STRs. That was decided as inappropriate. Returning to the question of why they are doing this, it is partly because the STR industry has evolved since the early 2000's and it has been a rapid evolution to now. Although this is more profound in larger cities, it is definitely happening in Santa Fe. One per natural person was a way to push back the trend and try to limit the growth. They wanted it to be more about the preservation of neighborhoods and the STR program to provide opportunities for people to supplement their income, but not as a big business. If STRs become big business, it will be at the detriment to many of their great neighborhoods.

Commissioner Lawrence thought the reasoning was sound, but was hesitant about having just one, opposed to two or three. She suggested increasing fees could obtain more funds from those renting STRs as a small business.

Director Isaacson said it is important that he declare he is not a short-term rental operator. Meetings like tonight are valuable because they receive input from people who are professional STR operators. He is happy with the level of interest, but they should keep in mind that often the operator/management companies operate STRs for private individuals. They manage the listings, do the rentals, etc., but the companies don't own the units and will not be impacted by these changes. He added there are various structures and he realizes he may have misspoken for some.

Commissioner Lawrence added that she also appreciated the public comments and has learned a lot.

Commissioner Clow referenced page 6, section D about a permit not being transferable to another person or property. She suggested clarification that a transfer to a trust for estate planning purposes is allowed. The reference specifically is when transfer is to another owner. Also, on page 12 section E, stating the 75-foot radius, *"shall be measured from the subject property boundary."* She would think that would be the edge of the property.

Director Isaacson replied that is correct, but the statement is inaccurate on how the 75 feet is interpreted.

Commissioner Clow noted she was confused about the exception of STR units that complies with the requirements of an accessory dwelling unit. She asked to clarify whether the 75-foot requirement is excluded.

Ms. Paez explained the Accessory Dwelling Unit Ordinance allows an STR on the property only if the owner resides in one of the units. The ADU Ordinance was written such that both units could not be STRs; for consistency, the STR Ordinance allows an owner who lives on site to rent out either the principal or accessory dwelling unit and excludes that owner from the density limitation. But if they want to rent an accessory or principal dwelling as STR, the owner must reside in one of the units. The nuance is similar to a permanent residency requirement because having an owner reside on the property mitigates damage to the character of the neighborhood. An application for an ADU in that circumstance would not prohibit a permit based on the 75-feet proximity rule.

Commissioner Clow confirmed the owner would be allowed to have an STR in that instance, even if within 75 feet of a neighbor who also has an STR.

Ms. Paez agreed. The ADU was written that both units could not be STRs for consistency, but this excludes the owner from the density limitation.

Commissioner Faulkner asked to clarify that the 75-foot requirement would not affect married couples.

Ms. Paez said the density limitation and the discussion of one per person could potentially impact families with more members. But they have more opportunities to have more permits as long as the permits are spread throughout town. If she and her husband and her daughter all wanted STR permits, they would have to find locations meeting the density requirement.

Director Isaacson thought the scenario described by Commissioner Faulkner may fall under the 75-foot exception rule Commissioner Clow referenced. The additional unit may likely be an accessory dwelling unit and would therefore be exempt.

Commissioner Faulkner asked how difficult it would be to enforce a larger radius instead of the 75-foot rule for one STR to another, using the number of homes within a specific radius, like a block.

Director Isaacson said that would not be as easy to enforce. Many of the amendments proposed are to simplify and eliminate having to do case by case analysis.

Ms. Paez explained problems with the existing proximity provision include the difficulty in defining "more than two adjacent STRs on a residential street", or "what is a residential street" or "what is a Santa Fe block." The City blocks don't look anything alike and it is difficult to apply a universal metric. They also discussed census blocks and tracts and Council Districts as potential quantifiable boundaries.

Commissioner Faulkner agreed each is different and each part of the City has a different matrix. Her thinking was to have a radius, such as 500 feet, in which no more than five STRs would be allowed.

Director Isaacson said that makes more sense, but the question is how to identify the center point of the 500-foot radius. The solution to the issue in other cities may not be one that could be easily applied in Santa Fe.

Commissioner Faulkner asked about a subdivision.

Director Isaacson said again it would be a situation requiring the application of a unique rule to a specific area of town that would have to be tracked or analyzed. They want to remove those unique aspects and have one rule that could be applied as consistently as possible that could determine eligibility.

Commissioner Faulkner said given the neighborhoods are diverse and different, she wasn't sure a blanket approach is the most equitable.

Director Isaacson said staff did a rough analysis on the existing permits on distances ranging from 25 up to 200 feet to find the best spot. In most places 75 feet seemed to work and aligned with areas where sentiment was that there was a concentration of too many STRs. It spoke directly to a policy objective and wouldn't negatively impact other parts of the City.

Commissioner Faulkner noted the intent is to grandfather the existing STR permits. The 75-feet restriction is mostly to ensure additional rentals could not go into areas with high STR rentals.

Director Isaacson explained it is twofold. It will immediately impact new permit applications but have a long-term effect in those areas as well. Through attrition, owners moving etc. the 75-foot rule will balance the neighborhoods and they will find equilibrium.

Chair Hiatt noted Richard Woodruff testified that the 75-foot rule could eliminate 75% of short-term rentals. He asked if that comported with what the Director observed.

Director Isaacson said Jennifer Fabian who helped put the proposals together also worked with GIS staff to analyze the properties. That assessment did not bear out the analysis. There is roughly 800 STRs in the City and the overlapping conflict of the 75-foot radius was about 125-140 of the current permits.

Commissioner Hogan said he appreciated the outline of the policy objectives and was glad the Ordinance was separated from the enforcement. He noted the numbers between the permitted and non-permitted STRs are nearly parallel, which points to enforcement being a significant issue. It would become more complicated to ensure the quality of STR management is maintained if the City doesn't have access. He supports enforcement and likes the idea of the penalty but suggests having a short period of amnesty for those who are noncompliant to be able to get permits.

Commissioner Hogan said he had more questions when it gets to making the changes. But he wondered how many issues they would hear if there were less illegal STRs. He noted the second point from the policy objectives, in the information the Commission was given says, *"Prevent speculation for purchasing multiple homes for the purpose of operating multiple short-term units, thereby, reducing the amount of long-term housing availability."*

Commissioner Hogan thought that seems intuitive, but he wasn't sure if it was factual. He and Alexandra Ladd have discussed that his impression, given the location of the majority of STRs, is they do not have a big impact on the long-term rental market. He asked if the Director could address and substantiate that.

Director Isaacson said he did not have the numbers with him, but agreed it seems intuitive with the fixed amount of housing. It is hard to say and is a one to one correlation. With the current health crisis and the State restriction of STRs operating at full occupancy, more than a handful of STRs have converted to long-term rental. They anticipate the trend to continue if the conditions continue; or a reversal of the trend if tourism increases the demand. One does impact the other.

Commissioner Hogan said it would be good to drill down on that more. Many would find that makes sense, but the action could negatively impact a lot of people financially. Including opportunities for locals to utilize their property to increase their family income. He suggested they get more hard data on that.

Director Isaacson noted some data is available in the O'Donnell Report about STRs as a percentage of housing, and the connection to the impact of STRs on affordable housing and housing prices overall. Also, the report references impact on the overall numbers of LTRs versus STRs and how the ratio fluctuated over the years and STR rentals have increased.

Commissioner Hogan said he couldn't help but wonder how the number would change if the number of illegal STRs were reduced. On the public safety, risk and quality of life it is implied that STRs have less maintenance and care and assumed they therefore become a blight on the neighborhood. He has seen the opposite. The property not viable for renovation in the historic downtown area was renovated. The reason it could be brought back to life is because a higher income could be expected from the STR. It is not necessarily a safe assumption that an STR will degrade the quality of the neighborhood and they are more sensitive to presentation and curb appeal. They advertise in an effort to attract people online.

He said another assumption is there is increase in traffic levels. When occupied full-time the person would make numerous trips in and out. Occupancy with an STR is more restricted because occupancy is cut by 50%, which would be less traffic than the average homeowner.

Director Isaacson pointed out nothing in the proposed revisions restricts occupancy and it remains the same as the existing Ordinance. Earlier his reference was the occupancy description that was related to the public health order issued. The order placed occupancy restrictions on STRs during the health crisis.

Commissioner Hogan asked if the discussion in the packet on the limit of one rental per seven days, is a response to the virus or if it is the existing condition.

Director Isaacson replied it is the existing condition and will carry through to the new version of the Ordinance. His reference was to recent restrictions of 50% occupancy for hotels and lodging in the State.

Commissioner Hogan said he didn't hear a lot of good public testimony and examples of direct testimony of how the quality of life has diminished, other than comments about losing their neighborhoods.

Commissioner Sategna asked on public comment referencing a petition with 700 signatures that favors exempting the BCD, has that been considered and if not, why not. He asked if that action is consistent with other policies adopted by the Governing Body.

Director Isaacson replied based on feedback received, questions regarding the proposed changes in the BCD probably warrant further consideration.

Commissioner Sategna asked if correct that the 800 permits already issued would be grandfathered and 80% of the existing permits would not be impacted by the new amendments. He was told that was correct.

Commissioner Sategna noted the amendments would only apply to 200 future properties and appears applications are already in place for those.

Director Isaacson replied currently not more than a handful of applications are pending.

Commissioner Sategna thought empowering the City to address the issues and enforce the laws was great. He liked that it is separate from other amendments but asked how they really help. They only apply to 20% of the applicants, and 80% are not impacted.

Director Isaacson explained it goes back to his discussion with Commissioner Faulkner. Initially 200 more permits can be issued before reaching the cap, but over time the existing permits will expire. The new applicants will be subject to the new provisions of the Ordinance and they will see a small impact at first. Over time the landscape of STRs will become more in line with the new Ordinance.

Commissioner Sategna said back to the matter on pass-through entities, family trusts; there might be loopholes. He supports a family being able to pass their property down but is concerned about an entire family having the ability to use that opportunity in the Ordinance. He asked that staff consider that while 800 homes will not be impacted currently and some will fall off, they should consider the loopholes and the impact of that.

Commissioner Gutierrez said the Commission was bombarded with additional correspondence and this is the first time the amendments have been heard. He asked if there would be other opportunities for the public to talk with staff on the changes.

Director Isaacson said this is the first time these specific policy proposals have been shared for public comment. There is a steady stream of feedback on the direct strengths and weaknesses of the Ordinance that has informed the policy shaping. And there will be plenty of opportunity for the public to weigh in on the revisions and shape the final Ordinances.

Ms. Paez added this has been driven by the elected policy makers who all have strong thoughts about amending the Ordinance. Limitations on moving this forward were due to the inability to meet with the public without violating the Open Meetings Act and quorum issues. The decision was to get something introduced and receive targeted input such as tonight. She thanked everyone for their help. It is a work in progress and has to go through the legislative process. They will consider the amendments and the input received throughout the summer.

Commissioner Gutierrez noted that it would be up to the chairman of each committee as this goes through the process, whether there will be public comment.

Ms. Paez said that is her understanding. There is a lot of interest and she anticipates the committees will want to hear the public comments. She plans to forward all of the written public comments on the record from this hearing. There are also people emailing City Council directly.

Commissioner Gutierrez said like an ENN, some issues can be hammered out before going to committees or the Governing Body. He was confused why the STR seven-day, one stay limitation was included in the proposed regulatory approach. He asked if that had changed.

Ms. Paez explained they highlighted some things they would keep, including the limit of 1000 permits. Potentially there is some ambiguity in the existing Ordinance about whether the one stay per every seven days limitation applies to non-residentially zoned properties. She explained it is an existing provision that is not expressly limited to residential properties. As she reads it, it is general and applied Citywide, but it could be argued either way. At a minimum they want to clean up the language and be very clear on the intent and rules.

Director Isaacson pointed out prior to the new technology, that provision had been almost impossible to enforce. Though they are not in a position to be proactive, if more than one rental occurs, they can now confidently verify that and pursue enforcement.

Commissioner Gutierrez clarified that when the Director says *technology* the reference is to the host platforms that will notify them.

Director Isaacson said one is the permitting system, Inter-Government, which helps throughout Land-Use and with the STR enforcement and applications. The other is Host Compliance, a platform monitoring service that provides data on all STR activity.

Commissioner Gutierrez asked the Director to pick one of the biggest problems with the STR Ordinance and how the issue is addressed, opposed to what the Commission has before them.

Director Isaacson replied one of the toughest and most confusing is the adjacency provision language. It continues to cause problems because of the number of variations; is it a private drive, a residential street, how do you define adjoining, etc. Some would argue adjoining is across the street or back door to back door. That causes frustration and has led to inconsistent permitting.

Director Isaacson stated that per the comments, they have not done a good job

cracking down on the STR units that have no permits. That impacts quality of life as well as loss of revenue to the City and is important they get a handle on that. They have the staff and technology, but they need an ordinance that is easy to understand and enforce. Those three things will enable the City to be more effective in managing the STR program.

Commissioner Gutierrez asked what other cities comparable to Santa Fe were looked at and what was the biggest take-away.

Director Isaacson said other cities with larger short-term rental programs that were looked at and were comparable in size: Charleston, SC because they are always neck and neck in the Top Tourist Destination for Historic. Also, they looked at larger cities like Austin, Boulder, San Francisco, Denver, and Boston for trends in the industry. Some cities have canceled their STR program altogether, but two consistent approaches were a primary residence versus limiting the number of permits per person. Staff chose to limit the number of permits.

Commissioner Gutierrez asked if Director Isaacson was comfortable that the 75 feet rule would work best for Santa Fe.

Director Isaacson said he was comfortable with the recommendations. The 75 feet is a workable distance; 50 feet didn't work and over 100 feet wasn't workable either. Staff felt the 75 feet would achieve their goals without drastically impacting the existing STRs.

Chair Hiatt indicated that Alexandra Ladd had signed back on to address Commissioner Hogan's question.

Mr. Berke asked to first clarify the discussion on the adjacency issue. That was not recommended by staff, as stated. The recommendation came from Councilors who included that provision as an amendment to proposals. He recalled the intent at the time was that the streets would not be inundated with short-term rentals.

Commissioner Hogan thanked Ms. Ladd for returning to the meeting. He asked her about the idea that an increase in short term rentals results in problems because it reduces the amount of long-term housing availablity. He thought that seemed intuitive and recalled they had discussed it briefly. He was surprised now to hear it was not as big an impact. He asked if she could elaborate.

Ms. Ladd said there is not years of study, but research has shown in other communities there is a tipping point where the number of STRs impact the market. Santa Fe is probably not there yet but certain neighborhoods do have a higher share of STRs. It was possibly because those neighborhoods did not offer a lot of affordability due to their location or they were higher-end homes. She thought it likely that the initial purchase of a home had created more of the impact on raising the values rather than the use of the home for STR that affected rent affordability or rental units available.

Commissioner Clow referenced page 5, *Short-term rental units located in a development containing resort facilities...* She noted the statement had been deleted. She asked to confirm that had been the exception to requiring a permit for an STR.

Ms. Paez explained the existing Ordinance has two categories: the Permit and the Registration category. The registration category is any short-term rental on a non-residentially owned property. Residentially owned property has a list of zoning districts as defined in the definitions and is mostly residentials.

Pursuant to the registration category, the two categories were non-residentially zoned including BCD and Commercial Districts and developments that contain resort facilities. Two of the resort facility communities came into the City through annexation with Special Use Permits for the County. They were built on that business model and that was justification not to subject them to the permit limitations and adjacency requirements. In review, they noticed there are only 3 registered STRs in that category. The sponsors found no reason to include them.

Commissioner Clow asked going forward if those units would have to be permitted, opposed to just registered.

Ms. Paez agreed the existing requirements subject them to being like any STR unit unless they are grandfathered.

Commissioner Clow referenced page 17, Preexisting Permits. She asked if the units in the development have permits or if they were just registered.

Ms. Paez said the Commissioner is pointing out a definite drafting error at the top of page 17.

Commissioner Clow verified it should say *short-term rental permits and registrations held at the time of the Ordinance amendment.*

Ms. Paez said that was correct. She thought this draft had included that and the intent was to convert those.

Commissioner Clow asked if the amendment had to be addressed tonight. It is complicated and she preferred their comments be noted and come back after edits. She said it was good to explore the changes and hear the public comments, but she preferred this come back after it is fine-tuned. She wanted others to hear the changes and get additional comments before making a decision.

Chair Hiatt agreed with Commissioner Clow's point of view. He said he would come back to that after hearing all of the Commissioners comments.

Commissioner Hogan had a point on the BCD. He thought the BCD is very unique given the part of town, income, the number of tourists it attracts and the percentage of turnover. He suggested it should be treated separately.

Director Isaacson agreed that was consistent with feedback from the public and it may warrant further consideration.

Commissioner Sategna asked if Chair Hiatt would entertain a motion.

Chair Hiatt said they were getting close to wrapping up comments.

Commissioner Faulkner agreed with Commissioner Hogan but couldn't step away from the 75-feet radius as the only solution for every part of town. She wouldn't be comfortable voting without trying to amend that in some way.

Commissioner Faulkner said she was trying to be helpful and offer solutions but couldn't understand why they don't apply the 75-foot rule in the areas where there are problems. If it becomes a problem in another part of town they will have a mechanism to activate the 75-foot radius. She agreed there was a lot to consider.

Chair Hiatt confirmed with Ms. Paez recommendation could be to postpone to a date certain.

Ms. Paez said if the Commission could supply input it would be helpful. If further exploration was warranted it possibly could be amended as it goes through the committee process. Then this could be brought back to the Commission.

Chair Hiatt asked why they would go through the process if there is opportunity now to provide input, and then have revisions come back to them. He was concerned because he hadn't read all of the public comments. He heard public comments today that he knows have not been addressed and there are important comments that haven't been answered. He wasn't sure they had been through all of them. He thought this was too quick for him.

He asked if they could keep the amendments here before sending to other committees.

Ms. Paez explained the sponsors are interested in taking it to the additional committee meetings which have been scheduled. They would want to proceed. She offered to forward the request. She noted it would not preclude the Commission from postponing and making a recommendation. Per Code, this would not go to the Governing Body without the Commission's recommendation. She agreed it would be fair for them

to take more time to digest the proposal and the input received.

Ms. Paez indicated she had written a couple of sentences of clarification requested by Commissioners. On clarifying subject property: *"If the subject property is owned by an organization or a legal or business entity, the permit must be held in the name of a person with legal authority to act on behalf of that organization or entity."* That language clarifies that the property could be held by a business or legal entity.

Ms. Paez added in terms of transfer, transferring into an entity, "*This subparagraph does not preclude a permit holder from transferring ownership of the subject property into ownership by an organization or a legal or business entity, provided however, that the permit holder must have legal authority to act on behalf of the organization or entity that owns the property."* She said something could be added that specifies the property title in a person's name could be transferred into a trust, and the owner could maintain their permit as trustee.

Commissioner Clow thought it really applies to whether a legitimate transfer to a different person/entity could apply upon death, if gifted to a trust, or if a person dies and goes through an estate. That is a legitimate transfer that requires a new deed and taxes to be paid. Those are the issues that should be looked into.

She explained if transferred to an entity, 100% owned by the original owner, that is not really a transfer. A transfer is if legally transferred to a different owner, and a gift where gift tax is due, or a transfer to a different entity. She noted comments by Commissioner Sategna of whether there is an exception and if family members should be able to gift to their children and the children retain the permit, are issues to look into further. But they are two separate issues.

Commissioner Clow continued that the two issues, the kind of transfer it is and if a new owner, should be addressed. In addition to whether there should be exceptions to a transfer that allow the permit to be transferred.

Ms. Paez said she hoped Commissioner Clow could render some proposed language.

Mr. Berke thought it beneficial to look at STR permits being transferable in general. He wasn't sure they were.

Ms. Paez informed him they are not transferable but can be held by a business entity which makes them more durable. The persons involved might change and the business entity owning the permit could remain the same. Eliminating the ability to hold a permit by a legal or business entity will preclude turnover of the ownership structure.

Commissioner Clow noted that many people do irrevocable trusts because they don't want a probate. They own a house in their name but retitle it in an irrevocable trust so it passes without probate and that should be excluded. The big issue is when there is a real transfer with new owners.

Director Isaacson explained the intent is for permits to expire at that point. The process was discussed in different contexts and that is how they will slowly implement the new regulation. The permits would expire over time with the transfer of property. The new owner would have to apply and is subject to the new permitting rules. That should remain intact as a critical part of the implementation.

Commissioner Clow agreed but noted the issue raised by Commissioner Sategna whether there should be family exceptions to the transfer.

Chair Hiatt asked Ms. Paez when this would return to the Commission before going to the Governing Body.

Ms. Paez thought it would be either the second meeting in July or the first meeting in August; most likely July.

Mr. Berke also thought the second meeting in July.

Director Isaacson explained they are reviewing the Land Use Development Fee schedule and it would come before the Planning Commission for review. The timeliness of the fee schedule relates to the Land Use operational budget proposal.

Ms. Paez noted it was seen before by the Commission with Carol Johnson.

Chair Hiatt asked if it was necessary for the Governing Body to hear from the Commission at that time. He wouldn't be opposed to both on the same schedule.

Director Isaacson said the timing for the second meeting of July is important. He noted the fee schedule isn't significantly different than last year.

Chair Hiatt said if they receive the draft ordinance by the second meeting in July, and the fees were in the same meeting, he suggests they not hold a public hearing. He asked if that would be acceptable.

Ms. Paez said the motion to postpone should include whether or not the Commission would hear public comment. She thought it might be useful to continue receiving written public comments with a specific deadline before the meeting.

Commission Discussion

MOTION: Commissioner Clow moved to postpone the recommendation on the ordinances until the second meeting in July, at which time there would be no public hearing, but written comments are encouraged to be received by the deadline, a week prior to the meeting. Commissioner Faulkner seconded the motion for both ordinances.

Commissioner Sategna said he suggested exceptions be considered for family pass-through entities. He understood the current proposed amendments already have exceptions through an LLC. He asked Ms. Paez for clarification if people could own multiple properties through an LLC.

Ms. Paez explained the existing draft legislation would preclude that. Any type of ownership transfer would result in the termination of the existing permit. Commissioners could add a friendly amendment or rely on staff, but there is no loophole for that in the draft.

Commissioner Sategna said he still favors exceptions.

Chair Hiatt asked to confirm that if the motion is successful it would not preclude any of the Commissioners contacting Ms. Paez or staff to provide more feedback.

Ms. Paez replied they would be happy to receive feedback. The sponsors are also considering input and amendments before the draft is published.

Chair Hiatt confirmed that Commissioner Clow's motion referred to both item 2 and item 3 and Commissioner Faulkner was aware of that.

Commissioners Clow and Faulkner confirmed that was their understanding.

Director Isaacson asked Ms. Paez if the draft could still move forward to the Governing Body committees if postponed tonight.

Ms. Paez said she wasn't aware of any legal limitation. The Code states there must be a recommendation from the Planning Commission, but the practice is to send legislation to committees. The Commission could include a request in their recommendation to hold this back from review by other committees at this time. She noted staff recommends this stay on schedule with the other committees to keep momentum and to have discussion in other venues.

Director Isaacson thought it important to use the committee's public hearings for the public to participate and provide input. He didn't want to stop the momentum for other committees to also have this type of conversation. He hoped this could still move forward to other committees.

Chair Hiatt said that was his intent.

Commissioner Faulkner asked if they could postpone but include a recommendation requesting the chairs of the committees allow public comment.

Chair Hiatt suggested the Commission just stay in their lane. The other committees will know this is an issue that will have tremendous feedback.

Chair Hiatt said he wanted to be sure everyone has opportunity to hear feedback and that the sponsors receive that feedback. Then the Planning Commission could give the sponsors their best in regard to the recommendation and language. He was looking forward to getting this draft back from the other committees.

Director Isaacson noted the Governing Body committed to the Ordinance revision going through all three Governing Body committees. That shows their interest in getting the draft in front of as many people as possible.

Commissioner Gutierrez repeated that the motion would not have public comment except the written comments. He asked if possible since other committees could decide whether to have public comment, to ask staff to set up a meeting for public feedback. Staff could report back to the Commission on the results.

Chair Hiatt asked if Commissioner Gutierrez was concerned it would stifle public comment by the Planning Commission not having a public hearing in July.

Commissioner Gutierrez replied there are three committees where public comment depends on the chair meaning there is only public comment at the Governing Body level. And they don't know if the other committees will open their meeting to comments.

Chair Hiatt pointed out written comment is requested before the draft comes back to the Commission. That provides opportunity for the public to focus on the changes or something they may have missed.

Commissioner Gutierrez noted there is no interaction with written comment.

He wanted a meeting of some sort with Land Use staff and the public who want to comment.

Chair Hiatt stated the motion limits public comment to written comments. Commissioner Gutierrez would like to ask Land-Use staff if they would consider a meeting with the general public.

Director Isaacson said he is reluctant for several reasons, one because of workload and capacity challenges. Secondly, the circumstances they find themselves in and the challenge of holding a public meeting over Zoom and the efficacy of that. If they could make the request contingent on what happens at the committee meetings, if all three committees hold public comment, the meeting hosted by Land Use may not be necessary.

Chair Hiatt asked if Commissioner Clow would remove public comments from the motion and allow the chair to make that decision.

Ms. Paez suggested the motion specify one way or the other.

Commissioner Clow said for her, listening to someone for two minutes and then cutting them off really doesn't provide a lot. Written comments are much better if everyone reads them and they give more details. She envisions the next meeting as brainstorming and doesn't want to take time for a two-minute public comment.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting in against.

G. STAFF COMMUNICATIONS

Mr. Berke thanked everyone for their participation and good comments.

Director Isaacson agreed with Mr. Berke. He too appreciated the conversation and good public input. He will keep Chair Hiatt informed on the progress through the committees. He noted that staff will receive several applications and be very busy through July and August.

Ms. Paez added she would work with Director Isaacson to communicate suggestions from the meeting on areas that warrant further consideration. She took notes and thought it important to communicate the highlights of the discussion, especially to City Council. She offered to run what she captured of the discussion by Chair Hiatt and circulate that to the full Commission. Commissioners could contact her directly with their specific comments or anything she missed.

Chair Hiatt said he definitely wanted to see those.

Director Isaacson offered to work with his team to get the numbers for the data driven questions and have them available at the next meeting.

H. MATTERS FROM THE COMMISSION

Chair Hiatt said he received a communication about the Land Use budget issue that he will pass on to staff.

He noted that Commissioner Faulkner had drafted a letter to the Governing Body, and he will postpone the discussion until the next meeting.

Commissioner Gutierrez thanked staff for their work. He asked that they pay attention to the deadline date on the emails for the written comments, and stick to the deadline to allow the Commissioners time to process the comments.

Commissioner Faulkner asked if the letter from the Commission had to be postponed or could it be circulated and sent by the Chair.

Chair Hiatt thought it had to come before the Commission in an open meeting.

Ms. Paez agreed.

I. ADJOURNMENT

Adjourned at 10:06 pm.

Submitted by:

Melissa D. Byers

Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt

John B. Hiatt, Chair

ATTACHMENT
5
Planning Commission Memo Dated
June 24, 2020

City of Santa Fe, New Mexico

memo

Date: June 24, 2020

To: Members of the Quality of Life Committee, Public Works and Utilities Committee, Finance Committee, and Governing Body

From: Members of the Planning Commission

Via: Sally A. Paez, Assistant City Attorney

Subject: Proposed Amendments to Short-term Rental Ordinance and Land Use Code Enforcement Ordinance

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On Thursday, June 18, 2020, the Planning Commission held a public hearing on proposed amendments to the Short-term Rental (STR) Ordinance, Santa Fe City Code (SFCC) Section 14-6.2(A)(5)-(6), (8); and the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4. Under the SFCC, proposed amendments to the text of Chapter 14 must be submitted to the Commission for review and recommendation at a public hearing, and the Governing Body must review the Commission's recommendations and any public comments received prior to taking final action on the legislation. SFCC § 14-3.3(A)(4).

The Planning Commission received a large volume of public comment on these proposals. Staff distributed written public comments from twenty-four 24 people to the Commission, including many comments received after the formal deadline. Additionally, twenty-nine (29) members of the public spoke at the public hearing.

The Planning Commission discussed the draft legislation at length but ultimately postponed a decision on a recommendation due to the extent of the proposed substantive changes and the high volume of public comment received. The Commission will finalize its recommendation at its July 16, 2020 meeting and will consider additional written public comments received by July 9, 2020. The Commission does not plan to accept additional live comment at the July 16, 2020 hearing.

Meanwhile, the Planning Commission understands that other City committees will be considering the proposed legislation at upcoming meetings. The

Commission offers the following input and suggestions made by individual Commissioners at the June 18, 2020 meeting for consideration by these other committees. These suggestions refer to the page and line numbers of the draft legislation considered at the June 18, 2020 hearing.

- **Global:** The draft legislation would remove the current distinction between STR units on residentially zoned property, which are subject to the permit limits, and STR units on non-residentially zoned property (including the Business Capital District, "BCD") and resort property, which must be registered but are not subject to the permit limits. Suggest that this aspect of the proposal warrants further consideration and should perhaps be withdrawn.
- **Page 4, lines 19-21**: This provision states that one purpose of the legislation is to prevent the reduction of long-term housing availability. Suggest further review of whether the assumptions underlying this provision are accurate, perhaps through further consultation with Alexandra Ladd.
- **Page 5, line 25, to page 6, line 1:** This provision states that the land use director shall issue permits only to "natural persons." Suggest clarifying that although a permit must be held in the name of a natural person, the subject property can be owned by a legal or business entity, such as a trust or LLC. For example, suggest adding language as follows: "If the subject property is owned by a legal or business entity, the permit must be held in the name of any person with legal authority to act on behalf of that entity. The fact that a permit must be issued to a natural person does not mean that the property cannot be titled in such entities as a revocable trust, an LLC, or a corporation." In addition, the limitation of one permit per natural person may warrant further consideration, especially if there is not a distinction between STRs on residentially zoned and non-residentially zoned property.
- **Page 6, lines 6-11:** This provision states that a permit is not transferrable. Suggest considering whether there should be exceptions to this rule. For example, suggest adding the following language: "A transfer that does not result in new ownership of the property, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the property, does not constitute a transfer for purposes of this subparagraph."
- **Page 7, lines 3-5:** This provision states that an STR unit cannot be rented more than once in a 7-day period. Suggest further consideration of whether this should apply to an STR unit on non-residentially zoned property.
- **Page 12, lines 5-10:** This provision states that a permit shall not be issued for a new STR unit on residentially zoned property if there is already a permitted STR unit within 75'. Suggest the following: (1) consider whether this rule is appropriate for all parts of the city, or whether there should be a different rule (perhaps no proximity limitation) in areas

or council districts where there is not a problem with STR density; (2) suggest further review of whether 75' is the appropriate radius; and (3) suggest further review of whether the 75' radius should be measured from the applicant's property boundary (as set forth in the draft) or whether it should be measured from the center of the parcel, as determined by the city's GIS program (which was used when analyzing the effect of this provision).

- **Page 17, pages 6-11:** Suggest revising the "grandfather" provision to clarify that an STR with an existing registration shall be considered to have a valid permit under the new regulations and that the permit may be timely renewed as long as it is not revoked due to non-compliance.
- **Section 14-11.4, Global:** A large amount of public comment focused on the ability to provide oversight and enforce the regulations. Suggest reviewing to ensure that these changes will be enforceable with city staff resources.

ATTACHMENT
6
Summary
Public Comments
1st Draft STR Bill

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

TO: **Planning Commission, Finance Committee, Public Utilities/Public Works Committee, Quality of Life Committee, Governing Body**

FROM: **Assistant City Attorney Sally Paez (sapaez@santafenm.gov, 955-6501)**

DATE: **October 15, 2020**

RE: **Summary of Public Comments Received on 1st Draft Short Term Rental Bill and How the City Has Responded or Proposes to Respond**

*This summary provides a broad, general overview of input received (including written submissions and oral public comment at the Planning Commission). This chart does not provide details about each specific comment. Please refer to full comments submitted for an accurate statement of each commenter's concerns.

	Public Comments & Suggestions	Commenter(s)	How the City Has Responded or Proposes to Respond
1	**General concern about taxes & fees:** Importance of generation, collection, and use.	Michael John Blackwell Paul DeDomenico Preston Ellsworth Two Casitas	• The Bill would adopt new recording keeping and reporting requirements for owners and host platforms. • The City has entered into Voluntary Tax Collection Agreements with Host Platforms. • Failure to collect and pay taxes is subject to enforcement action.
2	**General concern about enforcement:** Need to enforce existing rules.	Stefanie Beninato Marc Bertram Charles Burkhardt Paul DeDomenico Germaine Gomez	• The proposed amendments are intended to clarify existing rules, make the ordinance easier to administer, and facilitate enforcement. • Amendments (adopted August 12, 2020) to the enforcement

		Karen Heldmeyer (Neighborhood Network) Robert Hilgendorf Frances Maier Two Casitas	ordinance, SFCC Section 14-11, allow civil fines, permit revocation, and/or 1-year application waiting period for violators. • The City is under contract with Host Compliance, which assists the City in collecting data about listings. • The 2nd Draft of the Bill would include a provision that requires a host platform to remove invalid listings upon notice from the City that the listing does not comply with the City's ordinance.
3	**General concern about legislative process:** Community members & stakeholders need additional time to review proposed amendments; public health emergency (and use of Zoom virtual meeting platform) makes this a bad time to adopt changes; City should conduct economic impact study; existing permit holders should receive notice of proposed legislation.	Irene P. Ayala Paul DeDomenico Susan Orth (SF Ass. of Realtors) Sara & Dave Singleton Jon B. Tucker Richard A. Woodruff	• Introduction of 1st Draft of the Bill and preliminary public hearing before the Planning Commission generated significant public input, in addition to feedback from the Planning Commission. • The May 2019 Kelly O'Donnell report provided a basis for the need to adopt changes, which are driven by an array of policy objectives, including but not limited to economic concerns. • Bill sponsors have taken additional time to consider input on 1st Draft of Bill. • Bill sponsors met with stakeholders and constituents, and created a 2nd Draft of the Bill in response to input received. • There will be more opportunities for public engagement. The 2nd Draft of the Bill will be considered at public hearings before the Planning Commission and the Governing Body. The Bill will also be considered by three of the City's standing committees.
4	**General concern about stated purpose and intent**: No data supporting idea that STR causes	Gregg Bovee Planning Commission Two Casitas	• Other commenters support the proposal specifically because they do believe that it will protect residential neighborhoods from

	traffic, noise and nuisances; or decreases affordable long-term housing.		these types of concerns and advance availability of long-term housing.
5	**Suggestion:** Adopt a primary residency requirement (owner cannot obtain STR permit unless the unit is their primary residence)	Nancy Bookbinder Karen Heldmeyer (Neighborhood Network) Patricia Lillis Elizabeth West	• Bill sponsors have considered this suggestion and have concluded this requirement is not the best fit for Santa Fe at this time. • The proposal includes other means intended to address the same underlying concerns, such as permit limits and proximity limitations for STR units that are not operated in compliance with the City's ADU ordinance.
6	**Suggestion:** Only locals should be allowed to obtain STR permits.	Janet Williams	• Such a provision could be challenged as unconstitutional under the privileges and immunities clause of 14th amendment and the dormant commerce clause.
7	**Suggestion:** Allow anonymous complaints about STR units.	Karen Heldmeyer (Neighborhood Network) Patricia Lillis Elizabeth West	• Neither the current ordinance nor the proposed changes preclude anonymous complaints, but such complaints may not provide an adequate evidentiary basis for taking enforcement action and proving a code violation. The most effective way to report a problem is to use the CRM system on the Constituent Services webpage.
8	**Suggestion**: Keep rules as clear and simple as possible to facilitate enforcement.	Elizabeth West	• The proposed amendments are intended to clarify existing rules, make the ordinance easier to administer, and facilitate enforcement.
9	**General Opposition:** Real problem is lack of enforcement; amendments will hurt tourism, economy, tax revenues, and competition; amendments will prevent investment and the	Rebecca Anderson Cindy Atanasoff Cheryl Benard Marc Bertram Tai Bixby Amy Bobrick Charles Burkhardt Paul DeDomenico	• Many of the proposed amendments are intended to clarify the existing ordinance. • The City recently amended the enforcement ordinance to add new enforcement tools. • The 2nd Draft of the Bill would retain the existing distinction between residential and non-

	revitalization and maintenance of properties; amendments protect hotels to detriment of local business; no evidence that adopting more restrictions on STR will increase supply of long-term housing.	Germaine Gomez Steve Harris Robert Hilgendorf Lodgers Association Frances Maier Paula Moya Marilyn Proctor Karen Kolbert Richelli Marvin Schrager Ron & Myrna Simon Karl Hans Sommer Jon B. Tucker Two Casitas Richard A. Woodruff Robert Zilinski	residential zoning, which should alleviate some concerns about impacts on tourism and the economy while furthering the goal of protecting residential neighborhoods.
10	**General Support:** Proposal will protect residential neighborhoods and advance long-term housing.	Stefanie Beninato Nancy Bookbinder Karen Heldmeyer (Neighborhood Network) Craig Lamb Cynthia Lamb Patricia Lillis Laura Post Jerry Richardson Mike Tankersley Janet Williams Barbara Yoffee	• The 2nd Draft of the Bill retains provisions intended to protect residential neighborhoods, including permit and proximity limitations. • The 2nd Draft of the Bill incorporates additional limitations on density for multiple-family dwelling units.
11	**Opposes proximity limitation, 75' radius:** Unworkable; hard to enforce; not fair; decreases home values; will prevent existing STRs from obtaining new permit if ownership transferred; will decrease number of STRs below the 1000 permit cap; should be revisited after development of publicly-available maps; suggestion to retain existing density limitation.	Stefanie Beninato Myra Canterbury Karen Heldmeyer (Neighborhood Network) Susan Orth (SF Ass. of Realtors) Ron & Myrna Simon Richard A. Woodruff	• 2nd Draft of the Bill would adopt a 50' radius, instead of a 75' radius, to strike a more appropriate balance. • The existing proximity limitation has been difficult for City staff to interpret and administer. • The proposed proximity limitation can be easily measured and implemented using the City's GIS resources.

12	**Opposes proximity limitation, 25% for multi-family:** Request to clarify types of multi-family to which this applies; request to eliminate this and retain ability to get STR permit for this type of development (as long as this is allowed by HOA or Condo rules); suggestion that allowing any STR units in multi-family housing is detrimental to long-term housing availability and allows unfair competition with hotels.	Paul DeDomenico Lodgers Association Susan Orth (SF Ass. of Realtors)	• As defined in § 14-12.1, "multiple family dwelling," means "[a] residential building containing two or more dwelling units on one lot, or two or more detached principal units on one lot." • The 2nd Draft of the Bill would apply this limitation only to STR units on residentially zoned property and STR units within 200' of residentially zoned property. • The 2nd Draft of the Bill would also limit the total number of STR units within a single building to 12 units.
13	**Non-residentially zoned property:** BCD, Downtown area, other commercial areas that allow residential use (e.g. C-1) should not be subject to new limitations; provisions warrant further consideration.	Cindy Atanasoff Marc Bertram Charles Burkhardt Paul DeDomenico Andy Duettra Eric Enfield Germaine Gomez Robert Hilgendorf Bruce Kuehnle Lodgers Association David Mansure (petition w/ 704 names) Susan Orth (SF Ass. of Realtors) Planning Commission Karen Kolbert Richelli Victoria Rogers Tim Ryan	• The 2nd Draft of the Bill would apply permit limits only to STR units on residentially zoned property. • The 2nd Draft of the Bill would apply proximity limits only to STR units on or within 200' of a residentially zoned property (except the maximum of 12 STR units in a single building, which would apply City-wide). • The 2nd Draft of the Bill would apply the 1 rental per every 7 days rule only to STR units on residentially zoned property.
14	**Opposes "natural person" requirement:** Many STRs are owned by business or legal entities;	Marc Bertram Charles Burkhardt Paul DeDomenico Frances Maier	• The 2nd Draft of the Bill incorporates suggested revisions from the Planning Commission to clarify that property may be held

	limitation may be contrary to law (e.g., *Mecham* case).	Paula Moya Susan Orth (SF Ass. of Realtors) Karl Hans Sommer Mike Tankersley	by a business or legal entity and that the permit must be held by person with legal authority to act on behalf of the legal or business entity that owns the property. • *Mecham* case is distinguishable; that case dealt with a special use permit that ran with the property and required the owner to incur a large investment (tennis courts etc.). An STR permit is a license that runs with the owner, not the property.
15	**Supports 1 permit/natural person limitation:** Suggestion to go one step farther and allow only 1 permit/family.	Stefanie Beninato John M. Nye	• Difficult burden for City to define family for this purpose and to determine whether there is a permit held by a family member.
16	**Opposes 1 permit/person limitation:** Arbitrary; suggestions include 2-3 per owner or a limit on the number of permitted bedrooms/permittee.	Amy Bobrick Charles Burkhardt Paul DeDomenico Craig Lamb Paula Moya Paul Plunkett	• The Bill Sponsors propose that the 1 permit/person limitation strikes the appropriate balance for Santa Fe at this time.
17	**Supports 1000 permit limit**	Charles Burkhardt	• This limitation was adopted by Resolution and is currently in place. The legislation would adopt the existing limitation by ordinance.
18	**Opposes local operator requirement:** Not necessary; operators can be available and prevent problems without residing within City limits; suggestions include allow operator to reside within SF County or within 10, 20, or 25 miles (noting that a person in the county may be very close).	Charles Burkhardt Mike Henry (Campanilla Compound) Frances Maier Paula Moya Mike Tankersley	• The 2nd Draft of the Bill no longer requires the local operator to reside within City limits and would instead require that the operator must be able to be physically present at the STR unit within 1 hour of being contacted to address problems.
19	**Opposes 1/rental per every 7/days limitation**: Difficult to track and	Charles Burkhardt Paul DeDomenico	• Existing ordinance includes this general provision.

	enforce; should be withdrawn or not applied in non-residential areas/districts; suggestion to change to annual cap on rental days to allow more flexibility.	Mike Henry (Campanilla Compound) Patricia Lillis Susan Orth (SF Ass. of Realtors) Planning Commission	• The 2nd Draft of the Bill would remove this limitation for STR units on non-residentially zoned property, as suggested by the Planning Commission and others. • The 2nd Draft of the Bill would require an STR owner on residentially zoned property to keep records of rental dates and to provide records of rentals within the past year when filing a renewal application.
20	**Transfer of permits** – change in ownership should be allowed if underlying beneficial interest does not change; suggested change to address units that are comprised of multiple time-divided interests.	Mike Henry (Campanilla Compound) Planning Commission Susan Orth (SF Ass. of Realtors) Mike Tankersley	• The 2nd Draft of the Bill includes clarifying language proposed by the Planning Commission. • The 2nd Draft of the Bill would "grandfather in" units that are comprised of multiple time-divided interests and would allow such units to remain registered in subsequent years as long as they are in compliance with applicable rules, fees, and taxes.
21	**Private covenants:** Restrictions should be enforced	Denise Ramonas	• Although the City does not directly enforce covenants, the proposal requires an applicant to affirm in the application that the proposed STR unit would not violate private covenants, and the recently adopted amendments to the enforcement ordinance allow the City to revoke a permit if false information is submitted in the application.
22	**Inspections:** Opposes random inspections; supports fire inspections	Stefanie Beninato Marilyn Proctor	• The 2nd Draft of the Bill was revised and clarifies fire inspection requirements.
23	**Grandfather provision:** Should be clarified.	Frances Maier Susan Orth (SF Ass. of Realtors) Planning Commission Mike Tankersley	• The 2nd Draft of the Bill was revised in response to comments received.
24	**Grandfather Provision:** Adopt amortization period;	Nancy Bookbinder Patricia Lillis	• The Bill Sponsors have concluded that it is fair to allow existing STR

	grandfather existing permits for only 2 years.		permittees to continue to operate in compliance with applicable rules, fees, and taxes. • If the City did want to make new limitations retroactive through an amortization provision, the City would need to introduce evidence into the record at public hearings demonstrating that it is reasonable to do so based on the factors set forth in New Mexico law.
25	**Advertisements:** Should list a permit number, not a business license number.	Nancy Bookbinder, Patricia Lillis	• The 2nd Draft of the Bill was revised in response to comments received and would require either a permit or registration number (instead of business license number).
26	**Host Platform Requirements:** Request to amend provisions to avoid undue burden; suggestion that platforms cannot evaluate validity of permit; suggestion to add a "notice and take-down" provision.	Kristina Bennard (Expedia Group) Paul DeDomenico Toral Patel (Airbnb)	• The 2nd Draft of the Bill was revised in response to comments received. • The proposal now includes a "notice and take-down" provision, which requires a host platform to remove a listing upon notice from the City that the listing is invalid or does not comply with City rules. • The 2nd Draft of the Bill was revised to reduce reporting requirements to lessen the burden on host platforms while still obtaining information necessary to assist with enforcement.
27	**Insurance Requirement:** Why remove requirement for adequate insurance?	Rebecca Anderson John M. Nye	• The Bill Sponsors propose to remove this requirement because insurance is a private contract between the owner and the company. Retaining this provision would require the City to regulate a private agreement and determine the type and level of insurance that is adequate and appropriate. Retaining this provision would also impose an administrative burden of reviewing insurance documents at time of application.

28	**Notice Requirements:** Should not apply to STR on commercial property.	Paul DeDomenico	• Notice provisions are included in the existing ordinance. • The ordinance requires notice only to owners of residentially zoned property, not commercial property.
29	**Real Estate Disclosure:** Remove provision or retain existing provision.	Susan Orth (SF Ass. of Realtors)	• The 2nd Draft of the Bill was revised in response to comments received.

ATTACHMENT
7
Written Comments
1st Draft STR Bill

GURULE, GERALDINE A.

Subject: FW: Opposition to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

From: Becky Anderson <rebeccapanderson@gmail.com>
Sent: Tuesday, June 16, 2020 10:44 AM
To: Mayors Office <mayor@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; cmrivera@santafnm.gov; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>
Subject: Opposition to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

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Dear Mayor Webber and Santa Fe City Councilors,

I am a resident of Santa Fe (born and raised) and I am writing this email to express my **opposition** to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

I would also like to know more about the proposal, its rationale, and how the proposal was crafted. Local businesses are hurting - I fail to understand how this revision supports local businesses. It seems to me this revision simply protects the interests of Hilton, Charlestowne Hotels, and Heritage Hotels and Resorts, Inc. Also, why eliminate the requirement for adequate insurance or proof of insurance?

Thank you,
Rebecca Anderson

GURULE, GERALDINE A.

Subject: FW: Please: Stop the changes to the STRO within the BCD

From: Cindy Atanasoff <catanasoff@yahoo.com>
Sent: Tuesday, June 16, 2020 10:27 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>; Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>
Subject: Please: Stop the changes to the STRO within the BCD

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Dear Mr. Mayor, City Council Members, Planning Commission;

I am shocked! I never imagined a city could so drastically change the ordinances in a way that defies logic. You are suddenly changing fundamental rules of commerce in a business district. Why?

Who benefits from this change? There are no 'residences' impacted by downtown Short Term Rentals. How exactly will you reconcile the 1000 limit of residential STR permits allowed versus the current STR registration required in the Business Capitol District? Are you making the Residential limitations more contentious by co-mingling the BCD rentals under the same umbrella?

We are in a lock-down during a global pandemic and you choose now to make these stealth changes to ordinances that have been in place for years? Were you even planning to provide Notification and allow Due Process to property owners impacted by your sudden 180 on basic practices of rentals?

How can you force commerce to be conducted among 'Persons' instead of business entities in today's litigious society? This is cruel to those comforted by common sense risk management. How are you justified in limiting the commerce a 'Person' chooses to do to one property, to one stay per seven days? What??

Who again benefits from this change? You are virtually eliminating a lodging option for families and friends to vacation together and enjoy each other's company in a living room or around a kitchen table with a home-cooked meal. Why??

Who did you say benefits from this change? You are decimating income of multiple entrepreneurs, investors, retirees, and individuals who made a sound business decision to invest in your previously thriving city largely dependent on tourism.

How does this benefit the city? It certainly doesn't benefit the livelihoods of all the now struggling downtown restaurants, cafes, galleries, and shops who enjoy the foot traffic of the downtown visitors.

Who did you say benefits from these changes? Please explain. I would like to know where the 'greater good' will be in exchange for the sacrifice you are forcing me and many others to make.

Sincerely,

Cindy Atanasoff

Local Address: 142 Lincoln Ave #501 Santa Fe, NM 87501

Home Address: 4005 Heron Cove Lane The Colony, TX 75056

GURULE, GERALDINE A.

From: Irene Ayala <ayalalaw@icloud.com>
Sent: Monday, June 15, 2020 12:29 PM
To: Land Use Public Comment
Subject: Short-term rental permit/notification

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Jeri Hull and I are the owners of a home in Santa Fe that has a short-term rental permit. I was just informed this weekend about amendments to the short-term rental permit ordinance. I was able to receive and review a copy of the proposed changes from another permit holder.

I would sincerely appreciate it if in the future all existing permit holders be notified of proposed changes to the permit ordinance so that we can be sure we remain in compliance with those changes. Notification can be made to the email address below.

My property is located at 812 Calle David, Santa Fe, 87506.
Short-Term Rental No. 221793

Thank you

Irene P. Ayala
ayalalaw@icloud.com

Subject: proposed STRO changes
Date: Saturday, June 13, 2020 at 08:26:49 Mountain Daylight Time
From: Cheryl Benard
To: mayor@santafenm.gov
Category: Adobe Casitas

Mr. Mayor,

I live on Calle Estado. For years I would drive by the abandoned building on 301 East Palace and feel sad about the deterioration of such a beautiful building right there in the core area of historic Santa Fe. Finally my husband and I decided to try to buy and rehabilitate it. It had been in the past a hair salon, an art gallery and a medical practice so our first thought was to make it available for business use once more. But we soon discovered that this would not work as there was an oversupply of business real estate and besides, we would not be able to create the required number of parking spaces. We next considered long term rental. But while our motives were in part cultural, we are not in a position to operate at a continual loss and in fact it was the municipal advisors themselves who told us that there was no way we could sustain the building, at least cover our costs and pay the utilties, with long-term rental. Therefore we turned the building into three units, spent a lot of money refurbishing and installing solar panels and updating the electric etc. and then we started to rent it out. The income is modest at best and is slowly going towards offsetting our initial costs. Corona was a blow. And now this proposed ordinance will frankly be a disaster for us and for others who are maintaining properties large and small in historic Santa Fe through short term vacation rentals. The policy besides, makes no sense. I am a researcher by profession and I tell you this with some confidence. You have been told differently - there are lobbies at work here, but their recommendations are short sighted even for their own interests. Our clients will not stay in a hotel if they can't stay with us, nor will they stay in more distant vacation rentals. They want to stay in a group, they want to fix their own breakfast, they want to be able to walk. My guests benefit the nearby hotels, where they visit the spa, the nail salon, the restaurants and the bars. If they can't stay at my place or similar places, they will go elsewhere, to other states and other cities. Please reconsider.

Respectfully,

Dr. Cheryl Benard

PAEZ, SALLY A.

From: Kristina Bennard (ELCA) <kbennard@expediagroup.com>
Sent: Monday, June 29, 2020 9:50 AM
To: PAEZ, SALLY A.; RANDALL, RANDY; ISAACSON, ELIAS S.
Cc: Ashley Hodgini (ELCA); settergroup@gmail.com; Kristina Bennard (ELCA)
Subject: Santa Fe / Vrbo
Attachments: NYC DECISION and ORDER_Preliminary Injunction 2019.01.03.pdf; Boston -- Order on Motion for Preliminary Injunction.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Good morning,
Thank you for your time on Friday to discuss Santa Fe's draft amendments to its short-term rental law. We said we'd follow up on a few items: (1) possible language for a mandatory field with notice-and-takedown; (2) additional comments on the draft's data disclosure requirements; and (3) case law regarding data disclosure requirements. This email responds to all three:

(1) **Mandatory field and take-downs.** Here is possible language to accomplish the two-step process we discussed:

Host platforms shall require operators of short-term rental units to include their City-issued business license number in their listings or advertisements, in a format designated by the City. Upon notice from the City that a business license number on a short-term rental unit listing is invalid, the host platform shall deactivate that listing within five business days.

If you prefer to use a short-term rental permit number instead, you can insert that term instead of "business license number."

(2) **Data disclosure by platforms.** The current draft amendments require platforms to submit reports of the following information:
   a. number of short-term rental unit listings and owners in the city;
   b. number of reservations and number of rental nights for each unit; and
   c. amount of revenue owners collected through the host platform, including rent and each type of taxes and fees.

This information is to be reported monthly and disaggregated by owner.

As discussed, this requirement, as written, does not specify that the information has to be provided in a way that identifies a host or property location. Rather, it could be provided similar to how platforms previously reported data to New Orleans. There, each host had an anonymized number assigned to him/her that was consistent for each report. And together with the host number, platforms reported the number of nights the host's property had already been rented for that year and the number of nights it had reservations for the remainder of the year. (New Orleans wanted this information to enforce its annual 90-night cap.) If, in reviewing the reports, New Orleans identified a listing that had exceeded the limit, it could send the platform a subpoena to get the host, property, and transactional information associated with that listing.

New Orleans has since changed its law and no longer requires this kind of reporting. It is also burdensome for platforms to generate these kinds of reports. Santa Fe would be the only place we'd be doing it.

The most common kind of reports that cities have required are monthly reports of the URLs for the properties listed on a platform together with the license number associated with that URL. That's as close to a "standard" report as we've gotten. If you saw news on Friday about the MOU that Vrbo signed with Kauai, Hawaii, this is the monthly report we'll be sending. It's what we do in San Francisco and Seattle, among others. Basically, it's a report that scrapes the platform's own website and provides it in a regular report to the city. The cities then use it to check the license numbers and report back to the platform if any are invalid.

Other cities require aggregate / total data, e.g., how many nights were booked on the platform this quarter, how many properties were listed this quarter, what was the total amount of rent hosts collected via the platform this quarter?

Still other cities don't require reporting at all, but rather find that a mandatory field for a license number together with the notice-and-takedown step is sufficient for their enforcement needs. When only licensed properties are on a host platform, that tends to drive compliance with all other aspects of a city's regulatory requirements.

Another way for Santa Fe to ensure its one-transaction-per-seven-days requirement is being followed is to require *operators*, as part of renewing their license, to submit a record of bookings they had the previous year. The city might also consider whether instead to limit each operator to 52 transactions per year (the equivalent of one transaction per week), which would allow an operator to book more travelers during a busy season. Palm Springs, California, does something similar to that.

Finally, note that if a city does require platforms to provide data, there must be protections for that information and guidelines for how it can be used, shared, and stored by the city because it is often competitively sensitive.

(3) **Case law**. Citing the Fourth Amendment of the U.S. Constitution, two federal courts last year stopped enforcement of laws that required hosting platforms to provide reports of user information to government officials without any legal process. Both New York City and Boston enacted laws that required short-term rental hosting platforms to submit monthly reports that included owner information, property addresses, and transactional information, like number of days booked. Two different federal courts stopped enforcement of those laws, ruling that requiring hosting platforms to disclose their business records without *any* legal process – like a subpoena, warrant, or court order – violated the Fourth Amendment, which guards against unreasonable searches and seizures by government officials. *Airbnb, Inc. v. City of Boston*, Case No. 18-cv-12358-LTS (D. Mass. May 3, 2019); *HomeAway.com, Inc. v. City of New York*, 373 F. Supp. 3d 467 (S.D.N.Y. 2019). Copies of both decisions are attached.

In addition to the Fourth Amendment, the Stored Communications Act, 18 U.S.C. §§ 2702, 2703, is a federal law that mandates specified forms of legal process—like a subpoena or court order—that the government must follow before obtaining personal information from internet providers. A federal court in Oregon halted enforcement of a provision in the Portland City Code that would have required hosting platforms to disclose to city tax officials "all physical addresses of transient lodging occupancy locations within Portland city limits and the related contact information, including the name and mailing address of the general manager, agent, owner, host or other responsible person for the location." *HomeAway.com, Inc. v. City of Portland*, 2017 WL 2213154, at *4 (D. Or. May 11, 2017).

In recognition of these rulings, the City and County of Honolulu acknowledged in a stipulated court filing that a provision in its law that required hosting platforms to provide reports of owner name, property address, tax identification number, length of stay, and price paid was unenforceable given the state of the law. *Kokua Coalition v. Department of Planning and Permitting*, No. 19-cv-00414-DKW, Dkt. 37 at ¶¶ 10-11 (D. Hawai'i Oct.

4, 2019). Similarly, last fall, Palm Beach County, Florida, amended its law to remove a provision that required hosting platforms to provide monthly reports with owner name, property address, tax account number, and parcel number.

I know this is a ton of information. If, after digesting it, you'd like to discuss further, we'd welcome that opportunity. Best, Kristina

Kristina Silja Bennard
Senior Corporate Counsel (Regulatory / Litigation)



Cell +1 206 227 9583
Email: kbennard@expedia.com
expediagroup.com

GURULE, GERALDINE A.

Subject: FW: Voting No On The Ordinance Amending Section 14-6.2 Short Term Rental Ordinance

From: Tai Bixby <tai@gotspaceusa.com>
Sent: Wednesday, June 17, 2020 3:10 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>; esiasaacson@santafenm.gov; PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Voting No On The Ordinance Amending Section 14-6.2 Short Term Rental Ordinance

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Dear Santa Fe Land Use Department,

This item is on the Planning Commission Agenda for Thursday June 17, 2020. I am writing as a citizen of the City of Santa Fe and as a real estate professional with direct knowledge of the real estate market. I'm writing to manifest my opinion **against** the proposed amendment Section 14-6.2 the Short Term Rental Ordinance. The proposed changes will decrease tourism by increasing costs and shrinking inventory. The proposed changes will hurt property values and will indirectly reduce tax income to the county and City. The proposed fines are regressive and, rather than increasing city income, will have a chilling effect on the tourist economy. The proposed amendment will cause Santa Fe to lag behind in recovering from the effects of the recession, the depths of which we have yet to arrive at. Please do not change the Short Term Rental Ordinance.

Please VOTE NO on the proposed amendment to the Short Term Rental Ordinance.

Tai Bixby, CCIM
Director
tai@gotspaceusa.com

Transaction Coordinator
Sarah Raboff
sarar@gotspaceusa.com

NAI Maestas & Ward
418 Cerrillos Road Suite 11
Santa Fe NM 87501
gotspaceusa.com

Direct +1 505 577 3524
Main +1 505 878 0001
Santa Fe +1 505 988 8081

NAI Maestas & Ward

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 12:21 PM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd: 628 1/2 Camino De La luz

Get Outlook for iOS

From: Amy Bobrick <amy.bobrick@kw.com>
Sent: Thursday, June 18, 2020 8:39:58 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Fwd: 628 1/2 Camino De La luz

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Attention Land-Use.

Please see below. I am opposed to your new rules. I started this project and was given guidelines by the City of Santa Fe Short Term Rental Dept. I have all of the e-mails.
>
> Hello Carol,
>
> I see the proposed changes to the short term rental ordinance. I am definitely against them. I have been working for over a year with Christopher Purvis, James Martinez at the City and Mary Ann Seiderer when she was working for the city in short term rentals and MTA Construction.
>
> I have e-mails stating that I could add another rental to my existing rental that is licensed with the city. I live on the premises. I am in the process of adding another auxiliary unit and I do have a building permit. My contractor has been very slow and this should have already been completed but there were snags and especially with the pandemic. I had to divide my 2 legal lots of record which I would not have done if this was not a possibility. It was very expensive to have it surveyed , architectural plans that would be approved by the historic board , and of course the actual project. This is my livelihood and I also was the owner of The Bobcat inn for 15 years. This has been my career. I am asking you to re-think this new stipulation of one short term rental per natural citizen. I would not have done this project if this had been the case. I have e-mails from Maryann stating what would be allowed and I followed all of these guidelines. This would totally not be fair since I would never have done this if this had been brought up. I am spending around 150K on this addition. The new addition is over 75 feet from the front door of the current short term rental. I sincerely hope that you will take property owner's rights into consideration. Again, I am a resident and I live on the property but both units are separate from my house but connected.
>
> Thank you, Amy
>
>
> Amy Bobrick
> 505 920 8941
> amy.bobrick@kw.com
>
> Keller Williams
> 130 lincoln Ave

> Santa Fe, NM 87501
> 505 983 5151
>
>
>
>

Dear Sir/Madam,

I am writing to you today in regards to the proposed changes to the short term rental regulations. I would like to start by introducing myself. I am a resident of Santa Fe, the father of a 3 year old girl, the owner of Santa Fe Property Solutions, as well as an owner of the property located at 1155 Camino Delora that is primarily used for short term and vacation rentals. My company's main focus is management of vacation rentals and second homes. We currently manage 14 properties and employ 4 housekeepers, 1 landscaper, 1 maintenance person, an assistant manager, myself, as well as several others on an as needed basis. The changes, if passed, would ultimately lead to my company going out of business, and my staff losing their jobs.

I have several issues with the proposed legislation. The first is the fact that additional restrictions will only hurt those of us that are following the current rules, but will do nothing to curb those operating illegally. In fact, by having less of us able to be permitted and operate within the boundaries of the law, those operating illegally would see an increase in business and likely the city would see an increase in the number of illegal STRs. I understand that the cap would remain the same, but the changes would essentially reduce the number of properties that are eligible for a permit in the first place.

I do understand and support maintaining the cap of 1000 permits, I do support requiring the owner or operator to live in Santa Fe. However, I do not fully understand why the city council is proposing the changes that will eventually force my business to close. I haven't been given a concrete answer, only that 'there aren't enough affordable long term rentals', or that 'they are hurting the character of our neighborhoods'. Additionally, the Land Use Director stated that he 'didn't believe these changes would affect property managers' in a negative way but that they hadn't actually done an economic impact study. I would like to address these items individually.

'There aren't enough affordable long term rentals'

Many of the properties that I manage are second homes. This means that these homes werent going to be on the long term market to begin with. The owners come to visit Santa Fe frequently and do not wish to enter into a long term agreement that would prohibit them from visiting when they would like. If they lost their ability to do vacation rentals while they are not in Santa Fe, the home would just sit empty, not creating jobs for me and my staff or taxes for the city and state.

Of the homes that aren't second homes and could potentially be converted to long term, none of them would ever be considered 'affordable'. If these homes were somehow made affordable, it is likely that the same people complaining about STR's would complain about the affordable rental next to them. If the city is truly interested in providing affordable housing, one place that it could start is by eliminating the 'fee in lieu' that allows these new apartment complexes to pay a fee in lieu of providing a portion of their units as affordable.

The city could also begin to enforce the current code and eliminate the illegal vacation rentals which currently outnumber permitted vacation rentals.

‘They are hurting the character of our neighborhoods’

Approximately half of the properties we currently manage were purchased in a state of disrepair. Some were downright in shambles. The owners of these homes bought them with the idea that they could spend more money returning them to their original glory and improving the neighborhood ascetic because they would be able to offer them as vacation rentals. Whenever there is a maintenance issue, it is corrected immediately. The landscapes and gardens are always in top shape, and concerns from neighbors are addressed immediately. Those of us that have permitted vacation rentals are concerned with these things, as well as parking, noise, etc because our business depends on it all.

‘This won’t affect property managers in a negative way’

This belief is flat out wrong. According to the Land Use Director, he and his staff believe that initially these changes would reduce currently permitted STRs by about 18% when it comes time to renew. Over time, the changes would continue to decrease the number of eligible properties, some estimates are saying down to 250. Further, keeping the 1 check-in per 7 days rule will continue to drive down profits even further, essentially eliminating property management as a viable business. I would like to remind you that the only people this legislation will affect are those of us that have been following the rules, and the effect will be incredibly negative.

The truth is that Santa Fe is largely a tourist town, vacation rentals drive revenue for the city and small businesses, unemployment has increased by almost 9% since last year, and this would cause increased economic strain on the entire community. During these strange and trying times, to purposefully make it harder/impossible to keep a business open is unthinkable.

To summarize, I would respectfully request the following changes be made to the proposed legislation:

1. Eliminate 1 check in per 7 days rule
2. Eliminate type of ownership requirement
3. Eliminate number of permits each person is eligible to hold
4. Maintain cap of 1000 permits
5. Require owner or operator to reside in Santa Fe County
6. Adopt civil penalties provisions
7. Exempt commercially zoned permits from residential rules

If there is anything I can help with or clarify, I would be more than happy to assist.

Thank you for your time and consideration,
Charles Burkhardt

info@santafepropertysolutions.com 1155 Camino Delora

COMMENTS ON
SHORT TERM RENTAL ORDINANCE & PROPOSED AMENDMENTS

DATE: June 29, 2020

TO: Mayor Alan Webber, Councilor Signe Lindell, Councilor Carol Romero Wirth, Councilor Renee Villarreal, Councilor Michael Garcia, Councilor Chris Rivera, Councilor Roman Abeyta, Councilor Jamie Cassutt-Sanchez, Councilor JoAnne Vigil Coppler, Commissioner John Hiatt, Commissioner Mark Hogan, Commissioner Pilar Faulkner, Commissioner Lee Garcia, Commissioner Brian Gutierrez, Commissioner Janet Clow, Commissioner Jessica Eaton Lawrence, Commissioner Dominic Sategna, City Attorney Erin McSherry, Assistant City Attorney Sally A Paez, Constituent Service Director Kristine Mehelcic,

FROM: Paul DeDomenico, 1413 Paseo De Peralta, Santa Fe, NM 87501.
Email: paul.dedomenico@gmail.com. Cell: 505-660-8215.

I was present at the June 18th Planning Commission Zoom meeting regarding the proposed changes to the short term rental ordinance. Here are my takeaways:

It was evident from staff responses that a couple of things are taking place;

1. **This is "stealth" legislation**. When Commissioner Hiatt asked if there had been any public input from the public or business community previous to the drafting of the amendment the answer from City Attorney Paez was "no". Myself, and people I know in the business community who deal in STRs did not find out about the proposed legislation until a very short time before the PC meeting.
2. **City staff is under pressure** to impose a strategy to push the legislation through on a short timeline with limited public input.

Wheter intentional or not, it certainly gives the impression is that there is an intent to minimize public input and potential pushback, take advantage of the COVID-19 shutdown and quietly push this through legislation. The result is that the amendment is unclear, confusing, **and not well thought out**. I assume this is due to pressure from the sponsors (and perhaps other business interests?) to rush the legislation.

While I am most concerned about how this legislation applies to short term rentals under commercial zoning where residential use is allowed (e.g. BCD, C1, etc..), I must address first address the most glaring issue:

> **ENFORCEMENT:** When Land Use Director Issacson was asked by the PC why the current code has not been enforced he stated that the City did not have the proper enforcement infrastructure. One of the staff or commissioners stated that the number of illegal rentals roughly equaled the amount of legal rentals. **If this is accurate, then enforcement should reduce short term rentals in residentail neighborhoods by a whopping 50% with no impact on lodgers or gross receipts tax revenue.!** Enforcement of the current STRO should be mandatory and city staff should receive the proper support.

Limitations intended for residential neighborhoods should be placed on commercially zoned STRs where residential use is allowed. A lot of problems are created by applying an ordinance intended to address issues in residential areas to commercial properties. Mr Isaacson commented during the PC meeting that the intention of creating a blanket legislation was to simplify the process and management of ST rental by the city. This is not reasonable because **residential and commercial are two very different animals.**

I include myself as one of a number of vital investors and entrepreneurs who choose to invest in downtown Santa Fe because it is a unique city which offers tremendous opportunities to locals and visitors! We are creative and dedicated citiznes and above all we are committed to the pledge of our City Different. Let's not limit the opportunities to our visitors, that come here from all over the globe, to strictly large hotels as option for their stay. Santa Fe has so much to offer these visitors in terms of diverse culture, historic architecture, adaptive reuse and proximity to all of the wonders of the Plaza. It is a rare thing to have such options in a historic, walkable downtown. Don't limit this!

1) **LIMITING THE NUMBER OF SHORT TO RENTALS TO ONE PER NATURAL PERSON:** There was across the board befuddlement at the PC meeting on this point. In my situation, I have two different single member LLCs that hold or manage commercial property. The single member for both LLCs is a NM Sub-Chapter S Corporaton. I can't even fathom how the "One Natural Person" clause could apply to my situation. And you can be sure that my situation is not unique with other commercial landlords also having complicated entity structures.

2) **ONE RENTAL PER SEVEN DAYS:** Converting office or retail to residential use is actually a reduction in occupancy of the converted space. In addition, retail and office are occupied potentially 100% of the year whereas STRs are occupied

60-70% of the year. **There should be no limit on the number of days a commercial short term rental can be occupied.** The city doesn't ordaine that small hotels, B&Bs, retail stores or offices can only operate a certain amount of days per week because they cause too many people on commercial streets. I think this limitation was intended for STRs in residential areas but it makes absolutely no sense to apply it to commercial property.

3) **PERMIT TRANSFER :** Commercial property entrepreneurs spend significant money and time on their investments. They spend significant funds to purchase, improve, restore, add value and create income which in turn creates jobs and genrates taxes. **Commercial differs from residential in that the value of commercial property is based on the property's net income.** Many commercial landlords use STRs to increase cash flow and spend large sums of money to convert a property to residential use. If STR permits cannot be transferred to a buyer it will **DESTROY THE VALUE commercial property** where the permit(s) reside. **Commercial STR permits must be allowed to convey with the property.**

4) **DENSITY:** For the same reasons stated above, **there should be no limitation on the number of STRs at any commercial property where residential use is allowed under zoning.** The 1000 STR licenses limit should not be applied to commercial property.

5) **200 FOOT NOTICE:** Again it is unclear whether the requirement to notify properties within 200 feet would apply to commercial properties. I assume a new STR applicant would unfairly meet resistance from a hotel or competing STR withiin 200 feet. Again it makes no sense for commercial properties.

6) **MULTI-FAMILY LIMITATION:** Would the multi-family limit of STRs to 25% of the dwelling units apply only to specific multi-family zoned properties? What defines multi-family under the proposed ordinance?

7) **HOST PLATFORMS:** STR permit holders have no control over the record-keeping of hostong platforms (AirBnB, VRBO, Booking.com, etc...). If for some reason hostong platforms were unable unable to meet the record-keeping requirements of the city ordinance, does this mean STR perment holders would be excluded from utilizing them?

   In case you weren't aware, travel sites such as Airbnb have moved into traditional hospitality and have implemented a hotel program that provides a

platform for smaller boutique hotels and Bed and Breakfasts. It's important to understand that even prior to COVID-19, the hospitality industry's age old models were being challenged by both creative platforms (Airbnb) and a new wave of travelers. This will continue to shift as travelers either become wary of larger hotels where large numbers of people congregate, and/or search out more unique stay opportunities. Let's be at the forefront of change and provide these treaveler opportunities.

I love Santa Fe! I have lived here for 31 years and my three children were all born and raised here. I have been an honest and responsible landlord. My tenants, especially my retail tenants, are struggling through the COVID-19 crisis and I am doing my best to ease their burden. I pay a lot of money each year in property taxes. I only want what is best for Santa Fe.

Commercial landlords pay gross receipts taxes and lodgers taxes on their short term rentals. I understand that **15% of the annual lodgers tax collected by the state comes from STRs** which is a significant amount. Why would the city want to reduce that revenue by limiting stay or STRs in commercial districts when, again, ENFORCEMENT would reduce the number of STRs by as much as 50% with **NO NEGATIVE IMPACT ON LODGERS OR GROSS RECEIPTS TAX.**

Commercial landlords have the legal right to maximize income even if that means converting some commercial space to STR where allowed to by zoning. The majority of my income comes from commercial income property and I view the ordinance as a potential threat to my livelihood and the stability of my family's future. I believe that the application of STR residential limitations on commercial property in both the current ordinance and proposed amendment constitute a taking of property rights.

It is evident that the current ordinance and proposed amendments are intended for residential neighborhoods and should not apply to commercial districts.

Please let me know how I can be of assistance in creating an appropriate STR rental ordinance.

Sincerrely,

Paul DeDomenico

PAEZ, SALLY A.

From: ROMERO-WIRTH , CAROL
Sent: Wednesday, June 24, 2020 2:17 PM
To: LINDELL, SIGNE I.; VILLARREAL, RENEE D.; WEBBER, ALAN M.
Cc: PAEZ, SALLY A.; FAUBION, JENNIFER R.; ISAACSON, ELIAS S.
Subject: Fwd: STRO Zoom call
Attachments: AWD markup of STRO 6-24-20.pdf

FYI

Carol Romero-Wirth
City Councilor, District 2
Office: 505 955-6815
Cell: 505 470-2855

Facebook & Twitter @romerowirth

From: Andy Duettra <aduettra@gmail.com>
Sent: Wednesday, June 24, 2020 11:32 AM
To: ROMERO-WIRTH , CAROL
Cc: Marc Bertram
Subject: Re: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Carol:

Hi! Just to follow up here: you know the real issue we have with the proposed STRO is its effect of inserting rules designed for residentially-zoned STRs into commercial zones such as the BCD. The Planning Commission also noted this significant issue, among others.

This raises serious practical and legal concerns for the city, such as depriving certain property owners of normal use rights granted by commercial zoning and intended by the Land Use Code, and the right to CHANGE that use over time as needs and conditions change.

One insight you might consider is that, if the number of short-term rentals INCREASE in areas like the BCD, that should actually help diminish STRs in close-in residential areas by providing appealing/superior options for tourists. We should encourage that as a needed option to residential-zoned short-term rentals.

I think the "cleanest" option for the City Council might be to change the title of the ordinance to "**Short-Term Rental Units - Residentially-Zoned Property**." In addition, a change in the definitions section to make STRs, as that term is used in Section 14.6-2 (A) (5), be ONLY those located on residentially-zoned property would also clarify that distinction.

The effect would be to allow short-term rentals in ALL commercial areas, putting them on the precise same footing as every other bar, restaurant, jewelry store, gallery, hotel and B&B in our commercial districts, not treated as some especially abhorrent business needing extra and distinctive regulation. Simple and effective, cleans up the mess.

The changes above, detailed in the attachments to this email, along with some "cleanup" and clarification items, will solve the issues we have with the proposed STRO, and allow everyone to focus upon proper regulation in residential areas.

I hope this may prove helpful in your discussions. Please let me know if you can't pull up the attachment.

As always, we are available to discuss any of this and appreciate your time and effort in listening to our concerns!

Sincerely yours,

Andy

Andy Duettra
AdobeStar Properties, LLC
154 West Marcy St, Suite 104
Santa Fe, NM 87501
505 603 7644 (c)

On Mon, Jun 22, 2020 at 4:58 PM ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov> wrote:

> Marc,
>
> I have a meeting with the sponsors this week to discuss how to move forward. As of now the bill is scheduled for:
>
> Quality of Life on July 1
> Public Works and Utilities on July 6
> Finance on July 13
> City Council on August 12
>
> It can be amended or substituted at any of these stops.
>
> There is also talk that it may go back to the Planning Commission before it goes to City Council on August 12th. It cannot be amended at the Planning Commission.
>
> I will know more in a couple of days.
>
> -Carol
>
> Carol Romero-Wirth
> City Councilor, District 2
> Office: 505 955-6815
> Cell: 505 470-2855
>
> Facebook & Twitter @romerowirth

From: Marc Bertram <marcbert@aol.com>
Sent: Monday, June 22, 2020 3:49:08 PM

To: ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>
Cc: aduettra@gmail.com <aduettra@gmail.com>
Subject: Re: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Now that we have had the Planning Commission meeting, we would like to circle back with you and make sure we understand the process going forward .Please let us know when we could have another Zoom meeting with you. Let me know what day or time may work.

Marc Bertram
SF Brown Real Estate
PO Box 5735
Santa Fe NM 87505
direct 1-505-473-7740 x 13
mobile 1-505-930-0720
email marcbert@aol.com
Visit Santa Fe's Finest Vacation Rentals www.adobestarproperties.com
Visit Albuquerque's Newest AAA Four Diamond Hotel www.hotelparqcentral.com

In a message dated 6/16/2020 4:08:15 PM Mountain Standard Time, cromero-wirth@santafenm.gov writes:

Zoom

Carol Romero-Wirth
City Councilor, District 2
cromero-wirth@santafenm.gov
(505)955-6815 Office
(505)470-2855 Mobile
Facebook & Twitter @romerowirth

From: Marcbert <marcbert@aol.com>
Sent: Tuesday, June 16, 2020 4:07:18 PM
To: ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>
Cc: Andy Duettra <aduettra@gmail.com>; FAUBION, JENNIFER R. <jrfaubion@santafenm.gov>
Subject: Re: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Do we know yet whether these meetings will be in person or Zoom meetings ?

Marc Bertram

SF Brown Real Estate

PO Box 5735
Santa Fe NM 87505
direct 1-505-473-7740 x 13
mobile 1-505-930-0720
email marcbert@aol.com
Visit Santa Fe's Finest Vacation Rentals www.thelincolnsf.com
Visit Albuquerque's Newest AAA Four Diamond Hotel www.hotelparqcentral.com

> On Jun 16, 2020, at 1:38 PM, ROMERO-WIRTH, CAROL <cromero-wirth@santafenm.gov> wrote:

Andy,

The bill is currently scheduled to be at:

Planning Commission on 6/18
Quality of Life on 7/1
Public Works and Utilities on 7/6
Finance on 7/13
City Council for Public Hearing and final passage on 8/12

It can be amended at any of the three Council Committees and at City Council on 8/12

Carol Romero-Wirth
City Councilor, District 2
cromero-wirth@santafenm.gov
(505)955-6815 Office
(505)470-2855 Mobile
Facebook & Twitter @romerowirth

From: Andy Duettra <aduettra@gmail.com>
Sent: Tuesday, June 16, 2020 11:54 AM
To: ROMERO-WIRTH , CAROL
Cc: FAUBION, JENNIFER R.; Marc Bertram
Subject: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Carol and Jennifer-Thanks for your time today! Good to be able to discuss our concerns with you regarding keeping the status of STRs in the BCD distinct from those in residential zones.

We did have a few follow up questions: do you know the date of the Quality of Life Committee meeting at which the STRO will be taken up, and will that meeting be a public one? Also, will that be the first opportunity to revise the draft, or might that occur earlier?

Thanks again!

Best regards-Andy and Marc

Andy Duettra
AdobeStar Properties, LLC
154 West Marcy St, Suite 104
Santa Fe, NM 87501
505 603 7644 (c)

Insertions for STRO Revisions

1. Preserve the language in the title of Section 14-6.2 (A) 5 to read "Short-Term Rental Units - Residentially-Zoned Property."

2. Revise Section 14-6.2 (A) 6 to read "Short-Term Rental Units - Non-Residentially Zoned Property Short-term rental of dwelling units on non-residentially zoned property is permitted as per Chapter 14 of the Municipal Charter and Code of Uses City of Santa Fe, New Mexico."

Andy Duetta
6-24-20

CITY OF SANTA FE, NEW MEXICO
BILL NO. 2020-__
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECITIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 14-6.2 of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 - USE-SPECIFIC STANDARDS

#1 on Insertion doc

(A) Residential Uses

(5) Short-Term Rental [~~of Dwelling~~] Units [~~Residentially Zoned Property~~]

(Ord. No. 2016-33)

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).~~] The purposes of this *Short-Term Rental Unit* ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-term rental units*, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

One permit per property

Any legal entity

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[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not rent, offer to rent, or advertise a *short-term rental unit* without a valid ~~*permit* or registration~~ from the *city*.

rental

(iii) A *short-term ~~dwelling~~ unit* shall not be operated without a *permit*. The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~ in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed by this subsection~~]. The *land use director* shall issue ~~*permits to natural persons* only~~, and ~~each *natural person*~~ may possess a maximum of one (1) *permit*.

(iv) [~~Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~] The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

New

~~(c)~~ General Provisions.

[~~Unless otherwise stated, the following general provisions apply to short-term rental units:~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the short-term rental unit. For purposes of this subparagraph, "local" means within city limits.

rental

(ii) An *owner* or *operator* shall not rent a *short-term ~~dwelling~~ unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[~~consecutive~~]day period[~~;~~].

[~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining *units* in a condominium, townhouse development, apartment complex, or residential compound;~~]

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1)~~]

(A) one bedroom, one parking space; and [~~2)~~]

(B) two or more bedrooms[~~;~~], two parking spaces[~~;~~].

(iv) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must

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meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~;~~].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18-1 SFCC 1987.

(vii) A valid business license number shall be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[~~(v)~~](viii) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street;

[~~(vi)~~](ix) [~~short-term~~] *Short-term rental units* ~~located on residentially-zoned property~~ shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of two (~~2~~3) times the number of legally allowed [~~occupants~~]*guests* in the *short-term rental unit*[~~ (including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~;~~].

[~~(vii)~~](x) [~~the~~]The total number of [~~persons~~]*guests* that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~;~~].

[~~(viii)~~](xi) [~~noise~~]Noise or other disturbance outside [~~the~~]a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[~~;~~].

[~~(ix)~~](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]*guests* shall comply with all relevant *city* ordinances, including [~~and comply with all provisions of~~] the [~~lodger's~~]lodgers' tax ordinance[~~;~~].

[~~(x)~~](xiii) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the land use department.~~]

(d) *Applications* for Short-Term Rental *Permit*

[~~Unless otherwise stated, an~~] An *applicant* shall submit an *application* for a short-term rental *permit* [~~for a short-term rental shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local owner[~~/operator~~] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~] a statement signed by the

AD
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[~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~-shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and~~-~~ private covenants; and that no private covenants prohibit the operation of the *short-term rental units*; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);~~]

[~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~]

[~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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~~Table 14-6.1-1~~
~~Annual Permit and Registration Fees*~~

~~Short-term Rental Type~~	~~Permit Fee per Unit~~	~~Registration Fee per Unit~~
~~§ 14-6.2A(5)(b)(i) — Accessory Dwelling Units~~	~~$325.00~~	
~~§ 14-6.2A(5)(b)(ii) — Resort Units~~		~~$100.00~~
~~§ 14-6.2A(5)(b)(iii) — Residential Units~~	~~$325.00~~	
~~§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) — Commercial Districts~~		~~$100.00~~
~~Initial Application and Processing Fee (one-time)~~	~~$100.00~~	
~~*The annual permit fee shall not be prorated for a portion of the year.~~		

~~(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.~~

~~(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.~~

~~(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.~~

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.~~]

(e) Proximity of *Short-Term Rental Units*

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probably remove as redundant or not Needed?

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the application, is located within a seventy-five (75)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *Accessory Dwelling Unit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

[~~(e)~~](f) Fees for Short-term Rental *Permit*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, addressing applicable licenses and taxes.

(i) *Application* fee. An *application* for a short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iv) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(e).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

unit

For the current calendar year and the three (3) immediately preceding calendar years, each short-term rental ~~*owner*~~ must maintain records for each *short-term rental unit* and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The records to be maintained for each *short-term rental unit* must include the following:

(i) The total number of times and number of nights that the unit was rented to guests each calendar month;

(ii) The total amount of rent paid by guests by month; and

(short-term rental!) AD 6-24-20

(iii) The total amount of each type of tax and fee paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-term rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the *owner* may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

~~[(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1 3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon conviction of a first violation, the land use director shall revoke the permit and operation of the short term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short term rental a dwelling unit that is not permitted for use as a short term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14 2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term rental unit that is not permitted under this subsection 14 6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.]~~

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit*.

~~[(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short term rental permit pursuant to Subsection 14 6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.]~~

~~[(g)]~~ (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by

Insert #2 from Insertions revisions AD 6-24-20

the covenants, may prohibit *short-term rental units*.

[~~(h)~~](m) Real Estate Agent Disclosure

[~~Real~~]A real estate [~~brokers~~] agent [~~listing~~] who represents a prospective buyer of [~~residential~~] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in any listing or advertisement for a *short-term rental unit*.

(ii) A *host platform* shall provide a monthly report to the city that includes the following information, disaggregated by owner:

(A) The total number of *short-term rental unit* listings and owners in the city;

(B) The total number of times and nights each unit was rented to guests each calendar month;

(C) The total amount of revenue collected from all rentals through the *host platform* in the city, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary to implement, manage and enforce this paragraph.~~]

[~~(6) Short-term Rental of Dwelling Units - Non-residentially Zoned Property~~

~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered, are subject to a one-time one-hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(o) Existing Short-Term Rental Permits

(a) An *owner* of a *short-term rental unit* who possesses a valid short-term rental *permit* at the time that the ordinance amending subsection 14-6.2(A)(5) (Ordinance No. 2020-) is adopted is considered to possess a valid *permit* under the new regulations and does not need to renew the *permit* until it expires.

(b) An *owner* of a *short-term rental unit* who possesses more than one (1) valid short-term rental *permit* at the time that the ordinance amending subsection 14-6.2(A)(5) (Ordinance No. 2020-) is adopted may timely renew those permits as long as the permits are not revoked under Section 14-11.4.

(c) An *owner* who possesses a valid short-term rental *permit* for a *short-term rental unit* that does not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-) is adopted is considered to possess a valid permit under the new regulations and may timely renew that permit as long as the permit is not revoked under Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts (Ord. No. 2016-39 § 4)

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

[~~(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into~~

AD 6-24-20

~~effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.~~

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add the following definitions:

14-12.1 – DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit* that is offered for rent or rented for a period of less than thirty (30) days. {located on residentially-zoned property

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

For purposes of Section 14.6-2(A)(5), a

Legislation/2020/Bills/Short-Term Rental Changes

Dear Mayor Webber and members of the Santa Fe city council:

As residents of Santa Fe for over 40 years, we have lived in both RC-8 districts on the Eastside and Don Gaspar as well as currently downtown in the BCD.

We are writing to ask you to please exclude the BCD from your current ordinance changes in the hope this was just an error in drafting.

The BCD is representative of downtown living in cities throughout the country. It does not conform to normal residential zoning and should not be grouped with it.

"Neighbors" in the BCD are restaurants, offices, bars, art galleries, museums, hotels, and properties that have short term renters. In the daytime, people walk back and forth asking for directions and the best places to eat. At night, the area is unusually quiet. This is downtown living that we were accustomed to when we lived years ago in New York City. Building on the growing mixture of business and residence is one way to revitalize our downtown. While we don't rent our residence, no short term renters living nearby have negatively affected us.

When we lived in the RC-8 districts, we understood the concern about short term rentals disturbing the fabric of neighborhoods. We are supportive of the changes that might improve the quality of life for full-time residents. Listening to the recent planning commission hearing, we recognized that some people spoke passionately in support of the proposed changes, but may not realize that some of us live among offices in the BCD, or even where the BCD boundaries lie. It is important to point out the difference, for example, between the BCD and the "historical Guadalupe neighborhood."

We felt relieved to hear that the planning commission and staff saw the possibility of excluding the BCD, as well as many in attendance and that over 800 residents wrote letters wishing the BCD ordinance to continue to be unaffected by a new STRO.

As leaders of our community, we know you see the importance of a vital downtown and hope that you will remove the BCD from any further ordinance changes.

Sincerely,

Pat and Michael French
128 Grant Avenue
Santa Fe, New Mexico

GURULE, GERALDINE A.

From: Stephen Harris <stillwater_flyfisher@hotmail.com>
Sent: Monday, June 15, 2020 8:58 AM
To: Mayors Office
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com; LINDELL, SIGNE I.; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Subject: Short-Term Rental (STR) Ordinance

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To the Honorable Mayor Alan Weber

My wife and I live in Montana and travel south in the winter months. Santa Fe is a destination we enjoy and it continues to be a reoccurring destination.

We use rental systems such as Home Away and Air B&B for much of our travel. These type systems have allowed us to be in walking distance to Santa Fe's downtown/plaza area and the properties provided are a "home away from home atmosphere" that is not provided from other options, such as the Hotel system.

It has come to my attention that changes, from a pending Short-Term Rental (STR) Ordinance, could limit our options and or availability in the future.

Reducing the availability would impair our choices; as even now getting the properties we have used and will continue to use fill up quickly and many times are unavailable.

Potential restrictions will make this more difficult and would limit our returns back to Santa Fe. From a short term rental user point of view, Santa Fe needs to keep what currently exists and even expand the type of rental system we use and not limit it.

Thank you in advance for considering this as you deliberate the pending STR

Steve Harris
Montana Retiree

PAEZ, SALLY A.

From: Melissa Byers <melbye.boss@gmail.com>
Sent: Thursday, June 18, 2020 8:32 PM
To: BERKE, NOAH L.
Cc: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Re: FW: sorry for the technical glitch

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Got it, thanks!

On Thu, Jun 18, 2020 at 7:50 PM BERKE, NOAH L. <nlberke@santafenm.gov> wrote:

> Noah Berke, CFM
> Planner Manager
> City of Santa Fe Land Use Department
> Office: (505) 955-6647
> Cell or Text: (505) 490-5930
> Email: nlberke@santafenm.gov
>
> Click here for Zoning Code Information
>
> Click here for Property Information
>
> https://www.alltogethersantafe.org/
>
> -----Original Message-----
> From: Karen Heldmeyer <kheld@earthlink.net>
> Sent: Thursday, June 18, 2020 7:38 PM
> To: BERKE, NOAH L. <nlberke@santafenm.gov>
> Subject: sorry for the technical glitch
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> I swear. Karen Heldmeyer, 325 E. Berger
>
> I sent in a consensus document w/ suggestions from the Neighborhood Network board.
>
> 3 issues with STRs: affects actual neighborhoods w actual neighborhoods, decreases stock of available housing in many neighborhoods, never really been adequate enforcement especially of fiscal impact
>
> People who actually live here also contribute to the city financially through their ownership and through their living expenses, but also contribute in many other ways to the community. that doesn't occur with transient renters.

GURULE, GERALDINE A.

From: Karen Heldmeyer <kheld@earthlink.net>
Sent: Monday, June 15, 2020 4:01 PM
To: BERKE, NOAH L.; ISAACSON, ELIAS S.
Cc: Mayors Office; ROMERO-WIRTH , CAROL; LINDELL, SIGNE I.; VILLARREAL, RENEE D.
Subject: Neighborhood Network submission on STRs for the 6/18/20 Planning Commission meeting

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The Neighborhood Network appreciates the attempt to amend the Short Term Rental ordinance so that it more carefully reflects the negative effects that the current ordinance and policy have had on existing neighborhoods and on the availability of housing in Santa Fe and tries to correct those problems.

We would also like to thank Pat Lillis for her hard work on researching what other similarly-situated cities have done to deal with STRs.

The NN Board endorses the following amendments to the ordinance:

We endorse the idea that STR permits should only be given to addresses with a local primary resident.

We like the idea of only one permit per "natural person" but think this should be implemented more quickly as some individuals and businesses have amassed large numbers of STRs under the current system and those multiple holdings are particularly deleterious to both neighborhoods and the availability of actual housing.

We agree that there should be no transfers of STR permits when property is transferred or sold unless such a sale or transfer occurs within the immediate family..

All STRs should be permitted, licensed, and in compliance with both GRT and Lodgers' Tax and should feature the permit # in any advertising.

Additionally, all STRs should be in compliance with all other city ordinances and codes.

City staff must monitor all STRs, permitted and otherwise, to insure compliance. If a given unit is not ipermitted, the owner or operator of that unit shall be barred from applying for an STR permit for one year.
For all other violations, the city can assess a $100 fine for each day each violation occurs.

The city should revisit the issue of the proposed proximity of STR's to one another after develpoing a publicly-available map showing how the question of proximity has been handled by the city in the past.

The language on what constitutes a "nonresidential" use should be clarified and tightened to prevent "party houses" and similar uses.

City staff shall also promptly investigate all complaints of violations. Complaints can be made anonymously.

With tighter monitoring of the requirements for STRs, the city needs to revisit the actual cost of permitting and monitoring those units and increase the permit fee accordingly.

Thank you for considering these amendments.

Karen Heldmeyer

Acting President, Neighborhood Network

699-7145

Feature permit # in any advertising

Require business license and tax compliance

Monitor compliance with all codes with strict penalties (1 year?) if not followed

Should we advocate for the primary resident rule?

PAEZ, SALLY A.

From: SALAZAR, ANDREA
Sent: Tuesday, August 25, 2020 9:44 AM
To: PAEZ, SALLY A.
Subject: FW: Short Term Rental Changes

See Mr. Henry's response…

Andréa Salazar
Assistant City Attorney, City of Santa Fe
(505) 955-6303
asalazar@santafenm.gov

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http://www.alltogethersantafe.org
#TodosJuntosSantaFe
http://www.todosjuntossantafe.org

This message may be subject to the attorney client privilege. 11-503 NMRA. If you have received this message in error, please delete it and alert the sender. 16-404(B) NMRA.

From: Mike Henry <henry80108@gmail.com>
Sent: Tuesday, August 25, 2020 9:33 AM
To: WEBBER, ALAN M. <amwebber@santafenm.gov>
Cc: ISAACSON, ELIAS S. <esisaacson@santafenm.gov>; SALAZAR, ANDREA <asalazar@santafenm.gov>; FAUBION, JENNIFER R. <jrfaubion@santafenm.gov>; Signe Lindell <s.lindell@comcast.net>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; elicccondos@gmail.com
Subject: Re: Short Term Rental Changes

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Mayor,
Thank you so much for your quick response. I appreciate you sending this to the team responsible for working the draft. As I mentioned in my original e-mail, I would like to invite the team over to Campanilla to see our community and learn more about our business model - particularly the dimensions and quirks of quarter ownership.

Our community is unique, and we believe our maintained homes enhance Otero Street.

I've copied Eli O'Dowd on this message as she is our on site Property Manager. I'm hoping Eli can work with you or your assistants on arranging a tour.

Thank you again for your consideration.

Mike Henry
President of the Board
Campanilla Compound
334 Otero Street
Santa Fe, NM

On Mon, Aug 24, 2020 at 12:17 PM WEBBER, ALAN M. <amwebber@santafenm.gov> wrote:

Thanks for your very thorough and thoughtful letter.
I'm copying this email to the staff team that has been working on the draft revisions and also to the City Councilors who have taken the lead in developing the policy approach. We'll all want to take a careful look at the concerns you have to see what can be done.
Thanks again.
Alan

On Aug 24, 2020, at 11:44 AM, Mike Henry <henry80108@gmail.com> wrote:

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August 23, 2020

Mayor Allen Webber
City of Santa Fe, New Mexico
200 Lincoln Avenue
Santa Fe, NM 87504

Dear Mr. Mayor,

I understand that the city of Santa Fe is reviewing and possibly changing some of the regulations of the City's STR program. While I understand and respect the need for review and updating of the policies, I want to ensure that you are aware that all STR properties are not the same and changing regulations could have a dramatic impact on revenues for the City of Santa Fe and our investment.

I am President of the Board of Directors of Campanilla Compound, a community of 15 residences in the historic Santa Fe style, including both newer construction and renovated historic structures. This high-quality community was approved by the City, and first permitted and developed in 1984. Campanilla is a small neighborhood, with a single access to Otero Street; all management functions, trash removal, outdoor amenities and parking is contained on private property within the community.

From its inception, Campanilla has been occupied by a mix of owners and renters, with on-site management. The Association owns and maintains all common elements and the interiors, exteriors, and furnishings of all residences. Each home is 'quarter owned' and we have several owners that own

multiple quarters. We have approximately fifty (50) owners in total. Campanilla was one of the first communities of this type to be permitted by the City's original Short-Term Rental (STR) program.

We employ two long-standing Santa Fe residents and over 25 local vendors in the running of our business. We do not receive complaints from our neighbors and have been a business in 'Good Standing' and our BBB rating is A+

The regulations as currently drafted, including requirements that permits revert to the City upon a sale, would make it impossible to maintain the current rental business. Moreover, it is not clear how the sale of a single quarter-ownership interest would affect the existing permit and the rights of the remaining majority owners.

Pursuant to the deed restrictions, each quarter owner is entitled to occupy their unit for 13 weeks, spaced throughout the year. Our owners can place some, all, or none of their weeks in the rental pool. We do have carefully thought out use restrictions and active, on-site management, which results in the impact to our community, and by extension the neighboring properties, being the same whether an owner or a tenant occupies any particular week. Our owners demand nothing less.

We request that you address this unique situation in the ordinance, in much the same way as Quail Run was exempted for sound reasons. We request language such as the following:

Revise Section 13-6.2(A)(5)(c)(xiv) to read "upon the transfer of ownership of a short-term rental unit, except the transfer of an interest in a unit that is comprised of multiple, time-divided ownership interests, the short term rental permit shall terminate…" and revise Section 13-6.2(A)(5)(d)(v) to read "the permit is not transferable to another person, except purchasers of partial, time divided interests, or property" so that the permit will not revert if only one quarter interest is sold, but rather the new partial owner would take the place of the old owner.

We have other concerns about additional changes the City is proposing. For example, the loss of a permit for 'technical violations' would mean it is lost forever because the rules would prohibit re-issuing it in these circumstances. This 'one strike and you're out' policy is a bit rigid and unrealistic. What are your and the committee's thoughts on what to suggest as a safe harbor or second chance procedure?

There is also the requirement that the operator live within the city limits which seems arbitrary and possibility unconstitutional. I suggest a dimensional radius (i.e. 25 miles from Santa Fe) or within Santa Fe County as examples.

In addition, the draft does not address how insurance policies work for quarter-owned properties. The COA should be allowed to provide the policies vs. all 50+ of our homeowners.

Finally, the draft suggests capping the number of nights for rental use. Since we are a community of homes and not your typical STR, it would allow more flexibility for guests and hosts if there were an annual cap on rental days, which would serve the same purpose of reducing impacts on the neighborhood.

With that said, I would like to invite you and the other City officials over to Campanilla for a tour of our compound. I want you to meet our employees and see our homes and most importantly learn our business model.

Thank you for your consideration.

Sincerely,

Mike Henry
Campanilla Compound
President, Board of Directors

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Amendments to STRO ordinance
Date: Thursday, June 18, 2020 2:34:48 PM

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From: I <rnhilgendorf@aol.com>
Sent: Thursday, June 18, 2020 1:38:48 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Amendments to STRO ordinance

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Dear All"

I own two short term rentals at 310 McKenzie St. behind my law office in the BCD. The proposed changes in the STRO ordinance do not seem necessary or justified. The problems in residential neighborhoods should not be use to make changes in the status of our rentals in the BCD. If in fact there are more short term rentals in the city than the authorized 1,000 units then enforcement of the existing ordinance would seem the appropriate solution. I am requesting that before this change is made a full study of the number of unlicensed units outside the BCD be made and a strategy be developed for controlling the unlicensed units. I have not had any complaints from any source in the BCD concerning my units and even though I might be grandfathered in, an apt term since I am 78 years old, obviously ownership will change for my units and these onerous requirements would have to be met by my heirs. Thank you for your consideration. Sincerely, Robert Hilgendorf

GURULE, GERALDINE A.

Subject: FW: Planning Commission meeting 6/18 to consider changes to the Short Term Rental regulations

-----Original Message-----
From: Craig Lamb <clambnm@gmail.com>
Sent: Wednesday, June 17, 2020 5:16 PM
To: PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Planning Commission meeting 6/18 to consider changes to the Short Term Rental regulations

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I understand you are the person to submit comments to on the proposed changes to the city of Santa Fe's Short Term Rental policy being considered at a Planning Commission meeting on June 18. If you are not the appropriate person, please forward this to the appropriate person(s) or let me know who to contact.

The comment I would like those considering these changes to see is as follows:

I applaud most of the changes being recommended in the granting and the managing of Short Term Rental permits in the city of Santa Fe. Particularly in requiring permit holders to be city residents and to manage their enterprises themselves, report use and pay appropriate taxes, etc.

I have one problem with the newly proposed changes. Your proposed regulation that a resident can hold only one permit (I assume that means for only one rental unit, though this isn't clear) seems arbitrary. It seems you are, in general, trying to prevent people who are buying up multiple units in an area or around town for the express purpose of turning these into Short Term Rental units, and I agree that is a good policy. But, some local homeowners have more than one auxiliary structure on their property that they can offer as Short Term Rentals, in the pursuit of a livelihood here. I suggest this section could be liberalized some, to at least "two" units or "no more than two or three contiguous units". Or, base this on the number of bedrooms on offer or guests who allowed. Otherwise, it is discriminatory. A permit holder could have a three or four (or more) bedroom house they are renting and another two small one or two bedroom units. How is this different in their impact on the neighborhood or surrounding community?

I urge you to rethink this section of the proposed regulation changes and alter it to better address the perceived problem you are trying to address in this section.

Thank you for your consideration.

Craig Lamb
117 1/2 Martinez Street

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, August 13, 2020 9:30 PM
To: PAEZ, SALLY A.
Subject: FW: Letter

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
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Click here for Zoning Code Information

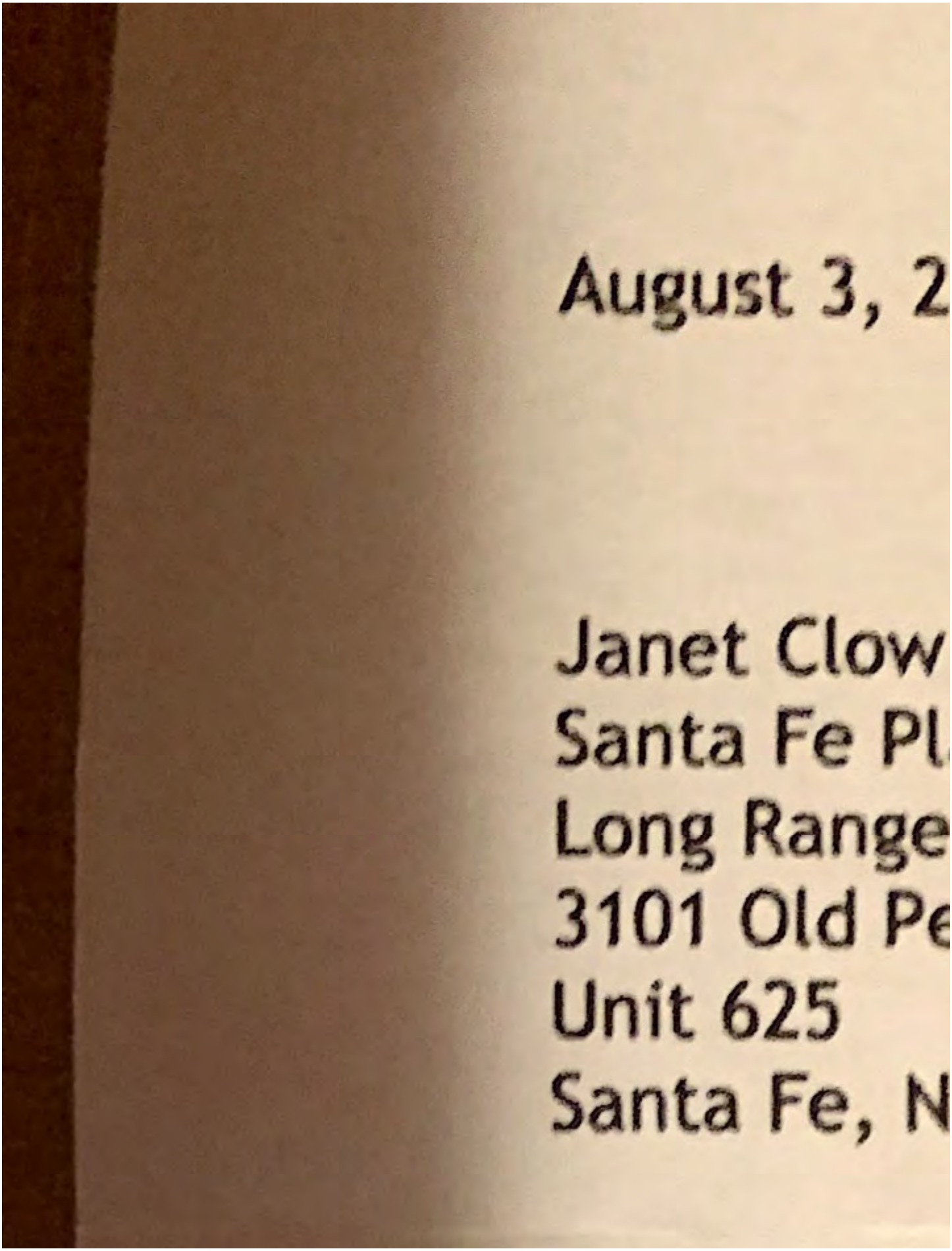
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https://www.alltogethersantafe.org/

From: Janet Clow <jclow1949@gmail.com>
Sent: Thursday, August 13, 2020 3:31 PM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Letter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Noah: I received the attached letter last week in the mail. Janet Clow


August 3, 2
Janet Clow
Santa Fe Pl
Long Range
3101 Old Pe
Unit 625
Santa Fe, N

Sent from my iPhone

Dear Planning Commissioners,

My name is Patricia Lillis. I live at 2119 Conejo Drive, Santa Fe, NM 87505.
Attached, and below, are my submitted, written comments on the Short-Term Rental Changes.
Thank you for your consideration.

ATTACHMENTS

Attachment "A" contains my comments and suggestions written directly onto the "Short-Term Rental Changes" pdf file. It is an easy way to get to the highlights of this Ordinance rewrite.

Attachment "B" supports my comments with recommendations, statistics, background and the need of a Primary Resident requirement after more than two years of following what other cities have done to mitigate the negative effects Short-term Rentals have had on communities.

Attachment "C" is a partial list, with summary and links, of what 15 cities have accomplished. They include **Portland, OR, Boulder, Charleston, Santa Monica, Denver, Miami Beach, Miami, Richmond, Boston, Washington, DC, San Francisco, Los Angeles, New York City, New Orleans, Sunnyvale, CA**

Attachment "D" contains the body of this email.

COMMENTS

The two major elements missing in the STR ordinance draft are:

1) **This ordinance needs a Primary Residency requirement of 6 months or more.** (This ordinance says that any "natural person" from anywhere can have one speculative STR that is not a primary resident)**; and**
2) **This ordinance needs to phase out within a year or two current STRs that are not primary residences.**

NOTE: Pretty much all cities with housing challenges have gone with a **Primary Resident Requirement**. There are many levels that include a Primary Resident requirement. For example:
- Primary Residency requirement of 6 months can include renters, with homeowner's approval.
- Primary Residency requirement of 6 months can range from requiring the Host to reside on site during the stay to allowing an "operator" to manage the STR for a maximum of 60, 90 or 120 days a year.

In short, the City's ordinance proposes that:
- All current rentals remain the same with no time limit.
- Primary Residency is not a requirement.
- Any "natural person" person from anywhere can have one STR rental — doesn't prevent speculation.

On page 4 of the ordinance draft, Santa Fe has stated its intent and has acknowledged the STR problem but these amendments do nothing to address that intent and acknowledgment.

I would like the City of Santa Fe to do what most cities with housing challenges have accomplished and submit an ordinance with real reform. This current draft falls well short of that.

With so much talk about Santa Fe's housing shortage and housing challenges, we must take the step in the right direction and do something substantive. This ordinance does not do that. Compared to other cities, we are so far behind in reforming our STR ordinance. **Primary Residency requirement is the key.** Primary Residency can include a variety of options and this one requirement, other cities say, makes enforcement and fee collection easier while removing competition with speculators.

Housing is important. It is a home. Santa Fe should honor that by including a Primary Residency requirement and phasing out all current STRs that do not meet that criteria. STRs take housing off the market and disrupt neighborhoods on so many levels.

Anything other than primary residency encourages speculation, takes away long-term rentals and reduces home ownership opportunities for our residents.

After reading these changes carefully and researching Short-term Rental regulation changes made by other cities due to housing challenges and neighborhood impact, I submit my comments. — Pat Lillis, Santa Fe

NOTE: Pretty much all cities like Santa Fe that have housing challenges have gone with a **Primary Resident Requirement**

There are many levels that include a Primary Resident requirement. For example:

1. Primary Residency requirement of 6 months can include renters, with homeowner's approval
2. Primary Residency requirement of 6 months can range from:
   - requiring the Host to reside on site during the stay
   - allowing an "operator" to manage or host a STR for a maximum of 60, 90 or 120 days a year.

Santa Fe should consider a Primary Residency requirement.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero- Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR S HORT-TERM RENTAL UNITS , TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF TH E CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10, 2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18 -1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park*, as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14 -7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site- built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [of Dwelling] Units [- Residentially Zoned Property]

(a) [Dwelling Units] Purpose and Intent

~~[Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).]~~ The purposes of this *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-*

← INTENT listed here. However, Page 17 says all current STRs are forever grand-fathered in. And, Page 6 states that anyone on the planet can have a short term rental in Santa Fe.

← Why say multiple?

← Add "primary" to precede the word resident. to make it a primary resident requirement

term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [Units] *Permit* Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-~~ 6.2(A)(5) are allowed.]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* from the *city*.

[~~(ii) Short-term rental units located in a development~~ containing resort facilities approved pursuant to a special use permit which are owned in common ~~by the owners within the development, are allowed~~. ~~As used in this item, "resort facility" means~~ any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.]

[(iii)](ii) The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed~~ by this subsection].

(iii) The *land use director* shall issue *permits* to *natural*

← See next page

persons only, and each *natural person* may possess a maximum of one (1) *permit*.

(iv) ~~[Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.]~~ The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)- *permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

(c) General Provisions

~~[Unless otherwise stated, the following general provisions apply to short-~~ term rental units:]

(i) A *short-term rental unit* must have a local *operator* that is available twenty -four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. For purposes of this subparagraph, "local" means within the municipal boundaries of the city of Santa Fe.

~~[(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a~~

Each natural person listed on the deed should be included in the STR permit to prevent co-owners from obtaining multiple short-term rental permits

Best solution. Add Primary Residency requirement to support intent from page 4.

Most cities with housing challenges include a primary resident requirement.

Why aren't we?

← Complaints or information concerning enforcement of non-compliance shall be treated anonymously.

~~public street frontage, but does not include adjoining *units* in a condominium, townhouse~~ development, apartment complex, or residential compound;]

(ii) An *owner* or *operator* shall not rent a *short-term dwelling unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[consecutive] day period[;].

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [shall be provided] on site as follows: [~~1)~~]

(A) one bedroom, one parking space; and [2)]

(B) two or more bedrooms[;], two parking spaces[;].

(iv) A *short-term rental unit* must meet all applicable building, [and] fire, [life] and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [shall]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[;].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18 -1 SFCC 1987.

(vii) A valid business license number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[(v)](viii) [occupants]An *owner* or *operator* shall not allow *guests* [shall not]to park recreational vehicles on site or on the street;

[(vi)](ix) [~~short term~~] *Short-term rental units* located on *residentially-zoned property* shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the

← How will this 7-day period be enforced? Seems very difficult to track and enforce.

← STR Permit # should be posted. Not Business License. Each STR has a permit # for tracking unit unlike business license used for multiple purposes.

number of legally allowed [occupants] guests in the *short-term rental unit* [(including occupants)], unless the activity or event is otherwise permitted by the *city*[;].

[(vii)](x) [the]The total number of [persons] guests that may occupy [the]a *short-term rental unit* is twice the number of bedrooms[;].

[(viii)](xi) [noise]Noise or other disturbance outside [the]a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[;].

[(ix)](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [occupants]guests shall comply with all relevant *city* ordinances, including [~~and~~ comply with all provisions of] the [lodger's] lodgers' tax ordinance[;].

[(x)](xiii) [the]The *owner*[/operator] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[es;].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the~~

land use department.]

(d) *Applications* for Short-Term Rental *Permit*

[Unless otherwise stated, an]An *applicant* shall submit an *application* for a short-term rental *permit* [~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [the application shall include]the name and phone number of the local owner[/operator] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this~~ section];

(ii) [~~the application shall include~~] a statement signed by the [owner/operator] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to~~ ensure compliance with this paragraph and all applicable codes;

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if~~ applicable), and to the owners of properties within two hundred (200) feet of the subject property, ~~exclusive of rights of way, as shown in the records of the county assessor, and by first class mail~~ to the physical addresses of such properties where such address is different than the address of the ~~owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);]~~

[(vii) ~~each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non refun dable.]~~

[~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

~~Table 14-6.1-1~~ Annual Permit and Registration Fees*		
~~Short-term Rental~~ Type	Permit ~~Fee per~~ Unit	Registration Fee per Unit
~~§ 14-6.2A(5)(b)(i)~~ Accessory Dwelling Units	$325.00	

~~(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.~~

~~(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.~~

~~(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental~~

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to~~ availability of permits.

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.]~~

(e) Proximity of *Short-Term Rental Units* on *Residentially Zoned Property*

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the *application*, is located within a seventy-five (75)-foot radius of a r *esidentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling u nit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

← Lots of long-term rental housing removed from the market?

Make primary residence requirement.

[(e)](f) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and

inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty -five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(e).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

Each *owner* or *operator* shall maintain all records for the *owner's short-term rental unit* for at least the most recent three years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The

records to be maintained for each *short-term rental unit* must include the following:

(i) The number of reservations and number of nights rented each calendar month;

(ii) The amount of rent guests by month; and

(iii) The amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-ter m rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the owner may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

~~[(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen~~ (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon

← How will you track the one rental per 7-day period with this information?

What is "rent guests"?

← One time? No time limit to pay?

Add something like "the owner may, within 30 days of expiration, pay a one time late fee" ...

~~conviction of a first violation, the land use director shall revoke the permit and operation of the short-term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short-term rental a dwelling unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and~~ prosecution, and the agent's business license is subject to revocation.]

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit*.

← Shouldn't the penalties be listed within this ordinance so all will know what the fines are?

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term~~ rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner ~~shall also be subject to revocation of their short-term rental permit pursuant to Subsection 14-~~ 6.2(A)(5)(e)(i).

~~(ii) If an owner is found guilty of operating a short-term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court~~

~~hearing and defendant does not make timely payments to the city, the city may bring an action in~~ lien or equity for the collection of any amounts due.]

[(g)] (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[(h)](m) Real Estate Agent Disclosure

[Real]A real estate [brokers] agent [listing] who represents a prospective buyer of [residential] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in all listing s or advertisements for a *short-term rental unit*.

(ii) A *host platform* shall provide a monthly report to the city that includes the following information about the *short-term rental units* advertised in the city, disaggregated by owner, describing the following information for that month :

(A) The number of *short-term rental unit* listings and owners in the city;

(B) The number of reservations and number of rental nights for each unit;

(C) The amount of revenue owners collected through the *host platform*, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary~~ to implement, manage and enforce this paragraph.]

(6) ~~[Short-term Rental of Dwelling Units Non-residentially Zoned Property]~~

← STR Permit # customarily used in advertising. Not Business License. Each STR has a permit # for tracking each unit unlike one business license could be used for multiple purposes, or multiple units.

Existing Short-Term Rental Permits and Registrations

[~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one-hundred dollar ($100) application, inspection and processing fee; and must comply with submission~~ requirements and report all applicable taxes.]

(a) Valid short-term rental *permits* held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted are valid, even if multiple permits are held by one owner. The *owner* does not need to renew those *permits* until they expire. Upon expiration, the *owner* may be eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the *permits* are not revoked under Section 14-11.4.

(b) Valid short-term rental *permits* that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-__) is adopted are valid and owners of such permits are eligible to timely renew the *permit* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* under Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [either] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

←This page says all current Short-term Rentals can continue forever with NO time limit.

Unlike most cities that reform their STR rules, it appears here that ALL current multiple permits held by speculators (as stated on page 4) have a free pass. There should be a time limit of one or two years to phase out STR units that don't meet primary residency into long-term rentals or available residential housing.

Are corporations and other entities that currently have STR permits deemed natural persons for yearly permit renewal — forever?

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

~~[(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code~~ shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short- term rental unit owners who possess a valid short- term permit for a ~~contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted~~ shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.]

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions :

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT -TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental

owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

APPROVED AS TO FORM:

_____

ERIN K. McSHERRY, CITY ATTORNEY

SHORT-TERM RENTAL REFORM NEEDS TO INCLUDE A **PRIMARY RESIDENCE REQUIREMENT** IN ORDER TO MEET HOUSING CHALLENGES

Pretty much any major city that is experiencing affordable housing challenges have a primary residency requirement at this time. Below are 15 (with details attached.)

MIAMI BEACH, FL (pop 87,000)
SANTA MONICA, CA (pop 88,000)
BOULDER, CO (pop 107,000)
SUNNYVALE, CA (pop 153,000)
RICHMOND, VA (pop 229,000)
NEW ORLEANS, LA (pop 391,000)
MIAMI, FL (pop 471,000)
PORTLAND, OR (pop 657,000)
BOSTON, MA (pop 685,000)
WASHINGTON, DC (pop 712,000)
CHARLESTON, SC (pop 788,000)
SAN FRANCISCO (pop 889,000)
DENVER (pop 2,800,000)
LOS ANGELES (pop 4,000,000)
NEW YORK CITY (pop 8,500,000)
(Summaries and links are available for these 15 cities.)

A Primary Residence requirement has been successful in reducing the negative effect Short-term Rentals have on neighborhoods and communities.

>>>

For City Council consideration, below is a list of recommendations.

1. Initiate STR code changes that are simple, clear and easily enforced.
2. Allow one STR permit per primary residence, with proof of ownership or owner approved rental agreement. That resident, commonly called the Host, must occupy the home for at least 6 months. One permit per household can be for a main house or guesthouse. Consider a rental limit of 90 days per year.
3. Owner must annually renew a STR permit and must list the assigned permit number on all advertised listings, Internet and otherwise.
4. Owner must have a business license, required code inspections and a GRT number.
5. At the sale of a residential or commercial property, the seller cannot transfer a STR permit. The new owner must re-apply for approval.
6. Require, monitor and strictly enforce Lodgers' and GRT tax collections.
7. Complaints or information concerning enforcement of non-compliance shall be treated anonymously.
8. Provide tracking of unlicensed STRs and licensed permit compliance with strong and effective enforcement of all STR rules and regulations, including limits of the number of guests per stay.

PUTTING NEIGHBORS BACK INTO NEIGHBORHOODS

When the original Short-Term Rental (STR) ordinance was adopted into the City Code, Santa Fe, like all US cities, had little or no experience with this new concept of renting. Short-Term Rentals (STRs) were originally envisioned as an opportunity for local residents to rent out their homes or portions thereof for either profit or the necessity to cover living expenses. None of the original ordinance framers could have foreseen that these permits would become commercial business enterprises, or that one person would have multiple individual permits, or that STRs would have such a negative impact on neighborhoods, long-term rental housing availability and housing prices.

The suggestions for changes to Santa Fe's STR ordinance are briefly described below and are taken from the many different communities who have successfully modified their STR ordinances. These municipalities include Boulder, Charleston, Richmond, Santa Monica and Portland, OR. Input from various constituent groups were solicited, including neighborhood associations, the hospitality sectors, individual impacted neighborhood residents and affordable housing advocates concerned about both the spiraling price of housing and the community impact of the removal of long-term rentals from the market. Established neighborhoods lose many of their neighbors and therefore their traditional cohesiveness is impacted by STR strangers. These shifting dynamics raise property values driven by valuation based on the capitalization rate of potential STR income cash flow. Instead of purchasing a residential home as your primary residence to live in, prices are driven higher by housing valued as STR income — a capitalization method formerly reserved for traditional commercial property.

The Thornburg Foundation and Homewise recently funded a June 2019 report by Kelly O'Donnell PhD, of O'Donnell Economics and Strategy titled *Short Term Rentals and Access to Housing in Santa Fe*. This detailed work outlines the impact STRs have on housing under Santa Fe's existing ordinance. This study is a must read for anyone interested in understanding the mechanics of how STRs impact housing. The report can be downloaded from the City of Santa Fe AND Homewise websites. Drop these links into your browser:
https://www.santafenm.gov/document_center/document/10452 OR
https://www.homewise.org/reports-audits/ (Under Research Reports)

Key numbers, dollar amounts and percentages

From the June 2019 ***Short Term Rentals and Access to Housing in Santa Fe*** report by Kelly O'Donnell PhD:

- Santa Fe's **646 STR hosts earned $54 million** from their Santa Fe properties in 2018, an **average** of over $80,000 per host per year.
- Although 80 percent of hosts list only one STR property, over 100 Santa Fe hosts list two or more entire homes.
- The City's **top 15 hosts account for 381 active STRs, over one-quarter of the Santa Fe market.**
- The **top 15 hosts earn a total of $12,500,000** per year (25% of $54,000,000). (Divide that total evenly by the top 15 hosts and you get an **average of $833,333 per host a year.**)

Main reasons why our Short-term Rental ordinance needs reform

- Santa Fe "has the 12th-highest number of Airbnb units per capita among U.S. cities" https://www.abqjournal.com/1390750/santa-fe-has-12th-most-airbnb-units-per-capita-among-u-s-cities.html
- Santa Fe housing challenges require Long-term Rentals.
- Simplify code to make changes that will aid in enforcement and collections of fees and taxes.
- Return Neighbors to Neighborhoods by requiring Primary Residency.

Three diverse groups want Short-Term Rental reform

1. **Neighborhoods** — Established neighborhoods are losing neighbors, resulting in unpleasant consequences. STRs have become an industry, profitable for multiple homeowners and non-resident speculation that favors transients over residents — far from couch-surfing beginnings.
2. **Community Advocates interested in the adverse effects of Short-term Rentals on Housing**
   - Short-Term Rentals Exacerbate Santa Fe's Housing Shortage
   - Short-Term Rentals remove Long-term Rentals from the housing market.
   - STRs impact cost of housing and cost of living.
   - Santa Fe has few places for young adults, our workforce and those financially challenged. If Santa Fe wants to keep our young Santa Feans, attract a more diverse age group and provide workforce housing, STR reform is a key player.
3. **Hotel/B&B** — Local Hospitality commercial business

How Charleston is addressing housing challenges and affected neighborhoods

Primary Residence requirement: For example, the STR ordinance in Charleston for a Residential STR requires that only **one permit** is to be issued **per homeowner** and that homeowner must show proof that the home is their **Primary Residence**.

Owner generally needs to be available during the stay: Charleston requires the homeowner to spend the night on the property (house or guesthouse) during the rental.

Addresses Housing and Neighborhood Challenges: Ordinance change opens up long-term rentals so desperately needed among the young, the workforce and everyone.

Easier to Enforce New Regulations: Charleston believes the above requirements provide the best solution for effective enforcement and tax collection. The combination of a clear and simple regulation and Host Compliance STR tracking makes it easy to locate illegal rentals, eliminate the loopholes, and prevent wiggle room for excuses while helping a homeowner earn extra cash instead of encouraging speculation and multiple homeownership. Watch this video of Charleston STR enforcement team:
https://abcnews4.com/news/local/city-cracks-down-on-short-term-rental-with-a-crack-team

Many US cities experiencing affordable housing challenges have a Short-term Rental PRIMARY RESIDENCE requirement.

The following 15 cities (ordered by approximate population) require that a Short-term Rental must be the host's Primary Residence.

MIAMI BEACH, FL (pop 87,000)

Pursuant to the Miami Beach City Code (Sec 142-1111) and City Code (Sec 142-905 (b)), vacation/short-term rentals are prohibited in all single-family homes and in many multi-family housing buildings in certain zoning districts of Miami Beach.

For properties in designated Estate or Low Density Residential areas, the responsible party or host must reside in the short-term rental property for more than six months per calendar year.

https://www.miamibeachfl.gov/business/vacation-short-term-rentals/

https://blog.keycafe.com/understanding-miami-and-miami-beach-short-term-rental-regulations/

SANTA MONICA, CA (pop 88,000)

From ordinance: *f) HOME-SHARE means an activity whereby the resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit's* ***primary residents*** *lives on-site, in the dwelling unit, throughout the visitors' stay*

https://www.smgov.net/uploadedFiles/Departments/PCD/Permits/Santa%20Monica%20HomeSharing%20Rules%20%20FINAL%20EFFECTIVE%20JUNE%2012%202015.pdf

BOULDER, CO (pop 107,000)

The City of Boulder permits short-term rentals (less than 30 days per stay) of **primary residences** and legal accessory dwelling units (ADUs) only. Short-term renting of a second home or investment property is not permissible. Primary residences are those occupied by the owner for a minimum of 6 months of the year. ADUs can be rented on a short-term basis for a maximum of 120 days per year.

https://sharingmyhome.com/airbnb-investors-colorado-short-term-rental-laws-city/boulder/

SUNNYVALE, CA (pop 153,000)

A short-term rental (or vacation rental) is the renting out of your residence, rooms in your residence or an accessory unit (granny flat). Short-term rentals are for a period of 30 consecutive calendar days or less. You are also legally required to:

- Reside on-site throughout your guests' (lodgers') stay
- Limit guests to a maximum of four adult guests per night
- Register as a host with the City

The host shall reside on-site throughout the lodgers' stay. To reside on-site means that the property being used for short-term rentals is the host's **primary residence** and the host uses the property for purposes of eating, sleeping and other activities of daily living during the time periods that lodgers are present.

https://sunnyvale.ca.gov/business/doingbusiness/shortterm.htm

http://losaltoshills.granicus.com/MetaViewer.php?view_id=2&clip_id=361&meta_id=56230

RICHMOND, VA (pop 229,000)

Who can operate a short-term rental: The short-term rental operator shall be the property owner. The short-term rental shall be on the lot of the operator's **primary residence** with the operator occupying the lot at least 185 days each year.

http://www.richmondgov.com/PlanningAndDevelopmentReview/ShortTermRentals.aspx

NEW ORLEANS, LA (pop 391,000)

The link listed below is from an article. It was easier to understand than reading their ordinance.
The new ordinance requires vacation rental owners in residential neighborhoods to have a "homestead exemption," meaning that they live there and claim the property as their **primary residence.**

https://www.avalara.com/mylodgetax/en/blog/2019/08/new-orleans-finalizes-restrictive-new-short-term-rental-law.html

MIAMI, FL (pop 471,000)

The Responsible Party must reside for more than six months per calendar year in the property being offered as a vacation rental. The rental of the property may occur at the same time that the Responsible Party is residing there. This applies to properties designated as Estate or Low Density Residential on the CDMP Land Use Plan Map only. There are no residency restrictions in the other land use categories.

https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp#0

http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-78.pdf

https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp

PORTLAND, OR (pop 657,000)

On July 30, 2014, the Portland City Council passed Ordinance No. 186736. This ordinance permits short-term rentals in residential zones when the rental is also the proprietor's primary residence.
Portland has since 2014 set rules for the short-term rental market, requiring hosts to acquire a permit, be the primary resident of the rental, live there at least nine months a year and keep guest stays to a maximum of 30 days. The regulations are intended to make sure homes are just that – where people live rather than hotel-style businesses within residential neighborhoods.

https://www.portlandoregon.gov/revenue/article/415180

https://www.oregonlive.com/portland/2018/08/80_percent_of_portland_airbnb-.html

BOSTON, MA (pop 685,000)

To be considered a **primary residence**, an owner needs to live in the property for at least nine months out of a 12-month **period**. When requested, you must be able to demonstrate: that you **lived** at the property for nine of the past 12 months, or that you plan to live in the property for nine of the next 12 months. —NOTE: Interesting update on Boston. 08/29/2019: Airbnb also agreed to share data about listings with the city, including the listing's URL, registration number, host ID, information, and zip code.

https://www.boston.gov/departments/inspectional-services/short-term-rentals

WASHINGTON, DC (pop 712,000)

... The Council had considered the potential impact of short-term rentals on housing supply and affordability in settling on a final balance that allowed short-term rentals only in the host's primary residence and not permitting investor-owned short-term rentals.

The Commission credits the Council's assertion that the STR Law limits the impact on the availability and affordability of housing by barring investor-owner short-term rentals, while also allowing property owners to operate short-term rentals in their primary residence, providing income that some property owners need to stay in their homes thereby supporting housing affordability and home ownership.

https://search.usa.gov/search?utf8=%E2%9C%93&affiliate=dc_dcgov&query=short-term+rental+primary+residence

CHARLESTON, SC (pop 788,000)

What do the new regulations say? These regulations legalize short-term renting throughout the City in a very limited form that protects existing neighborhoods. Most importantly, to qualify for legal short term renting, the property must be the owner's full time **primary residence**, as verified by receiving the County's 4% tax exemption for owner-occupied property. This means that investment properties are not eligible for short term renting. However, portions of existing dwellings or accessory dwellings on a property are eligible.

https://www.charleston-sc.gov/DocumentCenter/View/18317/FAQs-for-STR?bidId=
https://abcnews4.com/news/local/city-cracks-down-on-short-term-rental-with-a-crack-team

SAN FRANCISCO (pop 889,000)

Permanent **San Francisco** Residents Only.
Absentee owners who live in **San Francisco** less than 275 days per year are not eligible to engage in **short-term rentals**. Permanent residents are allowed to **rent** out their **primary residences**, but not locations in which they don't live, or second or **vacation** homes.

You must be the permanent resident of the unit you wish to rent.
To be considered the permanent resident, you must spend at least 275 nights a year in the unit where you host short-term rentals. If you own/rent a multi-unit building, you may only register the specific residential unit in which you reside.

https://www.nolo.com/legal-encyclopedia/overview-airbnb-law-san-francisco.html
https://shorttermrentals.sfgov.org/

DENVER (pop 2,800,000)

Primary Residence required for a STR license.
"If the property is not your **primary residence**, it is not eligible to be licensed as a short-term rental."

https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licenses/short-term-rentals/short-term-rental-faq.html

LOS ANGELES (pop 4,000,000)

WHEREAS, short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity;
WHEREAS, this ordinance will protect the City's affordable housing stock by allowing only an authorized host to share his or her registered **primary residence** with transient users;

http://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_ORD_185931_07-01-19.pdf

NEW YORK CITY (pop 8,500,000)

You cannot rent out an entire apartment or home to visitors for less than 30 days, even if you own or live in the building. You must be present during your guests' stay if it is for less than 30 days.

https://www1.nyc.gov/site/specialenforcement/stay-in-the-know/information-for-hosts.page

> > > From Mashvisor: https://www.mashvisor.com/blog/5-cities-where-airbnb-is-illegal-2019/

Examples of Short-term Rental regulations that increase housing availability, affordability and Long-term Rentals.

Los Angeles

- City Council passed a law in December 2018.
- Restricts hosts to 120 days of STR.
- Must register with the city for $89 every year.
- Hosts can also only rent out one home—their primary residence where they spend at least six months a year.
- Nontraditional Airbnbs like RVs, trailers, and tents will no longer be permitted.

New York City

- Ban on short-term rentals on home-sharing sites
- Renting out an entire apartment for a stay of less than 30 days is illegal. Advertising such a rental is illegal, with fines up to $7,500
- Hosts can also only list one home, their home, at a time
- New York City is working to get hosts' data from Airbnb so that they'll know automatically who isn't playing by the rules
- One type of stay that's A-OK is a private room

Las Vegas

- Banned permits for those that are not owner-occupied, only allowed for primary residents.
- Las Vegas real estate investors are not allowed to rent out investment properties for less than 31 days
- Owners of short-term rentals in Las Vegas have to be present during the stay
- Must obtain a business license
- Must have liability insurance of $500,000
- Must renew their rental permit every 6 months to avoid fines.
- Short-term rentals can't have more than three bedrooms (those with more pay a whopping $1,000 registration fee)
- No new STR can be within 660 feet from any other existing listing
- The city limits overnight guests to 12 or fewer per home or apartment
- Hosts must register with tax authorities, collect taxes from guests, and remit them to the city and county

San Francisco, California

- Hosts have to register for both a Business Registration Certificate and a Short-Term Residential Rental Certificate from city government
- A seven-digit registration number that starts with STR must be listed in rental listing.
- You can rent out your entire apartment or home for up to 90 nights a year.
- Unlimited number of days if you're renting a private room but host must be present during the stay.
- Pay 14% tourist tax, equal to the city's hotel tax.



ABOVE CITIES REQUIRE:

A Short-term Rental must be the host's PRIMARY RESIDENCE (house or guesthouse).

GURULE, GERALDINE A.

Subject: FW: Stop the proposed changes to the STRO within the BCD
Attachments: PDF-Petition Results_1.0.pdf

From: David Mansure <dmansure@adobestarproperties.com>
Sent: Wednesday, June 17, 2020 5:13:46 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; migarcia@santafenm.gov <migarcia@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>; Marcbert <marcbert@aol.com>; Andy Duettra <aduettra@gmail.com>
Subject: Stop the proposed changes to the STRO within the BCD

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Mayor, City Council Members, Planning Commission;

We request this message and the names attached to be added to the public record.

As a group of legal property owners, past guests that have stayed in downtown STRs, other BCD business owners and concerned citizens, we are opposed to the initiative being proposed by the City of Santa Fe to again revise the Short-Term Rental Ordinance "STRO" in a way that specifically and very negatively impacts the STRs located in the Business Capitol District "BCD."

Acting in everyone's best interest and as an attempt to make you aware of the far-reaching, negative impact your proposal is creating, we have put together an online petition stating the facts of the proposal. In less than one (1) weeks' time, we have garnered support from both in state and out of state visitors, businesses and property managers, many of which have stated that they would not return to Santa Fe if this proposed ordinance is passed, as-is, and goes into effect.

For your perusal, the online petition is here:

https://mailchi.mp/adobestarproperties/santa-fe-vacation-rental-stro-regulation-changes

Furthermore, attached as a pdf are the electronic signatures, IP addresses, and geographic locations of 704 individuals.

As a long time property manager, we keep statistics on average length of stay, repeat visits, average stay in dollar amounts and more. By our calculations, if these past guests do not return because of the ordinance, as many have stated, the economic impact will be harmful to us all.

Please consider the economic impact of all property managers, staff, owners and the ancillary BCD businesses that would be negatively impacted if this ordinance passes.

Sincerely,

David Mansure

AdobeStar Properties

505-469-9021

dmansure@gmail.com

Email	Name	City	Check box to agree	CONFIRM_IP	LAST_CHANGED	LEID
briggsdr0@yahoo.com	Brenda Riggs	Nacogdoches, Texas	Support Downtown Santa Fe Vacation Rentals	47.222.176.242	6/17/20 11:06	380034598
azizhankaoui@hotmail.com	Aziz Hankaoui	Flower Mound, Texas	Support Downtown Santa Fe Vacation Rentals	76.85.92.109	6/17/20 10:14	380033862
stillwater_flyfisher@hotmail.com	Stephen D Harris	NYE	Support Downtown Santa Fe Vacation Rentals	76.75.25.141	6/17/20 10:09	380033846
Brendan.kelley510@gmail.com	Brendan Kelley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.72.201	6/17/20 9:51	380033778
Cbsantafe@aol.com	Catherine Bodelson Vargas	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.154.67	6/17/20 8:21	380030282
spenceterrell@hotmail.com	Spencer Terrell	Santa Fe	Support Downtown Santa Fe Vacation Rentals	12.48.83.126	6/16/20 21:59	380025930
storyleonard@gmail.com	Story Reed Leonard	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.12.127	6/16/20 21:12	380025618
little_jackie2012@hotmail.com	David McCoy	El Paso	Support Downtown Santa Fe Vacation Rentals	172.58.59.76	6/16/20 19:07	380025162
ryan.atanasoff@gmail.com	Ryan Richard Atanasoff	Madison	Support Downtown Santa Fe Vacation Rentals	75.9.163.103	6/16/20 19:06	380025154
kirsten.koschnick@gmail.com	Kirsten Koschnick	Oconomowoc, WI	Support Downtown Santa Fe Vacation Rentals	75.9.163.103	6/16/20 19:06	380025150
wwardle1225@gmail.com	William G. Wardle	Charlottesville	Support Downtown Santa Fe Vacation Rentals	73.12.49.157	6/16/20 17:18	380024786
knorskog21@gmail.com	Kate Norskog	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.195.1.87	6/16/20 16:53	380024646
PGQuinn1072@comcast.net	Patrick Quinn	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.56.50.84	6/16/20 15:09	380023974
lisasheridan3@aol.com	Lisa Sheridan	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.227.144	6/16/20 15:08	380023962
marcowhitesfnm@gmail.com	Marco J White	SANTA FE	Support Downtown Santa Fe Vacation Rentals	68.84.147.58	6/16/20 13:49	380023494
PBKOMIS@AOL.COM	PETER B KOMIS	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.79.139	6/16/20 13:41	380023434
cyndi@manitougalleries.com	Cyndi Hall	Santa Fe	Support Downtown Santa Fe Vacation Rentals	50.193.238.238	6/16/20 13:26	380023354
jjohnston346@me.com	James Johnston	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/16/20 12:54	380023194
Beau@ccranch.net	Robert theriot	Santa fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/16/20 12:52	380023182
ansleyangel@gmail.com	Ansley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.142.241	6/16/20 12:34	380023090
ryanklinkrodt@secunm.org	Ryan Klinkrodt	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.131.75.29	6/16/20 12:28	380023034
renee.edwards23@gmail.com	Renee Edwards	Santa Fe	Support Downtown Santa Fe Vacation Rentals	104.255.16.252	6/16/20 12:07	380022894
tgardner@tgardner.com	Tommy L Gardner	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.72.179	6/16/20 11:54	380022270
fishmiker@gmail.com	Mike Fisher	Denver	Support Downtown Santa Fe Vacation Rentals	24.9.16.218	6/16/20 11:10	380022030
r@rthicksconsult.com	Randall Hicks	Albuquerque	Support Downtown Santa Fe Vacation Rentals	67.0.216.90	6/16/20 11:04	380022002
stevew_2@hotmail.com	Steve Wulchin	Boulder	Support Downtown Santa Fe Vacation Rentals	24.8.103.198	6/16/20 10:53	380021934
kgs@Kinggalleries.com	Charles King	Santa Fe	Support Downtown Santa Fe Vacation Rentals	69.247.79.232	6/16/20 10:51	380021926
darchorse@msn.com	Ron Simon	Polson, MT. 59i60	Support Downtown Santa Fe Vacation Rentals	174.208.18.237	6/16/20 10:42	380021842
ahasted@rabyco.com	Angela Hasted	Santa fe	Support Downtown Santa Fe Vacation Rentals	50.243.28.1	6/16/20 10:29	380021774
info@virgilortiz.com	Tish Agoyo	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.251.167.76	6/16/20 10:28	380021770
will@willesq.com	Will Halm	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.79.4	6/16/20 10:28	380021762
aestrada@hotelparqcentral.com	Ann Estrada	Albuquerque	Support Downtown Santa Fe Vacation Rentals	63.230.102.218	6/16/20 10:15	380021698
willg@dpsdesign.org	Will Gleason	Albuquerque	Support Downtown Santa Fe Vacation Rentals	98.249.88.144	6/16/20 9:52	380021546
mroyb57@gmail.com	Michael Anthony Roybal	santa fe	Support Downtown Santa Fe Vacation Rentals	76.127.9.143	6/16/20 9:51	380021542
emily.1850@hotmail.com	Emily Mascarenas	Santa Fe	Support Downtown Santa Fe Vacation Rentals	165.225.57.38	6/16/20 9:25	380021422
Scottsimonmt@outlook.com	Scott Simon	LaurelMT	Support Downtown Santa Fe Vacation Rentals	174.208.24.112	6/16/20 8:58	380021194
cpa@feankwharton.com	Frank Wharton	sANTA fE, NM 87501	Support Downtown Santa Fe Vacation Rentals	174.28.32.111	6/16/20 8:48	380021126
chuckhiggins@live.com	Chuck Higgins	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.151.195	6/16/20 8:46	380021110
guy.mcelvain@mcelvain.com	guy mcelvain	santa fe	Support Downtown Santa Fe Vacation Rentals	204.134.54.52	6/16/20 8:36	380021034
hunter@archallinc.com	Hunter Redman	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.173.196	6/16/20 8:12	380020886
Christopher-wallace@live.com	Christopher Wallace	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.58.56.13	6/16/20 8:03	380020830
Noelle.wallace@live.com	Noelle Wallace	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.58.56.13	6/16/20 8:02	380020829
delectric_1@yahoo.com	Delvin Serrano	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.17.142	6/16/20 7:30	380013005
tclarke@nmapartment.com	Todd Clarke	Albuquerque	Support Downtown Santa Fe Vacation Rentals	98.249.79.161	6/16/20 6:48	380012745
Fossil@geologist.com	Scott Taylor	Amarillo, TX	Support Downtown Santa Fe Vacation Rentals	156.146.38.143	6/16/20 6:33	380012669
jhmac59@gmail.com	Jennifer MacDonald	Cape Elizabeth	Support Downtown Santa Fe Vacation Rentals	12.15.146.254	6/16/20 6:30	380012649
lakepeak@gmail.com	Robert Corroon	Taos	Support Downtown Santa Fe Vacation Rentals	174.209.2.250	6/16/20 6:14	380012585
PanamaLynda@outlook.com	Lynda Morrison	The Colony	Support Downtown Santa Fe Vacation Rentals	75.57.31.32	6/15/20 20:57	380008337
betsybaltzer@gmail.com	Betsy Baltzer	Thomasville, GA	Support Downtown Santa Fe Vacation Rentals	216.212.254.114	6/15/20 19:01	380007165
bunnyterry@kw.com	Buneesa Terry	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.130.243	6/15/20 18:41	380007081
sallyannkuhn@gmail.com	Sally Kuhn	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.122.79	6/15/20 18:22	380006981
dstreit@dstreit.com	Darlene Streit	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.237.135.78	6/15/20 18:16	380006965
patti.webster@sothebyshomes.com	Patti Webster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:15	380006953
christopher@webster-enterprises.com	Christopher Webster III	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:14	380006945
chris@webster-enterprises.com	Chris Webster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:13	380006933
pauldedomenico@gmail.com	PAUL P DEDOMENICO	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.162.246	6/15/20 17:43	380006737
paigeb@sftitleco.com	Paige Bradley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.88.4.105	6/15/20 17:41	380006717
taibixby@gmail.com	Tai Bixby	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.40.132	6/15/20 17:37	380006689
chris.anderson@dvm.com	Chris Anderson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.76.110	6/15/20 17:24	380006569
rebeccapanderson@gmail.com	Rebecca Pitts Anderson	SANTA FE	Support Downtown Santa Fe Vacation Rentals	76.18.76.110	6/15/20 17:24	380006561
Shatcher@hatcherlawgroupnm.com	Scott Hatcher	Santa Fe NM	Support Downtown Santa Fe Vacation Rentals	50.202.114.158	6/15/20 17:12	380006481
Nancville@gmail.com	Nancy Wardle	Charlottesville	Support Downtown Santa Fe Vacation Rentals	73.12.49.157	6/15/20 17:11	380006473
jimleonard505@gmail.com	jim leonard	santa fe	Support Downtown Santa Fe Vacation Rentals	40.134.253.170	6/15/20 17:09	380006461
Rich@richduranpluming.com	Richard Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	173.18.83.69	6/15/20 17:06	380006453
darren@branchrealty.com	Darren	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.77.85	6/15/20 17:01	380006417
Jodelclarke54@gmail.com	Jody Clarke	Dallas	Support Downtown Santa Fe Vacation Rentals	70.122.172.72	6/15/20 16:16	380006073
hometotexas@att.net	Ruth Adams	Austin	Support Downtown Santa Fe Vacation Rentals	104.7.217.52	6/15/20 15:44	380005753
jnephross@gmail.com	Joel Ephross	Bellaire, texas	Support Downtown Santa Fe Vacation Rentals	12.144.20.254	6/15/20 15:08	380005157
Elmfush@msn.com	Anne fisher	Denver	Support Downtown Santa Fe Vacation Rentals	24.9.16.218	6/15/20 14:25	380004833
yvonne.boyer@vanderbilt.edu	Yvonne Boyer	Nashville	Support Downtown Santa Fe Vacation Rentals	107.133.81.57	6/15/20 14:06	380004717
bburch100@gmail.com	Robert Burchfield	Denver	Support Downtown Santa Fe Vacation Rentals	67.176.107.15	6/15/20 12:57	380004229
Ian.atanasoff@gmail.com	Ian Atanasoff	Philadelphia	Support Downtown Santa Fe Vacation Rentals	100.19.76.232	6/15/20 12:53	380004201
Ann@backattheranch.com	Ann Gremano	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.152.84	6/15/20 12:41	380004113
Wendy@backattheranch.com	Wendy Henry	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.152.84	6/15/20 12:39	380004081
Ladyvolibb@icloud.com	Becky Jackson	Knoxville	Support Downtown Santa Fe Vacation Rentals	73.19.233.232	6/15/20 12:22	380003917
art@rcgdfw.com	Arthur M. Atanasoff	The Colony	Support Downtown Santa Fe Vacation Rentals	97.77.97.106	6/15/20 12:05	380003845
denisepatla@gmail.com	Denise Patla	Austin, TX	Support Downtown Santa Fe Vacation Rentals	72.179.0.3	6/15/20 11:46	380003749
Crgnana@yahoo.com	Carol Grove	Moore	Support Downtown Santa Fe Vacation Rentals	104.63.223.4	6/15/20 11:40	380003689
olapjphnson@aol.com	Paulette Johnson	El Cerrito	Support Downtown Santa Fe Vacation Rentals	99.145.196.184	6/15/20 11:34	380003657
mindyg76@gmail.com	Mindy Geschwind	Moore	Support Downtown Santa Fe Vacation Rentals	172.56.7.54	6/15/20 11:25	380003605
kemlerconnie@yahoo.com	Connie Kemler	Manalapan NJ	Support Downtown Santa Fe Vacation Rentals	74.88.132.151	6/15/20 10:49	380003365
Annapuckett@yahoo.com	Anna puckett	Columbus	Support Downtown Santa Fe Vacation Rentals	50.86.59.2	6/15/20 10:40	380003313
jessicakern78@gmail.com	Jessica Kern	Laramie	Support Downtown Santa Fe Vacation Rentals	47.5.73.104	6/15/20 9:50	380003005
nyrugby@mac.com	Chris	Dallas	Support Downtown Santa Fe Vacation Rentals	23.127.220.219	6/15/20 9:50	380002993

bbyrne@wsipbg.com	Bernie Byrne	Aurora	Support Downtown Santa Fe Vacation Rentals	174.250.241.28	6/15/20 9:42	380002953
danlipford@gmail.com	Dan Lipford	Coconut Creek	Support Downtown Santa Fe Vacation Rentals	73.244.203.115	6/15/20 9:35	380002913
Ashermar@aol.com	Asher Richelli	Brooklyn	Support Downtown Santa Fe Vacation Rentals	24.193.116.57	6/15/20 9:18	380001225
lawrencembaldwin@outlook.com	Lawrence M Baldwin	Sherborn, MA	Support Downtown Santa Fe Vacation Rentals	173.48.208.133	6/15/20 9:11	380001169
ngrschwind@cox.net	Nina Grschwind	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	174.66.235.149	6/15/20 9:11	380001157
scott.schafer@comcast.net	Scott Schafer	El Dorado Hills	Support Downtown Santa Fe Vacation Rentals	73.48.242.250	6/15/20 9:11	380001153
blackledgesd@hotmail.com	Steve Blackledge	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals	73.91.49.138	6/15/20 9:09	380001141
lynnlbk@hotmail.com	Lynn Blackledge	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals	73.91.49.138	6/15/20 9:09	380001137
steve@hireses.com	Steve Freeman	Albuquerque	Support Downtown Santa Fe Vacation Rentals	73.26.254.177	6/15/20 9:07	380001125
Priddynancy@gmail.com	Nancy Priddy	Alto, NM	Support Downtown Santa Fe Vacation Rentals	67.141.74.31	6/15/20 9:04	380001105
danielecrowe@hotmail.com	Daniel Crowe	Santa Fe	Support Downtown Santa Fe Vacation Rentals	162.129.250.15	6/15/20 9:04	380001089
Kkolbert5@hotmail.com	Karen Kolbert.	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.6.149	6/15/20 9:03	380001085
annadamson@sabinepipe.com	Ann	Longview	Support Downtown Santa Fe Vacation Rentals	107.77.198.111	6/15/20 8:56	380000637
andiesimmons77@gmail.com	Andie Simmons	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.229.86.195	6/15/20 8:54	380000597
Maryking50@gmail.com	Mary Kling	Skokie	Support Downtown Santa Fe Vacation Rentals	98.193.56.23	6/15/20 8:52	380000593
rs171@icloud.com	Robert	Shrum	Support Downtown Santa Fe Vacation Rentals	74.213.224.26	6/15/20 8:48	380000577
beverlywhite505@gmail.com	Beverly White	Alexandria	Support Downtown Santa Fe Vacation Rentals	69.250.9.222	6/15/20 8:47	380000569
jillklynn@gmail.com	Jill Snelson	Midland	Support Downtown Santa Fe Vacation Rentals	24.155.173.193	6/15/20 8:27	380000425
scarletblossom268@gmail.com	Scarlet	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.77.7	6/15/20 8:22	380000393
Mikecrivello@gmail.com	Michael Crivello	Ramona, CA	Support Downtown Santa Fe Vacation Rentals	72.199.242.137	6/14/20 22:57	379738733
lisella@hotmail.com	Guy Lisella	Santa Fe	Support Downtown Santa Fe Vacation Rentals	136.22.79.29	6/14/20 17:45	379737225
S.macleod@att.net	Susan MacLeod	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.143.161.56	6/14/20 17:23	379737109
moezamora@gmail.com	Moe Zamora	Santa Fe	Support Downtown Santa Fe Vacation Rentals	63.231.113.101	6/14/20 17:23	379737105
John@1tennessee.net	John warmath	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.52.53.25	6/14/20 17:02	379736957
Bighands59@aol.com	Mitchell Matsey	Los Angeles	Support Downtown Santa Fe Vacation Rentals	23.243.216.124	6/14/20 16:09	379736665
Robertwalden@mac.com	Robert Walden	Austin, TX	Support Downtown Santa Fe Vacation Rentals	72.177.94.22	6/14/20 14:23	379735801
Lenorealarid@gmail.com	Lenore alarid	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.159.93	6/14/20 13:32	379735421
cmwolfus@aol.com	Chris Wolfus	Oxnard	Support Downtown Santa Fe Vacation Rentals	104.33.232.197	6/14/20 13:05	379735257
GJKilpatrick@Comcast.net	Lynne Kilpatrick	Waco	Support Downtown Santa Fe Vacation Rentals	67.143.192.162	6/14/20 11:24	379734549
mduettra@me.com	Michael Duettra	Bend, OR	Support Downtown Santa Fe Vacation Rentals	174.209.21.34	6/14/20 11:05	379734433
flexa_fifield@yahoo.com	Alexa Fifield	West Memphis	Support Downtown Santa Fe Vacation Rentals	98.239.61.73	6/14/20 9:25	379733269
betafish60@hotmail.com	Jody Dulberg	Frisco	Support Downtown Santa Fe Vacation Rentals	76.187.67.150	6/14/20 8:34	379732957
marcia.lenihan@comcast.net	Marcia	Santa Fe	Support Downtown Santa Fe Vacation Rentals	107.77.198.84	6/14/20 8:29	379732929
teciasouthwood@gmail.com	TECIA G SOUTHWOOD	CRYSTAL LAKE	Support Downtown Santa Fe Vacation Rentals	73.111.129.27	6/14/20 7:35	379732497
msouthwood147@gmail.com	Michael Southwood	Crystal Lake	Support Downtown Santa Fe Vacation Rentals	73.111.129.27	6/14/20 7:34	379732493
becomelightnow@gmail.com	david wiles	Santa fe	Support Downtown Santa Fe Vacation Rentals	208.85.32.249	6/14/20 7:17	379732177
Jdsnelson@sbcglobal.net	James D Snelson	Midland, Tx	Support Downtown Santa Fe Vacation Rentals	216.82.205.49	6/14/20 7:01	379731989
cwhobrock@gmail.com	Chance Hobrock	Santa Fe	Support Downtown Santa Fe Vacation Rentals	209.42.67.244	6/14/20 4:26	379730885
Gbduettra@gmail.com	Bonnie Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	71.11.217.249	6/13/20 22:54	379726809
cviscione@gmail.com	Claire Viscione	Burlington MA	Support Downtown Santa Fe Vacation Rentals	72.66.7.246	6/13/20 22:05	379726641
j.faubion@tcu.edu	Jason faubion	Fort Worth	Support Downtown Santa Fe Vacation Rentals	107.77.196.130	6/13/20 21:30	379726537
kevin.c.porter@tcu.edu	Kevin Porter	Seymour	Support Downtown Santa Fe Vacation Rentals	174.244.16.27	6/13/20 21:12	379726449
Kend.hill@yahoo.com	Kendra	Austin	Support Downtown Santa Fe Vacation Rentals	68.203.96.110	6/13/20 21:09	379726437
Christarimmer@msn.com	Mary Christa Rimmer	Mesa	Support Downtown Santa Fe Vacation Rentals	70.174.211.183	6/13/20 20:21	379726197
russgib09@hotmail.com	Russ Gibson	Waycross, Ga	Support Downtown Santa Fe Vacation Rentals	174.227.142.137	6/13/20 20:05	379726049
Alvinlutz@yahoo.com	Alvin Lutz	Pittsburgh PA	Support Downtown Santa Fe Vacation Rentals	71.60.215.66	6/13/20 19:23	379725733
stamperrhonda2@gmail.com	Rhonda Merritt	Aurora	Support Downtown Santa Fe Vacation Rentals	184.96.165.122	6/13/20 16:33	379724925
sassycatll@gmail.com	Aly Jay	Dallas	Support Downtown Santa Fe Vacation Rentals	76.85.82.9	6/13/20 15:21	379723137
J.gelder@tcu.edu	Jeff Gelder	Ft. Worth	Support Downtown Santa Fe Vacation Rentals	76.85.28.167	6/13/20 14:55	379722973
michele1196@yahoo.com	michele barrow brookover	fort worth tx	Support Downtown Santa Fe Vacation Rentals	174.82.81.235	6/13/20 14:48	379722941
maryjdavila@gmail.com	Mary Janelle Davila	Fort Worth	Support Downtown Santa Fe Vacation Rentals	172.5.170.198	6/13/20 14:47	379722929
jennifferthomas0196@gmail.com	Gary W. or Jennifer K. Thomas	Pryor	Support Downtown Santa Fe Vacation Rentals	107.77.199.224	6/13/20 14:36	379722865
wohlerguy@gmail.com	Tom Jones	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.123.118	6/13/20 14:13	379722729
laurencfox15@gmail.com	Lauren	Santa Fe	Support Downtown Santa Fe Vacation Rentals	72.206.45.239	6/13/20 14:12	379722725
Lizzy63.smead@gmail.com	Lizz Moore	Texas	Support Downtown Santa Fe Vacation Rentals	174.197.5.9	6/13/20 13:51	379722545
kristy7345@att.net	Mark Shaw	Dallas	Support Downtown Santa Fe Vacation Rentals	71.128.240.197	6/13/20 13:23	379722281
Andrew.W.Stahl@Gmail.com	Andrew	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.122.180.25	6/13/20 13:15	379722241
laurabburandt@gmail.com	Laura Burandt	Perryton	Support Downtown Santa Fe Vacation Rentals	107.77.198.153	6/13/20 13:11	379722205
doug493@gmail.com	Douglas Anderson	Ann Arbor	Support Downtown Santa Fe Vacation Rentals	68.48.244.116	6/13/20 13:08	379722185
Sagfwag86@gmail.com	Sally Gavras	Fort Worth	Support Downtown Santa Fe Vacation Rentals	74.113.245.100	6/13/20 13:07	379722173
sagfwag@gmail.com	Sally Gavras	Fort Worth	Support Downtown Santa Fe Vacation Rentals	74.113.245.100	6/13/20 13:05	379722161
therooster44@live.com	Jon Cluck	Ozona, TX	Support Downtown Santa Fe Vacation Rentals	174.197.10.5	6/13/20 12:35	379721933
garrettmartinez94@yahoo.com	Garrett Martinez	Chilton	Support Downtown Santa Fe Vacation Rentals	107.77.199.136	6/13/20 12:31	379721901
Kailamenard@gmail.com	Kaila Menard	Mary Esther	Support Downtown Santa Fe Vacation Rentals	98.170.207.245	6/13/20 12:30	379721893
careywindler@sbcglobal.net	Carey Windler	Austin, Texas	Support Downtown Santa Fe Vacation Rentals	208.191.157.151	6/13/20 12:30	379721885
Boc1927@yahoo.com	Jennifer Boc	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.8.131	6/13/20 12:29	379721881
jwindler@sbcglobal.net	Joan Windler	Austin, Texas	Support Downtown Santa Fe Vacation Rentals	208.191.157.151	6/13/20 12:27	379721861
Ferrellmiriam@gmail.com	Miriam ferrell	Pittsburgh	Support Downtown Santa Fe Vacation Rentals	100.6.167.187	6/13/20 12:25	379721833
frburchett5@gmail.com	Foster Burchett	Refugio	Support Downtown Santa Fe Vacation Rentals	107.77.219.172	6/13/20 12:15	379721769
Pamjs@rtconnect.net	Pam Shults	Pine Bluffs	Support Downtown Santa Fe Vacation Rentals	67.218.64.141	6/13/20 12:13	379721761
Hilde.wiebe@gmail.com	Hilde Wiebe	Fort Worth	Support Downtown Santa Fe Vacation Rentals	209.115.233.37	6/13/20 12:08	379721741
Jm_blev@yahoo.com	Juliane Blevins	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	67.164.87.186	6/13/20 12:05	379721721
amp_1999@yahoo.com	Anna	The Woodlands TX	Support Downtown Santa Fe Vacation Rentals	76.219.144.229	6/13/20 12:05	379721717
Sage1858@gmail.com	JD Shults	Pine Bluffs, WY	Support Downtown Santa Fe Vacation Rentals	67.218.64.141	6/13/20 12:03	379721701
andrewpolk93@gmail.com	Andrew C. Polk	Fort Worth	Support Downtown Santa Fe Vacation Rentals	107.77.220.19	6/13/20 12:02	379721693
smithmcl@poka.com	Smith	Austin	Support Downtown Santa Fe Vacation Rentals	174.197.8.113	6/13/20 12:01	379721689
Christian@lorettochapel.com	Christian Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:57	379721649
Maggie@lorettochapel.com	Maggie Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:56	379721645
custombychristy1@gmail.com	Christy	Dallas	Support Downtown Santa Fe Vacation Rentals	69.225.56.139	6/13/20 11:53	379721621
landersson@unm.edu	Ian Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:51	379721613
Maggiecorrigan22@yahoo.com	Maggie Corrigan	Dallas Texas	Support Downtown Santa Fe Vacation Rentals	166.230.101.34	6/13/20 11:51	379721609
Kristentiniel@gmail.com	Kristen	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/13/20 11:48	379721597
giobenitez@hotmail.com	Giovana Benitez	Edinburg	Support Downtown Santa Fe Vacation Rentals	174.197.10.143	6/13/20 11:48	379721593
Jackson.wesley1996@gmail.com	Wesley jackson	Channing Texas	Support Downtown Santa Fe Vacation Rentals	107.77.197.149	6/13/20 11:44	379721569
cbrice5@gmail.com	Carrie Sethi	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.200.212	6/13/20 11:40	379721557

michelecouch@hotmail.com	Michele Couch	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.237.136.34	6/13/20 11:39	379721549
Beccawolcott.ralphlauren@yahoo.com	Rebecca Alvarez	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.141	6/13/20 11:39	379721545
Cobleighp@msn.com	Patricia Cobleigh	Santa Fe,NM	Support Downtown Santa Fe Vacation Rentals	75.83.53.170	6/13/20 11:38	379721529
alanjamesmorse@gmail.com	Alan	Santa Fe	Support Downtown Santa Fe Vacation Rentals	107.77.197.125	6/13/20 11:38	379721521
Marthaesantos@outlook.com	Martha Santos	Laredo, TX	Support Downtown Santa Fe Vacation Rentals	72.179.115.40	6/13/20 11:35	379721509
rvzancan@gmail.com	Vicki Zancanella	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.67.102	6/13/20 11:34	379721501
Danielle.deffebach@gmail.com	Danielle	Dallas TX	Support Downtown Santa Fe Vacation Rentals	107.77.197.145	6/13/20 11:34	379721497
Nomad.lisa4148@gmail.com	Lisa Kohl	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.67.102	6/13/20 11:29	379721445
Pdduettra@gmail.com	Patrucia Duettra	Chandler	Support Downtown Santa Fe Vacation Rentals	174.74.147.61	6/13/20 11:27	379721429
tferris420@gmail.com	Tonya	Baytown	Support Downtown Santa Fe Vacation Rentals	174.235.132.202	6/13/20 11:27	379721425
Dickcrane@sbcglobal.net	Richard Crane	San Diego	Support Downtown Santa Fe Vacation Rentals	104.188.18.127	6/13/20 11:21	379721393
onefiftyfour@hotmail.com	Eric Lancaster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	72.194.13.154	6/13/20 11:10	379721321
katerwit@gmail.com	Katie	Austin, TX	Support Downtown Santa Fe Vacation Rentals	99.129.128.137	6/13/20 11:05	379721285
Ljgbax@nitmail.com	Linda Bax	Libertyville	Support Downtown Santa Fe Vacation Rentals	76.16.66.45	6/13/20 11:03	379721265
lopezsanchezjl@gmail.com	Jose Luis Lopez	MESQUITE	Support Downtown Santa Fe Vacation Rentals	76.187.114.82	6/13/20 11:01	379721237
benjaminx21@comcast.net	Benjamin Adair	Albany, New York	Support Downtown Santa Fe Vacation Rentals	68.62.216.201	6/13/20 10:53	379721185
Hay_ronald@hotmail.com	Ron Hay	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	73.181.126.107	6/13/20 10:52	379721181
hikeandboat@gmail.com	John G Slater	Little Rock	Support Downtown Santa Fe Vacation Rentals	71.238.195.212	6/13/20 10:44	379721129
mayarealty7@gmail.com	Janet Urian	Santa Fe	Support Downtown Santa Fe Vacation Rentals	65.100.26.242	6/13/20 10:15	379720929
kristin@drblakeburn.com	Kristin Blakeburn	Clinton, Oklahoma	Support Downtown Santa Fe Vacation Rentals	67.61.16.55	6/13/20 10:11	379720889
Saladonana@aol.com	Linda	Belton	Support Downtown Santa Fe Vacation Rentals	76.237.180.126	6/13/20 10:08	379720869
rreid.consult@gmail.com	Robert Reid	Palm Springs, CA	Support Downtown Santa Fe Vacation Rentals	72.132.28.138	6/13/20 10:05	379720837
Tfratt32@aol.com	Tracey Frattaroli	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	45.29.43.62	6/13/20 10:03	379720821
Sbctxnfencer@yahoo.com	Amber Finnegan	Pearland, Texas	Support Downtown Santa Fe Vacation Rentals	70.138.67.160	6/13/20 9:33	379720609
gwyneth.oikawa@gmail.com	Gwyneth Oikawa	Washington, DC	Support Downtown Santa Fe Vacation Rentals	141.156.148.30	6/13/20 9:27	379720565
kbiolo11@gmail.com	Katie	DC	Support Downtown Santa Fe Vacation Rentals	174.192.197.227	6/13/20 9:27	379720561
tfess24@gmail.com	Tori	Washington DC	Support Downtown Santa Fe Vacation Rentals	141.156.148.30	6/13/20 9:26	379720557
Mackenzie.duffner@gmail.com	Mackenzie Duffner	Redwood City, CA	Support Downtown Santa Fe Vacation Rentals	107.77.202.72	6/13/20 9:26	379720549
apnthebit@gmail.com	Alyson Powers	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.183	6/13/20 9:24	379720537
manette.barlow@comcast.net	Manette Barlow	Pleasanton	Support Downtown Santa Fe Vacation Rentals	67.174.219.102	6/13/20 9:18	379720477
Santonson@charter.net	Sara Antonson	Chippewa Falls	Support Downtown Santa Fe Vacation Rentals	174.192.78.14	6/13/20 9:12	379720441
Suzi.ramsey@gmail.com	Suzanne Ramsey	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	68.109.77.123	6/13/20 9:04	379720397
Jaycocksatx@gmail.com	James	Aycock	Support Downtown Santa Fe Vacation Rentals	173.173.99.220	6/13/20 9:00	379720373
cabloule@hotmail.com	Ray	Kansas City	Support Downtown Santa Fe Vacation Rentals	65.26.53.93	6/13/20 8:56	379720317
emoryuniv@aol.com	Cynthia Oâ€™Neal	Woodstock, GA	Support Downtown Santa Fe Vacation Rentals	108.83.209.255	6/13/20 8:43	379720229
d2anderson@att.net	Dana Anderson	Dallas	Support Downtown Santa Fe Vacation Rentals	75.17.240.53	6/13/20 8:33	379720165
bprewitt@mac.com	Bruckner Prewitt	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	172.58.111.212	6/13/20 8:29	379720129
devonmacleod16@gmail.com	Devon MacLeod	Denver	Support Downtown Santa Fe Vacation Rentals	73.243.210.71	6/13/20 8:22	379720073
cheryl.benard@gmail.com	Dr. Cheryl Benard	Santa Fe	Support Downtown Santa Fe Vacation Rentals	108.28.125.88	6/13/20 8:17	379720045
rankinhobbs1@gmail.com	Rankin Hobbs	Dallas TX	Support Downtown Santa Fe Vacation Rentals	107.128.225.98	6/13/20 8:04	379719961
c_angell58@yahoo.com	Carolyn Angell	St Petersburg	Support Downtown Santa Fe Vacation Rentals	35.139.93.35	6/13/20 8:02	379719941
Konradkikuchi@yahoo.com	Konrad Kikuchi	Dallas, TC	Support Downtown Santa Fe Vacation Rentals	76.187.138.238	6/13/20 7:59	379719909
peggymccracken@gmail.com	Peggy McCracken	Ann Arbor, MI	Support Downtown Santa Fe Vacation Rentals	68.48.244.116	6/13/20 7:58	379719893
dpayne@dpaynelaw.com	Dustin L. Payne	Fort Worth	Support Downtown Santa Fe Vacation Rentals	162.202.111.24	6/13/20 7:29	379719685
kwcoaches@hotmail.com	Deborah Lippi	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.143.161.119	6/13/20 7:26	379719657
canosabecker@gmail.com	Theresa Becker	Denver	Support Downtown Santa Fe Vacation Rentals	75.70.138.140	6/13/20 7:25	379719641
Kimberlympayne56@gmail.com	Kimberly Payne	Fort Worth	Support Downtown Santa Fe Vacation Rentals	162.202.111.24	6/13/20 7:25	379719637
Salliepg@gmail.com	Sallie page-goertz	Overland park	Support Downtown Santa Fe Vacation Rentals	174.234.15.144	6/13/20 7:13	379719593
ausconeva@gmail.com	Austin Evans	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.26.100.196	6/13/20 7:05	379719537
linseybthomas@yahoo.com	Linsey Thomas	TULSA	Support Downtown Santa Fe Vacation Rentals	166.137.115.56	6/13/20 6:46	379719377
Lindas@drumcpa.com	Linda duggs	Blanco	Support Downtown Santa Fe Vacation Rentals	174.246.192.69	6/13/20 6:44	379719373
echart_9@msn.com	John Echart	San Marcos, Texas	Support Downtown Santa Fe Vacation Rentals	71.221.189.93	6/13/20 6:22	379719253
r_robbie@sbcglobal.net	ROBBIE ROBISON	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	107.202.171.17	6/13/20 5:57	379719121
ejoazle@msn.com	Evelynn	Azle	Support Downtown Santa Fe Vacation Rentals	74.113.245.133	6/13/20 5:32	379718997
sskalovsky@gmail.com	Stephen Skalovsky	Oklahoma City, OK	Support Downtown Santa Fe Vacation Rentals	104.177.195.14	6/13/20 5:06	379718845
HOKIEHAMM@GMAIL.COM	Jennie Hamm	BLACKSBURG	Support Downtown Santa Fe Vacation Rentals	73.152.126.220	6/13/20 4:59	379718797
cindy@pcinapa.com	Cynthia Anderson	Artesia, NM	Support Downtown Santa Fe Vacation Rentals	216.255.214.101	6/13/20 3:40	379718541
dulynn17@gmail.com	Diane Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.101.83	6/13/20 1:06	379709837
claudinerehn@gmail.com	Claudine Rehn	Nehalem	Support Downtown Santa Fe Vacation Rentals	137.118.192.114	6/12/20 23:36	379709481
Georgeinsilver@yahoo.com	George	Silver City	Support Downtown Santa Fe Vacation Rentals	75.166.66.32	6/12/20 22:30	379709029
Karhy@donzis.com	Kathy Donzis	San Antonio	Support Downtown Santa Fe Vacation Rentals	70.120.21.102	6/12/20 22:11	379708881
sarasing@charter.net	Sara Singleton	Hollister, CA	Support Downtown Santa Fe Vacation Rentals	76.113.79.56	6/12/20 22:04	379708841
josh@justsqueezedjuice.com	Josh Lange	Los Ranchos	Support Downtown Santa Fe Vacation Rentals	73.228.4.25	6/12/20 22:04	379708837
Bethberg05@gmail.com	Elizabeth Bergandine	Pena Blanca	Support Downtown Santa Fe Vacation Rentals	97.73.244.58	6/12/20 21:58	379708805
Epreston@advmediation.com	Sissy Preston	New Braunfels	Support Downtown Santa Fe Vacation Rentals	75.1.39.218	6/13/20 11:41	379708577
Tom@intuitivewebsites.com	Tom Young	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	107.2.230.66	6/12/20 21:22	379708557
wpmartin60@comcast.net	Bill Martin	Tigard	Support Downtown Santa Fe Vacation Rentals	73.164.244.75	6/12/20 21:16	379708521
Angelaeiva@aol.com	Angela hasted	Santa fe	Support Downtown Santa Fe Vacation Rentals	67.0.75.37	6/12/20 21:07	379708481
russ.schrader1@gmail.com	Russell Schrader	San Francisco	Support Downtown Santa Fe Vacation Rentals	76.103.178.54	6/12/20 21:04	379708461
stacie.hornell@xonix.us	Stacie Hornell	Pittsburgh	Support Downtown Santa Fe Vacation Rentals	71.199.105.66	6/12/20 21:00	379708433
Petesfnm@aol.com	Peter White	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.147.58	6/12/20 20:53	379707833
jbtuckermd@comcast.net	Jon B Tucker MD	Santa Fe	Support Downtown Santa Fe Vacation Rentals	71.199.123.184	6/12/20 20:53	379707829
analiarenner@gmail.com	Analia	Renner	Support Downtown Santa Fe Vacation Rentals	107.72.178.203	6/12/20 20:51	379707821
Santosa_m@yahoo.com	Margo	LOUISVILLE	Support Downtown Santa Fe Vacation Rentals	76.25.180.47	6/12/20 20:47	379707801
amberyoshida@me.com	Amber Yoshida	Basehor, KS	Support Downtown Santa Fe Vacation Rentals	24.111.226.237	6/12/20 20:42	379707753
schrager.marvin@gmail.com	marvin schrager	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.13.93.233	6/12/20 20:41	379707741
Maryhopeburns@gmail.com	Mary Hope Burns	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.113	6/12/20 20:39	379707733
Pattyndeasy@gmail.com	Patty Deasy	Napa	Support Downtown Santa Fe Vacation Rentals	76.231.28.56	6/12/20 20:31	379707701
derryburns03@gmail.com	Derry Burns	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.113	6/12/20 20:30	379707693
marinafratt@aol.com	Marina	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.109.88	6/12/20 20:28	379707649
nakedornithologist@yahoo.com	Kurt Miller	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.19.20.209	6/12/20 20:27	379707641
featheredfriends@cnsp.com	Darlene	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.19.20.209	6/12/20 20:26	379707629
susiegoins@gmail.com	Susan Goins	Carrollton, TX	Support Downtown Santa Fe Vacation Rentals	70.119.163.183	6/12/20 20:26	379707625
Tinaasfnm@aol.com	Tina Alarid	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.21.44	6/12/20 20:25	379707609
chrahrig@gmail.com	Carson Rahrig	Plano	Support Downtown Santa Fe Vacation Rentals	107.77.200.142	6/12/20 20:21	379707565

Samantha4642@gmail.com	Samantha	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.48.242	6/12/20 20:17	379707537
rhunt@barran.com	richard hunt	portland oregon	Support Downtown Santa Fe Vacation Rentals	72.35.146.32	6/12/20 20:17	379707533
Leighannburdett@gmail.com	Leigh Ann Burdett	Arlington, VA	Support Downtown Santa Fe Vacation Rentals	71.191.184.159	6/12/20 20:13	379707493
wnorskog@gmail.com	William Norskog	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.117.96	6/12/20 20:10	379707473
Sullivtl@hotmail.com	Terry Sullivan	Eau Claire, WI	Support Downtown Santa Fe Vacation Rentals	71.82.154.245	6/12/20 20:08	379707457
darrell_ley@yahoo.com	Darrell Ley	Decatur, TX	Support Downtown Santa Fe Vacation Rentals	71.221.127.125	6/12/20 20:07	379707453
twa511@yahoo.com	Tiffany Ley	Decatur, TX	Support Downtown Santa Fe Vacation Rentals	71.221.127.125	6/12/20 20:07	379707437
Elenafratt@gmail.com	Elena Frattaroli	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.107.238	6/12/20 20:03	379707417
Cfratt2@gmail.com	Christopher Frattaroli	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.107.211	6/12/20 20:02	379707409
Rchappel@nimcapital.com	Randy Chappel	Southlake, TX	Support Downtown Santa Fe Vacation Rentals	47.184.203.83	6/12/20 19:56	379707361
kwcoyote@gmail.com	Keith D. Wiley	Fort Dodge	Support Downtown Santa Fe Vacation Rentals	173.23.129.83	6/12/20 19:53	379707329
Nolefan77@comcast.net	Eric Faulkner	The Villages	Support Downtown Santa Fe Vacation Rentals	73.67.65.144	6/12/20 19:44	379707249
Joe@joemikos.com	Joe Mikos	Oak Bluffs	Support Downtown Santa Fe Vacation Rentals	76.24.199.114	6/12/20 19:44	379707245
cebodelson@gmail.com	Caitlin	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.67.59	6/12/20 19:39	379707197
lynn@phasepharma.com	Lynn Howard	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.199.64	6/12/20 19:37	379707173
btiffany@avixaero.com	Bill Tiffany	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.197.200	6/12/20 19:30	379707113
mmosty@me.com	Mark Mosty	Kerrville	Support Downtown Santa Fe Vacation Rentals	70.122.50.230	6/12/20 19:27	379707093
Baxtersmith1975@gmail.com	Baxter Smith	Los Angeles	Support Downtown Santa Fe Vacation Rentals	76.90.227.46	6/12/20 19:20	379707029
Hilarymosty@me.com	Hilary Mosty	Kerrville	Support Downtown Santa Fe Vacation Rentals	70.122.50.230	6/12/20 19:20	379707009
carolinefratt@aol.com	Caroline	Washington	Support Downtown Santa Fe Vacation Rentals	172.58.188.72	6/12/20 19:18	379706989
mikelandolt@aol.com	Michael Landolt	Kemah, Texas	Support Downtown Santa Fe Vacation Rentals	98.195.159.32	6/12/20 19:13	379706941
Brogan505@gmail.com	Brogan Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/12/20 19:13	379706937
abodel1426@gmail.com	Ansel Bodelson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.152.220	6/12/20 19:06	379706873
rdean@ucsd.edu	Melanie Dean	Eau Claire	Support Downtown Santa Fe Vacation Rentals	24.183.143.145	6/12/20 19:06	379706869
Lynitab@gmail.com	Lynita Brown	Groom, Texas	Support Downtown Santa Fe Vacation Rentals	72.172.34.14	6/12/20 19:00	379706837
Leeshepka@yahoo.com	Lee Shepka	Windham, New Hampshire	Support Downtown Santa Fe Vacation Rentals	71.234.76.156	6/12/20 18:56	379706797
librettist@aol.com	Sally M Gall	La Jolla, CA	Support Downtown Santa Fe Vacation Rentals	66.75.59.21	6/12/20 18:54	379706777
Susan.spencer2305@yahoo.com	Susan Spencer	Plano	Support Downtown Santa Fe Vacation Rentals	72.180.85.92	6/12/20 18:54	379706773
lesliedrobbin@gmail.com	Leslie Drobbin	Santa Fe NM	Support Downtown Santa Fe Vacation Rentals	174.56.48.251	6/12/20 18:52	379706765
rsg34@austin.rr.com	Richard Golombeck	Austin, Texas and Cuchara, Colorado	Support Downtown Santa Fe Vacation Rentals	98.197.173.236	6/12/20 18:47	379706725
Ttripodo@gmail.com	Tony Tripodo	Houston	Support Downtown Santa Fe Vacation Rentals	73.232.92.248	6/12/20 18:44	379706693
babster1950@icloud.com	Barbara	Whitney	Support Downtown Santa Fe Vacation Rentals	72.172.61.110	6/12/20 18:44	379706689
polixenep@hotmail.com	Polixene Petrakopoulos	Fairfield	Support Downtown Santa Fe Vacation Rentals	68.192.81.185	6/12/20 18:43	379706681
charling1974@yahoo.com	Charlene Stehling	Santa Fe, NM	Support Downtown Santa Fe Vacation Rentals	172.58.63.188	6/12/20 18:40	379706649
Margaret.c.stone@gmail.com	Margaret Stone	Seattle	Support Downtown Santa Fe Vacation Rentals	97.126.70.96	6/12/20 18:40	379706645
Alillmackk@gmail.com	Ali Mackenzie	Santa Fe	Support Downtown Santa Fe Vacation Rentals	99.203.92.198	6/12/20 18:36	379706581
corrieten@gmail.com	Corrie	Shapiro	Support Downtown Santa Fe Vacation Rentals	67.164.154.89	6/12/20 18:34	379706549
Dvalentine99@hotmail.com	David Valentine	Huntington Beach	Support Downtown Santa Fe Vacation Rentals	107.77.228.22	6/12/20 18:31	379706533
adobecasitas@gmail.com	Richard Woodruff	Santa Fe	Support Downtown Santa Fe Vacation Rentals	23.81.234.21	6/12/20 18:31	379706529
Er1@atlanticbb.net	Ernesto Roederer	Lamy, NM	Support Downtown Santa Fe Vacation Rentals	73.175.148.220	6/12/20 18:29	379706493
nannotor@yahoo.com	Nan Notor	San Jose, CA	Support Downtown Santa Fe Vacation Rentals	24.130.193.196	6/12/20 18:27	379706481
nrhughes55@gmail.com	Neil Hughes	Athens, GA	Support Downtown Santa Fe Vacation Rentals	108.204.242.54	6/12/20 18:26	379706473
Juliabertram3@gmail.com	Julia Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.122.180.25	6/12/20 18:25	379706457
lwgnbush@msn.com	Gail Bush	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.249.97.156	6/12/20 18:21	379706429
chris.quinn.sa@gmail.com	Chris Quinn	San Antonio, TX	Support Downtown Santa Fe Vacation Rentals	23.127.174.30	6/12/20 18:15	379706389
dc_davidson@msn.com	Douglas Davidson	Woodside	Support Downtown Santa Fe Vacation Rentals	174.194.129.36	6/12/20 18:14	379706369
julwhite@q.com	Julia White-Hester	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.1.30.168	6/12/20 18:10	379706321
Amaliab23@gmail.com	Amalia Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.71.37	6/12/20 17:46	379706041
Catmbert@aol.com	Cathryn Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.159.93	6/12/20 17:45	379706033
bertram664@gmail.com	Alicia	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.71.37	6/12/20 17:44	379706025
Torty13@gmail.com	Victoria Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	99.36.110.71	6/12/20 17:43	379706013
hduettra@gmail.com	Hannah Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.69.28	6/12/20 17:42	379705989
Ugigolf@aol.com	Andrew Ugor	Dallas	Support Downtown Santa Fe Vacation Rentals	75.20.165.35	6/12/20 17:27	379705841
Lindaugor@aol.com	Linda Ugor	Dallas	Support Downtown Santa Fe Vacation Rentals	75.20.165.35	6/12/20 17:25	379705825
word3.dean@gmail.com	Dean Word	New Braunfels	Support Downtown Santa Fe Vacation Rentals	71.41.140.162	6/12/20 17:12	379704609
susan3835@icloud.com	Susan D Arnold	Wichita, KS	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:21	4675807
lori@intuitivewebsites.com	Lori Mohr	Colorado Springs	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:21	354446733
irtheory@aol.com	Crista Wood	Elgin Illinois	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:08	354446697
awismer2337@aol.com	Ann Wismer	Kemah, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:58	354446677
WILLIS@INJURYOFFICES.COM	David Willis	Houston, Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:33	354446661
ceweberjr@gmail.com	charles e weber Jr	Branford Ct 06405	Support Downtown Santa Fe Vacation Rentals		6/14/20 7:09	354446569
ksweeneyhammond@maret.org	Kathleen Hammond	Silver Spring,MD	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:59	354446401
reuben@caboclan.com	Reuben Sutter	Corrales	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:44	354446393
timjstark@yahoo.com	Timothy Stark	Milwaukee	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:52	354446341
beckystahl@cox.net	Becky	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:58	354446337
alibcsmith@gmail.com	Ali Smith	Dallas, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:27	354446301
smith0930@gmail.com	Monta Smith	Winston-Salem	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:39	354446293
suzannecoughlinsmith@gmail.com	Suzanne CoughlinSmith	Fort Collins	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:34	354446289
lesliesmith014@gmail.com	Leslie	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:30	354446281
2skattums@gmail.com	Mark & Laura Skattum	Colorado Springs	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:40	354446269
don.slerakowski@gmail.com	Don slerakowski	Vernonâ€™s	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:10	354446225
jschultz@humnet.ucla.edu	James A. Schultz	West Hollywood CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:16	354446157
jschneiderdc@yahoo.com	Johanna Schneider	Washington D.C.	Support Downtown Santa Fe Vacation Rentals		6/13/20 12:30	354446145
caronscanlan12@gmail.com	Caron Scanlan	Englewood	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:17	354446129
dinamryan@gmail.com	Dina Ryan	Salida	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:19	354446069
chrissillandcharlierogers@gmail.com	Christine Sill-Rogers	Kansas City, Missouri	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:15	354446049
roesch.rebecca@gmail.com	Becky Roesch	Dallas Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:42	354446045
lesrobison9@gmail.com	Leslie Robison	Stillwater	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:56	354446033
pdrisu@cox.net	Pat Roberts	Baton Rouge	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:26	354446021
catherineukestadriddle@gmail.com	Catherine Riddle	Richardson	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:10	354445997
mfraffer@gmail.com	Megan	Chicago	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:33	354445877
sheridpruitt@yahoo.com	Sheri Pruitt	Ada, OK	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:23	354445849
nbpland@gmail.com	Nancy Pohl	Midland texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:09	354445821
desertsun105@gmail.com	Brian Pace	Surprise, Arizona	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:31	354445757
mao101mao@gmail.com	MARK A OLGUIN	Burbank	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:01	354445721

david.olesky@yahoo.com	David Olesky	Dallas	Support Downtown Santa Fe Vacation Rentals		6/17/20 9:50	354445717
maoneal1@msn.com	Michael Arthur O'Neal	Azle, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:14	354445693
dustylnel@gmail.com	Dusty Nelson	Denver	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:25	354445661
wcnanney@att.net	Edward W Nanney	San Antonio, Tx	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:04	354445645
myersr@austin.rr.com	Ronnie T Myers	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:29	354445629
drsmurphy@yahoo.com	Dr. Sharon Murphy	Hinsdale IIL and Santa Fe NM	Support Downtown Santa Fe Vacation Rentals		6/12/20 23:45	354445609
mesl3105@gmail.com	Jay Mesl	Springfield	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:55	354445493
bemex2050@gmail.com	Bruce Merritt	AURORA	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:35	354445489
tcmeador@gvec.net	Tanya Meador	Cost, Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:36	354445477
jjmmcm@aol.com	Mary McKoskey	Woodbury, MN	Support Downtown Santa Fe Vacation Rentals		6/13/20 16:24	354445449
marciaborchersmc@hotmail.com	Marcia McGlothlin	New Braunfels, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 17:21	354445445
szlip@sbcglobal.net	Sheila Lipkin	Houston	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:53	354445301
Megeleoni@gmail.com	Megan	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:12	354445269
sleedds@gmail.com	Charles Lee	Savannah, TN	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:11	354445257
marckaiser@cox.net	Marc Kaiser	Rancho Palos Verdes, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:12	354445117
jimenez.ildefonso@gmail.com	Ildefonso Jimenez	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	354445053
gailjp@att.net	Gail Jennings-Peterson	Moab, Utah	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:59	354445049
fahunold@gmail.com	Frank Hunold	Odessa, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:41	354444989
bahull@earthlink.net	Bill & Amy Hull	Blanchard, OK	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:34	354444985
kkhfarms@gmail.com	Kendall	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/16/20 18:05	354444965
ahoard88@msn.com	Anna Hoard	Corrales	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:10	354444925
jhills1969@gmail.com	Jennifer	Seattle	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:42	354444913
marshallhickey11@gmail.com	Marshall Hickey	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:28	354444889
kherrera25@comcast.net	Pamela Kim Herrera	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:19	354444881
deborahheaton@icloud.com	Deborah Heaton	Parkville	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:49	354444841
brynn.gutknecht@gmail.com	Brynn Gutknecht	Denver	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:21	354444765
opgreen@att.net	Paula	San Antonio, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:17	354444721
susangoodman2000@yahoo.com	Susan Goodman	Dallas	Support Downtown Santa Fe Vacation Rentals		6/16/20 6:42	354444701
jgoad2@icloud.com	John Goad	Fairview, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:06	354444677
lisageorn@gmail.com	Lisa George	Overland Park, Kansas	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:56	354444657
tgiawtia@aol.com	amanda george	amarillo tx	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:10	354444653
kfowler291@gmail.com	Katrina	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:56	354444581
jama1@kw.com	Jama Fontaine	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:36	354444577
kathy_flammer@yahoo.com	Kathy J Flammer	Southlake,Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:05	354444573
susanfillmore@me.com	Susa Fillmore	Ft Worth	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	354444553
marionlfalk@gmail.com	Marion Falk	Oakland	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:38	354444505
repstein@plsmaterials.com	Richard Epstein	Solon, OH	Support Downtown Santa Fe Vacation Rentals		6/15/20 7:53	354444485
nmelam@gmail.com	Nicole Elam	Texarkana, TX	Support Downtown Santa Fe Vacation Rentals		6/14/20 6:23	354444449
vegbert@aol.com	Vivian Egbert	Tucson Arizona	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:44	354444441
patrick@edingerarchitects.com	Patrick Edinger	Solana Beach	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:24	354444429
pamela.echart@gmail.com	Pamela Echart	San Marcos, Texas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:21	354444421
MDEMING1@AOL.COM	Marilyn Deming	Escondido	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:31	354444353
djjdean@charter.net	DavidvDean	Chesterfield, MO	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:10	354444341
ldansbury@gmail.com	Laura Dansbury	SAN MATEO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:20	354444325
cullifercarol@gmail.com	Carol Cullifer	Wiley	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:41	354444309
kelly.a.cromwell@gmail.com	Kelly Cromwell	Hoboken	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:27	354444289
dcraig1025@gmail.com	Dana Craig	Lubbock TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:37	354444277
craigconstruction@live.com	stanley D. Craig	Mena	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:37	354444273
mscolvin@gmail.com	Steve Colvin	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	354444233
jjcollins44@yahoo.com	Julie Collins	Cedaredge CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:38	354444229
heatherclement21@gmail.com	Heather	Lawton	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:37	354444205
carterclawson@gmail.com	Carter	Charleston	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:37	354444201
jchappellreid@hopewestco.org	Jacquie Chappell-Reid	Grand Junction	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:26	354444169
mg3687@aol.com	Mary Cardenas	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:49	354444113
marinc@aol.com	Marilyn	Austin, Texas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	354444093
scoslicer@gmail.com	Cheryl Bunnell	The Woodlands, TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:29	354444061
golf308@aol.com	Scott Bristol	Denver, Colorado	Support Downtown Santa Fe Vacation Rentals		6/13/20 3:56	354444021
cyndeblock@gmail.com	C Block	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:34	354443953
LeRoy.Blanks@TexasBingo.com	Charles LeRoy Blanks	Coppell	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:45	354443949
donnablakemore@sbcglobal.net	Donna Blakemore	San Francisco	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:22	354443941
bertram@santafe.edu	Bruce Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/16/20 9:07	354443909
almabernal310@gmail.com	ALMA BERNAL	EL PASO	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:27	354443905
hebecker433@gmail.com	Helen E. Becker	Moab, Ut	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:02	354443869
jalex1821@msn.com	Candy	Farmington NM 87401	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:36	354443733
samantha4642@aol.com	Samantha Drysdale	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.145.65	6/12/20 16:58	156288419
sduettra@gmail.com	Sydney Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.145.65	6/12/20 17:02	156287631
ruby.l.chaney@gmail.com	Ruby L Chaney	Edmond	Support Downtown Santa Fe Vacation Rentals	172.14.136.221	6/15/20 9:02	151581203
jameswcaudle@yahoo.com	James W. Caudle	Plano, Texas 75093	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:04	354444145
robert@drblakeburn.com	Robert Blakeburn	Clinton, OKLAHOMA	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:43	354443933
monihamer@sbcglobal.net	Monica Hamer	Dallas	Support Downtown Santa Fe Vacation Rentals	76.237.214.74	6/14/20 3:13	379728033
andreajones99@gmail.com	Andrea Jones	Davis	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:43	354445045
dsscott4@msn.com	Diana Scott	Pueblo	Support Downtown Santa Fe Vacation Rentals	174.209.9.50	6/12/20 19:10	132872191
wongadilla@gmail.com	Amy Doyle	Austin, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	4699143
plasticpromd@yahoo.com	Gary Horndeski	League city	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:14	4699135
brh2907@iinet.net.au	Reg Holloway	Potts Point, NSW Australia	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:05	4699091
perry@junetaylorjams.com	Perry Small	Oakland, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:39	4698963
sjk49@comcast.net	Peggy Kelly	Denver, CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:36	4698775
davef509@aol.com	David	Spokane	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:39	4698751
willadamson@sabinepipe.com	Will Adamson	Longview	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:54	4698723
waltparke@gmail.com	Walt P Jones	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:28	4698711
tgeorge@westtexasinsuranceagency.com	tommy george	amarillo tx	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:09	4698623
judburch60@gmail.com	Judi Burchfield	Denver	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:52	4698615
rustyhinds@aol.com	Hinds Rusty	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:20	4698411
rarephotoltd@gmail.com	ND MacDonald	Toronto, Canada	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:03	4698319
becky@travelnpair.com	Rebecca Blase	Lamy	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:50	4698095

maestrasoy@yahoo.com	Rose	Austin	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:16	4697975
lynn.blakeley@gmail.com	Lynn Blakeley	San Antonio	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:07	4697947
ljkuenning@aol.com	Lynne Curtis	Owasso	Support Downtown Santa Fe Vacation Rentals		6/15/20 14:47	4697879
aloha.duffs@me.com	Lynn and Ron	Paradise Valley	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4697823
dalockwood1@comcast.net	Don	Seattle	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:00	4697819
pattimorrison@hotmail.com	Patricia A Morrison	St Clair Shores	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:09	4697751
mjb10001@aol.com	Monica Robinson	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:24	4697587
jrae.je@gmail.com	Janet Edwards	Amarillo	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:22	4697579
shepp04@msn.com	Cynthia Sheppard	Cuero tax	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:18	4697539
jdbrazzeal9@gmail.com	Jeff Brazzeal	Bentonville	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:54	4697527
ponetale@yahoo.com	Farley kemler	Manalapan NJ	Support Downtown Santa Fe Vacation Rentals		6/16/20 3:02	4697515
hilharms@hotmail.com	Hilary	Prairie Village	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:52	4697447
htripodo@hotmail.com	H. Tripodo	Houston	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:21	4697443
hillcountryhousegirl@gmail.com	Ann Williams	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:50	4697427
greygoose222@hotmail.com	Lisa	Kansas City	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:43	4697411
poboy_51@yahoo.com	Gary Thomas	Pryor	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:53	4697339
dillydallydibbles@yahoo.com	Amanda Winstead	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:29	4697231
mbgramtxga@yahoo.com	Mary Beth Gramlich	Little Rock	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:05	4697187
tesshb@gmail.com	Tess Hand-Bender	Denver, Co	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:21	4696995
sah4sah@aol.com	Shirley Heiman	St Louis	Support Downtown Santa Fe Vacation Rentals		6/14/20 11:15	4696895
bobbymacek@gmail.com	Bobby	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:11	4696839
gymom10@aol.com	LaNae Taylor	Dallas, TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	4696471
riekerpie@gmail.com	Sunny and Tom Rieker	Arcadia, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:14	4696379
marynewman2@btinternet.com	Mary Newman	London	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:17	4696315
genecohen@cox.net	Eugene D Cohen	Phoenix	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:47	4696279
darschilling@yahoo.com	Darlene Schilling	Corrales	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:38	4696247
kmg0228@gmail.com	Kevin Goins	Carrollton, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:25	4696191
tracyiherson@yahoo.com	Tracy Herson	Dallas, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:30	4696179
rec3@mac.com	Rob Clements	Dallas	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:45	4695691
michaelhester@q.com	Michael Hester	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:10	4695659
dlamson24@yahoo.com	Dawna Lamson	Gorham	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:52	4695643
dladely@neb.rr.com	Danny Ladely	Lincoln	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:01	4695535
tfebus2000@yahoo.com	Tricia Lorie	Honolulu	Support Downtown Santa Fe Vacation Rentals		6/16/20 17:58	4695491
suzanneclements@usa.net	Suzanne Clements	St. Petersburg	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:37	4695471
sandyclark01@hotmail.com	Sandy Clark	Spicewood	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:56	4695459
michael.mrochek@att.net	Michael Mrochek	El Paso, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 18:32	4695451
caccaloeb@gmail.com	SuAnne	Pittsburgh	Support Downtown Santa Fe Vacation Rentals		6/13/20 12:08	4695195
gailcolwick@gmail.com	Gail Colwick	Richardson (Dallas) TX. 75082	Support Downtown Santa Fe Vacation Rentals		6/13/20 16:00	4695151
freyalutz@yahoo.com	Leslie Lutz	Pittsburgh	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:48	4694987
sandjar3@sbcglobal.net	Sandy	Carmel, IN	Support Downtown Santa Fe Vacation Rentals		6/15/20 20:57	4694983
doug.kopp@att.net	Douglas Kopp MD	Lubbock, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:14	4694835
meconrad@mac.com	Mary Conrad	Albuquerque NM	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:24	4694671
khutch43@gmail.com	Kay Hutchison	Madison WI	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:43	4694555
mark.swearingen55@gmail.com	Mark Swearingen	Concord, CA	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:52	4694411
jwc51@aol.com	James Carroll	Belton, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:33	4694375
dmann8006@yahoo.com	Dave Mann	Tucson	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:27	4694275
ghnospam@comcast.net	Glenn Horton	Seattle, WA	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:19	4694127
bmaples@consolidated.net	Carol Maples	Lufkin	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:21	4694051
melissalarry@cox.net	Melissa Larry	Tulsa	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:12	4694015
suzannewalsh@hotmail.com	Suzanne Walsh	Allen, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:37	4693939
robitut@yahoo.com	Robin Tuttle	Hillsboro, NMFS	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:56	4693735
sagraug@gmail.com	S G	New Orleans	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:01	4693671
js2saints@sbcglobal.net	Sharlene St.Clair	Sacramento	Support Downtown Santa Fe Vacation Rentals		6/15/20 17:24	4693487
gailstitt@ymail.com	Gail K Stitt	Salida, Colorado	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:51	4693355
mdeynoodt@gmail.com	Mary Deynoodt	New Orleans	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:36	4693203
gregory.a.kelinske@rrd.com	Gregory	Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:33	4693167
marandolphlaw@aol.com	Mary Ann Randolph	Mariemont	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:07	4692795
surobert@nmsu.edu	Susan K Roberts	Las Cruces	Support Downtown Santa Fe Vacation Rentals		6/15/20 14:16	4692739
joyblum1@aol.com	Joy Blum	Tabernash, CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:34	4692731
jdubowe@aol.com	Jeff	Las Vegas	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:19	4692671
peter.roessler@gmail.com	Peter Roessler	San Francisco, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:41	4692619
maduettra@gmail.com	Amity Duettra	Bend, Oregon	Support Downtown Santa Fe Vacation Rentals	174.245.194.46	6/14/20 11:14	4692307
lkg1105@verizon.net	Lori Goldberg	Plano	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:51	4692207
bgardner@planetcrossing.com	Barbara Gardner	Atascadero	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:37	4692123
wilhardwick@verizon.net	WILLIS C HARDWICK	ALEXANDRIA	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:17	4692111
becky@rebeccarice.net	Rebecca Rice	Little Rock	Support Downtown Santa Fe Vacation Rentals		6/12/20 23:33	4692099
bfarrell.faps@yahoo.com	Barbara	Arlington	Support Downtown Santa Fe Vacation Rentals		6/14/20 11:17	4692015
pduettra@yahoo.com	Peter Duettra	Chandler Arizona	Support Downtown Santa Fe Vacation Rentals		6/12/20 17:41	4691971
ljmarbella@aol.com	Joyce Malone	Denver	Support Downtown Santa Fe Vacation Rentals		6/14/20 15:04	4691903
amyret@comcast.net	Amy Retherford	Commerce City	Support Downtown Santa Fe Vacation Rentals		6/14/20 16:54	4691895
fair.april2@gmail.com	April	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:32	4691887
fowler1219@gmail.com	Alee	Oklahoma City	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:27	4691483
ejparsons@sbcglobal.net	Eric Parsons	Appleton, WI	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:39	4691479
kathydevor@gmail.com	Kathleen Devor	Montrose	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:02	4691387
jtphoenix@jtphoenix.com	Tim Phoenix	TULSA	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:06	4691195
b_murphy@comcast.net	Bob Murphy	Louisville	Support Downtown Santa Fe Vacation Rentals		6/15/20 19:36	4691183
ehelmholz@comcast.net	Edith Helmholz	Tiburon	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:19	4691171
b737drvr@gmail.com	Judy Holly	Houston	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:37	4691079
pmccabe@sflaw.com	Patrick McCabe	San Francisco, CA	Support Downtown Santa Fe Vacation Rentals		6/14/20 17:00	4690843
cnease1493@cox.net	Carole Nease	mulvane ks	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:18	4690743
dennis.sass@cox.net	V Dennis Sass	San Diego	Support Downtown Santa Fe Vacation Rentals		6/16/20 11:45	4690699
garyhornsby@msn.com	Gary Hornsby	Denver	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:11	4690503
econlan@msn.com	Erica Conlan	Seattle	Support Downtown Santa Fe Vacation Rentals		6/15/20 0:13	4690303
mina1339@hotmail.com	Wilhemina DeShazo	Washington DC	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:35	4690203
nancy2544@cox.net	Nancy Moore	Tulsa, Ok	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:20	4690195

wkschmuck@gmail.com	Wallace Schmuck	Benbrook	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:08	4690171
lemrts@gmail.com	Robert Skinnet	San Francisco	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:39	4690139
david.martinez1966@gmail.com	David R Martinez	Dracut, MA 01826	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:15	4690035
kbs.owen@gmail.com	Katie Owen	Austin, TX	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:05	4689995
scottcarson1@me.com	Scott	Frisco	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:06	4689851
bgshanker@msn.com	Beth Shanker	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:13	4689747
debwax@aol.com	Deborah Wax	Houston, Texas	Support Downtown Santa Fe Vacation Rentals	6/16/20 17:01	4689503
schoeppel@hotmail.com	Pamela Schoeppel	Jacksonville FL	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:52	4689475
baxsmith@aol.com	Ken Smith	Fort Collins	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:31	4689431
sramsey14@cox.net	Suzanne Ramsey	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:06	4689423
horseflyaa@yahoo.com	Temple	Illinois	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:35	4689371
claybeveridge@verizon.net	Clay Beveridge	Richmond	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:16	4689227
jenmanley@verizon.net	Jennifer manley	Baytown TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:16	4689083
deb@citadeltech.com	Deb Mich	Santa Cruz	Support Downtown Santa Fe Vacation Rentals	6/15/20 14:26	4689003
sandi.brakebush@gmail.com	Sandra Brakebush	Mission Viejo CA 92691	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:01	4688959
lyndalawrence56@yahoo.com	Lynda Lawrence	Forney TX. 75126	Support Downtown Santa Fe Vacation Rentals	6/13/20 13:13	4688835
rbecht1@gmail.com	Robert Becht, Jr	Summerset	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:29	4688751
amwarnke@suddenlink.net	Andrea Margaret Warnke	Andrews	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:19	4688691
barbarastrand5@btinternet.com	Barbara	Galisteo	Support Downtown Santa Fe Vacation Rentals	6/13/20 1:33	4688555
emg2288@icloud.com	Edward m. Green	Monticello, florida	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:55	4688511
june@northofpalms.com	June Ailin Sewell	Marina del Rey, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:08	4688467
christycarpenter@me.com	Christy Carpenter	Austin	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:30	4688327
bander4125@aol.com	Beth Anderson	Longmont	Support Downtown Santa Fe Vacation Rentals	6/14/20 19:23	4688239
jdworak@gmail.com	John L Dworak	Monument	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:49	4688171
bbannatyne@aol.com	Elaine Veyna Bannatyne	Fillmore CA	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:05	4688115
jslilly@me.com	Joyce Lilly	Washington, TX	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:54	4687935
alliebeern@yahoo.com	Allison Northern	Amarillo	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:14	4687883
bacbc@aol.com	Barton Alexander	Denver	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:50	4687751
krenfro2000@gmail.com	Kathy Renfro	Albuquerque	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:43	4687743
cshain@heschandshain.com	Constance Shain	Kirkland	Support Downtown Santa Fe Vacation Rentals	6/14/20 13:00	4687691
nancyjleonard@mac.com	Nancy J. Leonard	Dana Point	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:22	4687651
raj.stma@gmail.com	Theresa Rajendran	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:28	4687327
edgardm1@msn.com	Marie Edgar	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:00	4687203
raindancedesign@comcast.net	jann	Littleton	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:01	4687155
dwbyrne@outlook.com	David	Byrne	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:42	4687115
ladym_56@hotmail.com	Marylin	Marietta	Support Downtown Santa Fe Vacation Rentals	6/15/20 15:37	4687111
kannsage@gmail.com	Kathleen Sayers	Durango, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:06	4687027
reiter@wtrt.net	ANNE REITER	Hereford	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:26	4686847
mstreifer@sbcglobal.net	Maria Streifer	Benicia, CA	Support Downtown Santa Fe Vacation Rentals	6/13/20 0:10	4686767
qwqwqw@mail.com	Michael Diamond	Mullica Hill, NJ	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:14	4686671
ae04mtnear@optonline.net	Elyse Bauer	Bethpage, NY	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:19	4686491
query10@juno.com	S. Yee	Gilbert	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:14	4686439
bridgetecondon@gmail.com	Bridget Condon	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/14/20 17:13	4686399
droeca@droecalaw.com	Douglas Roeca	Placerville	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:51	4686347
pope@sandiego.edu	Jack Pope	San Diego	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:20	4686339
mcs@first-interstate.com	Mitchell Schneider	Cleveland ohio	Support Downtown Santa Fe Vacation Rentals	6/15/20 12:12	4686083
pammcafee@gmail.com	Pam McAfee	Driftwood	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:10	4686003
lilly@curiouslybright.com	Lilly Bright	Los Angeles	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:29	4685983
paint4real@comcast.net	Steven J Sweeney	STILLWATER, MN	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:41	4685547
tpjs1@verizon.net	Thomas Stoner	Catonsville MD 21228	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:57	4685535
rkixonia@gmail.com	Randy Koschnick	Oconomowoc	Support Downtown Santa Fe Vacation Rentals	6/15/20 13:51	4685311
kprado@aol.com	Kathleen Prado	La Quinta	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:04	4685199
apriestman@comcast.net	Ann priestman	Littleton	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:48	4685183
parrott.d@gmail.com	Dan Parrott	Saint Augustine	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:23	4684995
vickirye@yahoo.com	Vicki Rye	Houston TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:47	4684903
maxvillejan@yahoo.com	Jan Thomas	Rathdrum, ID	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:36	4684863
diannekalb@gmail.com	Dianne Kalb	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:58	4684803
rufus@flywild.net	Sherry Kandle	Boise	Support Downtown Santa Fe Vacation Rentals	6/14/20 22:38	4684751
mc@richduranplumbing.com	mark Couch	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:15	4684687
andi_mcdowell@yahoo.com	Andi	Ellicott City	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:19	4684647
mchavatel@aol.com	Marta Chavatel	Fenwick island de	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:06	4684367
annalabenz@mac.com	Anna LaBenz	Flagstaff	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:36	4684343
klmitch2004@yahoo.com	Kyle Mitchell	Centerville, Ohio	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:04	4684299
amylevin01@gmail.com	Amy Levin	Tucson	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:26	4684287
maryvm96@aol.com	Mary Vandermast	Surprise, AZ	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:13	4684139
clakin@infowest.com	Carol Lakin	St. George, UT	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:51	4684123
nwd47@aol.com	Neil Dorsman	Green Valley, AZ	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:28	4683983
billramsey53@gmail.com	William Ramsey, AICP	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:07	4683571
terrymcm@comcast.net	Terrence McMahon	Monte Sereno	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:21	4683411
triod@hotmail.com	Tri Vuong	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:33	4683407
hdilly@yahoo.com	Hal Dillemback	Corrales	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:05	4683267
noble@usa.com	Judy Noble	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:15	4683259
denise@jecmiller.com	Denise Miller	Minneapolis	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:56	4683159
kimcallait@gmail.com	Kim	Frisco	Support Downtown Santa Fe Vacation Rentals	6/14/20 13:38	4683135
joannegustafson@msn.com	Joanne Gustafson	Wheat Ridge, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:15	4683087
yj@taosnet.com	Wendy E Young	El Prado	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:22	4683083
amyrschofield@hotmail.com	Amy Lemyre	Santa Rosa	Support Downtown Santa Fe Vacation Rentals	6/14/20 14:16	4682943
salinas.anna.c@gmail.com	Anna	Kerrville	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:10	4682907
pdlainson@charter.net	Pamela Lainson	Hastings	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:43	4682779
amy@dynamicpotential.com	Amy	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4682767
nriordon@cox.net	Nancy F Riordon	Green Valley, AZ	Support Downtown Santa Fe Vacation Rentals	6/13/20 18:18	4682671
adoris@sbcglobal.net	AL K. DORIS	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:47	4682539
joelynhiggins@cox.net	JOELYN DINNELLA HIGGINS	Sun City	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:36	4682523
cwilson@zianet.com	Cheryl Wilson	Las Cruces NM	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:48	4682511
mdague1@gmail.com	michael dague	MARANA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:17	4682263

kferguson@austin.rr.com	Elaine	Austin	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:21	4682199
s.lindsey85@gmail.com	Sara Knudson	Tampa, FL	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:59	4682183
deb_kahrs@msn.com	Deborah Kahrs	OTIS	Support Downtown Santa Fe Vacation Rentals	6/16/20 4:33	4682155
betbooks@aol.com	Britton E Trice	New Orleans	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:14	4682123
marshawilliams@islandnet.com	Marsha Williams	Victoria British Columbia	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:32	4682103
rjjones4314@gmail.com	Roger Jones	Lakewood, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:16	4681807
mchslater@gmail.com	Cathryn	Little Rock	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:51	4681799
marshallgile@mac.com	Marshall Gile	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:05	4681763
jburndred@btinternet.com	John BURNDRED	Lincoln, UK	Support Downtown Santa Fe Vacation Rentals	6/13/20 1:13	4681747
mchatelle@gvtc.com	Mike Chatelle	Fair Oaks Ranch	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:57	4681595
allinante@gmail.com	Allison Emge	Littleton	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:45	4681547
btbagshaw@hotmail.com	Mary Teresa Bagshaw	FORT COLLINS, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4681483
cneastwood1@gmail.com	Clair Eastwood	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:14	4681311
marisadiazarenas@gmail.com	Marisa Diaz	Bogota	Support Downtown Santa Fe Vacation Rentals	6/13/20 15:04	4681047
ruth@ruthmikos.com	Ruth Mikos	Rochester	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:21	4681043
elisagnzlz@hotmail.com	Elisa Gonzalez	League city	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:06	4680971
bonjifiber@gmail.com	Bonnie Black	Camdenton, Missouri	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:06	4680827
stellarafalo@gmail.com	Anne Rafalo	Durango	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:10	4680727
maggieparr1@hotmail.com	Maggie Parr	SHEFFIELD	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:27	4680339
efremjr@yahoo.com	Efrem Chavez	Albuquerque	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:55	4680315
mauraselk@yahoo.com	Lisa Deeds	Sedalia, CO	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:23	4680283
catanasoff@yahoo.com	Cynthia Atanasoff	The Colony	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:46	4680099
jankennaugh@gmail.com	Jan Kennaugh	Denver	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:38	4680095
kmigl82@gmail.com	Karen Migl	San Antonio	Support Downtown Santa Fe Vacation Rentals	6/13/20 14:44	4679959
srajmd@gmail.com	Sundar Rajendran	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:28	4679939
djohnson6531@yahoo.com	Donna Johnson	Gallup	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:52	4679843
knj44ws@gmail.com	Kate Johnston	Stuart, FL	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:40	4679763
mydogutah@aol.com	Lance Feray	Spring Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:53	4679459
robertcavin1@att.net	Dr. Robert Cavin	Rockwall, Texas	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:18	4679327
kevinthomasflutes@hotmail.com	kevin thomas	bacchus marsh australia	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:44	4679159
kerrymartin123@yahoo.com	Kerry Martin	Sahaurita	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:58	4679051
ray@freemaninc.com	Raymond C. Freeman, Jr.	Santa Barbara, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:32	4678727
nisterling@aol.com	Nancy	Houston	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:41	4678199
chaille.hawkins@yahoo.com	Chaille Hawkins	Ingram	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:37	4678159
dovfd569@hotmail.com	David	Flower Mound	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:48	4678127
mteske@som.umaryland.edu	Mark Teske	Baltimore	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:15	4678075
dreehln@aol.com	D Reehling	Indianapolis	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:25	4678055
richardwoodruff@yahoo.com	Richard Woodruff	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/16/20 9:10	4677971
rleecock@gmail.com	Ryan Daniel Leecock	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:50	4677943
rivese@castleman.net	Rives Castleman	Dallas	Support Downtown Santa Fe Vacation Rentals	6/15/20 12:27	4677915
jay.levinsohn@gmail.com	Jay Levinsohn	Chapel Hill	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:41	4677791
annalamis@gmail.com	Anna Amis	Overland Park	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:40	4677727
gschappell4@me.com	George Chappell	Santa fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:26	4677703
erickja@sonic.net	Judy Erickson	Santa rosa	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4677615
rkiker@hotmail.com	Reita Kiker	Hondo NM	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:52	4677583
loudena@aol.com	Andrew F Louden	Indianapolis	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:10	4677527
rich@richduranplumbing.com	Richard Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/17/20 8:35	4677479
dougbtx@gmail.com	Doug Beck	Bedford, Tx	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:21	4677275
mleeser@gmail.com	Michael J. Leeser	Tallahassee, FL	Support Downtown Santa Fe Vacation Rentals	6/15/20 14:47	4676643
vnarnold@att.net	Vicki Arnold	Tucson, AZ	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:08	4676631
suzdrum@cox.net	Suzanne Tractenberg	San Diego, CA 92103	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:54	4676595
jtuma@charter.net	John Tuma	Northfield, MN	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:59	4676563
rhondajohns@pldi.net	Rhonda Johns	Tuttle	Support Downtown Santa Fe Vacation Rentals	6/15/20 13:11	4676543
bjdnwillis@gmail.com	Betsy J Willis	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:21	4676203
lillich.dallas@gmail.com	Dallas Lillich	Oshkosh	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:14	4676195
hughesbuilding1@gmail.com	Charles Hughes	Westland	Support Downtown Santa Fe Vacation Rentals	6/15/20 4:54	4676147
dmiller.invest@att.net	Darrell Miller	St Simons Island, GA	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:31	4676051
susan@sckart.com	Susan crouse	Longmont	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:04	4675979
andrewdshapiro@gmail.com	Andrew Shapiro	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:49	4675927
kashep1@comcast.net	Karen	Castle Rock	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:37	4675887
kawen407@gmail.com	Katie Wendel	Kansas City, MO	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:47	4675855
bakeel7521@gmail.com	Beth Keel	Knoxville	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:54	4675763
billh2121@att.net	Bill Humes	Edmond, OK	Support Downtown Santa Fe Vacation Rentals	6/16/20 5:50	4675727
reganlenehan@hotmail.com	Regan Lenehan	Austin	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:08	4675699
karnish@ymail.com	Janice Karnish	Ponca City	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:47	4675651
dianneh46@att.net	Dianne Hughes	San Antonio, Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:42	4675503
redcloud1@tampabay.rr.com	Steve Rambeaux	St Petersburg	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:34	4675403
cardenas711@aol.com	David Cardenas	Dallas Texas	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:31	4675315
srsavage@gmail.com	seneca savage	albuquerque	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:26	4675311
lj1966lj@yahoo.com	Chris Davies	Lake Jackson	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:32	4675307
jameshardin13@sbcglobal.net	James Hardin	Lubbock	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:11	4675171
eric@wolffam.com	ERIC WOLF	Austin	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:03	4675147
alice.lusk@tx.rr.com	Alice Lusk	Frisco, Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:10	4675131
andehargrove@gmail.com	Ann Hargrove	Evergreen, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:09	4675095
carsonwomack9@gmail.com	Carson	San Angelo	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:09	4675071
mkmkmeier@gmail.com	Mary Ann Kinsella Meier	Highland	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:26	4674939
jeanfletcher@live.com	Jean Fletcher	Omaha	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:05	4674787
spheniscus@aol.com	Einar Gall	San Diego, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:33	4674775
snagit@hughes.net	Sherrie Davis	Georgetown	Support Downtown Santa Fe Vacation Rentals	6/15/20 17:14	4674759
dfyoun@frontier.com	Don Young	Sammamish, WA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:02	4674675
lindsay.speyrer777@gmail.com	Lindsay Speyrer	Tomball, TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:46	4674667
ray@thelupos.com	Raphael Lupo	McLean VA	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:21	4674579
lindaugor@gmail.com	Linda Gray	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 17:26	4674507
tvsportsman@gmail.com	Mike Garner	Tulsa	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:54	4674411
j.psychandrus@gmail.com	John Andrus	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:19	4674399

tongmilma@yahoo.com	Tony	St Charles	Support Downtown Santa Fe Vacation Rentals		6/15/20 19:28	4674367
bheimann13@gmail.com	Brenda Heimann	Kerrville	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:37	4674335
emfort@gmail.com	Emily Fort	Reston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:09	4674299
dwzuehlke@sbcglobal.net	Debby & Dennis Zuehlke	Lubbock	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:25	4674143
raquell.f7@icloud.com	Raquel Fernandez	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/14/20 18:17	4673955
adugas@lpc.com	Abbey Dugas	Frisco, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:30	4673935
rabaker1946@att.net	Robert Baker	Austin Tx	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:55	4673575
jaym_scott@yahoo.com	Jay Scott	Santa Fe, NM	Support Downtown Santa Fe Vacation Rentals		6/14/20 17:50	4673467
bumpas@tarleton.edu	Jerilyn White Bumpas	Glen Rose	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:48	4673415
michelleincolorado@gmail.com	Michelle Suckling	Colorado Sorings	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:18	4673175
simonhin@comcast.net	Roberta Hindert	Parker, CO	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:14	4673163
johnyochem@aol.com	John Yochem	Goliad	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:45	4673075
gregduncan1961@yahoo.com	Gregory Duncan	Greenville	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:36	4672979
alantucker290@hotmail.com	Alan	Havana il	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:58	4672883
snussdesigns@yahoo.com	Steve Nuss	Prairie Village Ks	Support Downtown Santa Fe Vacation Rentals		6/15/20 20:33	4672619
bryant@bcoffmancpa.com	Bryant J. Coffman, CPA	Tulsa, OK	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4672611
sigsaz@msn.com	Frank Sigmund	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:16	4672555
vlonghi@hotmail.com	Vince Longhi	Laguna Niguel, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:30	4672539
hollycoats@kwcommercial.com	Holly Coats	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:05	4672499
travel@graham-graphics.com	Sarah Graham	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4672495
mgsnelson@aol.com	Monalee Snelson	Midland	Support Downtown Santa Fe Vacation Rentals		6/14/20 6:56	4672351
dmansure@gmail.com	Santa Fe	NM	Support Downtown Santa Fe Vacation Rentals	73.98.15.131	6/12/20 15:50	17040271
marcbert@aol.com	Marc Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	50.201.167.243	6/12/20 17:37	5024463
aduettra@gmail.com	ANDREW	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:47	4679315
dmansure@adobestarproperties.com	Dave Mansure	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:12	4675423

Stanford University

PAULA M. L. MOYA
Danily C. and Laura Louise Bell
Professor in the Humanities
Department of English

June 18, 2020

Dear Mayor Alan Webber, Councilor Signe I. Lindell, Councilor Carol Romero- Wirth, Councilor Renee Villarreal, and other Members of the City Council, Planning Commission Chair Jack Hiatt, Planning Manager Noah Berke, Land Use Department Director Isaacson, Vice Manager Mark Hogan, Secretary Pilar Faulkner, Commissioner Jesse Lawrence, Commissioner Dominic Sategna, Assistant City Attorney Paez,

I am a law-abiding, tax-paying property owner of a single family residential home located at 625 Garcia St. in Santa Fe, New Mexico. Part of my family has been in New Mexico since time immemorial, another part arrived over 500 years ago with the Spanish colonizers. I grew up in Santa Fe—attending elementary school, junior high and high school there. University and work took me away from the city after my high school graduation, but I plan to retire in Santa Fe with my husband Ramon Saldivar when we finish our careers as professors at Stanford University.

To facilitate our return, we purchased an older but refurbished home in the Garcia-Alire complex just off Garcia Street. We purchased at that location to be close to my high school friend who owns a couple of homes in that complex. Like me, she plans to retire in Santa Fe, and is keeping both homes to facilitate her children's ability to live nearby.

To make our home purchase financially feasible, my husband and I rent it as a short-term rental when we are not occupying it ourselves. My parents both live in Albuquerque, and before the COVID shut-down, we visited the state of New Mexico and the cities of Albuquerque and Santa Fe as often as every couple of months. We meet and socialize with our permanent-resident neighbors and we purchase goods and services from local Santa Fe businesses. Our short-term rental guests are good visitors to Santa Fe and help support the local economy. We keep our home in top condition both for ourselves and for the people who come in to rent from us; the revenue from the rentals allow us to do this.

Some of the changes you are considering with the proposed revisions could seriously negatively impact our ability to retain ownership of our home and might damage the short-term rental business generally. We take exception, in particular, to the requirement that all short-term rentals are required to have a local operator/manager who resides within the city limits. My husband and I work closely with many local Santa Fe residents to manage the house, including a local housecleaner, a local gardener, several local handypersons, and a local attorney. We have complied with all licensing requirements and are careful to pay all relevant property and short-term rental taxes. We are meticulous about informing our guests

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about Santa Fe ordinances, and we have had no complaints or problems. We are able to do this without any difficulties even though we live in the San Francisco Bay Area.

Other proposed changes are unnecessarily punitive and seem designed to hurt the short-term rental business generally—in particular the requirement that short-term rental permits will be limited to "one per natural person." For financial reasons, my husband and I have our home in an LLC. I truly do understand the desire to keep out operators who own many units. But 1 per natural person is excessively limiting and would unnecessarily punish my friend who owns just two homes.

Killing the short-term rental business would not be good for the City of Santa Fe and would be punitive to current and compliant short-term rental operators. Much more important would adequately enforcing the rules in the current ordinance. Short-term rentals are an important part of the tourist ecology of Santa Fe. Visitors enjoy being able to stay in a home and walk out to the plaza where they can shop and dine in local restaurants. I realize that these enjoyable activities are on hiatus right now, but they will eventually return. Making large-scale changes to the short-term rental ordinance during the COVID pandemic is a terrible idea.

We ask you to be thoughtful about any changes you make so that you do not adversely affect owners like us who have a long and deep commitment to the City of Santa Fe. We are not a large business operation whose interest is purely profit. Instead, we work actively to help develop the vibrant community and economy of our beautiful City.

Thank you very much for your consideration.

Sincerely,



Paula M. L. Moya

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 11:47 AM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Short Term Rental

Noah Berke, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

https://www.alltogethersantafe.org/

From: John M Nye <johnmnye@yahoo.com.au>
Sent: Thursday, June 18, 2020 11:43 AM
To: BERKE, NOAH L. <nlberke@santafenm.gov>; Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; Alan Webber <alanwebber@me.com>; Elias Isaacson <esiasaacson@santafenm.gov>
Subject: Short Term Rental

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RE: 14-6.2 SFCC 1987 & 14-11.4

I realize this is late but am traveling and just received notification and if not acceptable will understand.

Comments & questions; 1) Are short term rentals considered a commercial business in a residential zone ?

2) Do they have a City Business License ?

3) Do they pay a lodgers tax ?

4) Do they pay GRT ?

5) Do they have a Federal Tax ID # ?

6) Limit one per family not per person.

7) Insurance - if claim I just take tort action against City ?

8) Costs of STR administration are a profit source or deficit ?

Thank you.

John M. Nye

P O Box 446
Tesuque, N M 87574

Cell (505) 699-3492
johnmnye@yahoo.com.au

July 17, 2020

Dear City of Santa Fe Planning Commissioners:

The Santa Fe Association of REALTORS® appreciates the City of Santa Fe Planning Commission's work to thoughtfully debate and improve the proposed Short Term Rental ordinance. The association is in alliance with many of the recommendations recorded by City Assistant Attorney, Sally A. Paez, at the commission's meeting in June. It is our understanding that the city is working on another iteration of the ordinance that will incorporate these recommendations. In light of this work, the association has taken a position on various changes in the proposal, most of which, align closely with the commission.

Please find attached a copy of the association's position on the Short Term Rental proposal. In reviewing the position, please note that commissioners did not make any recommendations regarding proposed changes to multi-family units in the proposal and; therefore, encourage commissioners to consider adopting the association's recommendation.

Additionally, the commission's discussion regarding the added 75-foot radius requirement for new permits was important and valuable as the association believes this further restriction on density is unworkable. For many homeowners, it would be difficult to make a such determination without significant support from the land use department. The association suggests the commission consider retaining the existing density requirement *"short-term rental permits will not be issued for more than two short-term rentals directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining units in a condominium, townhouse development, in an apartment complex, or residential compound"*. Furthermore, a companion ordinance requiring new oversight by the city's land use director along with civil fees and penalties is advancing through city committees; and if adopted, will give significant discretion to the city's land use director to make such determinations along with a hearing appeal process to address any property owner's challenge to a decision.

The Santa Fe Association of REALTORS® appreciates efforts by city leaders to ensure this valuable, local green industry generating wealth for its citizens is supported and encouraged while significantly enhancing the city's tourism and coffers, through needed tax collections.

Sincerely yours,

Susan Orth
President 2020
510 N Guadalupe, Santa Fe, NM 87501

CC: Mayor Alan Webber, Councilor Signe Lindell, Councilor Renee Villarreal, Councilor Carol Romero-Wirth, Councilor Michael Garcia, Councilor Roman Abeyta, Councilor Chris Rivera, Councilor JoAnne Vigil Coppler, Councilor Jamie Cassutt-Sanchez, Eli Isaacson – City Land Use Director, and Sally A. Paez – City Assistant Attorney

Santa Fe Association of REALTORS®

July 2020

The Santa Fe Association of REALTORS® respectfully requests the following amendments to the City of Santa Fe's proposed Short Term Rental ordinance:

- Eliminate the real estate notice requirement Chapter 14-6.2A(6)(g)(m) or retain the existing Short Term Rental ordinance language which uses the correct real estate industry terminology; and
- Eliminate the 25% limit on multi-family units and/or retain the ability to acquire a permit for Short Term Rentals in multi-family units where HOA and/or Condominium rules permit such rentals.

In alliance with the City of Santa Fe's Planning Commission members, the association concurs with the following recommended changes:

- Retain the Business Commercial District (BCD) and Resort Community exemptions and registration as provided in existing law;
- Clarify that a permit must be held in the name of a natural person; however, the subject property can be owned by a legal or business entity (i.e., revocable trust, LLC, or a corporation);
- Expand the non-transferability of a permit by adding "A transfer that does not result in new ownership of the property such as a transfer to owner's revocable trust for estate planning purposes or a transfer to an LLC or other transfer where there is *no change in the ownership interest in the property*, is not considered a transfer for the purposes of this subparagraph."
- Clarify that the 7-day rental period restriction does not apply in non-residential districts or areas;
- Eliminate the new 75-foot radius density restriction from the property line as unworkable and consider retaining the existing density requirements to advance the proposal; and
- Ensure that the grandfather provision removes existing language that allows the land use director to revoke the permit upon expiration.

July 10, 2020

Honorable Mayor and Members of the City Council
Santa Fe City Hall
200 Lincoln Avenue
Santa Fe, New Mexico 87504

Dear Mayor Webber and Honorable Councilmembers,

On behalf of Airbnb, thank you for allowing us to provide feedback on the draft short-term rental (STR) ordinance. We appreciate your willingness to hear our perspective and inputs, and look forward to supporting the City of Santa Fe's efforts to regulate STRs.

Airbnb is proud to partner with local governments across the world in support of fair and reasonable short-term rental regulations. Founded in 2008, our people-to-people platform benefits the communities in which we operate -- from generating additional tax revenue for cities and supporting local businesses, to helping families gain supplemental income. Since August 2016, we have collected and remitted approximately $3.2M of Lodgers' taxes to Santa Fe on behalf of our host community. In the past 12 months, Airbnb hosts in Santa Fe earned approximately $20.6 million and welcomed 115,000 visitors to support the local economy.

Enacting balanced regulations that protect neighborhoods while preserving the key benefits that STRs provide to the community is crucial. That is why we are writing to express concerns about the City of Santa Fe's proposed STR ordinance and to suggest revisions that we believe would improve the City's ability to implement fair and reasonable regulations.

***

STR Restrictions in Commercially Zoned Areas

The draft ordinance would remove the current code's distinction between STR units on residentially zoned property (which are subject to the permit limits) and those on non-residentially zoned property (which must be registered but are not subject to the permit limits). The operation of STRs is a legitimate business activity in commercially zoned districts, and should not be subject to either the proposed citywide permit caps or the one permit per person limit. Moreover, it makes sense to encourage visitors to stay in a city's commercial district, and setting caps on the amount of visitors runs counter to that goal. We urge you to maintain the current distinction between zones, and focus regulations on addressing impacts of STRs to residential neighborhoods.

Citywide Permit Cap

We understand the city wishes to protect neighborhood character and affordable housing supply, but are concerned that a citywide cap on STR permits would not achieve these policy goals and may have unintended consequences. First, limiting the number of permits creates a dynamic where one person who may only rent out their home for a couple weeks during the summer gets a permit, while someone who rents a portion of their house more frequently and is more dependent on the income may be locked out. Second, STRs provide flexible supply that is essential for accommodating demand during the city's seasonal peak periods and special events. Third, capping permits would decrease the potential for revenues from the city's Lodgers tax, a funding source that is essential to the City's plan to monitor and enforce regulatory code compliance. Finally, as the city's Affordable Housing Director noted at the June 18th Planning Commission hearing, STRs do not directly impact the long-term housing availability in Santa Fe. Our data reinforces this analysis: an overwhelming majority, or 88%, of entire home listings in the city were rented for fewer than 180 days through our platform.

In addition to the 825 operators currently registered with the city, we know that there are many more in operation -- whether they are occasional, part-time or full-time short-term rentals. We ask that you give these operators an opportunity to come into compliance, and then set the permit cap accordingly at the number of all existing rentals. This would be consistent with the intent of the ordinance's grandfathering provision, make the supply more sustainable over time, and ensure the ability of Santa Fe residents to maintain an important economic lifeline.

Permit Requirements

The draft ordinance states that permits can only be issued to natural persons. We echo the many concerns voiced at the June 18th Planning Commission meeting, and ask that this language be clarified to ensure that property that is held by a legal or business entity (i.e., revocable trusts and LLCs) can be used as STRs, as long as the STR permit is held by a natural person.

In addition, the draft ordinance states that new permits shall not be issued for an STR unit within a 75-foot radius of any existing permitted STR unit in residential areas. Given the significant differences in form and density across Santa Fe neighborhoods, we are concerned that the proposed proximity limit would unfairly disadvantage residents of multifamily buildings in denser neighborhoods, limiting income generating opportunities to single family neighborhoods. We ask that the city conduct further economic and social impact analysis of the proposed regulations in order to ensure equal opportunities for its residents. If that is not possible, we ask that the city lift this restriction in commercially zoned districts.

Hosting Platform Responsibilities

The City's proposed regulatory scheme for hosting platforms raises serious legal concerns with respect to the federal Communications Decency Act (CDA) by requiring that a hosting platform "include a valid business license number in all listings or advertisements for a short-term rental unit." The CDA provides broad publisher immunity for online hosting platforms based on the activities of third parties on its platform and federal courts have routinely invalidated laws that directly regulate a website's protected publisher function by forcing it to "alter," "edit," or "withdraw" third-party content.

As a result, hosting platforms cannot be held responsible for including a valid business license in third party short-term rental listings but we can provide a field for STR operators to input their City-issued permit number in a format designated by the City prior to publication of their short-term rental listing advertisement and deactivate noncompliant listings for short-term rental use upon City notice.

Data Sharing Requirements

We are also concerned that the draft ordinance's hosting platform data sharing provisions conflict with federal laws, impose significant administrative burdens, and require disclosure of information already subject to our Voluntary Collection Agreement with the City.

Federal courts have consistently opposed data sharing provisions that compromise business records and personal information by disregarding appropriate legal processes. In 2019, two different federal courts stopped enforcement of home sharing laws in Boston and New York City, with similar data sharing provisions to Santa Fe, finding that the Fourth Amendment of the U.S. Constitution, which protects against unreasonable searches and seizures by government officials, shields online platforms from disclosing business records, which includes listing specific transactional information, without a legal process. The Stored Communications Act, 18 U.S.C. §§ 2702, 2703, in addition, requires governments to follow a specified legal process, like a subpoena or court order, before requesting the disclosure of personal information from internet providers.

To resolve these concerns, Airbnb is open to providing anonymized and aggregated listing data in the form of total guest arrivals, average trip length, average nightly price and typical host income to help facilitate Santa Fe's understanding of Airbnb activity within its jurisdiction in a manner that is consistent with applicable privacy and data sharing laws. We propose that this data be provided on a quarterly basis in order to reduce the administrative burden on our platform. Finally, our Voluntary Collection Agreement with the City of Santa Fe, signed 2016, also includes audit provisions for handling any tax-related concerns.

***

Thank you for the opportunity to submit comments on the proposed STR ordinance. We look forward to continuing to work with the City of Santa Fe to foster economic opportunity for your residents through healthy and sustainable tourism.

Sincerely,



Matt Middlebrook
Head of Policy, US West

Cc: Sally Paez, Assistant City Attorney
Eli Isaacson, Land Use Director

888 Brannan Street
San Francisco, California 94103

GURULE, GERALDINE A.

Subject: FW: Short Term Rental Ordinance Amendments
Attachments: Proposed Amendment A-6_16_2020.pdf

From: Paul Plunket <pwplunket@gmail.com>
Sent: Monday, June 15, 2020 2:09 PM
To: esiasaacson@santafenm.gov; PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Short Term Rental Ordinance Amendments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon.

My wife and I have owned a second home in Santa Fe since 2008. On advice of our estate planners and tax preparers, we own a New Mexico LLC that has title to the property. We live there 60 to 90 days a year and rent it 60 to 90 days a year. We have always had a short-term rental permit and believe that we have complied with the spirit and letter of the short-term rental ordinance. We have paid all necessary fees and taxes.

I have reviewed the draft ordinance to be considered at the planning session tomorrow.

I am attaching to this email a couple of proposed amendments along with a brief explanation of the reasons for the amendments. We have some other concerns about the ordinance but want to see what the public meeting shows.

I hope I will be able to participate in the zoom portion of the meeting tomorrow.

We value our time in Santa Fe and want to make sure that the ordinance helps and does no harm to the City.

Warm regards,

Paul Plunket
214.796.1733

Proposed Amendment A—6_16_2020

Page 2--Amend the last sentence of (5)(b)(iii) to read as follows:

The land use director shall issue ~~permits to natural persons only, and each natural person may possess a maximum of one (1) permit~~ a maximum of two (2) permits per owner. An owner shall provide the land use director with a sworn affidavit that such person or entity holds or will hold a maximum of two (2) permits. The sworn affidavit shall be executed by an authorized representative of such legal entity.

So that it reads as follows:

The land use director shall issue a maximum of two (2) permits per owner. An owner shall provide the land use director with a sworn affidavit that such person or entity will hold a maximum of two (2) permits. The sworn affidavit shall be executed by an authorized representative of such legal entity.

Page 9—Amend Section 2 at 14-12.1 by adding a definition of owner, as follows:

OWNER
Either (A) a natural person, or (B) a legal entity, such as a partnership, corporation, or limited liability corporation, who owns a short-term rental unit or units.

Explanation of the Amendments.

These amendments do a couple of things.

First, they strike a balance between limiting permit holders to only one property and the concerns about speculators with multiple short term-rental units as expressed in (A)(5)(a)(ii) of the proposed Ordinance. In addition, the amendments would permit a property owner to add an accessory dwelling unit and be able to lawfully rent both units. Finally, it is likely currently that very few owners of short-term rental units own more than two properties, so this limits the adverse effects on most current owners, while generally protecting the other residents in the neighborhoods.

Second, the definition recognizes that property owners may want to structure their ownership to accommodate estate planning and tax planning requirements rather than owning the property directly. At the same time, if the land use director determines that the sworn affidavit is incorrect, the director can take that into account in connection with continuation of the short-term rental permit.

PAEZ, SALLY A.

From: GURULE, GERALDINE A.
Sent: Thursday, June 18, 2020 9:17 AM
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fw: Comment on Short Term Rental Ordinance Proposed Changes

Should I include this one in my email to the Commissioners as well?

From: Denise Ramonas <deniseramonas@comcast.net>
Sent: Thursday, June 18, 2020 7:11 AM
To: GURULE, GERALDINE A. <gagurule@santafenm.gov>
Subject: Comment on Short Term Rental Ordinance Proposed Changes

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I am President of the Griffin Park Condominium Association and short-term rentals have changed our little 27 unit compound community and the change has not been for the better.
>
>
> Since 2018, we have written the City's short-term rental office asking the city not to issue short-term rental licenses for Griffin Park units. We have had numerous meetings with the staff. We do not have the parking as required by the existing ordinance.
>
> In addition, our Declaration of Condominium prohibits short-term rentals. We would like to recommend that the new ordinance provide that no licenses will be issued or renewed in any condominium compound where the governing documents prohibit short-term rentals, hotel or transient uses.
>
> Your proposed changes are a step in the right direction.
>
> Thank you for your service to our city and your work on this issue.

Regards,
Denise Greenlaw Ramonas, President
Griffin Park Condominium Association

Sent from my iPad

GURULE, GERALDINE A.

Subject: FW: Proposed New Short Term Rental Guidelines

From: Karen Kolbert <Kkolbert5@hotmail.com>
Sent: Tuesday, June 16, 2020 12:42 PM
To: LINDELL, SIGNE I. <silindell@santafenm.gov>
Subject: Proposed New Short Term Rental Guidelines

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Signe

I am an owner of a property that is zoned BCD downtown opposite the new Santa Fe County Administrative Complex, i.e. Griffin Street. On my street there are only myself and another person who rents her home; otherwise all other downtown properties on Griffin and Staab are businesses. On Staab there are rental properties but it is not a residential area per se like South Capitol.
I am also a realtor and find that including changes to the short term rental Downtown quite absurd and economically unsound for the city.
Thank you so much for your time.

Sincerely,
Karen Kolbert Richelli

Karen Kolbert
KKolbert Jewelry Designs.com

Karen Richelli-Kolbert
Qualifying Broker,
Santa Fe Seaside Realty
505-577-8392

June 15, 2020

To Those Concerned with the Proposed Amendment to the Short-Term Rental Ordinance:

I have read the proposed new Short-Term Rental Ordinance and am submitting detailed and much-considered suggestions. I appreciate your time reading input from a knowledgable, professional citizen well-versed and actively involved in the initial drafting of the City of Santa Fe's Short-Term Rental Ordinance(s) and the vacation rental business for more than a decade.

As the proposed STRO draft reads, there is a critical lack of distinction between regulations appropriate to a short-term rental business in a Residentially zoned area and a rental business in a Commercially-zoned district.

"Non-Residential" *is* and is best identified in the Ordinance as "Commercial" to be clear. City of Santa Fe Zoning of Permitted Uses (published Table 14-6.1 - attached) clearly distinguishes that Commercial zoning (such as C1, C2, C4 and BCD) PERMITS (allows) short-term rental usage.. That has been the guidance historically and was built into the initial and less-so into the currently operative STRO.

While changes are being proposed to improve regulations for Residentially-zoned short-term, please maintain and address more specifically and appropriately the current distinction separating regulations governing Residential and Commercial short-term rentals.

For RESIDENTIAL short-term rentals:

These rentals impact neighbors/neighborhoods and the quality/lifestyle/values of Residential areas. The new STRO reflects that understanding. Points:

- In strictly Residential zoning, what number of properties (ratio to non-short-term rental usage) is desirable?
- Is the fulfillment of 1,000 Permits workable for the goals (including effective oversight by the City), or is that too many (or too few) when spread out within the City Limits by the density required by the Ordinance?
- Also, since for legal purposes some properties are deeded to a Trust or Partnership or choose the protection of an LLC, a requirement could be made and satisfied with one individual Owner identified as the contact person and name in which the Permit is held.
- An Owner or reliable local contact or manager must be available 24-7 since this is a 24-7 business. Notification at the time of permit/renewal (if changed) to neighbors would provide that contact information.
- Application paperwork/online forms for Residential Short-Term Rentals should reflect the special requirements that pertain to Residential.

For COMMERCIAL short-term rentals:

Short-term rentals in business districts (C1,C2,C4,BCD, etc.) should enjoy the same privileges that other businesses and lodging accommodations purchased/operated/sold in this zoning receive, contributing to their success, in the following ways:

- Numbers of Commercial STR Permits issued should not be included in any total cap (only Residential Permits are counted) as limits are not placed on other businesses in business districts, generating healthy competition and offering a generous variety to consumers. (What would be the reason to limit a business in a business district that contributes numerous benefits to the Santa Fe economy in a basically "green" way?)
- A Commercial property Owner could own more than one property used as a vacation rental business. Density is determined by bedroom/off-street parking space availability, not by number of adjacent buildings - that should not apply to commercial property where the overriding concept is to promote free commerce.
- Commercial short-term rentals may operate without regard to number of stays/per time period the same as for other lodging in business districts (B&Bs, Inns, Hotels, Motels, Boarding facilities, etc.). As with any business, documentation can be made available to governing bodies when needed, but monthly reports other than for Lodger's and Gross Receipts Tax purposes would not apply.
- While Permits are non-transferable, new Owners of Commercial property used (or not previously used) as short-term rentals are guaranteed to be able to register in compliance with application requirements as regulated in the current STRO and allowable by zoning. Again, the same rules as any established business that is sold or purchased by zoning for optional commercial usage.
- Application paperwork/online forms for Commercial Short-Term Rentals should reflect the special requirements that pertain to Commercial.
- The name of one person from an Ownership entity, partnership, LLC, will be provided on the application as the Owner/Contact for the Commercial Short-Term Rental Permit (Registration and Permit).

(continued ... p2/3)

Some Important BENEFITS of short-term rentals:

- Commercially-zoned (as well as complying Residential) properties operating as vacation rentals generate a significant and presently much-needed contribution to the tax base through Lodger's and Gross Receipts taxes to the City and State.
- Variety of lodging options attracts a variety of clientele - not everyone wants to stay in a hotel or B&B or vacation rental. Each provides something special and enriches ways people can visit and experience Santa Fe and enjoy themselves. As a result, some then choose to relocate here and become valuable members of the community.
- Santa Fe is a city of hospitality, tourism is our life-blood to appreciate our many cultural offerings, contributing to and cultivating the local economy by bringing in tourist dollars that support restaurants, retail, State Parks, cultural events, and so on - all of which our community depends upon to grow and thrive.

Now is an ideal time to set a standard that is fair and create a sustainable, sound, manageable Short-Term Rental Ordinance that works for everyone - the City, State, locals and investors alike - in Santa Fe. A Short-Term Rental Ordinance that serves us long-term!

We need to think carefully about moderations to short-term rental policies in residential neighborhoods that are enforceable and protect quality-of-life for Santa Feans, while continuing to facilitate the availability of short-term rentals in the Commercial districts for those visitors who seek home-like accommodations for their stay in the midst of our dynamic city.

Thank you for the opportunity to participate in the conversation. I am available by phone for more dialogue anytime at your convenience, and anticipate a public community forum will provide valuable constructive input in creating, when timely and approved, the next version of the Short-Term Rental Ordinance.

Victoria Rogers, MA, retired RN, LMT and NM Real Estate Broker
Owner/Manager - Casita Ristra Vacation Rental, Santa Fe, NM
505.989.1088 cell/text

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple-family	P[1]	P	P		P	P	P	P		P	P[6]	P	P	P				P[6]	P[6]	P[6]	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P[9]															(A)(3); See 14-6.4(B)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Short Term Rental Unit	Prohibited except as set forth in Section 14-6.2(A)(5)(a)									P	P	P	P	P						P	P	(A)(5), (A)(6)
PUBLIC, INSTITUTIONAL AND CIVIC (Ord. No. 2014-31 § 11)																						
Emergency Services																						
Police and fire stations	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Preschool, Daycare for Infants or Children																						
Small (6 or fewer)	P	P	P	P	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	
Large (More than 6)	S	S	S	S	S	S	S	S		P	P	P	P	P	S		P	P	P	P	S	
Electrical Facilities (See 14-6.2(F) for Planning Commission Review Requirements)																						
Distribution facilities	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F), (G)
Substation	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Switching station	P	P								P	P	P		P	P	P	P	P	P	P	P	(F)
Transmission lines	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Educational																						
Elementary and secondary schools, public and private	S	S	S		S	S		S		P*	P*	P*	S	P*	S		P*	S	S	S	P*	
Colleges and universities, residential	S	S	S		S	S		S		S	S	S	S	P			S				S	(B)(2)
Colleges and universities, nonresidential										P	P	P	P	P	P		P	P	P	P	P	
Museums		S	S		S	S		P[10]		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, nonindustrial								P[10]		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, light industrial														P*	P	P	P*					

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Community Centers and Institutions																						
Neighborhood and community centers,	S	S	S		S	S		S		P	P	P	P	P			P	P	P	P	P	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
including youth and senior centers																						
Religious, educational and charitable institutions (does not include schools or assembly uses)						S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	
Hospitals and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facilities	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Hospitals										S	S		P/S[6]	P			P					(B)(3)
Hospital heliport													P									(B)(3)(b)
Human Services																						
Adult day care	S	S	S	S	S	S		S		P	P	P	P	P			P	P	P	P	P	
Foster homes licensed by the appropriate state agencies	P	P	P			P		P		P		P	P	P							P	
Human service establishments											P*			P*	P*			P*	P*	P*	P*	(B)(4)
Sheltered care facilities	S	S	S		S	S		S		S	S	S	S	P							S	(B)(5)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Parks and Open Space																						
Cemeteries, mausoleums and columbariums	S	S	S							S	S		S	P								(B)(1)
Public parks, playgrounds, playfields	P	P	P		P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly																						
All	S	S	S		S	S		S		P	P	P	P	P	P		P	P	P	P	P	
Utilities																						
All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)	S	S	S		S	S		S		S	P	S	S	P	P	P					S	(B)(6)
COMMERCIAL (Ord. No. 2014-31 § 11)																						
Animal Sales and Service																						
Veterinary establishments, pet grooming	S									P*	P*	P*		P	P	P	P*		P*	P*	P*[2]	
Kennel	S									P*	P*	P*		P	P	P	P*					
Arts Activities																						
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts								P[10]	P	P	P	P		P	P			P	P	P	P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Arts and crafts schools								P[10]	P	P	P	P		P	P		P	P	P	P	P[2]	
Dance studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Photographers' studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Assembly																						
Private clubs and lodges	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*[2]	
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P[2]	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S[3,10]	S[3]		P*			P	P	P		P*	P*	P*	P[2]	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S[3,10]	S[3]		P*			P*	P*	P*		P*	P*	P*	P*[2]	
Restaurant - full service, with or without incidental alcohol service								S[3,10]	S[3]		P			P	P	P	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S[3,10]	S*[3]		P*			P*	P	P		P*	P*	P*	P*[2]	
Restaurant - Fast service/take-out, no drive-through/drive-up								S[3,10]		P[4]	P	P[4]		P	P	P	S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*	P*	P*[2]	
Medical																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P[2]	
Medical and dental offices or clinics								S[10]	S	P	P	P	P	P	P		P	P	P	P	P[2]	
Offices, Business and Professional																						
Business and professional offices excluding medical and dental and financial services								S[10]	S	P	P	P	P	P	P	P	P	P	P	P	P[2]	
Public Accommodation																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					
Hotels, motels, residential suite hotels											P			P	P					P		
Vacation time share projects											P			P	P							(C)(7)
Public Transportation																						
Transit transfer facilities											S		S	P	P	P	S	S	P	P	S	
Recreation and Entertainment																						
Commercial recreational uses and structures; theaters, bowling alleys, pool-rooms, driving ranges, etc.											P			P	P	P		P	P	P	S[2]	
Exercise, spas or gym facilities											P			P	P	P		P	P	P	P[2]	
Nonprofit theaters for production of live shows								P*[10]	S		P			P	P	P	P	P	P	P	P[2]	
Retail Sales and Services																						
Antique stores								P[10]	P		P			P	P			P	P	P	P[2]	
Art supply stores								P[10]	P		P			P	P			P	P	P	P[2]	
Bookshops								P[10]	P		P			P	P			P	P	P	P[2]	
Cabinet shops, custom								P[10]	P		P	P		P	P	P	P					
Department and discount stores											P			P	P				P	P	P[2]	
Flea markets											P			P	P							(C)(3)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Florist shops								P[10]	P		P		P	P	P			P	P	P	P[2]	
Funeral homes or mortuaries										P	P			P	P							
Furniture stores											P			P	P	P			P	P	P[2]	
Neighborhood grocery stores and laundromats	S	S	S		S	S		S		S	P	S	S								P[2]	(C)(4)
Office equipment sales and service; retail sale of office supplies											P			P	P	P			P	P	P[2]	
Retail establishments not listed elsewhere											P			P	P	P		P	P	P	P[2]	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet														P	P	P	P				P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Retail sales accessory to any permitted use, provided that such commercial uses shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use																	A				S[2]	
Sign shops											P	P		P	P	P					P[2]	
Service Establishments																						
Barber shops and beauty salons										P	P	P		P	P			P	P	P	P[2]	
Personal care facilities for the elderly						S		S		P	P	P	P	P	P		P	P	P	P	P[2]	(C)(7)
Personal service establishments including cleaning and laundry, appliance repair and similar services											P			P	P			P	P		P[2]	
Tailoring and dressmaking shops								P	P	P	P	P		P	P		P	P	P	P	P[2]	
Sexually Oriented Businesses																						
All															P	P						(C)(1)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Storage																						
Individual storage areas within a completely enclosed building											S			P	P	P	P	P	P	P		(D)(2)
Mini-storage units											S			P	P	P		P	P	P		(D)(3)
Telecommunication																						
Telecommunications Facilities	Permitted as set forth in Section 14-6.2(E) (for facilities in public rights of way see Article 27-2 SFCC 1987)																					
Vehicles and equipment																						
Commercial parking lots and garages											P		P	P	P	P	A	P	P	P		See 14-8.6(B)(6)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Service and repair establishments including filling stations and repair garages											P			P	P	P			S	S		
Tire recapping and retreading											P			P	P	P						

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3
Industrial																				
Automobile salvage and wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automobiles or second hand automobile parts																P				
Research, experimental and testing laboratories											P			P	P	P	P			
Manufacturing and Production																				
Light assembly and manufacturing											P			P	P	P	P			

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MI **
Outdoor Storage																					
Outdoor storage lots and yards, except wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts															P	P	A				
Warehouse and Freight Movement																					
Wholesaling and distribution operations - 3,000 square feet or less of storage											P			P	P	P					
Wholesaling and distribution operations - over 3,000 square feet of storage															P	P					

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
AGRICULTURAL USES (Ord. No. 2016-41 § 3)																						
Animal production																						(H)
Commercial stable	S																					(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A				P	P	P			P	P		P	P	P		(I)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				P	P	P			P	P		P	P	P		(I)

Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S				S	S	S			P	P		S	S	S		(I)
Urban Farm Roof Level, Open Air, 1000 sq ft. or less	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(I)
Urban Farm Roof Level, Open Air, greater than 1000 sq ft., less than 5000 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaculture, less than 750 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaponics, less than 750 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaponics, greater than 750 sq. ft										S	S	S			S	S		S	S	S		(I)
Hydroponics, any size										S	S	S			S	S		S	S	S		(I)
Composting															S	S						

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
ACCESSORY USES																						
Accessory structures of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts and such other accessory structures which exceed 30 inches in height from the average ground elevation.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Children's play areas and play equipment	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	
Accessory dwelling units	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	14-6.3 (C)(1)
Greenhouses, noncommercial	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	
Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	14-6.3 (C)(2)
Hospital heliport													A8									

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Other uses and structures customarily accessory and clearly incidental and subordinate to permitted permissible uses and structures	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	
Private barbecue pits, private swimming pools	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A				A	
Private daycare for infants and children	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A	A	
Private garages	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	
Residential use ancillary to an approved use		A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A	A	14-6.3(B)(5), (B)(6) and (B)(7)
Utility sheds, located within the rear yard only	A	A	A	A	A	A		A		A		A	A								A	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
* Special use permit required if located within 200 feet of *residentially-zoned property* unless a *qualifying project* located within the Midtown LINC Overlay District; otherwise permitted. (Ord. No. 2013-16 § 29; Ord. No. 2016-39 § 3)																						
**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential* uses.																						
***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)																						
1. In the RR district, multiple-*family* dwellings are limited to four per *lot*.																						
2. Hours of operation limited to 7 a.m. to 10 p.m.																						
3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.																						
4. Not to exceed 1,000 square feet *gross floor area*, sales of alcohol prohibited.																						
5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use *permit* in the Christus St. Vincent Hospital District.																						
6. See Section 14-6.2(A)(7) for additional regulations for *principal dwelling units* in the C-2, BIP and SC districts.																						
7. See Section 14-6.3 for additional *accessory* use regulations; see Section 14-6.4 (Temporary Uses or Structures).																						
8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.																						
9. See Section 14-7.2(I) for standards for pre-existing mobile home parks and Section 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.																						
10. See Section 14-7.2(H) 3,000 square foot limit applies to specified uses in RAC district. (Ord. No. 2014-31 § 11)																						

GURULE, GERALDINE A.

From: ISAACSON, ELIAS S.
Sent: Tuesday, June 16, 2020 8:23 AM
To: GURULE, GERALDINE A.
Subject: FW: Proposed Amendment to Short-Term Rental Ordinance
Attachments: Table 14-6.1-1 Zoning Permitted Uses Santa Fe NM.htm

From: LINDELL, SIGNE I. <silindell@santafenm.gov>
Sent: Tuesday, June 16, 2020 7:38 AM
To: ISAACSON, ELIAS S. <esisaacson@santafenm.gov>; PAEZ, SALLY A. <sapaez@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>
Subject: Fwd: Proposed Amendment to Short-Term Rental Ordinance

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From: Victoria Rogers <victoria.rogers8@comcast.net>
Sent: Tuesday, June 16, 2020 7:22:10 AM
To: LINDELL, SIGNE I. <silindell@santafenm.gov>
Subject: Proposed Amendment to Short-Term Rental Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Signe,

You and I have communicated in the past on this subject. I have read the proposed new Short-Term Rental Ordinance and am submitting detailed and much-considered suggestions. I appreciate your time reading input from a knowledgable, professional citizen well-versed and actively involved in the initial drafting of the City of Santa Fe's Short-Term Rental Ordinance(s) and the vacation rental business for more than a decade.

As the proposed STRO draft reads, there is a critical lack of distinction between regulations appropriate to a short-term rental business in a Residentially zoned area and a rental business in a Commercially-zoned district.

"Non-Residential" *is* and is best identified in the Ordinance as "Commercial" to be clear. City of Santa Fe Zoning of Permitted Uses (published Table 14-6.1 - attached) clearly distinguishes that Commercial zoning (such as C1, C2, C4 and BCD) PERMITS (allows) short-term rental usage.. That has been the guidance historically and was built into the initial and less-so into the currently operative STRO.

While changes are being proposed to improve regulations for Residentially-zoned short-term rentals, please maintain and address more specifically and appropriately the current distinction separating regulations governing Residential and Commercial short-term rentals.

For RESIDENTIAL short-term rentals:

These rentals impact neighbors/neighborhoods and the quality/lifestyle/values of Residential areas. The new STRO reflects that understanding. Points:

- In strictly Residential zoning, what number of properties (ratio to non-short-term rental usage) is desirable?
- Is the fulfillment of 1,000 Permits workable for the goals (including effective oversight by the City), or is that too many (or too few) when spread out within the City Limits by the density required by the Ordinance?
- Also, since for legal purposes some properties are deeded to a Trust or Partnership or choose the protection of an LLC, a requirement could be made and satisfied with one individual Owner identified as the contact person and name in which the Permit is held.
- An Owner or reliable local contact or manager must be available 24-7.
- Application paperwork/online forms for Residential Short-Term Rentals should reflect the special requirements that pertain to Residential.

For COMMERCIAL short-term rentals:

Short-term rentals in business districts (C1,C2,C4,BCD, etc.) should enjoy the same privileges that other businesses and lodging accommodation purchased/operated/sold in this zoning receive, contributing to their success, in the following ways:

- Numbers of Commercial STR Permits issued should not be included in any total cap (only Residential Permits are counted) as limits are not placed on other businesses in business districts, generating healthy competition and offering a generous variety to consumers. (What would be the reason to limit a business in a business district that contributes numerous benefits to the Santa Fe economy in a basically "green" way?)
- A Commercial property Owner could own more than one property used as a vacation rental business. Density is determined by bedroom/off-street parking space availability, not by number of adjacent buildings - that should not apply to commercial property where the overriding concept is to promote free commerce.
- Commercial short-term rentals may operate without regard to number of stays/per time period the same as for other lodging in business districts (B&Bs, Inns, Hotels, Motels, Boarding facilities, etc.). As with any business, documentation can be made available to governing bodies when needed, but monthly reports other than for Lodger's and Gross Receipts Tax purposes would not apply.
- While Permits are non-transferable, new Owners of Commercial property used (or not previously used) as short-term rentals are guaranteed to be able to register in compliance with application requirements as regulated in the current STRO and allowable by zoning. Again, the same rules as any established business that is sold or purchased by zoning for optional commercial usage.
- Application paperwork/online forms for Commercial Short-Term Rentals should reflect the special requirements that pertain to Commercial.
- An Owner or reliable local contact or manager must be available 24-7, since this is a 24-7 business. Notification at the time of permit/renewal (if changed) to neighbors would provide that contact information.
- The name of one person from an Ownership entity, partnership, LLC, will be provided on the application as the Owner/Contact for the Commercial Short-Term Rental Permit (Registration and Permit).

Some Important BENEFITS of short-term rentals:

- Commercially-zoned (as well as complying Residential) properties operating as vacation rentals generate a significant and presently much-needed contribution to the tax base through Lodger's and Gross Receipts taxes to the City and State.
- Variety of lodging options attracts a variety of clientele - not everyone wants to stay in a hotel or B&B or vacation rental. Each provides something special and enriches ways people can visit and experience Santa Fe and enjoy themselves. As a result, some then choose to relocate here and become valuable members of the community.
- Santa Fe is a city of hospitality, tourism is our life-blood to appreciate our many cultural offerings, contributing to and cultivating the local economy by bringing in tourist dollars that support restaurants, retail, State Parks, cultural events, and so on - all of which our community depends upon to grow and thrive.

Now is an ideal time to set a standard that is fair and create a sustainable, sound, manageable Short-Term Rental Ordinance that works for everyone - the City, State, locals and investors alike - in Santa Fe. A Short-Term Rental Ordinance that serves us long-term!

We need to think carefully about moderations to short-term rental policies in residential neighborhoods that are enforceable and protect quality-of-life for Santa Feans, while continuing to facilitate the availability of short-term rentals in the Commercial districts for those visitors who seek home-like accommodations for their stay in the midst of our dynamic city.

Thank you for the opportunity to participate in the conversation. I am available by phone for more dialogue anytime at your convenience, and anticipate a public community forum will provide valuable constructive input in creating, when timely and approved, the next version of the Short-Term Rental Ordinance.

Victoria Rogers, MA, retired RN, LMT and NM Real Estate Broker

Owner/Manager - Casita Ristra Vacation Rental, Santa Fe, NM

505.989.1088 cell/text

A printable Word document copy of this emailed letter is attached.

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Wednesday, August 19, 2020 12:20 PM
To: PAEZ, SALLY A.
Subject: Fwd: Important Detail for New STR Ordinance - Local Laws
Attachments: Vrbo Local Laws 1.jpg; Vrbo Local Laws 2.jpg

Thanks!

Noah Berke
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Victoria Rogers <victoria.rogers8@comcast.net>
Sent: Wednesday, August 19, 2020 11:02:37 AM
To: Mayors Office <mayor@santafenm.gov>; BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Important Detail for New STR Ordinance - Local Laws

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Webber,

As we refine the STR Ordinance and the City of Santa Fe works closely with such marketing engines as Vrbo, I wanted to call your attention to an important detail.

All are aware that a distinction in Ordinance requirements between Residential and Commercial zoned STRs should be addressed effectively, however, another detail exists that is critical for successful translation of new laws into the marketing arena.

Please create a separate numbering or lettering system that will indicate whether a registered STR property is licensed as Residential or Commercial. (Example: R367890 vs C367890)

The reason this is critical is because on the Owner Vrbo site Dashboard (you need to be an Owner to sign in, so you would not see this - see attached screen shots), there is an index called "Local Laws".

In this section, Vrbo has blanks that are designed to uphold those laws.

One blank is: minimum night stay

In the Residential areas, the new Ordinance is possibly going to pass with a 7-night minimum.

The Commercial areas would not have that minimum, same as other lodging in Commercial areas, all of which have non-restricted minimum night for rental.

If a distinction can not be easily identified and communicated with the Vrbo system, then the limitation of 7 nights indicated for Residential STRs would be placed on Commercial STRs, too.

That would defeat one of the important distinctions between the two zoning areas, which reflect very different needs and neighborhoods, as well as income potential (certainly from the Commercial STRs not just for the Owner who is running a legitimate and zoning-approved business, but for City Lodger's Tax and State GRTs).

Commercial STRs are in areas meant for flourishing business and tourist traffic and turn-over, per zoning. It is right that there is no minimum night stay and the Vrbo site, and others coordinating with local and state laws, must be able to identify that, both for those wishing to visit and stay in a vacation rental and for the owners in this hospitality industry.

Thank you for acknowledging and addressing this issue along with new STR Ordinance legislation that is passed.

Feel free to contact me with any questions. I am copying Noah Berke; please circulate to other concerned decision-makers.

Victoria Rogers
STR Owner

2 attachments

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 2:36 PM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd: Please vote NO on the proposed changes to the short term rental ordinance

Get Outlook for iOS

From: Tim Ryan <timaryan7@gmail.com>
Sent: Thursday, June 18, 2020 1:24:24 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Please vote NO on the proposed changes to the short term rental ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a tax paying, licensed homeowner/operator of a short term rental (STR) in the BCD, I am writing to express my absolute and complete opposition to the new regulations being considered regarding STR's in BCD districts in Santa Fe. The following are the reasons that the city of Santa Fe should NOT adopt these new regulations.

1. The clear distinction, in Section 14-6.2 (A) 6 of the STRO between BCD-zoned STRs and residentially zoned STRs must be preserved, or the city's zoning structure becomes non-sensical by essentially treating STRs as fundamentally different from other lodging options, such as inns and hotels.
2. The new STRO restrictions upon BCD-zoned properties include a limit of one reservation per seven-day period, which would lead to a significant reduction in revenue. Logically, hotels, inns and B&Bs should face the same requirement, as all are simply varying, legitimate lodging options in a business district. This action is potentially a taking of property without compensation.
3. The new STRO allows STR permits only for natural persons, not to legal entities, like LLCs, partnerships, trusts, etc. Property ownership by a legally formed entity has been a staple of our legal system.
4. Other revisions would make it impossible to start any new STR in the BCD, which is odd, since we could easily open a new gallery, restaurant or hotel (e. new 70 room Lensic development) tomorrow with no limitation on how many of these types of businesses can operate in the BCD.
5. The regulations would create new, onerous paperwork requirements that are arbitrary and unfair when compared to other lodging businesses in the same BCD commercial zone.
6. It is unwise to assume that STR guests will choose a hotel if no STRs are available. It is not the same experience and many visitors will simply go elsewhere and Santa Fe will lose revenue at a time when the City can scarcely afford to.

We purchased our home specifically in the BCD. Within a block of our home are three restaurants, a UPS store, a doggy day care, a strip mall, a gas station, a hat shop and numerous other commercial

businesses. We are NOT in a purely residential neighborhood and should not be treated as such. Short term rentals in commercial zoning should have the same privileges as other commercial businesses and lodging establishments. The bottom line is that no significant changes should be made at this time and the city should retain the BCD/residential distinction and enforce the existing STRO regulations instead of creating new ones and punishing those of us that follow the rules.

I respectfully ask you to vote NO on the proposed changes.

Thank you for your consideration,

Tim Ryan
303 Staab Street
Santa Fe, NM
87501

PAEZ, SALLY A.

From: LAPAN HILL, JAREL
Sent: Wednesday, January 29, 2020 7:42 PM
To: MCSHERRY, ERIN K.; ISAACSON, ELIAS S.; PAEZ, SALLY A.
Cc: Mayors Office
Subject: FW: Santa Fe Lodgers Association Follow Up on Short Term Rentals
Attachments: addendum STRs.pdf

Sharing this correspondence for awareness

From: dph.sfe.162.gm.Keith.Kirk <Keith.Kirk@druryhotels.com>
Sent: Wednesday, January 29, 2020 10:46 AM
To: Mayors Office <mayor@santafenm.gov>
Subject: Santa Fe Lodgers Association Follow Up on Short Term Rentals

Dear Mayor Webber,

I wanted to reach out on behalf of the Santa Fe Lodgers Association and see if we can help in any way to move the Short-Term Rental ordinances and regulations forward? As you know we submitted a letter to you and all the Council Members back on October 17th with the hopes that action might be taken by January 1st. I know that you and the Councilors are working on many items which include the fine and penalty steps which is important to avoid actually court cases. In addition, Carol Johnson left her position creating a vacancy that oversaw this area. However, we want this issue to remain a focus and we are willing to help and support in any way we can to move this process along. It is vital to the lodging industry in Santa Fe as well as the impact it has on affordable housing to have the regulations that are in place enforced. From our conversations, I know you are in agreement with most all the items listed below and we are more than willing to help and support this process.

Can you give any kind of update I can share at my next Lodgers Meeting which is February 12th?

Thank you for your time and consideration and look forward to a response.

Sincerely,

Keith Kirk
President of the Santa Fe Lodgers Association

Below is our original letter and attached information:

Santa Fe Lodgers Association
PO Box
Santa Fe, NM 87501

October 17, 2019

Dear Mayor Webber, and Councilors:

Santa Fe Lodgers Association (SFLA) requests that the city council work to develop enforceable policy and regulation to ensure that Short Term Rentals (STRS) do not erode the intent of residential zoning and do not disrupt the equity of fair competition in the lodging industry.

The SFLA is not opposed to STRS. We are concerned regarding the lack of enforcement and lack of progressive changes to policy and regulation that protect housing for workers, the integrity of community, and fair competition in the marketplace.

As council works towards this end, we ask that the following be considered.

- Establish a firm date for the enforcement of the current STR Ordinances and enforce current laws. We suggest January 1, 2020 as the start date.
- Increase current fee structure to provide the dollars for the needed enforcement arm and allocate those funds directly to the Land Use department for this purpose.
- Retain current cap of 1000 STR permits in residential areas with a commitment to not increase this amount without the implementation of enforcement and further study of the issues related to the growth of STRS.
- Establish guidelines for STR in the Business Districts treating them the same as existing hotels, inns and bed and breakfast operations.
- One permit – one resident or homeowner – multiple permits now allowed.
- A lottery system could be used when all 1000 permits are taken. There is no guarantee you will get a permit each year.
- Permit preference given to local Santa Fe residents and owner occupied STR units over out of state owners.
- Take immediate action to bring the over 800 illegal STR that the Host Compliance software has already identified.
- Enact regulation to prevent STR's in multifamily units, unless occupied by a host resident.
- Immediately enforce the current regulation that no permits be issued to more than 2 contiguous units.
- Form a task force to provide advisory assistance to Land Use in its efforts to implement the desired level of enforcement.
- Require that STR permits be used as demonstrated by the collection and remittance of Lodger's Tax. Any permit not used for a period of 12 months would not be renewed and would be made available to others.

We support the original intent of STRS, as an opportunity for homeowners to augment their income, and the intent of one home one permit. We are opposed to investors creating non-conforming hotels in multi-family units as well as eroding the residential quality of neighborhoods, and the disregard of hotel licensing in commercial zoning. We wish to be of assistance in developing policy that is consistent with those values and request that the following be considered as you re-write policy.

Addendum attached: Q&A between us and Carol Johnson, Land Use director, from meeting with the board of the SF Lodgers Association, on September 11, 2019.

Respectfully,

Keith Kirk- President
Drury Plaza Hotel

Tom McCann – Vice President
Heritage Hotels

Christina Genuario-Gill – Secretary/Treasurer
Inn on the Alameda

Rik Blyth – Board Member
La Fonda on the Plaza

Sam Gerberding – Board Member
Inn of the Governors

John Rickey – Board Member
Historic Hilton

Corey Fidler – Board Member
Hotel Santa Fe

Rob Ettenson – Board Member
Inside Santa Fe Magazine

Bruce Adams – Board Member
Santa Fean, Now and Su Casa Magazine

Jeff Mahan – Board Member
Truhostpiltality

Charlie Gray – Executive Director

Keith Kirk
General Manager
Drury Plaza Hotel *in* Santa Fe
828 Paseo de Peralta
Santa Fe, NM 87501

P 505.424.2175 (ext: 7070)
F 573.651.9487
www.druryplazasantafe.com



PAEZ, SALLY A.

From: LAPAN HILL, JAREL
Sent: Wednesday, January 29, 2020 8:23 PM
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.; MCSHERRY, ERIN K.
Cc: Mayors Office
Subject: FW: THIS ONE!!!
Attachments: Short Term Rental Recommendations.docx

More resident input on short term rentals

From: Joe Schepps <yoder560@gmail.com>
Sent: Wednesday, January 29, 2020 1:05 PM
To: Mayors Office <mayor@santafenm.gov>; FREITAS, MARY M. <mmfreitas@santafenm.gov>
Subject: THIS ONE!!!

PUTTING NEIGHBORS BACK INTO NEIGHBORHOODS

Overview:

When the original Short-Term Rental (STR) ordinance was adopted into the City Code, Santa Fe, like all US cities, had little or no experience with this new concept of renting. Short-Term Rentals (STRs) were originally envisioned as an opportunity for local residents to rent out their homes or portions thereof for either profit or the necessity to cover living expenses. None of the original ordinance framers could have foreseen that these permits would become commercial business enterprises, or that one person would have multiple individual permits, or that STRs would have such a negative impact on neighborhoods, long-term rental housing availability and housing prices.

The suggestions for changes to Santa Fe's STR ordinance are briefly described below and are taken from the many different communities who have successfully modified their STR ordinances. These municipalities include Charleston, SC, Santa Monica, CA and Pacific Grove, CA. Input from various constituent groups were solicited, including the hospitality sectors, neighborhood associations, individual impacted neighborhood residents and affordable housing advocates concerned about both the spiraling price of housing and the community impact of the removal of long-term rentals from the market. Established neighborhoods lose many of their neighbors and therefore their traditional cohesiveness is impacted by STR strangers. These shifting dynamics raise property values driven by valuation based on the capitalization rate of potential STR income cash flow. Instead of purchasing a residential home as your primary residence to live in, prices are driven higher by housing valued as STR income — a capitalization method formerly reserved for traditional commercial property.

The Thornburg Foundation and Homewise recently funded a June 2019 report by Kelly O'Donnell PhD, of O'Donnell Economics and Strategy titled *Short Term Rentals and Access to Housing in Santa Fe*. This detailed work outlines the impact STRs have on housing under Santa Fe's existing ordinance. This study is a must read for anyone interested in understanding the mechanics of how STRs impact housing. The report can be downloaded from the City of Santa Fe AND Homewise websites. Drop these links into your browser: https://www.santafenm.gov/document_center/document/10452 OR https://www.homewise.org/reports-audits/

For City Council consideration, below is a list of recommended actions to take and amendments to be included in an amended Short-Term Rental ordinance.

1. Initiate an immediate Moratorium on STR permit applicants from investors or homeowners, commercial and residential, unless the property is the primary residence of that applicant.
2. Initiate STR code changes that are simple, clear and easily enforced.
3. Allow one STR permit per primary resident, with proof of ownership. That resident, or host, must occupy the home for at least 6 months a year and must reside on property during STR stays.
4. Owner must annually renew a STR permit and must list the assigned permit number on all advertised listings, Internet and otherwise.
5. Owner must have a business license, required code inspections and a GRT number.
6. At the sale of a residential or commercial property, the seller cannot transfer a STR permit. The new owner must re-apply for approval.
7. Require, monitor and strictly enforce Lodgers and GRT tax collections.
8. Complaints or information concerning enforcement of non-compliance are treated anonymously.
9. Provide tracking of unlicensed STRs and licensed permit compliance with strong and effective enforcement of all STR rules and regulations, including limits of the number of guests per stay.

Subject: STR
Date: Saturday, June 13, 2020 at 13:34:08 Mountain Daylight Time
From: marvin schrager
To: mayor@santafenm.gov
CC: Richard Woodruff
Category: Adobe Casitas

Dear Mr. Mayor: I have received your response to which I vigorously disagree.

People like myself have made significant investments in your community. We spend considerable
amounts of time visiting and supporting SF industry. We also provide opportunity for others to visit
SF and support SF industry. If you read all of the reviews for mine and other's properties, you will
find the preponderance of extremely favorable reviews. The fact is, STr are a favored way to travel, especially
for families.

If there is a problem, consider not issuing any new permits and capping it at the present limit.

However, to arbitrarily cut the number of permits is to severely damage the investment of many people.

Such action will most likely cause at least a 25% drop in the value of STR properties. I have 2 for sale due to health reasons
and most of the potential buyers are "investors" What am I to do if you won't give them my permit? I invested in SF with the understanding
I could rent my property. Now you want to change the agreement. Where is the "fairness" in that?

We bought a 2nd home w/in the last 1.5 years. There was no mention of your intent and we received a permit. Why were we not warned of your thoughts to change?
Seems to me a bit of deception on the part of the city.

To take away my permits if I sell seems to me to be a form of eminent domain without paying fair market value.

I hope you will reconsider your position.

Thank you
Marvin Schrager 512 944 7059

GURULE, GERALDINE A.

From: Ron and Myrna Simon <darchorse@msn.com>
Sent: Sunday, June 14, 2020 11:42 PM
To: COPPLER, JOANNE V.; Land Use Public Comment
Cc: kkomoll@newmexicohospitality.org;; gholcomb@vrma.org; aduettra@gmail.com
Subject: Short Term Rental Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Having just learned of Santa Fe City Council's impending action regarding Short Term Rentals, we feel you are unfairly penalizing the owners of these STRs, are seriously impacting the investment they have made in their properties and limiting their future revenues. And to what avail?

What precipitated this action? You are only jeopardizing the visitors and tourists who would be coming to your beautiful community. We love the STRs! We can do our own cooking or walk to a number of restaurants, stay together as a family (instead of in separate rooms), have no need for a car since we are walking distance to The Plaza and found a whole new world of pleasure in Santa Fe, like being in our own home.
Your Council should be encouraging the use of such favorable accommodations, not discouraging them.

And what is the purpose of the 75' restriction between properties? That only adds to the expense and cost that the property owner has to assume. These STR's are tributes to the history and economy of Santa Fe. The owners have worked hard and gone to a good deal of expense to preserve their charm and quaintness.

Please reconsider such a severe change in policy of these very desirable STRs. For our sake and for Santa Fe's tourism.

Thank you,
Ron and Myrna Simon
Advocates for STRs in Santa Fe

Sent from my iPad

To the Honorable Mayor Alan Weber:

I appreciate your concern to make sure all parties are heard on this very important Short-Term Rental (STR) Ordinance. I am a property owner in the City of Santa Fe, and I have worked in public administration for over 20 years. I have the following observations and suggestions:

1. **The stakeholder outreach on this issue has been insufficient to date.** Better solutions come when all the stakeholders have input into the process. A draft ordinance is premature before having a public workshop where all of the problems and objectives can be identified. What are the problems we are trying to solve? What problems has the City of Santa Fe experienced under the current ordinance? What are all the possible solutions? The City of Santa Fe has the name and address of every STR property owner and local property manager through the licensing process, and yet they were not notified of this meeting, or any prior meeting in which their input might help form revisions to the ordinance that might best serves all the stakeholders. Before you proceed further with your process, please back up a step and make sure your stakeholder outreach is comprehensive. **Hold a public workshop where all stakeholders have been notified and had an opportunity to review the material.** This makes for good governance and greater acceptance of the final outcome.
2. The revenues for cities and counties nationwide are hard hit by COVID-19. The City of Santa Fe will be no exception. **Is it responsible to be considering these changes without a thorough review of the economic impact?** It will be very difficult for the City Council to make informed decisions if all the potential financial impacts and ripple effects have not been considered.
3. Currently it is very difficult for a robust public process to take place. Many of your constituents are not able to participate in virtual meetings. Is this ordinance such an urgent item that it cannot wait until some face-to-face public workshops and hearings can take place? Please use the time for more outreach to understand the issues for all parties and to understand the economic impact of any proposed solutions.

Santa Fe is a beautiful city and all who live or visit here want to maintain its specialness. I think a more robust public process will produce an outcome that better serves the community.

Sara and Dave Singleton

Michael W. Tankersley
1130 Camino Delora
Santa Fe NM 87505

June 17, 2020

Mr. Elias Isaacson
Planning and Land Use Director
City of Santa Fe
200 Lincoln Ave.
Santa Fe NM 87504

Re: Proposed Amendments to Sections 14-6.2(A)(5)-(8) SFCC 1987 and 14-11.4 SFCC 1987 of the Land Use Code intended to improve administration and enforcement of the Santa Fe Short-Term Rental (STR) program (the "STR Amendments")

Dear Mr. Isaacson,

I am writing to communicate my general support for the proposed STR Amendments, but also to point out several provisions that will, if included in the finally adopted version, create adverse consequences that appear to be unintended and unnecessary to the policy objectives and practical application of the STR Amendments.

My wife and I own a two bedroom residential property located at 1130 Camino Delora that we have used as our second home since 2010. In 2013 we purchased the attached two bedroom guest house at 1130A Camino Delora. 1130A is located on the street; 1130 is located up a private driveway just south of 1130A. The two houses are attached and are part of a two unit condominium arrangement created by a prior owner in 1986 in which the land and structures are owned by R&J Condominium Owners Association, Inc., a New Mexico not-for-profit corporation. The condominium units are owned by New Mexico limited liability companies that are owned jointly (50/50) by my wife and I.

1130 Camino Delora has been operated as an appropriately registered and permitted short-term rental managed by Two Casitas Santa Fe Vacations since 2011 and 1130A Camino Delora has been similarly operated since 2013. We, our family and friends stay in the houses 50-60 nights per year. We have adequate off-street parking and are not aware of any other aspects of the property and its STR activity that will conflict with the STR Amendments except as noted below. Without the financial support from STR activity we could not have afforded to purchase, make improvements to and keep up this property.

As I understand the policy objectives of the STR Amendments, the ownership and usage arrangements for 1130 and 1130A Camino Delora described above do not present any of the problems that the STR Amendments are seeking to address. At the same time, I am concerned that the portions of the STR Amendments discussed below could result in the potential loss of our STR permits if enacted as written.

A. <u>The STR Amendments Requirement That STR Permits Must Be Issued Only to "Natural Persons" Needs to be Revised to Allow Use of Legal Entities by Owners Who Are Natural Persons</u>

The relevant portions of the STR Amendments include the following provisions [page numbers in brackets refer to the pages of the marked-up draft ordinance]:

> [P.5.] (b) Short-Term Rental ~~[Units]~~ Permit Required
> . . . .
> (iii) The land use director shall issue permits to natural [P.6.] persons only, and each natural person may possess a maximum of one (1) permit.
> . . . .
> [p.18.] 14-12.1 DEFINITIONS
>
> [P.19] NATURAL PERSON - An individual human being, as opposed to an organization of any form or a business entity.

The STR Amendments are seeking to limit the possibility that larger scale, professional property investors and management companies, referred to as "speculators," will end up owning a significant number of Santa Fe residential properties. This policy objective is to be accomplished by limiting STR permit issuance to (a) only natural persons and (b) one permit per natural person.

My wife and I own two Santa Fe properties, with two STR permits. So the basic facts of our situation do not conflict with the policy objectives of the STR Amendments. However, I am concerned that applying the language of the STR Amendments set forth above to our legal ownership arrangement as described above could result in the land use director declining to reissue our STR permits in the future because our properties are owned by legal entities that we own, not by us directly. The STR Amendments grandfather some aspects of current STR permit holders not allowed after adoption of the STR Amendments, such as owning multiple permits or violations of the proximity limitations (see provisions quoted below). The STR Amendments do not grandfather STR permits held by legal entities that are not "natural persons." Section D of this letter proposes that the STR Amendments include a provision providing such grandfathering rights to current holders of STR permits that are not natural persons.

The problem presented by the STR Amendment language above is that natural persons frequently have good reasons to use legal entities to own real estate, without any connection to speculators or the desire to own a lot of residential properties operating as STRs. A quick informal online survey of the owners of homes near our properties on Camino Delora showed a number of trusts and limited liability companies, most of whom I do not believe are currently operating STR units. A broader look would likely turn up some partnerships and corporations as well. More broadly, anyone owning a condominium or a unit in another form of multi-family property who seeks a STR permit will inevitably include a legal entity as part of the "ownership" of the property and, to that extent, risks running afoul of the natural person requirement.

The STR Amendment language copied above may also produce unintended consequences to the extent that it does not consider the possibility that a residential property may be owned jointly by two or more otherwise qualifying natural persons. My informal online survey of the owners of residential properties near Camino Delora mentioned above indicated that a majority of them were held in the name of two natural persons, many appearing to be husband and wife. The policy objective of the STR Amendments would appear to be consistent with allowing a husband and wife (or really any two people) to jointly own two properties subject to STR permits, but the language used in the STR Amendments quoted above is not clear on that point and could be read to produce a contrary result.

I ask that the STR Amendments be revised to address the issues outlined above. One approach to consider is to base the operation of the ordinance on the identities of the natural persons who are the ultimate beneficial owner(s) of a property, not on the legal entity that they may use, and to recognize

joint ownership of a STR unit as effectively resulting in possession of a fraction of an STR permit, as follows:

> [P.5.] (b) Short-Term Rental Permit Required
> . . . .
> (iii) The land use director shall issue permits to or for the benefit of natural [P.6.] persons only, and each such natural person may possess, directly or indirectly, in the aggregate, a maximum of one (1) permit. A permit is issued "for the benefit" of a natural person if that natural person is the direct or indirect owner of at least 50 percent of the ultimate beneficial economic interest in an organization or a legal or business entity that owns a short-term rental unit subject to the permit and the existence and nature of the relevant legal and beneficial ownership is disclosed to the land use director. For the avoidance of doubt, the determination of whether a natural person possesses a maximum of one (1) permit will include fractional ownership of permits issued for the benefit of that natural person as provided herein.
> . . . .
> [p.18.] 14-12.1 DEFINITIONS
>
> [P.19] NATURAL PERSON - An individual human being, as opposed to an organization of any form or a legal or business entity.

The suggested language looks through the use of a legal entity to the underlying economic ownership by specific natural persons, recognizing the high frequency with which married couples and domestic partners purchase residential real estate, in their own names or using a trust or limited liability company. The revised language allows individuals in those circumstances, who in the vast majority of cases will own real property on a 50/50 basis, to own two properties that will qualify for STR permits, directly or through a legal entity. The large-scale professional property investment or management operations disfavored by the policy of the STR Amendments would not be able to qualify for a STR permit under the suggested wording.

B. Changes in the Form of Ownership of a Property Benefiting From a STR Permit That Do Not Impact Ultimate Beneficial Ownership Should Not Terminate the STR Permit.

The STR Amendments seek to limit the transferability of a STR Permit:

> [P.5.] (b) Short-Term Rental ~~[Units]~~ Permit Required
> . . . .
> (v) A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the land use department. If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department.

Under this rule, if my wife and I decided to get rid of our very complex two unit condominium structure at 1130 Camino Delora by transferring title from the three New Mexico legal entities that own the properties to our names directly, we would lose our STR permits. There is nothing in the policy objectives of the STR Amendments that requires this result, suggesting that this is another unintended consequence. That result is also inconsistent with the change to the STR Amendments proposed above at A., which reflects a policy perspective that the use of legal entities by individuals to manage their

ownership of an otherwise qualifying STR unit should not trigger unintended negative results, such as loss of their STR permit. To address this issue, it is suggested that the above provision be modified to read as follows:

> (v) A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the land use department. If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department. A transfer of ownership of a property subject to a short-term rental permit to an organization or a legal or business entity having the same ultimate beneficial ownership as disclosed to the land use director pursuant to Section 14-6.2(A)(5)(b)(iii), or which results in one or more of such disclosed beneficial owners owning, directly or indirectly, 100 percent of the ultimate beneficial economic interest in the property, will not be effective to terminate the short-term rental permit, which shall be transferred to the successor owner or owners upon application to the land use director.

Transfers of title to a STR unit by gift or inheritance from one generation to the next should also be considered for exclusion from the "no transfers" rule.

C. The Language Used to Grandfather Holders of Multiple STR Permits Should Be Revised To Be Consistent With Other Grandfathering Language

Subparagraphs (a) and (b) of Section 6 the STR Amendments address the impact of the prohibition of multiple STR permits and the STR proximity limitations on holders of existing STR permits with the apparent intention of grandfathering STR permits in place at the time of adoption of the STR Amendments:

> [P.16] (6) [Short-term Rental of Dwelling Units – Non-residentially Zoned Property] Existing Short-Term Rental Permits and Registrations
>
> . . . .
>
> [P.17] (a) Short-term rental permits held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid, even if multiple permits are held by one owner. The owner does not need to renew those permits until they expire. Upon expiration, the owner may be eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.
>
> (b) Short-term rental permits that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-) is adopted are valid and owners of such permits are eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

Despite the apparent intention to provide similar grandfathering rights in each provision, subparagraphs (a) and (b) use differing language to achieve that effect, which raises a question as to whether they are in fact intended to have the same effect. Subparagraph (a) states as to a holder of multiple STR permits, "Upon expiration, the owner may be eligible to timely renew the permits pursuant to subsection 14-

6.2(A)(5)(i) . . .." Subparagraph (b) states as to a holder of a STR permit that might violate the proximity limitations in the STR Amendments "owners of such permits are eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), ..."

It is not clear why in the first instance, the owner "may" be eligible to timely renew (suggesting that it is possible that, for instance, by action of the land use director, the owner may not be eligible to renew), and in the second instance, the owners of such permits "are" eligible to timely renew, indicating no possibility that they are not eligible to renew except for the existence of an issue under Section 14-11.4. The language of subparagraph (a) also raises a question as to whether the right of a grandfathered holder of multiple permits is entitled to renew only one time, in the first year after the STR Amendments are adopted, or the right is perpetual.

It is suggested that subparagraph (a) be revised to address these issues as follows:

> (a) Multiple short-term rental permits held by one owner at the time the ordinance amending subsection 14-6.2{A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid~~, even if multiple permits are held by one owner~~. The owner does not need to renew those permits until they expire. Upon expiration, and in subsequent years, the owner [~~may be~~] is eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

D. To The Extent That the STR Amendments Are Not Revised To Allow STR Permits To Be Issued To Legal Entities As Recommended At A. Above, Permits Currently Issued To Legal Entities Should Be Grandfathered

Section A of this letter points out that the STR Amendments as drafted effectively prohibit the issuance of a STR permit to a legal entity that currently holds a STR permit. Even if the STR Amendments are revised as suggested in Section A, it is possible that some currently compliant STR permits issued to legal entities will be denied renewal, and if something like the proposed revisions are not made, all existing STR permits issued to legal entities are likely to be denied renewal. The STR Amendments in Section 6 (a) and (b) discussed in Section C above recognize the unfairness of a sudden, across the board denial of STR permits to currently compliant Santa Fe property owners by providing that current STR permit holders will be grandfathered if they currently hold multiple permits or if their properties otherwise violate new proximity limitations.

The STR Amendments should be revised to grandfather STR permits held by legal entities at this time and their renewal in future periods. To accomplish this it is requested that the STR Amendments be revised to include the following new Section 6 subparagraph (c):

> (c) Short-term rental permits held by a property owner that is not a natural person at the time the ordinance amending subsection 14-6.2{A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid. The owner does not need to renew those permits until they expire. Upon expiration, and in subsequent years, the owner is eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

One last minor point to note is that Section 5(c)(i) requires that a qualifying local operator of a STR unit must have offices within the Santa Fe city limits. It is not clear why a property manager in one of the cities or unincorporated areas surrounding Santa Fe, who might be closer to a STR unit than a property manager within the city limits at the other end of town, is disqualified under the STR Amendments. It is suggested that the STR Amendments require that qualifying property managers be located within something like a 10 or 20 mile radius of the city limits.

Thank you for your consideration of these points. Communications regarding the above matters are best directed to me as follows:

By email: mtankersley1614@gmail.com
By mail: 6246 Northwood Rd, Dallas TX 75225
By telephone: 214-679-2369

Very truly yours,

Mike Tankersley

Two Casitas, Santa Fe Vacation Rentals has been operating vacation homes in Santa Fe since 1998 and has grown to manage sixty-seven independently owned properties, employ eight people, and provide consistent work for many local contractors. Before the Pandemic, we were actively expanding our inventory and our workforce, and we intend to continue that expansion as our business recovers. Two Casitas contributed over $300,000 in Lodger's Tax to the City of Santa Fe in 2019. The thousands of guests that we host provide an incalculable economic and fiscal benefit to our city and its government. As a locally owned and operated small business, we have strong personal and financial interests in maintaining the character and charm of our city, and the neighborhoods in which our homes are located. The proposed legislation will not immediately threaten our business, but it is designed to slowly decrease the profitability, and thus the significant economic benefit, that Two Casitas and companies like it bring to our city. While that is our primary concern with this legislation, we would also like to address some of the topics that came up in the City Council meeting, and the general spirit behind all short-term rental legislation adopted by the City. We believe that the negative externalities associated with our industry are largely exaggerated by its detractors, and that many of them can be solved with the tax revenue that the City brings in from permitted rentals.

It appears that the ultimate goal of the legislation is to gradually reduce the number of permittable rentals in the city. Short-term rental management companies operate with significant turnover in our inventory. Many of our homeowners end up selling their homes, and a significant portion of them end up retiring in them. The rental income that we provide to them before this occurs makes this financially feasible, and ultimately provides further economic benefit to the neighborhoods in which these homes are located. The long-term reduction of permittable rentals could result in us not being able to replace homes that we no longer manage, as management companies depend on a consistent flow of new inventory for their growth and profitability.

We would like to stress that while many, but not all, of our owners currently reside out-of-state, their investments in short-term rentals bring significant benefit to our city. The homes that they purchase are often renovated, restored, and improved in order to become rentals. This raises property values in the neighborhood and employs local contractors. This benefit is sustained while the homes exist as short-term rentals, as property managers take extra care to maintain and improve their inventory on the owners' behalves. As we mentioned earlier, many of our owners eventually move into their rental homes and become members of our local community. They have no interest in destroying the fabric of our neighborhoods or reducing the quality of life for their future neighbors. They invest in Santa Fe in the first place because they love and respect our city's culture and unique heritage. Their investments are meant to improve and preserve that—not destroy it.

During the city council meeting, residents expressed concern regarding some of the externalities associated with our industry. Several people expressed their

belief that vacation rentals create additional traffic in Downtown Santa Fe compared to long-term renters or permanent residents. In fact, short-term renters make fewer and shorter trips per day, and have fewer vehicles per person than residents. They also do not contribute to traffic while the homes are not being rented.

Concerns regarding affordable housing in Santa Fe are often unfairly blamed upon the short-term rental industry. Housing affordability has been an issue in Santa Fe for much longer than the short-term rental industry has existed, and the neighborhoods in which our rentals exist have little chance of becoming affordable even if all short-term rentals are eliminated. However, we do believe that the income that the city makes from rental activity could be allocated towards building affordable housing in other parts of the city.

Several residents mentioned that noise complaints were a concern. Complaints of this kind are exceedingly rare and are not eliminated by replacing short-term renters with permanent residents. Permanent residents can result in chronic disturbances that require the involvement of law enforcement. The occasional guests who do cause a disturbance are swiftly dealt with by management companies without the need to involve law enforcement. Furthermore, troublesome guests are inevitably followed by benign guests or the home being silently unoccupied.

Two Casitas is concerned about the prevalence of unpermitted rentals as well, as it creates an uneven playing field that disadvantages the business that provide the city with tax revenue, abide by local regulations, and care about the integrity of our communities. The proposed legislation is solely focused upon further restricting the good actors in our industry, while diverting enforcement resources away from people who have no regard for working within the system. We strongly recommend that the city focus its limited resources on getting permits for unpermitted rentals rather than making permitted rentals more difficult to operate.

We appreciate your time, and hope that you will consider our perspective in your legislative agenda.

Sincerely,

Wendy Kapp, Will Risbourg, Rachel Zell, and Brittany Bruaw

Two Casitas, Santa Fe Vacation Rentals

GURULE, GERALDINE A.

From: Jon Tucker <jtucker@tuckerime.com>
Sent: Sunday, June 14, 2020 1:37 PM
To: Richard A Woodruff; LINDELL, SIGNE I.; Mayors Office; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com
Subject: Re: Proposed Changes to STR Ordinance - Impact of 75' Radius on Future STR Permits

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The proposed ordinance is simply a pretext to kill the STR business as it exists in Santa Fe without regard to any rational analysis of its fallout or long term repercussions. A 2018 study done with poor design is simply stale and as Richard mentions, fails to factor important future looking elements.

Variations of draconian limits on STR's have been tried in other locations with legal challenges brought in most cases resulting in rollbacks. However, the negative impact upon the real estate markets and property values remained.

The rental market will migrate outside the city limits and irreparable damage will have been done if this measure is enacted.

Especially now, when people are searching for some economic security both at the personal and governmental levels, I'm flabbergasted that such an economically injurious measure finds traction.

Every one of the property owners who factor their ability to get some rental income will appeal their property tax valuation if this passes, as they should. And a decline of at least 25% in value would be expected! Not to mention the loss of tax revenue and economic activity from renters.

Just some additional thoughts on the matter. Thanks for reading!

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

5990 University Blvd.
Suite #12, Box 248
Moon Township, PA 15108
Phone: 412-276-6241
Cell: 412-310-6177
Fax: 412-265-6530
www.medicolegalgroup.com
jtucker@medicolegalgroup.com

www.medicolegalgroup.com

Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Date: Saturday, June 13, 2020 at 10:57:04 Mountain Daylight Time

From: Jon Tucker

To: Richard A Woodruff, LINDELL, SIGNE I., aduettra@gmail.com, Mayors Office, VILLARREAL, RENEE D., GARCIA, MICHAEL J., ROMERO-WIRTH , CAROL, RIVERA, CHRISTOPHER M., ABEYTA, ROMAN R., CASSUTT-SANCHEZ, JAMIE A., COPPLER, JOANNE V.

CC: Kathy Komoll, Teya Vitu, Paco Arguello, Donna Reynolds, gholcomb@vrma.org

Category: Adobe Casitas

All,

A couple weeks ago I received a solicitation from Marriott to convert my home on Palace Ave into a weekly timeshare unit managed by them as a subsidiary of their vacation club.

Oddly and maybe not coincidentally, that corporate structure would comply with the new ordinance.

One should ask and share for all to know if that is the kind of manager and the kind of place we want Santa Fe to become. Hotel operators would invade this space and subsequently mold the ordinances to their liking, while distressed hotel properties, freed of competition from better and less expensive short term rental homes, and managed by these same entities, would convert debt laden distressed properties into timeshares. And trust me just about all the hotels are laden with non recourse CMBS paper that is being taken over by the vultures who will liquidate the assets any way they can.

In my humble opinion, that is where the focus of City Council ought to be!!!

How about the spectre of timeshare salespeople hawking interval ownership on the Plaza? That's what's coming if competition is not preserved. Guaranteed.

This proposed ordinance will ruin Santa Fe.

In order to preserve the unique nature of Santa Fe the government needs to embrace and nurture the small businesses that constitute the short term rental market. We are the people who have personally invested in and care about preserving Santa Fe. Don't wreck it by regulating us out of business and opening the door for the timeshare creatures.

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

5990 University Blvd.
Suite #12, Box 248
Moon Township, PA 15108
Phone: 412-276-6241
Cell: 412-310-6177
Fax: 412-265-6530

GURULE, GERALDINE A.

From:	Elizabeth West <ewest@cybermesa.com>
Sent:	Sunday, June 14, 2020 11:21 PM
To:	esiasaacson@santafenm.gov; Land Use Public Comment
Cc:	WEBBER, ALAN M.; Signe Lindell; VILLARREAL, RENEE D.; ROMERO-WIRTH , CAROL
Subject:	attention Planning Commission, regular Committee Thursday, June 18, 2020: Amending Section 14.6.3 SFCC 1987 / Short Term Rental Ordinance / amending the Amendment
Attachments:	Short_Term_Rentals_fillable3_14.pdf

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Please forward or deliver this email to the entire Planning Commission for me — thank you! (The deadline is tomorrow (Monday), June 15 at noon. This is being emailed Sunday evening at about 11:30 p.m.)

From the Agenda for the Planning Commission, Thursday, June 18, 2020:

7.B. An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

I think there are two most important items that need to be addressed before moving forward with this: a Primary Residence requirement, and understandable regulations which better facilitate enforcement.

1) Primary Residency requirement needs to be part of this amendment. This requirement would help solve a lot of problems. (The Charleston, SC model is probably the most congruent with Santa Fe's needs.) Compliance from the existing businesses should be required, but perhaps generously give the businesses a year to adjust?

2) It is important to keep the regulations, guidelines and requirements as clear and simple as possible in order to facilitate reasonably easy accountability and enforcement. This will help the City as well as help the STR businesses. The enforcement penalties and policies need to be easily understood and readily available. The City of Santa Fe should be able to receive the money that is owed to it, as part of the arrangement for what the City provides the people who are in the business of short term rentals. Santa Fe is not primarily aiming to provide a place for the STR industry — that is not our job.

Note:

Section (5) (ii) page 4 — this seems a bit pie in the sky (which is not a good place for any kind of pie), and if one of the aims of this ordinance is to try to control speculation that ultimately gets in the way of long-term housing, the Primary Residency requirement would be a better deterrent. If you add the Primary Residency requirement, then delete this (5) (ii).

Curious about the Charleston, SC, short term rental application? They had to act decisively in order to help support long-term housing. Here is a link: <https://www.charleston-sc.gov/DocumentCenter/View/18611/Residential-STR-Application?bidId=>

Compare with Santa Fe:

I hope my comments help, and thank you for your attention — and for helping me to get my comments to the entire Planning Commission on time — *¡muchas gracias!*

Elizabeth West
318 Sena Street
Santa Fe, NM 87505
984-1047

***

GURULE, GERALDINE A.

From: Janet Williams <janetwilliamspottery@gmail.com>
Sent: Friday, June 12, 2020 1:23 PM
To: BERKE, NOAH L.
Subject: STRs

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To Whom It May Concern

I believe all short term rentals should be owned by locals. This would prevent speculation which drives up the market for locals.
We also need to limit the number of STRs, as they are destroying neighborhoods, limiting the number of long term rentals and driving up the prices for first time home buyers.
STRs are out of control and must be limited.

Sincerely,
Janet Williams
1200 Don Gaspar Ave
Santa Fe, NM 87505

Sent from my iPhone

GURULE, GERALDINE A.

From: Richard A Woodruff <richardwoodruff@yahoo.com>
Sent: Sunday, June 14, 2020 1:19 PM
To: LINDELL, SIGNE I.; Mayors Office; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com
Subject: Proposed Changes to STR Ordinance - Impact of 75' Radius on Future STR Permits
Attachments: Impact of 75' Radius on Future STR Permits.pdf; Impact of 75' Radius on Future STRs.pdf; STRO Changes - Cheryl Bernard Letter to Mayor.pdf; STRO Changes - Jon Tucker Response to Mayor and Council.pdf; STRO Changes - Marvin Schrager Letter to Mayor.pdf; STRO Changes - Singleton Letter to Mayor.pdf; STRO Changes - Woodruff Response to Councilwoman Lindell.pdf; STRO Changes - Woodruff Response to Councilwoman Villarreal.pdf

Importance: High

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Hi All,
As you have seen from my initial writings on STRs, I have been calling for a **forward-looking economic study** regarding the impact of the 75' Radius on Future STRs **as well as** the other changes being proposed. I am attaching just one example. As requested, the Land Use office is also in copy to log these opinions.

In this example (Guadalupe District), there are currently four STRs located at:

- 114 Quintana Street
- 117 Quintana Street
- 124 Elena Street
- 126 Candelario Street

The slide below delineates the 75' radius impact on the future potential of a **new** buyer obtaining an STR permit. As can be seen, if **any** of the homes above were to sell, the new buyer would NOT be able to obtain a STR permit under the new ordinance. This will have a dramatic impact on the **selling price** for any of the homes above as the new buyer will **not** have the flexibility in the rental use of the home. Actually, in this particular case, all of the homes would not be eligible for a permit. **Therefore, an existing owner, whether grandfathered or not, will lose future value in their home.**

Also, having a **cap** on STR permits really is **immaterial**. Over time, the number of potential **STR permits will decrease** as homes sold with existing STR permits are no longer eligible for a permit. The new owner **cannot** obtain one due to the new restrictions. In my rough analysis, derived from my knowledge and management of short-term rentals in the City of Santa Fe, it is likely that STR permits will fall by a minimum of 50% over a ten-year period as homes change ownership. To validate this, one must examine the average turnover of homes in the City of Santa Fe. This analysis should be paramount in the economic impact study. Another fact, the number of STR permits has not risen since 2018 remaining quite consistent at approximately 850 permits under the current ordinance.

The City of Santa Fe will experience an ever-decreasing source of revenue from Lodger's Tax, due to less STRs, and from property taxes due to the decrease in real home market values. Real home values will decrease as the homes will no longer retain the option to be rented short term for any new buyer. Thus, depriving the new buyer of a significant revenue source which will be taken into account when assessing the purchase value of a home. This is further highlighted in the attached documents from a few concerned owners. I am always asked the question, 'Can I obtain a short-term rental permit if I'd like one?' How will this question be answered by any Realtor going forward?

As a point of fact, Lodger's Tax and GRT are both collected and directly remitted (bypassing property managers and owners) to the City and State by Airbnb, HomeAway, VRBO and Expedia. The delinquency rate on tax collection has dropped significantly (in 2020) as these listing engines represent approximately 90% of all bookings. This can be confirmed by AirDNA. The O'Donnell study was based on 2018 data which is not longer germane.

In the slide below, I have assumed the center of each property as the radius start point. Should the radius start point be at the property boundaries, the impact would even be more onerous basically removing the ability for most of the homes in the neighborhood to obtain a permit.

Impact of 75' Restriction on Future STR Permit



75 Feet

I look forward to hearing the rationale for such an ordinance in addition to the rationales for all the other recommended changes. I have also attached the current writing of a few constituents.

All the best,
Richard

Adobe Casitas Vacation Rentals, Inc.
Real Estate Qualifying Broker

License #19824
+1 848 466 9586
www.adobecasitas.com

From: Richard A Woodruff <adobecasitas@gmail.com>
Date: Saturday, June 13, 2020 at 10:32

Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Dear Signe and all,

Thanks, so much for your response but I'm sorry to say your stipulations are not true. The regulations will affect guest occupancy for all rentals. Also, should an existing permit holder want to sell their property, it cannot be stated, by the realtor or seller, that the same home will be granted a permit for the new owner. Thus, reducing property values and potential buyers. Not finally, but one more point, there has been no economic impact study reflecting the results of the changes over the years forward. I suggest you take a look. The changes are dramatic and far reaching that will ultimately cut the number of vacation rentals in half due to the 75' radius requirements and decrease tourism for Santa Fe. Just take a stab at modelling what a 75' radius does to existing short term rentals. On East Palace Avenue alone, it will have the effect of eliminating more than half of the vacation rentals over time. Given the proximity of the houses to one another and the 5' setbacks of property lines. This is also true in the Guadalupe District. With change of ownership, the number of vacation rentals will dwindle, the choices of rentals for consumers will be less, rental rates may increase due to more demand for a shrinking supply and the whole business for property managers will become unprofitable or marginally profitable. Also, requiring an owner of a property to use a property manager, is inappropriate as it changes the profit dynamics for the owner – forcing them to pay a commission. Is that fair?

The proposed changes create an uneven playing field that will be even more difficult to regulate, and I am certain that the reporting requirements will apply to all properties. They are onerous at best. Regarding the O'Donnell study, it was based on old data and the situation has actually improved. Airbnb, HomeAway, VRBO and Expedia (the vast majority of bookings are through these engines) all pay the GRT and Santa Fe Lodger's Tax directly to the appropriate government bodies. So, the regulation and enforcement of tax collection has been largely automated.

I am at a loss to understand why a proper impact study would not be commissioned evaluating all the effects of the changes going into the future (10 years out). I have been at executive level in major corporations for 40 years, we would not be so cavalier with our P & L as to make significant decisions in a vacuum. I can only surmise that we don't want to expose the results. It is so much easier to say, all is fine, and nothing will change for the existing permit holders. We should at the very least consider getting advice from VRMA.

It is remarkable that we promote Santa Fe as 'the' place to visit, along with significant marketing efforts, while at the same time we attempt to restrict choice that ultimately hurts consumers by limiting choice in lodging and thus raising pricing. Less people will come to Santa Fe and there will be less business for our auxiliary businesses. Tourism is the largest industry we have in Santa Fe, let's not go backward!

Ask yourself, why are we doing this?

All the best,
Richard

From: "LINDELL, SIGNE I." <silindell@santafenm.gov>
Date: Saturday, June 13, 2020 at 09:50
Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Thank you. Current license holders are grandfathered and if they renew properly and stay in compliance. Nothing changes.
We have worked hard on this to strike a balance for all.
Signe

Get Outlook for iOS

Richard,

It appears that I'd be grandfathered even though Hagajo is the owner.

After reading the proposed ordinance I totally agree that it should be opposed with regard to the economic limitations. There are some givebacks that would hopefully satisfy the proponents most notably the noise, occupancy, parking, record-keeping, and auditing.

Jon

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

From: Richard A Woodruff <adobecasitas@gmail.com>
Sent: Friday, June 12, 2020 2:01 PM
Subject: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Dear All,

It has only recently come to my attention (actually June 10th) that there is a proposal being considered to change/amend the current short-term rental ordinance for the City of Santa Fe. Are you all aware of the ramifications of the proposed changes for the short-term rental industry of our City; including the impact on our tourist industry, the impact on existing and future City of Santa Fe property owners and the impact to the revenue to our City and the businesses that operate in our City?

To my knowledge, there has not been an Economic Impact Study performed to understand the financial impacts to the City of Santa Fe regarding the proposed changes to the Short-Term Rental Ordinance encompassing the points I mentioned above. Also, I did not see, nor am I aware, of any budget allocated for such a study in the 2020 Santa Fe City budget. An Economic Impact Study will have an important relevance to any changes proposed. When the current ordinance was adopted, there was an independent economic impact study performed, and it is only prudent to require another study to understand the financial impacts of any decision. I remain surprised that the mayor is not taking ownership of such an important change to the tourist industry for the City of Santa Fe. **I am also seeking clarification as to why this significant change is proceeding under the radar of concerned parties.**

Secondly, I do not believe that due process has not been followed as all constituents, including current short-term rental permit holders, have not been properly notified regarding the changes under consideration to provide them with ample time to respond to the proposal. Actually, the City of Santa Fe has not even notified existing rental permit holders. That being said, I have been directly in touch with a few of my owners and I am waiting their response with suggestions on actions to take as a collective. There are clearly going to be legal remedies sought should the current proposal proceed in its current form and process. I am also attaching a short, non-exhaustive, list of concerns.

Finally, holding a meeting via Zoom is not inclusive enough to gather a quorum of concern. Some constituents to this ordinance, may not even be technically inclined to use Zoom.

These suggested short-term rental ordinance changes will impact the entire nature of our tourist industry in the City of Santa Fe, as well as dramatically and negatively impact businesses and property owners. Unjustified over-regulation will have a detrimental impact on consumers and local and state economies.

It is my suggestion that the City of Santa Fe should also consider consulting with the Vacation Rental Management Association (VRMA), in copy. VRMA assists communities in developing professional and traditional vacation rentals as a safe and reliable option for consumers. They are committed to working with policymakers to develop fair and balanced regulations that benefit both communities and the vacation rental market. https://www.vrmaadvocacy.org

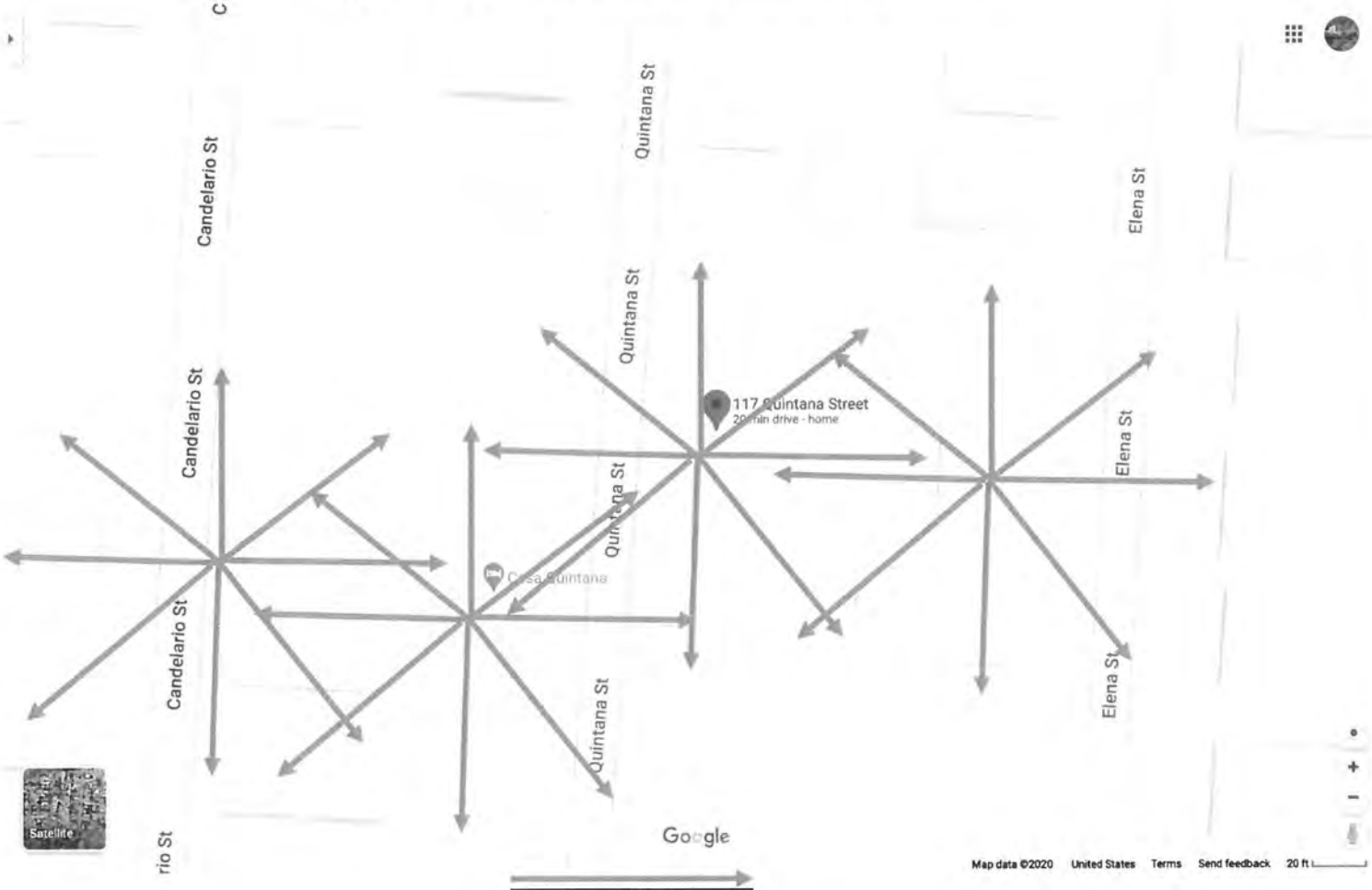
I look forward to hearing from you soonest!
All the best and stay well,
Richard

Impact of 75' Restriction on Future STR Permits



75 Feet

Impact of 75' Restriction on Future STR Permits



75 Feet

Dear Signe and all,

Thanks, so much for your response but I'm sorry to say your stipulations are not true. The regulations will affect guest occupancy for all rentals. Also, should an existing permit holder want to sell their property, it cannot be stated, by the realtor or seller, that the same home will be granted a permit for the new owner. Thus, reducing property values and potential buyers. Not finally, but one more point, there has been no economic impact study reflecting the results of the changes over the years forward. I suggest you take a look. The changes are dramatic and far reaching that will ultimately cut the number of vacation rentals in half due to the 75' radius requirements and decrease tourism for Santa Fe. Just take a stab at modelling what a 75' radius does to existing short term rentals. On East Palace Avenue alone, it will have the effect of eliminating more than half of the vacation rentals over time. Given the proximity of the houses to one another and the 5' setbacks of property lines. This is also true in the Guadalupe District. With change of ownership, the number of vacation rentals will dwindle, the choices of rentals for consumers will be less, rental rates may increase due to more demand for a shrinking supply and the whole business for property managers will become unprofitable or marginally profitable. Also, requiring an owner of a property to use a property manager, is inappropriate as it changes the profit dynamics for the owner – forcing them to pay a commission. Is that fair?

The proposed changes create an uneven playing field that will be even more difficult to regulate, and I am certain that the reporting requirements will apply to all properties. They are onerous at best. Regarding the O'Donnell study, it was based on old data and the situation has actually improved. Airbnb, HomeAway, VRBO and Expedia (the vast majority of bookings are through these engines) all pay the GRT and Santa Fe Lodger's Tax directly to the appropriate government bodies. So, the regulation and enforcement of tax collection has been largely automated.

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It is remarkable that we promote Santa Fe as 'the' place to visit, along with significant marketing efforts, while at the same time we attempt to restrict choice that ultimately hurts consumers by limiting choice in lodging and thus raising pricing. Less people will come to Santa Fe and there will be less business for our auxiliary businesses. Tourism is the largest industry we have in Santa Fe, let's not go backward!

Ask yourself, why are we doing this?

All the best,
Richard

I have also attached another letter for an existing property owner. Perhaps take the time to read it!

From: "LINDELL, SIGNE I." <silindell@santafenm.gov>
Date: Saturday, June 13, 2020 at 09:50
To: Jon Tucker <jtucker@tuckerime.com>, Richard A Woodruff <adobecasitas@gmail.com>, Andy Duettra <aduettra@gmail.com>, Mayors Office <mayor@santafenm.gov>, "VILLARREAL, RENEE D." <rdvillarreal@santafenm.gov>, "GARCIA, MICHAEL J." <mjgarcia@santafenm.gov>, "ROMERO-WIRTH , CAROL" <cromero-wirth@santafenm.gov>, "RIVERA, CHRISTOPHER M." <cmrivera@santafenm.gov>, "ABEYTA, ROMAN R." <rrabeyta@santafenm.gov>, "CASSUTT-SANCHEZ, JAMIE A." <jcsanchez@santafenm.gov>, "COPPLER, JOANNE V." <jvcoppler@santafenm.gov>
Cc: Kathy Komoll <kkomoll@newmexicohospitality.org>, Teya Vitu <tvitu@sfnewmexican.com>, Governor Lujan Grisham <nmiggovima@state.nm.us>, Paco Arguello <paco@sfar.com>, Donna Reynolds <donna@sfar.com>, "gholcomb@vrma.org" <gholcomb@vrma.org>
Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Thank you. Current license holders are grandfathered and if they renew properly and stay in compliance. Nothing changes.
We have worked hard on this to strike a balance for all.
Signe

Hi Renee,
Thanks so much for your response but I'm sorry to say your stipulations are not true. The regulations will affect guest occupancy for all rentals. Also, should an existing permit holder want to sell their property, it cannot be stated that the same home will be granted a permit for the new owner. Thus, reducing property values and potential buyers. Not finally, but one more point, there has been no economic impact study reflecting the results of the changes over the years forward. I suggest you take a look. The changes are dramatic and far reaching that will ultimately cut the number of vacation rentals in half due to the 75' radius requirements and decrease tourism for Santa Fe.
All the best,
Richard

PS: I read the proposed changes completely as well as Karen's study. Perhaps you should take another look with the future impact delineated in an impact study.

On Fri, Jun 12, 2020 at 20:04 VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov> wrote:

Hold your horses folks!

Before you get ahead of yourself, you must know that all the existing short term rental properties that are currently in compliance, have their permits, and are following the rules, will not be affected by these proposed new rules and regs. The proposed ordinance will only apply to future applicants for short term rentals.

I hope that clears up the misconceptions. And there will be plenty of time to have community members weigh in as we have many future committee meetings and opportunities to take the time and read and learn about the proposed changes.

Be well,

Renee

Renee Villarreal

Councilwoman, District 1

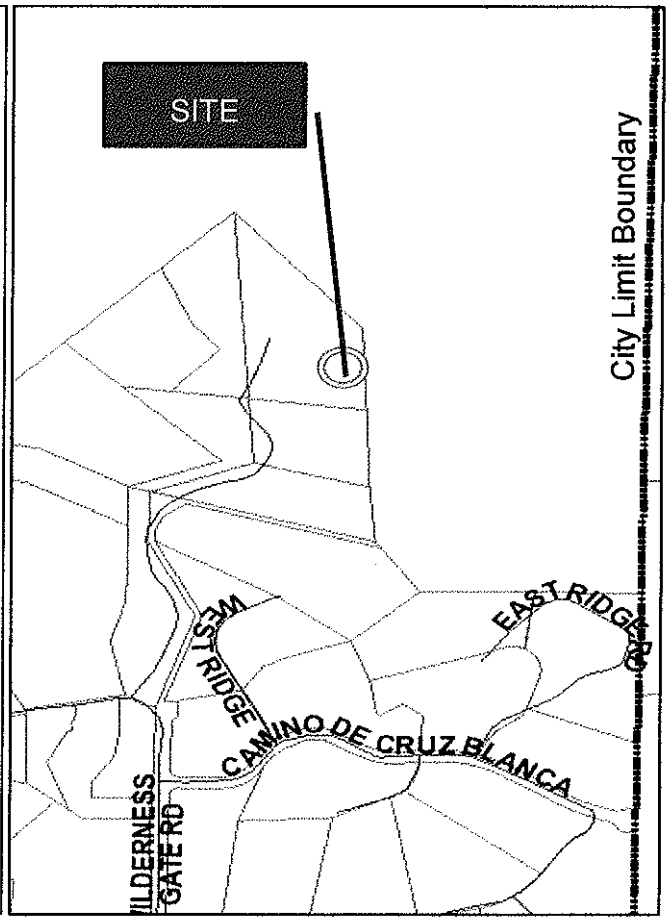
City of Santa Fe

(505) 629-2388

rdvillarreal@santafenm.gov

Land Use Department
Planning Commission Staff Report

Case No's:	20-2499 & 20-2592
Hearing Date:	October 1, 2020
Applicant:	James Siebert and Associates, Inc.
Request:	Variances.
Location:	1623 Camino De Cruz Blanca
Case Mgr.:	Daniel A. Esquibel
Zoning:	R-1(Residential No City Utilities - 0.4 Dwellings per Acre with net lot area of 2.5 acres per single family dwellings)
Overlay:	Suburban Archaeological Review District
Pre-App. Mtg.:	October 24, 2019
ENN Mtg.:	August 04, 2020
Proposal:	Two variances: 1.) Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density); 2.) Table 14-7.2(1) "Design Criteria for Street Types" (to allow 9 dwelling units on a Lot Access Driveway).



Case #2020-2499. 1623 Camino De Cruz Blanca Variance to 14-7.2(B)(5). James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density). The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

Case #2020-2592. 1623 Camino de Cruz Blanca Variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1). James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1) "Design Criteria for Street Types" to allow 9 dwelling units on a Lot Access Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre

with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

I. RECOMMENDATION

The Land Use Department recommends **DENIAL** of Case #2020-2499 *"1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5)"*, and **DENIAL** of Case #2020-2592. *"1623 Camino de Cruz Blanca Variance to Table 14-7.2(1)".*

Three motions will be required in the following order:

1. *Approve or deny* Case #2020-2499. *1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5),* subject to technical corrections of approval (Exhibit A).
2. *Approve or deny* Case #2020-2592. *1623 Camino de Cruz Blanca Variance to Table 14-7.2(1).*
3. *Approve or deny Findings of Fact and Conclusions of Law for* Case #2020-2499 and Case #2020-2592. *1623 Camino de Cruz Blanca Variances presented in Exhibit B.*

II. EXECUTIVE SUMMARY

The proposal consists of two variances:

1. SFCC Subsection 14-7.2(B)(5), for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reductions in density from the calculation of density);
2. SFCC Table 14-9.2-(1) "Design Criteria for Street Types" (to allow nine dwelling units on a Lot Access Driveway).

Both variances are being sought to support the approval of a future lot split at 1623 Camino Cruz Blanca.

The Applicant has complied with Subsections 14-3.1(E) *"Pre-Application Conferences"*, 14-3.1(F) *"Early Neighborhood Notification Procedures"* and 14-3.1(H) *"Notice Requirements".*

Staff's analysis finds that the Applicant has **not** satisfied Subsection 14-3.7(C) "Approval Criteria", for the proposed variances requested for **Case #2020-2499** and **Case # 2020-2592** recommends denial of both cases.

III. BACKGROUND

The property is located at 1623 Camino de Cruz Blanca. The Tract of land was created as part of a 5-lot subdivision in 1977 entitled *"Lands of J.W. Schlepps, L. Tomas A. Walpole & P. Pinnell, Jr. Ward No. One"* (Subdivision) and is identified as Tract Four, containing approximately 5.63 acres. The City did not approve the Subdivision. However, the adjacent property to the south received city approval in 1984, for a lot split, the adjacent east property received City approved in 1996 for a consolidation/lot line adjustment, and north and east property lines of Tract 4 are bounded City property.
Tract 4 of the Subdivision today is considered a legal lot of record by adjacent lands legal status and shared property lines. This type of lot is identified as a legal lot of record by exclusion.

The property zoned R-1(Residential – one dwelling Unit per acre) is identified on the Mountainous and Difficult Terrain's official mapped area.

IV. EXISITNG CONDITIONS

The property currently is developed with once single-family dwelling, wood deck and solar panels. The surrounding lands:

Table 1 Adjacent Properties

Direction	Property Address	Zoning
North	N/A (City Land)	R-1 (Residential – One Dwelling unit per acre if connected to City utilities)
East	N/A (City Land)	
South	1627 Camino De Cruz Blanca	
West	1674 Camino De Cruz Blanca	

ACCESS

The property is accessed from Camino De Cruz Blanca, a private road (GIS measurements identify approximately a 25' wide driving surface). Off of Camino de Cruz Blanca, the property is accessed by a private ingress/egress easement width is platted as 50 feet. There are eight homes currently using this driveway easement. The Applicant states that the road providing access to the property is between 13 to 15 feet wide. The Applicant states that the north offshoot road is maintained, and adding an additional dwelling has little impact.

The following information was derived from the City's GIS Division and Applicants submittals regarding Camino De Cruz Blanca:

- Camino De Cruz Blanca extends off Camino Cabra (City Road).
- Camino De Cruz Blanca is a private paved road approximately 40 feet in width connecting to Wilderness Gate (derived from the City's Arch GIS Division).
- There is an offshoot of Camino De Cruz Blanca that extends north to the subject property.
- The Applicant states that the access road varies in width from approximately 13 feet to 15 feet (north offshoot). The 1977 plat referenced in Exhibit G, identifies that the access road to the property is a 50' wide access easement (north offshoot).
- From Camino Cabra to the Camino De Cruz Blanca north offshoot, Camino De Cruz Blanca serves approximately 30 dwellings.
- The north offshoot (to the subject property) of Camino De Cruz Blanca serves 8 dwellings.

FIRE ACCESS

The City Fire Department provided standard conditions, should the Planning Commission approve Cases No. 20-2499 and 20-2592. These conditions are listed both in Exhibit A *"Technical Correction"* and *Exhibit C "DRT Comments"*.

TERRAIN MANAGEMENT

This area of Camino de Cruz Blanca is primarily hilly and semi-rural in character. Mature tree covering and sloping terrain blanket the area. There are a series of natural drainage-ways that traverse the properties. The primary reason that this property is mapped in the Mountainous and Difficult Terrain is due to the fact that much of the property has natural slopes of greater than 20%.

The Applicant provided topographic information with the site plan. The Applicant's slope analysis identifies meeting the definition of the Mountainous and Difficult Terrain. The Applicant contends that the mountainous and difficult terrain is not listed as a district on the official zoning map or as an overlay district within Section 14-5 *"Overlay Districts"* and is eligible for a variance.

UTILITIES

City water is located in the main Camino De Cruse Blanca Road, approximately 1,500 feet away. City sewer is not available. Water and sewer is provided by well and septic systems.

V. ZONING ANALYSIS

The Mountainous and Difficult Terrain is defined as:

> *"Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."*

Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* (Exhibit F) explains how the City calculates density(the number of dwelling units on a property) or how many lots can be created from a single piece of land within a zoned district.

Calculating Density[1]

The following explains the formula following Table 2 of this report.

a = Acreage taken to two decimal places by a surveyor.
f = Flood way acres.
d = See *Table 1 "Zoning Calculation value"*
m = Mountainous and Difficult Terrain value (.75).

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[1] 14-7.2(B)(6):

[I]f the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

14-7.2(B)(7):

[I]f the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

14-7.2(B)(8):

[I]f the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units).

Table 2 Zoning Calculation Value

Status	Calculation Value
If both City Utilities (water and sewer) is available.	Zoning Density value (R1 = 1, R2 = 2 etc.)
If one City Utility (water or sewer) is available.	1 dwelling unit per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).
If no City Utilities are available.	0.4 dwelling units per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).

$$Density = ((a - f) \times d) \times m$$

The density calculation for 1623 Camino De Cruz Blanca allows for one dwelling on the property:

$$1.69 = ((5.63 - 0) \times .4) \times 0.75$$

Table 14-9.2-1 *"Design Criteria for Street Types"* (reference Exhibit F) establishes road construction and design corresponding to the number of dwellings accessed off the road.

Table 3 Street Types

	Lane	Lot Access Driveway
Dwelling Units	0-300	0-8
Minimum Right-Of-Way width	38' or 42'	Minimum,
Width of Driving Lane	Two 9' wide lanes	One 10' lane

VI. VARIANCE APPROVAL CRITERIA The variance process balances reasonable use of the Applicant's property against compliance with the letter and intent of adopted regulations. The proposal must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of Criteria 2 through 5.

Table 4 Variance Approval Criteria– Subsection 14-3.16(C) (Case #20-2499)

Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies: **(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or** **(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or** **(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or** **(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).**	**Criterion Met:** (YES/NO/) **NO**

The Applicant's response states that:

- *"Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987. Mr. Walpole had the right to split his lot allowing for two lots on the 5. 6-acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1."*
- *"There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres."*

Staff's Analysis:
Regarding the first bullet point above:
The variance standards are not a mechanism to abrogate or annul City Ordinances because changes to city regulations affected lost opportunities. City Ordinances are designed to address minimum standards to the public health, safety, and welfare of the general public and address the public interest. Cumulative regulations that restrict development intended to protect the public interest does not constitute a special circumstance.

Regarding the second bullet point above:
The Applicant's second response takes issue to the cumulative impacts. The Applicant identifies that Chapter 14 requirements prohibit the Applicant's ability to meet density to divide the property. However, the code changes that adjust the density to require City utilities are to regulate housing impacts and reduce density, where City sewer and water are not available. Additionally, regulation exists decreasing density in the Mountainous and Difficult Terrain. Increasing density, where City utilities are not available in severe terrain, jeopardizes groundwater, and impacts drainage. Ordinance regulations related to zoning density do not constitute a special circumstance to use as a variance.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

Criterion 2:	**Criterion Met:**
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.	(YES/NO) **NO**

The Applicant's response states that:

"There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain."

Staff's Analysis:

Applications to develop property approved by the City under prior code regulations were vetted at that time. There are no ordinance provisions that allow new development applications to be retroactively processed using previous Ordinance rules. The Applicant's explanation for this Criterion did not address why it is infeasible to develop the property *"in compliance with the standards"*.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to build on the property without a variance.

Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that:

"There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres."

Staff's Analysis:

The intensity of development for the property is increased by one dwelling unit. Under today's regulations, it would not be allowed on any other Tract of land, given the same or less acreage, in the same area, and under the same conditions. The legal status of properties in the vicinity of the subject site is unknown or approved through the City process. The Applicant's explanation for criterion 14-3.6(C)(3) increases the intensity of development on the subject property that is not allowed on other properties in the vicinity, under the same conditions and city code criterion.

Staff's analysis identifies that the variance criterion required by 14-3.6(C)(3) is not applicable.

Criterion 4:	Criterion Met:
The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: **(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and** **(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.**	(YES/NO) **NO**

The Applicant's response to "4a" states that:

"Mr. Walpole currently has his residence on the 5.6-acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City."

The Applicant's response to "4b" states that:

"The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of ones property as they are passed by the Governing Body. The criterion requires the Planning Commission to find that the proposed *"variance is the minimum variance that will make possible the reasonable use of the land or structure"* using the factors of "4a" and "4b". While the property could be used for a different category of use (i.e. open space), this alternative would not be impractical. The proposed variance is a request to abrogate or annul the Mountainous and Difficult Terrain from the density calculation.

Staff's Analysis (4b):

The calculations which establish density directly affect health, safety, welfare, land use, and development, to protect the public interest. Density, access, safety, terrain management, water, and sewer are parts of the General Plan by which the standards in the Land Development Code are derived. It is not uncommon to comply with the minimum lot size requirements to divide property, and still not be able to divide property or add a second dwelling.

An example is an R-1 district. Table 14-7.2-1: *"Table of Dimensional Standards for Residential Districts"* regulates density in an R-1 district to 1 dwelling per acre. A one-acre lot is 43,560 square feet. Table 14-7.2-1 also regulates minimum lot size allowing a 4,000 square foot lot. The density restriction of the R-1 district prohibits the development of more than one dwelling unit per acre, which prohibits the creations of additional lots that increase the density beyond one dwelling per acre. Therefore, Chapter 14 would prohibit ten dwelling units or 10 (4000 square foot lots) on a one-acre lot in an R-1 district. When calculating density, Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* includes additional factors within the formula for calculating density in residential districts.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

Criterion 5: The variance is not contrary to the public interest;	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that

"At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca."

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the zoning regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance has the effect of abrogating or annulling the purpose and intent of the regulations designed to protect the public interest, which meets the minimum standards for health, safety, and welfare. The requested variance is a request to eliminate a standard designed to prevent an increase in density where there is no city water or sewer and *"where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."* A variance which affects to abrogate or annul the standards is contrary to the public interest. The granting of a variance is not in conjunction with the public interest.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

Table 5 Variance Approval Criteria– Subsection 14-3.16(C) (Case No. 20-2592)

Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies: **(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or** **(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or** **(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or** **(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).**	**Criterion Met:** (YES/NO/) **NO**

The Applicant's response states that:

- *"Camino Cruz Blanca has existed since 1970 's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created, and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code, the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet."*

Staff's Analysis:
New developments are required to ameliorate impacts and remedy existing deficiencies to meet the minimum standards for health, safety, and welfare. The Applicant is requesting this variance for a future proposed land division. Chapter 14 design standards for a road, providing access to nine dwelling units, require constructing a lane. The existing road is built, within a 50' wide access easement, as shown on a plat of survey (Exhibit G). The special circumstances presented by the Applicant is the age of the easement, driving surface, rocky nature of the area, and a desire to preserve existing vegetation. While natural topography can qualify as a special circumstance for Criterion 14-3.6(C)(1)(a), there were not any submittals to establish that the road cannot be developed in compliance with Chapter 14. Neither the age of the easement, driving surface, or the desire to preserve the existing vegetation addresses the criterion as a special circumstance that distinguishes the land or structure from others in the vicinity.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

Criterion 2:	**Criterion Met:**
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.	(YES/ NO) **NO**

The Applicant's response states that:

"The road cross section for 9 lots would be a 42-foot easement or right-of way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5-foot planter strip and a 5-foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area."

Staff's Analysis:

The Criterion of 14-3.6(C)(2), requiring a finding where a *"special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14."* The Applicant states that the Planning Commission has the discretion and the neighborhood covenants establish a neighborhood plan. Nothing within the Applicant explanation for Criterion of 14-3.6(C)(2) addresses why it is infeasible to develop the property in compliance with the standards.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(2).

Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that:

"Other properties in the area are already smaller is size than what is proposed by Mr. Walpole."

Staff's Analysis:

The Applicant did not address the criterion relative to the variance request. The request is to add an additional dwelling to a local access drive that would otherwise require an upgrade to a lane. The size of other properties in the area does not address the development's intensity on the road or the area or why the standard should be waived or varied. The request is to increase the dwelling threshold standards associated with a lot access drive. The request ultimately eliminates an upgrade to a lane standard by increasing the number of dwellings on a lot access drive. Under today's regulations, decreasing road standards baring variances with special circumstances would not be allowed under the same conditions. The legal status of other properties in the vicinity is unknown or was approved under city review at the time of approval. The Applicant's explanation for criterion 14-3.6(C)(3) compares the lot sizes of other properties relative to the applicants but does not discuss the intensity of development relative to the road.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(3).

Criterion 4: **The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:** **(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and** **(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.**	**Criterion Met:** (YES/NO) **NO**

The Applicant's response to "4a" states that:

"The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton."

The Applicant's response to "4b" states that:

"The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970 's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of one's property. The criterion requires the Planning Commission to find that the proposed "*variance is the minimum variance that will make possible the reasonable use of the land or structure*" using the factors of "4a" and "4b". While the land could be used for a different category of use or lesser intensity of use (i.e., open space), this alternative would not be practical since it is developed for residential access. The Applicant did not address the criteria discussing a variance to road standards, but a comparison to other properties relative to the Applicant's property.

Staff's Analysis (4b):

The Applicant did not address the criterion. The authority of the Planning Commission is regulated by the findings established within the parameters of Chapter 14. Nothing within the variance criteria provides for arbitrary decisions. The General Plan is a Resolution and supports Chapter 14 "Land Development Code." The Standards of Chapter 14 are designed to mitigate impacts to the surrounding area for project development in existing and new neighborhoods. The Applicant's statement does not address 14-3.6(C)(4)(b).

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(4).

Criterion 5: The variance is not contrary to the public interest;	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that

"At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest."

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance is inconsistent with findings required to grant a variance. The granting of a variance must be consistent with at least one of the circumstances listed in Criteria 1a through 1d and must be consistent with all of Criteria 2 through 5. The Applicant did not establish the necessary findings that warrant an easing or variance. The granting of a variance is not in conjunction with the public interest. Rather, only the recipient of the variance is benefitted.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(5).

VII. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted a virtual ENN meeting using "Zoom" on August 04, 2020 at 5:30. Several members of the public were in attendance. There no concerns raised by attendees.

VIII. EXPIRATION

The expiration date for a variance is listed in Subsection 14-3.19(B) *"Expiration of Development Approvals"*. Variances shall expire three years after final action unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6)."

Should the Planning Commission approve the variances and adopt all the Findings of Fact and Conclusions of Law, the expiration date would be October 1, 2023.

IX. EXHIBITS:

EXHIBIT A: Technical Conditions

EXHIBIT B: Findings of Fact and Conclusions of Law

EXHIBIT C: Development Review Team (DRT)

1) City Subdivision Engineer (Terrain Management), Dee Beingessner
2) Fire Department, Geronimo Griego
3) Traffic Division, John Romero

EXHIBIT D: Early Neighborhood Notification
1) Guidelines
2) ENN Notes

EXHIBIT E: Maps and Photos
1) Current Zoning Map
2) Aerial Photo

EXHIBIT F: Code Material
1) Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units*
2) Table 14-9.2-1 *"Design Criteria for Street Types"*

EXHIBIT G: Applicant Material
1) Application
2) 1977 plat

APPROVED AS TO FORM:

Title	**Name**	**Initials**
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Planner Senior	Dan Esquibel	DAE

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

A

Technical Corrections

EXHIBIT A
Technical Corrections
Case #2020-2499 and 2020-2597
1623 Camino De Cruz Blanca Variances

	Technical Corrections of approval	Department	To be completed by:
1	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)	**Fire Division**	At the time of any new construction or remodel.
2	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
3	Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.		
4	Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)		
5	507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.		
6	Shall have water supply that meets fire flow requirements as per IFC (Appendix B)		
7	Shall comply with Section D102.1 Access and Loading (75,000 lbs).		
8	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
9	Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.		
10	Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.		
11	Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.		

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

B

Findings of Fact and Conclusions of Law

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2020-2499
1623 Camino de Cruz Blanca; Variance to SFCC Section 14-7.2(B)(5) (density)
Case #2020-2592
1623 Camino de Cruz Blanca; Variance to SFCC Table 14-7.2(1) (street design)

Owner's/Applicant's Name - Alton Walpole
Agent's Name - James Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on October 1, 2020, upon the applications (Applications) of James Siebert and Associates, Inc., as agent for Alton Walpole (Applicant). The Applications pertain to 1623 Camino de Cruz Blanca, totaling approximately 5.63 acres (Property). The Property is zoned R-1.

The Applicant requests two variances from the Santa Fe City Code (SFCC) as follows: (1) a variance to SFCC Section 14-7.2(B)(5), which requires a 0.75 reduction in density for a parcel that lies within mountainous and difficult terrain and where 25% or more of the parcel has a natural slope greater than 20%; and (2) a variance to SFCC Table 14-9.2-1, which provides that a lot access driveway may serve a maximum of 8 dwelling units.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(vii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conference was held on October 24, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was conducted on August 4, 2020 using "Zoom". The ENN meeting was attended by a representative of the Applicant, one member of City staff, and eight neighbors, who raised no concerns.
6. Pursuant to the SFCC Section 14-3.16(A), "[l]and use boards may approve variances to the provisions of Chapter 14 … regulating the size, location and appearance of structures."
7. Pursuant to SFCC Sections 14-2.3(C)(3) and 14-3.16(A), the Commission has the authority to review and approve or disapprove variances.

8. City staff reviewed the Applications and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
9. Staff recommended that the Commission deny the variances requested in both Applications.
10. SFCC Section 14-3.16(B) sets out procedures for variance applications and requires the Commission to hold a public hearing and approve, approve with conditions, or deny the variance aplication.
11. SFCC Section 14-3.16(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before granting a variance.

Variance to SFCC Section 14-7.2(B)(5)

12. SFCC Section 14-12.1 defines "density" as "[t]he extent of development per unit of area. In residential areas or development projects, density is typically expressed in dwelling units per acre."
13. SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1 set forth the manner for calculating allowable density, specifically, the maximum number of dwelling units per acre.
14. Under SFCC Table 14-7.2-1 (Table of Dimensional Standards for Residential Districts), Note 15, the "maximum gross density in districts that permit residential use is 0.4 dwelling units per acre if neither public sewer or water is provided, and one dwelling unit per acre if either public sewer or water is provided."
15. The Property lacks public sewer and public water.
16. SFCC Section 14-7.2(B)(5) provides that when calculating allowable density, the allowable density for a parcel should be reduced by 0.75 if the parcel lies within mountainous and difficult terrain and if 25% or more of the parcel has a natural slope greater than 20%.
17. SFCC Section 14-12.1 defines "mountainous and difficult terrain" as "[a]ny parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."
18. The Property that meets the SFCC definition of mountain and difficult terrain and falls within the mapped area identified as mountainous and difficult terrain.
19. Under SFCC Section 14-7.2(B)(8), when calculating density, "if the result is other than a whole number, the number shall be rounded down to the nearest whole number . . . . This is the allowable number of dwelling units for the site."
20. Pursuant to SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1, the density calculation for allowable dwelling units on the Property equals 1.69 dwelling units on approximately 5.63 acres, which must be rounded down to 1 dwelling unit.
21. In the Application, the Applicant asks the Commission to grant a variance to SFCC Section 14-7.2(B)(5) to eliminate the 0.75 reduction in density from the calculation of allowable dwelling units on the Property.
22. Approval of the Applicant's proposed variance to SFCC Section 14-7.2(B)(5) would yield a density calculation of 2.25 allowable dwelling units on approximately 5.63 acres, which must be rounded down to 2 dwelling units.

23. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
24. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the Property is not a legal nonconforming lot because the Property currently conforms to the maximum allowable density set forth in the SFCC.
25. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
26. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
27. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
28. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The Property has already been developed in accordance with the standards of Chapter 14.
29. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase the intensity of development by one dwelling unit. Under today's regulations, the density increase would not be allowed on any other tract of land in the same vicinity that is within mountainous and difficult terrain and lacks public sewer and water.
30. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property already contains the maximum number of dwelling units permitted by the SFCC, which constitutes a reasonable use. The remainder of the Property can be used for a different category of use (i.e. open space). The density provisions in the SFCC are based on provisions of the General Plan that are intended to protect health, safety, and welfare. The ability to subdivide land in compliance with minimum lot size requirements does not entitle a property owner to create more dwelling units than would otherwise be permitted by the SFCC.
31. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The requested variance would eliminate a standard designed to protect the public interest by limiting density in areas "where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent." This limitation serves the public interest by preventing drainage and erosion problems.
32. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

Variance to SFCC Table 14-9.2-1

33. SFCC Table 14-9.2-1 (Design Criteria for Street Types) provides that a lot access driveway may be used to serve a maximum of 8 dwelling units, carries "minimum" average daily traffic, contains 1 auto lane, and is a minimum of 10 feet wide.
34. The existing access road provides access to 1623 Camino de Cruz Blanca serves 8 dwelling units, has a dirt driving surface, and is between 13 and 15 feet wide.
35. The existing access road is located on a 50-foot-wide access easement.
36. In the Application, the Applicant asks the Commission to grant a variance to SFCC Table 14-9.2-1 to allow the existing lot access driveway to serve 9 dwelling units.
37. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
38. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the existing access road is not a legal nonconforming road because the road currently conforms to the design standards for a lot access driveway.
39. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
40. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
41. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
42. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The existing access roads meets existing design criteria in Chapter 14 for a lot access driveway, and the Property has already been developed at the density permitted by the SFCC.
43. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase use of the existing access road by one dwelling unit. Under today's regulations, this increased capacity would not be allowed for any other tract of land that uses the existing access road.
44. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property currently has access via a lot access driveway that meets the design criteria in the SFCC, and the Property already contains the maximum number of dwelling units permitted by the SFCC.
45. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The street design criteria were adopted to further the public interest. Granting the variance would increase the number of dwelling units and average daily traffic beyond what the SFCC permits for a lot access driveway and would benefit only the Applicant.

46. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Commission CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Commission has the power and authority at law and under the Code to review the requested variances and to approve, approve with conditions, or deny the Applications.

Variances to SFCC Section 14-7.2(B)(5)

3. The Property is allowed to have a maximum gross density of .4 dwelling units per acre because the Property lacks public sewer and public water.
4. The Property is subject to an additional 0.75 reduction in maximum allowable density because the Property is located within mountainous and difficult terrain.
5. The variance to SFCC Section 14-7.2(B)(5) should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

Variances to SFCC Table 14-9.2-1

6. The existing access road meets the design criteria for a lot access driveway.
7. The variance to SFCC Table 14-9.2-1 should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

WHEREFORE, IT IS ORDERED ON THE 1st DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission denies the variance to SFCC Section 14-7.2(B)(5), as requested in Case #2020-2499; and the Commission denies the variance to SFCC Table 14-9.2-1, as requested in Case #2020-2592.

_____ _____

John B. Hiatt
Chairperson

Date

FILED:

Yolanda Y. Vigil
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

October 1, 2020
Date

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

C

Development Review Team (DRT)

RE: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

ROMERO, JOHN J <jjromero1@santafenm.gov>
Wed 9/16/2020 2:42 PM
To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Hi Dan,
I have no comment.

-jjr

From: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>
Sent: Wednesday, September 16, 2020 2:20 PM
To: ROMERO, JOHN J <jjromero1@santafenm.gov>
Subject: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Please comment:
Case #2020-2592. 1623 Camino de Cruz Blanca Variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1).

Dan Esquibel
Planner Senior
Land Use Dept., Current Planning Division
Office: 505-955-6587
Email: daesquibel@santafenm.gov

Development Review Team

Comment Form

Date: 09/22/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2499 1623 Camino Cruz Blanca Variances

Case Mgr: Dan Esquibel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
	Prior to planning commission.

Technical Corrections*:	Must be completed by:
1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1) 2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads. 4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1) 5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. 6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	At the time of any new construction or remodel.

7. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade. 8. Shall comply with Section D102.1 Access and Loading (75,000 lbs). 9. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates. 11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads. 12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.	

*Must made prior to recording and/or permit issuance

Case #2020-2499. 1623 Camino Cruz Blanca Variances & Case 2020-2494. 113 Washington Avenue Variance

BEINGESSNER, DEE <dabeingessner@santafenm.gov>
Thu 8/27/2020 10:01 PM
To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Dan,
I had no comments for the two subject cases.
Dee

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

D

ENN

ENN GUIDELINES

Applicant Information

Project Name: **1623 Camino Cruz Blanca Variance of Chapter 14-7.2(B)5) Mountainous & Difficult Terrain**

Name:	**Walpole**	**Alton (C/O James W. Siebert & Assoc.**		
	Last	*First*	*M.I.*	
Address:	**1623 Camino Cruz Blanca**			
	Street Address		*Suite/Unit #*	
	Santa Fe		**NM**	**87505**
	City		*State*	*ZIP Code*

Phone: **( ) 983-5588** E-mail Address: **jim@jwsiebert.com**

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

This area of Santa Fe is an area of low density residential development. At 2.81 acres per lot for the two lots the lot sizes are not too dissimilar to the lot sizes in the area. The houses tend to be larger in this forested area of Santa Fe and neither Mr. Walpole's house nor the house that is proposed on the additional lot that is requested will be as large as some of the existing houses in the area. This is the area of Santa Fe that is heavily forested with Pine Trees. The area for landscape is minimized since the preservation of the existing vegetation minimizes the need to supplement the property with non-native species. The Santa Fe National Forest adjoins this property on the west side serving as a natural buffer from other residences.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

There is an area that is suitable for the construction of an additional dwelling that satisfies city terrain management regulations. That area does not have a flood plain, rock outcroppings and is not located within an escarpment and has limited visibility from other view sheds areas of Santa Fe. There are no hazardous materials on the site and the threat of forest fires is always a concern for this area of Santa Fe. There is an easement that was granted by the Walpole's to allow a neighbor to construct a leach field on his property since his property is flatter and has better soils for leach fields than his neighbor.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

Although an archaeological study is not required it is an unlikely area for early Indian habitation since there is no continuous supply of water for this area. The property is located at a considerable distance from other historical of cultural sites. There are no acequias on or near the property.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The existing densities are exceptionally low in this area of Santa Fe. The densities are limited by the lack of city water and sewer. The extension of city water and sewer would be extremely difficult due to the amount of rock that would have to be excavated to construct water and sewer to the homes sites, many of which are several hundred feet off the access road. This area was part of the original Santa Fe Grant zoned in the 1950's at the lowest residential density due to difficult terrain conditions. The subject lot is not included in the Historic District. The City General Plan recommends low density development for this area of Santa Fe.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES ***For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.***

The traffic for this area is limited since few people live on the private road that serves this house and a limited number of houses in the area. The larger lots reduce the number of dwellings. Traffic congestion is not a problem for this area of Santa Fe. Given the steepness of the area the disabled would have a difficult time accessing the dwelling or generally walking in the area.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The *construction of another dwelling will provide a limited number of jobs. An additional home would create a demand for a variety of services and food and supply purchases.*

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

Affordable housing is not proposed since this is a lot split and is not subject to affordable housing. Given the location and current housing market it is assumed that the house to be constructed on the future lot will be occupied by a family without children. This property is zoned residential and businesses be they, high end or affordable are not allowed in this area.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

No new city utility service is required for this lot split. The new house will have to install a new well and septic tank and leach field. Water and sewer service is independent of the need to extend those utilities to the house. Bus service is at a considerable distance from the house and it is unlikely that it would be used by the residents of the new lot.. Electrical power and communication facilities are currently available to the existing lot and will also be available to the new residence.

(i) **IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

The new lot will have to comply with water offset requirements that specify .25 acre feet of water to be delivered to the city through the purchase of water offsets available either from the city or private parties. Conservation measures are now mandated by the City, State and Federal codes. Those codes are enforced as part of the building permit review at the time a permit for construction is submitted to the city.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

This is a part of the city that is isolated from the rest of the community. The ability to have integration and social balance is limited by the low density and distance from community facilities that exist for this area of Santa Fe. The closest major institution to this property is St Johns College where there is some possible interaction created by the schools programs to encourage interaction between older residents and the discussion of a variety of reading materials.

(k) EFFECT ON SANTA FE'S URBAN FORM ***For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.***

This is an infill project in the sense that the surrounding area is largely developed. It does not promote a compact urban form and was never designed to do so given the terrain in the area and proximity to the National Forest. The typical homeowner for the area is either retired or semi-retired and works from home. Travel to employment centers would be limited since the likely resident for the new lot would be retired or semi-retired.

(l) ADDITIONAL COMMENTS (optional)

City of Santa Fe
Land Use Department
Early Neighborhood Notification Meeting Notes

Project Name	ENN: 1623 Camino Cruz Blanca
Project Location	1623 Camino Cruz Blanca
Project Description	Proposed variance to Chapter 14-7.2(B)(5), calculations of dwelling within the mountainous and difficult terrain, and variance to 14-9.2.8E/Table 14-.9.2-1 to allow nine homes on a driveway where the construction of a Lane is required.
Applicant / Owner	Alton Walpole
Agent	James Siebert and Associates, Inc.
Pre-App Meeting Date	October 24, 2019
ENN Meeting Date	August 04, 2020
ENN Meeting Location	Virtual meeting via Zoom
Application Type	ENN
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	8

Notes/Comments:
The Applicant conducted an a virtual ENN meeting via Zoom on August 04, 2020. There were 8 people attended the virtual meeting, not including the Applicants and the Applicant's Agent. The Applicant's agent explained the variance requests and answered a few questions. There were no concerns or opposition raised.

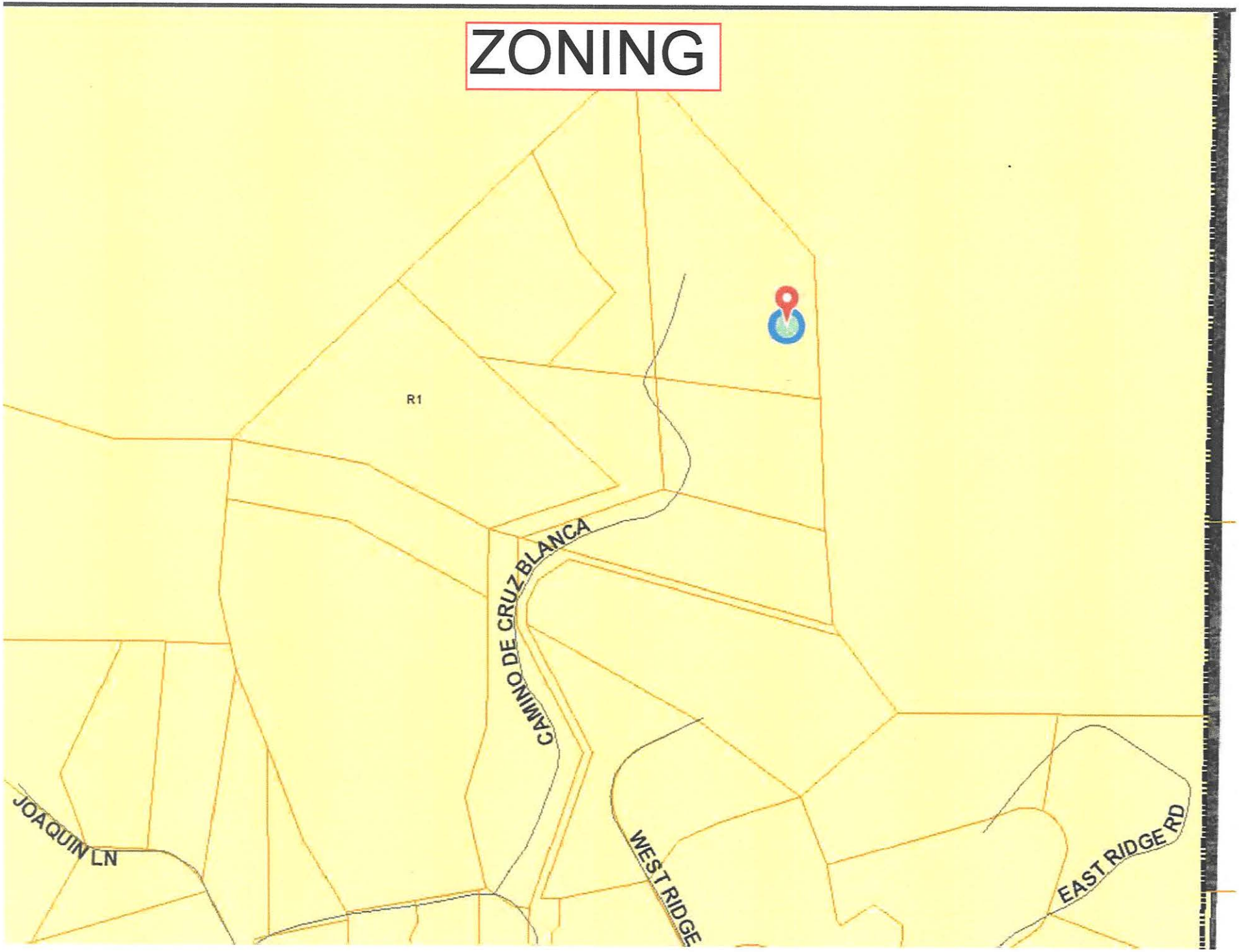
October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

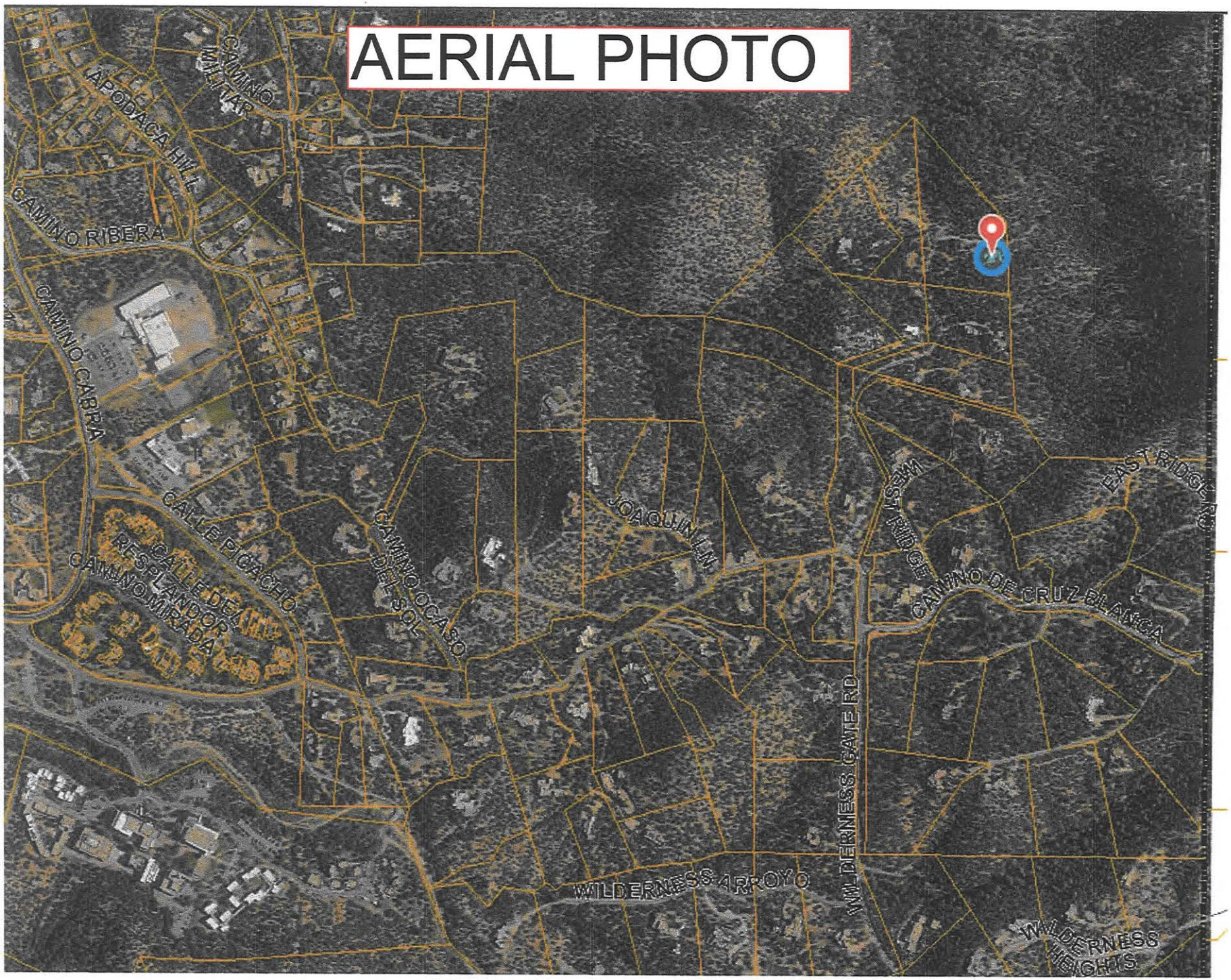
EXHIBIT

E

Maps and Photos

ZONING




AERIAL PHOTO
CAMINO MALTAVA
APODACA HILL
CAMINO RIBERA
CAMINO CABRA
CALLE PICACHO
CALLE DEL RESPLANDOR
CAMINO MIRADA
CAMINO OCASO
DEL SOL
JOAQUIN LM
WEST RIDGE
EAST RIDGE RD
CAMINO DE CRUZ BLANCA
WILDERNESS GATE RD
WILDERNESS ARROYO
WILDERNESS HEIGHTS

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

F

Referenced Code Sections

14-7.-2(B) Calculation of Allowable Dwelling Units

(A) Prior to any development approval, the maximum allowable number of dwelling units shall be calculated for the site as a whole as follows:

(1) determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and

(2) determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and

(3) subtract the sum of the flood way acres calculated in Subsection 14-7.2(B)(2) from the total number of acres of the site calculated in Subsection 14-7.2(B)(1);

(4) multiply the remaining acres by the applicable gross density factor of the district as shown in Table 14-7.2-1;

(5) for a parcel , any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter 14 and where twenty-five percent or more of the parcel has a natural slope greater than twenty percent, multiply the result calculated in Subsection 14-7.2(B)(4) by 0.75;

(6) if the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

(7) if the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

(8) if the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units);

(9) SFHP development incentives pursuant to Section 14-8.11(G) may increase the maximum number of dwelling units allowed on any site; however, if a development plan has been approved, in no case shall more dwelling units be constructed than described on the approved development plan.

(10)The minimum net lot area requirement for single-family dwellings shall be as established in Subsection 14-7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of dwelling units , and the number of lots occupied by single-family dwellings in a residential subdivision shall not exceed the number provided by this Subsection 14-7.2(B). (Ord. No. 2014-31 § 22)

(11)The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision, including lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling

units for each portion of the site unless approved by the governing body as a rezoning action or other action authorized by Chapter 14.(C)Lot Area Averaging in Single-Family Subdivisions

(Ord. No. 2014-31 § 23)

(1)It is intended that the common open space required in single- family subdivisions where the lot area has been reduced from that of a conventional subdivision be a compensation to occupants for reduced lot area. It is further intended that common open space be usable and be provided for occupants outside of the lot but within the subdivision.(2)The minimum lot area requirement for single- family structures is specified in Table 14-7.2-1; however the lot area may be reduced to a minimum of two thousand (2,000) square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

Table 14-9.2-1: Design Criteria for Street Types

(Ord. No. 2013-16 § 59)

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection — International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000—5,000	1,000—5,000	300—1,000	300—1,000	0—300	Minimum
Dwelling Unit Access						30—100	30—100	0—30	(0—8)
Minimum Right-of-way Width	120	98	70	62	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0—30	0—30	0—30	0—30	0—30	0—30	0—30	0—30	NR
Number of Auto Lanes	6—7 Note 2	4—5 Note 2	2—3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 1	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

Notes:

NA - Not Applicable

NR - Not Required

1. Refer to Subsection 14-9.2(C)(8) for additional standards for lanes and *lot* access driveways. *Lot* access driveway standard applicable to access from *street* to not more than eight single family *lots*

2. Includes Median/Turn Lane

3. Parking required on both sides of *street*, except no parking on that side of a *street* adjoining the plaza.

4. Parking may be on one side or both sides of the *street*; parking lane should not be continuous.))

All measurements in feet, unless otherwise noted.

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

G

Applicant Material

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

August 17, 2020

Noah Berke
Senior Planner
P.O. Box 909, 200 Lincoln Ave.
Santa Fe, NM 87504

Dear Mr. Berke:

On behalf of Mr. Alton Walpole I am submitting an application for variances for Section 14-9.2-1 Maximum of 8 lots on a 10 foot road and Section 14-7.2.(B)(5) Area of Difficult and Mountainous Terrain.

The following material is submitted with this application:

- Completed application form signed by Mr. Walton
- Response to Approval Criteria for 14-9.2-1
- Response to Approval Criteria for 14-7,2(B)(5)
- Informational Letter
- Check for $500 for application fee

Please schedule the request for the next available Planning Commission meeting.

Sincerely,

James W. Siebert

Xc: Alton Walpole
Dan Esquibel

PLANNING COMMISSION

VARIANCE APPLICATION

SUBDIVISION OR DEVELOPMENT PLAN STANDARDS

Parcel Information

Project Name: 1623 Camino Cruz Blanca Variances of 14-7.2(B)(5) Mountainous and Difficult Terrain and 14-9.2.8(e) & Table 14-9.2.1

Address: 1623 Camino Cruz Blanca Property Size: 5.62 acres

Zoning: R-1 Proposed Use of Land:

Does this project have a Final Development Plan approval? YES ☐ NO ☒ Case Number:

Early Neighborhood Notice (ENN) meeting date: 8/4/20 Uniform Parcel Code Number: 1-056-098-369-274

Preapplication Conference Date:

Property Owner Information

Company Name:

Name: Alton & Cynthia Walpole
First *Last*

Address: 1623 Camino Cruz Blanca
Street Address *Suite/Unit #*

Santa Fe NM
City *State* *ZIP Code*

Phone: ( ) E-mail Address:

Applicant/Agent Information (if different from owner)

Company Name: James W. Siebert & Assoc

Name:
First *Last*

Address: 915 Mercer St
Street Address *Suite/Unit #*

Santa Fe NM 87505
City *State* *ZIP Code*

Phone: (505) 983-5588 E-mail Address: victoria@jwsiebert.com

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Affidavit to Authorize Agent (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 1623 Camino Cruz Blanca

I/We authorize James W. Siebert & Assoc to act as my/our agent to execute this application.

Signed: Alton Walpole Date: 8/14/20

Signed: Date:

Submittal Checklist

☐ *Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:*

☐	Letter of Application (intent, location, acreage)	☐	Statement addressing approval criteria	☐	Legal Lot of Record, Legal Description	☐	Development Plan (as defined by Section 14-3.8 SFCC 2001)	☐	Landscape, Parking and Lighting Plan, Signage Specifications
☐	Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	☐	Traffic Impact Analysis (if required)	☐	Proof of Compliance with Conditions of Annexation Approval (if applicable)	☐	Sewer and Water Plan (including profiles and details)	☐	ENN Meeting Notes

Variances from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:
   (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
   (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
   (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
   (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
   (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;
   (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

(5) The variance is not contrary to the public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature: _____ Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After you application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

Title Guaranty & Ins.
TG&IC # SF10-0379

WARRANTY DEED
(JOINT TENANTS)

Alton Walpole, for consideration paid, grant to Alton Walpole and Cynthia Christian, husband and wife, as joint tenants with rights of survivorship, whose address is 1623 Camino Cruz Blanca, Santa Fe, NM 87505, the following described real estate in Santa Fe County, New Mexico:

> Tract Four (4), as shown on plat entitled "Lands of J.W. Schepps, A.L. Thomas A. Walpole & P. Pinnell, Jr...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on September 23, 1977, in Plat Book 57, page 7, as Document No. 408,717.

SUBJECT TO: Restrictions, reservations and easements of record.
ALSO SUBJECT TO: Ad valorem property taxes for the year 2010 and subsequent years.

with warranty covenants.

WITNESS my hand and seal this 17th day of August, 2010.

Alton Walpole

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF SANTA FE

This instrument was acknowledged before me on August 6, 2010 by Alton Walpole.

OFFICIAL SEAL
Sandra M. Griego
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

Notary Public

My Commission Expires: 8/17/14

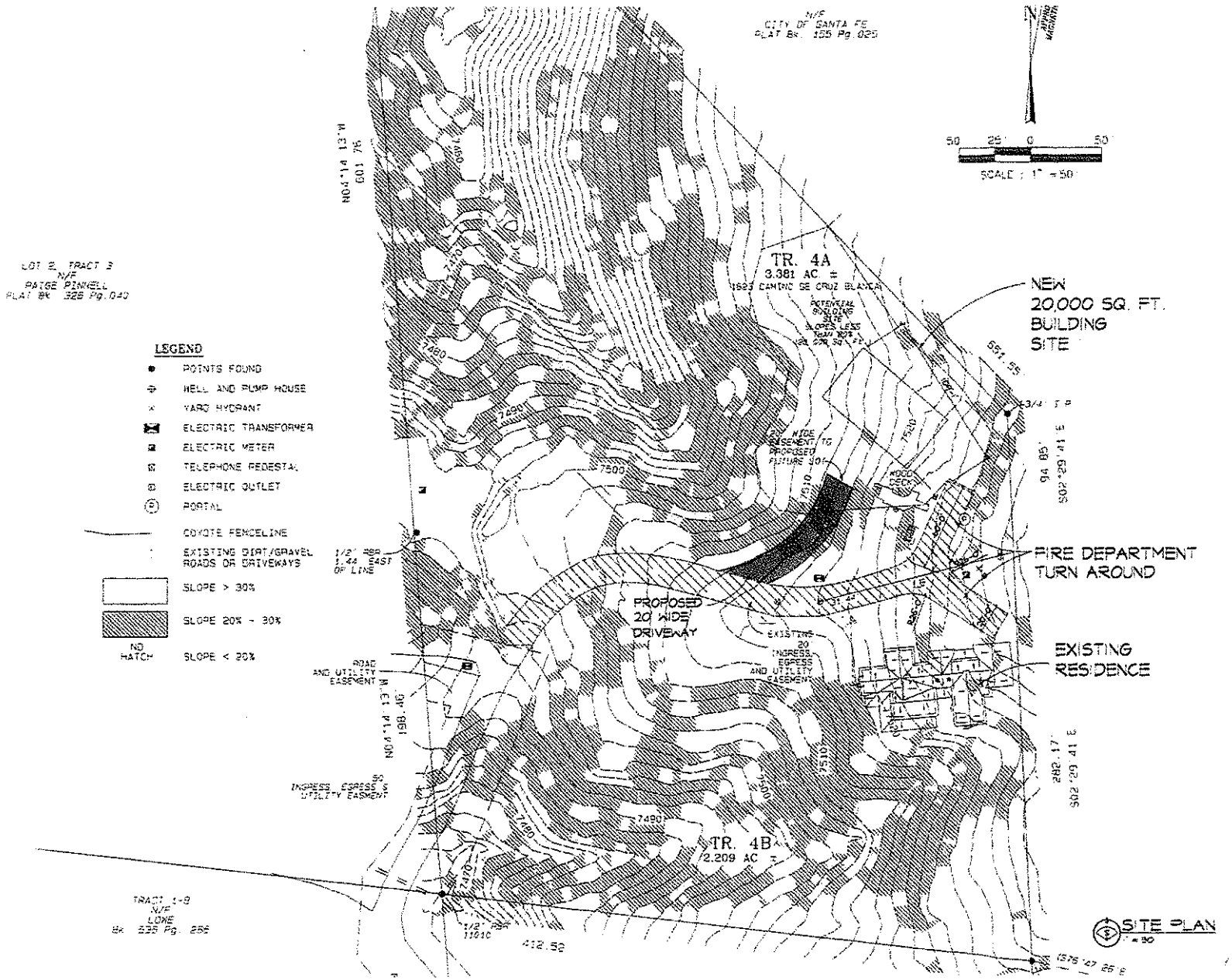
COUNTY CLERK
VALERIE ESPINOZA
SANTA FE COUNTY NEW MEXICO

WARRANTY DEED
COUNTY OF SANTA FE) PAGES: 1
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of August, 2010 at 03:56:50 PM And Was Duly Recorded as Instrument # 1808059 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

2010171789 08/17/2010 03:56:50 PM RECORDER MEETS 035


SITE
Galisteo
Cerrillos
Agua Fria
Alameda
Rio Grande
Cañada
Arroyo Hondo
Arroyo Mascaron
Arroyo Calabacillas
Arroyo Chamiso
Arroyo Tonque
Arroyo Ojo Caliente
Arroyo Ojo Sarco
Arroyo Ojo Sarco
Arroyo Ojo Sarco



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DESIGN AND DRAFTING SERVICES
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145 WEST ALAMEDA STREET SANTA FE, NM
PH 505 989 3241 FAX 505 989 1105

WALPOLE RESIDENCE
1623 CAMINO CRUZ BLANCA
SANTA FE, NEW MEXICO

DATE 3-4-2020

A-1

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

INFORMATIONAL LETTER

Noah Berke
Senior Planner
P.O. Box 909, 200 Lincoln Ave
Santa Fe, NM 87504

Re: Alton Walpole Variance Requests

Dear Mr. Berke

This letter provides the background information that cannot be conveyed in the response to the variance criteria.

Explanation of Difficult and Mountainous Terrain

The Difficult and Mountainous Terrain provision was adopted in the 1980's in response to retaining walls failing and collapsing due to heavy rains or poor construction and more construction taking place on Santa Fe's hillsides. Although much of the property on the north side of Santa Fe was already zoned R-1, there was desire to further reduce the density in selected areas where steep slopes dominated the landscape. It is my belief that the 25 percent reduction in density was directed to the R-1 and higher density zoning in the north side areas. The application of a 2.5 acre minimum lot size for lots without city sewer and water was not given much consideration when the Difficult and Mountainous Terrain ordinance was adopted. The 2.5 acre minimum lot size was based on the County requirement at the time for lots served by an on-site sewer and water.

R-1 land served by city water or city sewer within the area of Difficult and Mountainous Terrain may be developed at one dwelling per 1.25 acres. If neither of the two utilities are available the requirement is one dwelling per 3.33 acres. That is a significant increase in area compared for R-1 land with at least one of the city utilities. The imposition of Difficult and Mountainous Terrain on lots without city water and sewer is a significant burden on the land owner.

Difficult and Mountainous Terrain as a Dimensional Standard

The various zoning districts are set forth in Chapter14–4.2 and 14-4.3 of the Land Development Code. The area of Difficult and Mountainous Terrain is not listed as a zoning district. The residential zoning districts set the maximum allowed densities. Overlay districts also can set maximum allowed densities based on the underlying zoning. Chapter 14-5.1(A)(1)-(9) in describing the overlay districts does not mention the area of Difficult and Mountainous Terrain as an overlay district. The point being that it must therefore be a dimensional standard, like a setback or height standard.

Road Variance

The variance is requesting one more additional lot than the permitted 8 lots on a 10 foot roadway as set forth in 14- -9.2-1 in the Santa Fe City Code. In this case the roadway varies in width from 13 feet to 15 feet. The lot split would create the ninth lot served by the private road. A covenanted agreement among the land owners served by Camino Cruz Blanca private road is attached as Exhibit B. Article 4 on page 5 describes the payments and maintenance requirements for the private road. Mr. Walpole has stated that all lot owners participate in the cost for the maintenance and improvements to the road. Mr. Walpole is the administrator for the collection of money for the road maintenance and improvements. Improvements consist of widening the road where there is sufficient easement, adding basecourse where needed and maintaining or replacing culverts. Maintenance is undertaken at least once a year.

The point here is that in other areas of Santa Fe on private roads where the access is 10 feet in width often there is no formal organization to maintain and improve the roads and there is no requirement in city code to do so. Given the level of maintenance that is occurring on Camino Cruz Blanca one additional dwelling has little impact expect to add to the money collected for road maintenance. The new lot will be subject to the covenants the same as the existing lots and therefore the owner of this lot will be obligated to participate in road maintenance costs.

It also needs to be pointed out the City Code has taken into account where older roads may have to be permitted to allow for conformance with the unique neighborhood condition. The City Code, Section 14-9(4)(b) states that "The arrangement of streets in a development shall: (b) conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

Xc: Dan Esquibel
Alton Walpole

DECLARATION OF PROTECTIVE COVENANTS

THIS DECLARATION is made this 28th day of November, 2005, by PAMELA MESSER, a single woman; WILLIAM H. DONAHUE and DANA DENSMORE, husband and wife; MATTHEW and MARY SAMPLE, husband and wife; ALTON WALPOLE and CYNTHIA CHRISTIAN, husband and wife; RICHARD FERBER and POLLY TAPIA FERBER, husband and wife; and KENNETH and MARY ANN LOWE, husband and wife; (hereinafter collectively referred to as "Owners").

WHEREAS, Owners are the owners of certain parcels of real estate in Santa Fe, County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, and desire to impose the provisions of this Declaration on and subject all of the above described real estate to the covenants, hereinafter stated, including easements, for the purpose of protecting the value and standards of said real estate, the terms of which shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to the above described real estate, or any part thereof, and their successors and assigns.

NOW, THEREFORE, Owners hereby declare that the Properties shall be subject to the following covenants, conditions and restrictions:

ARTICLE 1
DEFINITIONS

Wherever used herein, the following terms shall have the following meanings:

1.1 "Properties" shall mean and refer to the real estate described in Exhibit A attached hereto and such additions as may hereafter be brought within the jurisdiction of this Declaration;

1.2 "Lot" shall mean and refer to each of the six (6) Lots inclusively as described in and listed as Lots or Tracts in Exhibit A;

1.3 "Easements" shall mean and refer to all easements affecting the Properties and recorded as of the date of this Declaration, provided further that "Private Road Easement" shall refer to the road access easement as shown on the plat entitled "Lands of J.W. Schepps, A.L Thomas, A. Walpole & P. Pinnell, Jr., Ward No. One, Santa Fe, New Mexico" dated September 3, 1977 and recorded as number 408,717 in the County Clerk's office of Santa Fe County, New Mexico.

1.4 "Guest House" shall mean a second residence on the Property occupied, full-time or part-time, by the family members or guests of the Owners.

1.5 "Structure" means any residence, dwelling, garage, outbuilding or wall.

SFC CLERK RECORDED 12/27/2005

Exhibit B

ARTICLE 2
SUBDIVISION AND STRUCTURES

2.1 *Intent.* The intent of Owners herein is (i) to attempt to ensure the protection of view corridors for the various Lots while recognizing that complete protection is not always possible; (ii) to limit the density of structures on the Lots and (iii) to avoid large scale monolithic structures.

2.2 *Subdivision.* The minimum lot size shall be 2.2 acres. No subdivision of or other adjustment of any Lot shall be permitted that will create a lot smaller than this size. Any lots created by the subdivision of any Lot shall be fully subject to the covenants and restrictions contained in this Declaration.

2.3 *Combination.* Combinations of Lots shall be permitted subject to the approval of the City of Santa Fe and the execution and acknowledgment by the Owner of the Lots to be combined, of an instrument specifying such combination and giving the metes and bounds description and Lot number of the newly created Lot. Such instrument shall be filed for record by the Owner in the real estate records of Santa Fe County, New Mexico, before such combination is considered to have been completed hereunder. Once combined, the newly created Lot shall not be resubdivided thereafter. No combination of Lots shall be deemed an amendment or release of the covenants and restrictions herein.

2.4 *Lot Line Adjustments.* Lot line adjustments between Lots shall be permitted subject to the approval of (i) all Owners, (ii) the City of Santa Fe, and (iii) the execution and acknowledgment by the Owners of the Lots to be adjusted, of an instrument specifying such adjustment and giving the metes and bounds description and Lot number for each of the adjusted Lots. Such instrument shall be filed for record by the affected Owners in the real estate records of Santa Fe County, New Mexico, before such adjustment is considered to have been completed hereunder. No adjustment of Lot lines shall be deemed an amendment or release of the covenants and restrictions herein.

2.5 *Permitted and Prohibited Structures.* No structure shall be erected, altered, placed or permitted to remain on any Lot or building site subject to this Declaration other than one single-family dwelling for private use, a Guest House, a private studio, a private garage, recreational facilities, storage sheds, solar heating devices, evaporative cooler or coolers, and improvements incidental to residential use of the Lot. Condominium units, each of which is owned and occupied by unrelated parties, are specifically prohibited.

2.6 *Size Limitations.* No Lot shall have structures totalling more than 6,000 square feet of roofed floor area. No single structure shall have more than 3,500 square feet of roofed floor area.

SFC. CLERK RECORDED 12/27/2005

ARTICLE 3
COMMON SCHEME RESTRICTIONS AND REQUIREMENTS

3.1 *Trees and Landscaping.* The living native growth of the Properties, including but not limited to cacti, pinon, ponderosa pines and juniper trees, shall not be destroyed or removed without the prior approval of all of the other Owners, except such native growth and flora as may be necessary to remove for the construction and maintenance of roads, driveways, dwellings and other approved structures. Dead trees may be removed.

3.2 *Utilities.* All electrical service, gas lines, water lines, cable television, telephone lines or other utilities shall be placed underground and installed in or adjacent to the driveway.

3.3 *Trash.* No Lot shall be used for the storage or dumping of rubbish or debris of any kind, or for the storage of any property or thing that will be toxic, dangerous, or unhealthy, and no substance, thing or material may be kept upon any Lot that will emit foul or obnoxious odors. Before and after construction, the storage of construction material, supplies and equipment shall be prohibited unless placed out of view of other Lot Owners.

3.4 *Noise.* No devices emitting undesirable noise levels or that will cause any noise that will disturb the peace, quiet, comfort, or serenity of any occupants or Owners of Lots shall be permitted on the Lots. Burglar alarms must be kept in good working order so that they do not go off without intrusions into the structure protected. Burglar alarms must be turned off within ten minutes after going off.

3.5 *Concrete Slurry.* During or after construction of improvements to any Lot, no concrete slurry shall be left on any Lot or within the Easements.

3.6 *Storage Tanks.* Any tanks for use in connection with any residence, including tanks for the storage of liquefied petroleum gas and fuel oil, gasoline, oil or water, must be buried or concealed by walls, trees, or fences so as to conceal them from view from other Lots and the Easements.

3.7 *Towers.* No derrick or other structure designed for use in boring for oil or natural gas, and no cellular telephone, radio or television transmission towers shall be erected, placed or permitted; and the production or extraction of oil, natural gas, petroleum, asphalt or hydrocarbon products or substances shall not be permitted. No exterior antenna of any sort, including satellite dishes, shall be installed or maintained on any Lot, except those devices which are erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or Structure or screened from view from other Lots and Easements or which are otherwise specifically authorized by the Declaration.

RECORDED 12/27/2005 09:26 CLERK RECORDER

Notwithstanding the foregoing, television antennae (but not satellite dishes) may extend two (2) feet above the parapet.

3.8 *Animals.* Domestic animals are permitted. No livestock, including horses shall be permitted on any Lot. No animals of any kind may be kept on any Lot for commercial purposes. Animals may not be kept on any Lot in any manner which creates a nuisance or is offensive to the neighboring Lots, whether by reason of noise, habits, odors, or otherwise, anything to the contrary hereinabove notwithstanding. The Owners shall have the right to demand the removal of any animals which are kept in violation of this Declaration. Enclosures for animals shall be constructed in accordance with this Declaration.

3.9 *Exterior Lights.* All exterior lights must be located so as not to be directed toward surrounding lots, properties or roads. Bright, glaring lights on roof tops and patio walls or elsewhere are prohibited.

3.10 *Conservation.* All Lot Owners are urged to practice indoor and outdoor water conservation measures. "Alternative" energy sources such as solar heat, wind generators, etc. are encouraged. All construction must comply with the published water conservation criteria of the City and County of Santa Fe.

3.11 *Drainage.* Surface drainage courses within Lots are to remain in their natural state, except for diversion approved by the Owners.

3.12 *Hunting and Firearms.* No hunting shall be permitted within the Properties, and no discharge of firearms shall be permitted within the Properties.

3.13 *Private Easements.* No dirt bikes, motorcycles, off-road vehicles or any unlicensed vehicles of any kind shall be driven or permitted on the Easements except for ingress and egress to an Owner's residence. No motor-driven vehicle shall be driven or permitted in the Properties except on the Easements or the driveways within the Properties. Mountain bikes may only be used on the Easements and private driveways.

3.14 *Ground Water.* Ground water shall not be impounded by any Owner in any way which might adversely affect other Owners of the Properties.

3.15 *Discharge of Explosives.* No explosive material may be discharged on any lot except for bona fide construction purposes and then only after all inhabitants of the Properties have been duly notified in advance of the proposed discharge of an explosive material and only in a manner that shall reduce to a minimum the noise, vibration and other impact of the proposed discharge.

SFC CLERK RECORDED 12/27/2005

ARTICLE 4
ROAD MAINTENANCE

4.1 *Owners' Approval.* Whenever any provision of this Article 4 requires the approval of or action by the Owners, such approval or action shall require the consent of at least two-thirds (2/3) of the owners of the Lots which (i) are then on record with the Office of the County Clerk of Santa Fe County and (ii) are currently used for residential purposes. For purposes of determining this consent, each such Lot, existing at the time of execution of this Declaration or created subsequently to such execution by a permitted combination, subdivision or Lot split, shall have one (1) vote, regardless of the number of Owners of record of the particular Lot.

4.2 *Determination of the Need for Maintenance.* At least once a year, and at least seventy-five (75) days prior to the end of the calendar year, a meeting of the Owners shall be held, or the Owners' views shall be otherwise solicited, to determine whether road maintenance is needed, and what such maintenance should be. All Owners shall be consulted, and no road maintenance of any kind shall be undertaken without such consultation. All road maintenance shall require approval as set forth in Section 1 of this Article.

4.3 *Apportionment of Expenses.* If road maintenance is approved as set forth above, the costs for such road maintenance shall be apportioned among the Owners approximately in proportion to the length of the road from Camino de la Cruz Blanca to the respective Lots, or in some other equitable manner agreed upon by the Owners in accordance with Section 1 of this Article.

4.4 *Mutual Covenants to Pay Apportionments.* The Owners covenant and agree with each other to pay all apportionments as determined hereunder, except that no Owner shall be required to pay more than $400.00 (four hundred dollars) plus 5% for each year after 2005, in any calendar year.

4.5 *Personal Debt of Owner.* The amount of road maintenance expense apportioned to the Owners shall be the personal and individual debt of the Owner of record thereof at the time the apportionment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable.

4.6 *Prior Agreement.* On or about June 8, 1986, some of the Owners signed a Road Maintenance Agreement. As among the Owners who have executed both this Declaration and said Agreement, this Declaration shall control.

ARTICLE 5
GENERAL PROVISIONS

6.1 *Enforcement.* Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, servitudes, reserva-

RECORDED 12/27/2005 SFC CLERK RECORDED

tions, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any Owner may enforce this Declaration regardless of whether the enforcement sought concerns a Lot that is contiguous to the Owner's Lot. Any waiver of any requirement of this Declaration with respect any Lot shall not be deemed a waiver of such requirement with respect to any other Lot. Violations of any requirement of this Declaration in existence on the effective date of this Declaration shall not be deemed a waiver with respect to any subsequent violations.

6.2 *Notices.* Any notices required or permitted to be delivered hereunder shall be deemed to be delivered when personally delivered to the respective addressee or upon deposit of the same in the United States mails, postage prepaid, certified or registered mail, return receipt requested at the address shown below.

6.3 *Severability.* Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6.4 *Exhibits.* Each and every exhibit attached hereto is incorporated herein by this reference.

6.5. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years; provided, however, that (i) Owners holding at least sixty percent (60%) of the total number of existing Lots may execute and acknowledge an appropriate instrument within one (1) year and not less than ninety (90) days prior to the expiration of said initial twenty (20) year period or prior to the expiration of any ten (10) year extension period thereafter, that provides a release of the land subject hereto from all of the restrictive covenants contained in this Declaration, or a change, amendment, modification or revision of any of the restrictive covenants; or (ii) Owners holding at least eighty percent (80%) of the total number of existing Lots may execute and acknowledge an appropriate instrument at any time, that provides a change, amendment, modification or revision of any, but less than all, of the restrictive covenants, except as prohibited herein. Every amendment or release must be recorded in the real estate records of Santa Fe County, New Mexico.

6.6 *Binding Effect.* This Declaration shall be binding upon and shall inure to the benefit of the Owners and their respective heirs, successors and assigns, including lessees, easement holders, licensees, and invitees, and shall run with the land.

IN WITNESS WHEREOF, Owners have executed this Declaration this 7th day of Nov. 2005.

"OFFICIAL SEAL"
Robert Temple
Notary Public, State of Illinois
My Commission Exp. 08/16/2006

SFC CLERK RECORDED 12/27/2005

EXHIBIT A
LOTS

Tracts 1-A and 1-B as shown on a plat of survey entitled "Lands of Pamela Messer" recorded on 2 October, 1979, in Book 72, page 13, records of Santa Fe County, New Mexico.

Tracts 2 and 4 as shown on a plat of survey entitled "Lands of J. W. Schepps, A. L. Thomas, A. Walpole & P. Pinnell, Jr." recorded on 23 September, 1977, in Book 57, page 7, records of Santa Fe County, New Mexico.

Lot 1, Tract 3 as shown on a plat of survey entitled, "Lot Consolidation and Lot Line Adjustment Survey of the 'Paige Pinnell Replat'" recorded on 8 February 1996, in Book 326, page 40, records of Santa Fe County, New Mexico.

Tract 5A as shown on a plat of survey entitled, "Fineberg Subdivision" recorded on 25 February 1986, in Book 161 page 49, records of Santa Fe County, New Mexico.

SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 18 day of November 2005

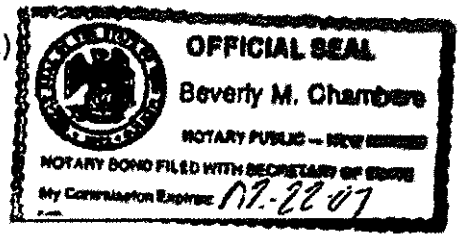
Pamela Messer

Pamela Messer

Notary Public

My commission expires: 07.22.07

(Seal)



12/2/2005 ... CLERK RECORDED 12/2/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 28th day of November 2005,

William H Donahue

Dana Densmore

William H. Donahue and Dana Densmore

Lois E Rael

Notary Public

My commission expires: 8/12/07

(Seal)



SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF ILLINOIS)

COUNTY OF LAKE)

The foregoing instrument was acknowledged before me this 19 day of August, 2005

Mary Sample

OFFICIAL SEAL
KATHLEEN A. WORWA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8-16-2006

Matthew Sample and Mary Sample

Kathleen A Worwa
Notary Public

My commission expires: 8-16-2006

(Seal)

0512615062 Page: 3 of 3

RECORDED 12/27/2005 CLERK

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 19 day of NOVEMBER 2005

Cynthia Christian

Alton Walpole and Cynthia Christian

Notary Public

My commission expires: 3/08

(Seal)

OFFICIAL SEAL
STEPHANIE MORNINGSTAR
Notary Public
State of New Mexico
My Comm. Expires 3/08

SEC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2005

Richard Ferber

Polly T Ferber

Richard Ferber and Polly Tapia Ferber

By

Notary Public JENNIFER VELASQUEZ

My commission expires: 3-30-08

(Seal)

Jennifer Velasquez NOTARY PUBLIC State of New

SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this 16 day of July, 2005

Kenneth Lowe + Mary Ann Lowe

Kenneth Lowe and Mary Ann Lowe

Cheryl Collins

Notary Public

My commission expires: 7/16/06

(Seal)

CHERYL COLLINS
MY COMMISSION EXPIRES
July 16, 2006

COUNTY CLERK
VALERIE ESPINOZA
SANTA FE COUNTY NEW MEXICO

RECORDED 12/27/2005

Prepared by:
James W. Siebert
August 7, 2020

Variance from minimum lot size for lots in Difficult and Mountainous Terrain Section 14-9.2.8(e)

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987 Mr. Walpole had the right to split his lot allowing for two lots on the 5.6 acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1.

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres. For example, a 10 acre lot zoned R-1, with city water and sewer, or city water or city sewer would be permitted one dwelling per acre or 10 lots assuming there is no flood plain. If the 10 acre lot is located in an area of Difficult and Mountainous Terrain the number of lots is: 10 x .75 = 7.5 lots. A fractional density must be reduced to the next whole number which in this case results is 7 lots. If the same 10 acre lot has no city water or city sewer the number of lots is reduced to 4 (10÷2.5 = 4), and with the required .75 reduction the maximum number of lots would be 3, which is considerably less than the seven lots permitted with city sewer and city water.

Due to ordinances that have been adopted since the area of Difficult and Mountainous Terrain was imposed, such as maximum height of retaining walls, management of storm water runoff, mandatory revegetation, limitation on the heights of cut and fill slopes, escarpment regulations,

and limits on height of structures the impact on the hillside from a visual and terrain management standpoint have been considerably reduced.

The requirement for a 2.5 acre minimum lot size for lots created in the area of Difficult and Mountainous Terrain would by itself accomplish the goal of protecting Santa Fe's hillsides. Drilling a well on the lot does not create any significant disturbance to the land. Leach fields required for liquid waste disposal must be approved by the New Mexico Environment Department and can follow the contours of the land snaking in and out of trees. The 2.5 acre minimum lot size by itself accomplishes the intent of the area of Difficult and Mountainous Terrain and the cumulative impact of adding a further reduction in density does nothing to further protect the hillside environment.

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain. The location of these lots is shown on Exhibit A-2.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

Mr. Walpole currently has his residence on the 5.6 acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain.

(5) The variance is not contrary to the public interest.

At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

354125

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Randolph Nichols
Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Joseph William Schepps
Joseph William Schepps

TERRITORIAL ABSTRACT & TITLE CO., INC.
M. 2990

Exhibit A-1

354126

Arthur L. Thomas

Alton Walpole

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 17 DAY OF Oct. A.D., 1977 AT 11:11 O'CLOCK A M AND DULY RECORDED IN MY BOOK
CLERK OF THE BOARDS OF SANTA FE COUNTY
and ex officio Clerk of the District Court
County Clerk, Santa Fe County, N.M.
Helen Baca Deputy

354127

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

WITNESS our Hands and Seals this 1st day of November, 1977.

PAIGE PINNELL, JR.

Ann Randolph Nichols

By: Ann Randolph Nichols, Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps

JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

> That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 1100-1

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols, Attorney in Fact
for Paige Pinnell, Jr.

Joseph William Schepps

Arthur L. Thomas

Alton Walpole

Frank Chapman

Frank Chapman, Attorney in Fact
for Robert K. Potter, Jr.

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman.

Notary Public

My Commission Expires:

April 18, 1979

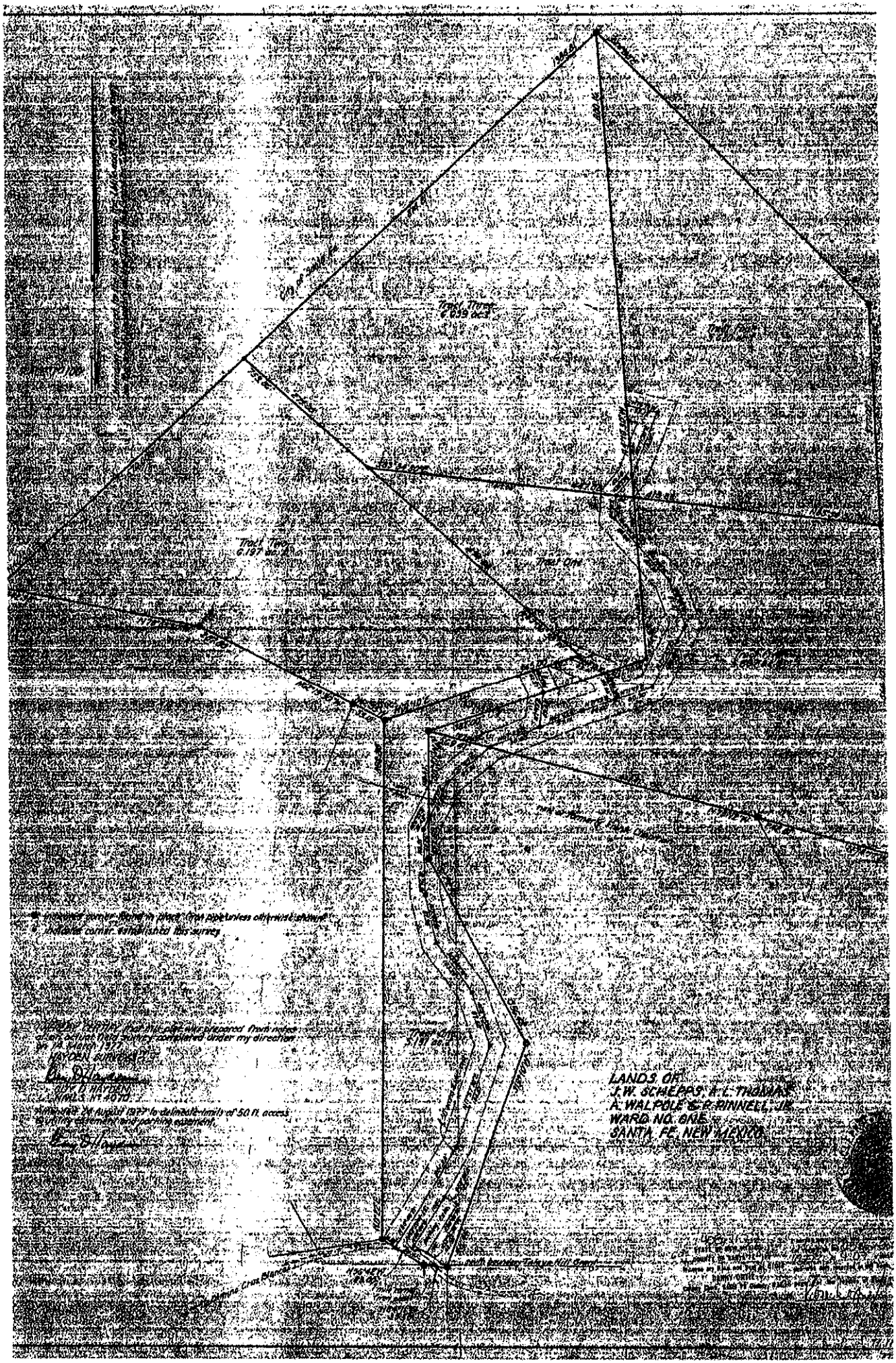
STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

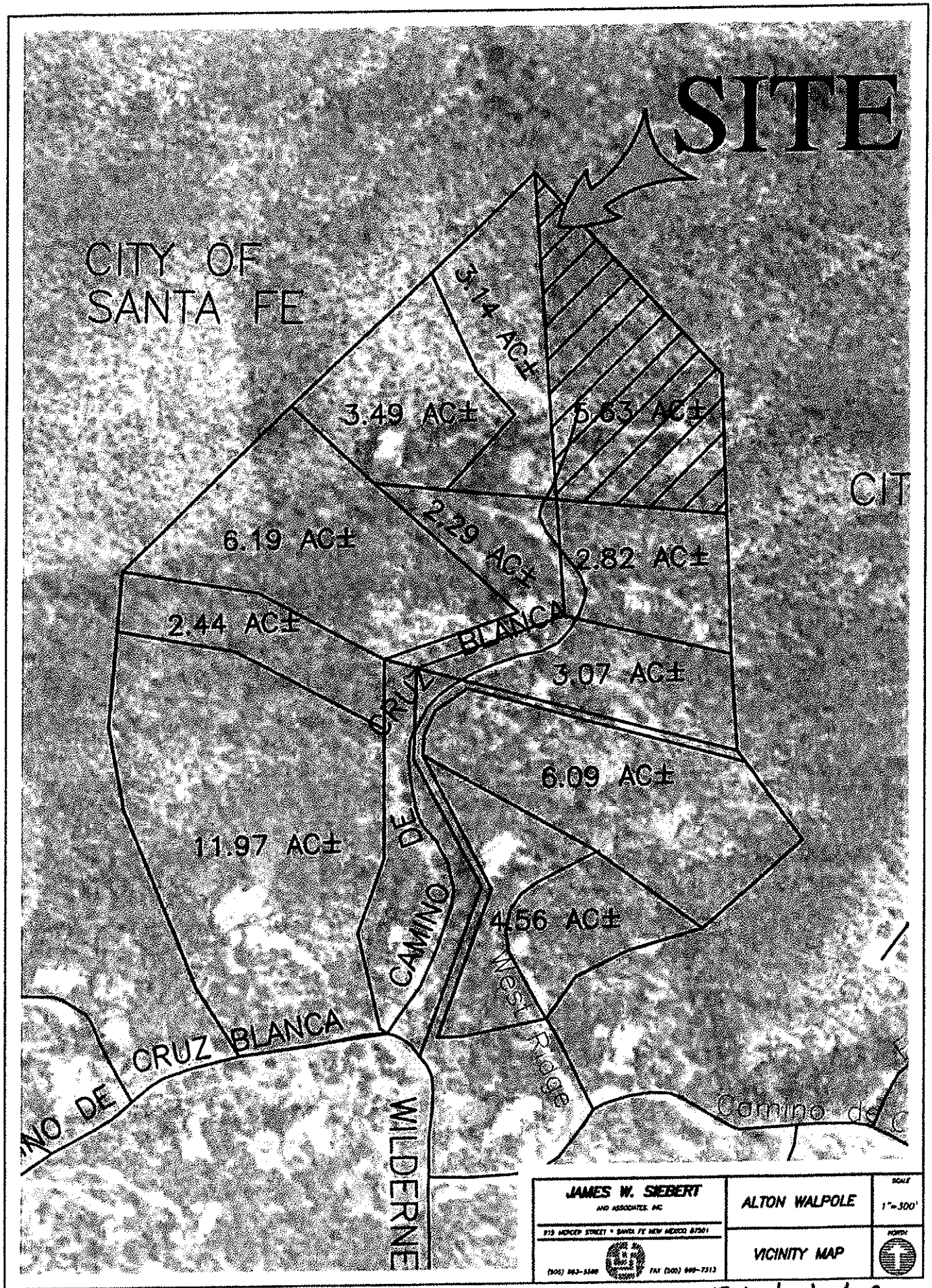
The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman, Attorney in Fact for Robert K. Potter, Jr.

Notary Public

My Commission Expires:

April 18, 1979


Tract Three
6.039 ac.±
Tract Two
6.197 ac.±
Tract One
5.191 ac.±
LANDS OF
J.W. SCHEPPS & L. THOMAS
A. WALPOLE & R. RINNELL, JR.
WARD NO. ONE
SANTA FE, NEW MEXICO



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	ALTON WALPOLE	SCALE 1"=300'
	VICINITY MAP	NORTH

Exhibit A-2

Variance requested: Maximum of 8 lots on 10 road

Section 14-9.2-1

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

Camino Cruz Blanca has existed since 1970's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

The road cross section for a 9 lots would be a 42 foot easement or right-of-way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5 foot planter strip and a 5 foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to

existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

Other properties in the area are already smaller is size than what is proposed by Mr. Walpole.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan.*

The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development.

(5) The variance is not contrary to the public interest.

At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

354125

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

> That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;
>
> TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and
>
> SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Randolph Nichols

Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Joseph William Schepps

Joseph William Schepps

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 2990

Exhibit A-1

354126

Arthur L. Thomas

Alton Walpole

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

...TY OF SANTA FE) ss
...TE OF NEW MEXICO)
...BY CERTIFY THAT THIS INSTRUMENT WAS FILED
...D RECORDED ON THE 17 DAY OF Oct. A.D.,
1977 AT 11:11 O'CLOCK A M
...RDED IN MY BOOK ____
...OFFICIAL RECORDS OF SANTA FE COUNTY
...and Seal of Office
...Santa Fe County, N.M.
Helen Baca Deputy

354127

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

> That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.
>
> SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

WITNESS our hands and seals this 1st day of November, 1977.

PAIGE PINNELL, JR.

Ann Randolph Nichols

By: Ann Randolph Nichols, Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps

JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man; AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

> That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 1100-4

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols, Attorney in Fact
for Paige Pinnell, Jr.

Joseph William Schepps

Arthur L. Thomas

Alton Walpole

Frank Chapman

Frank Chapman, Attorney in Fact
for Robert K. Potter, Jr.

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:
6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:
6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman.

Notary Public

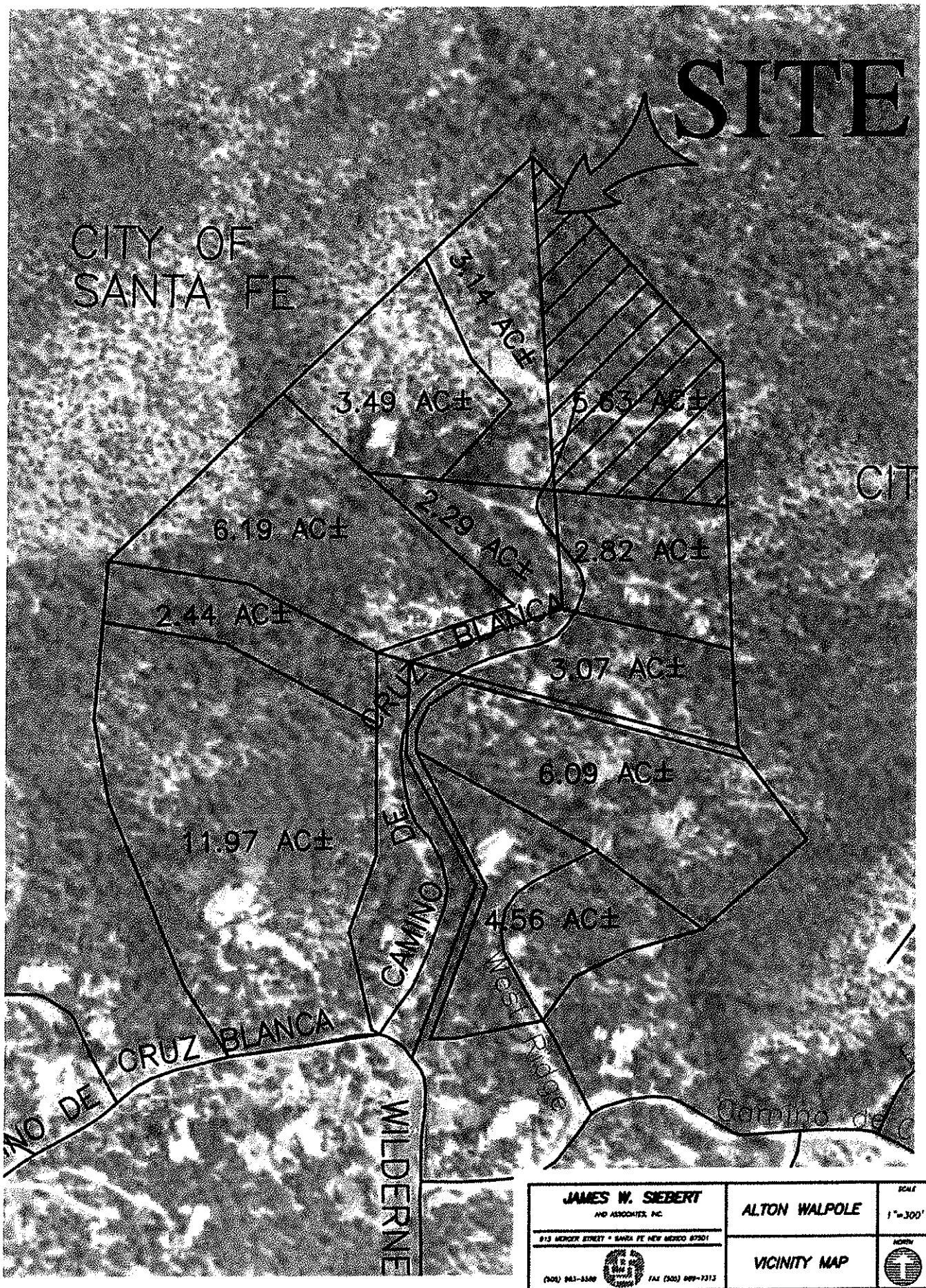
My Commission Expires:
April 18, 1979

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman, Attorney in Fact for Robert K. Potter, Jr.

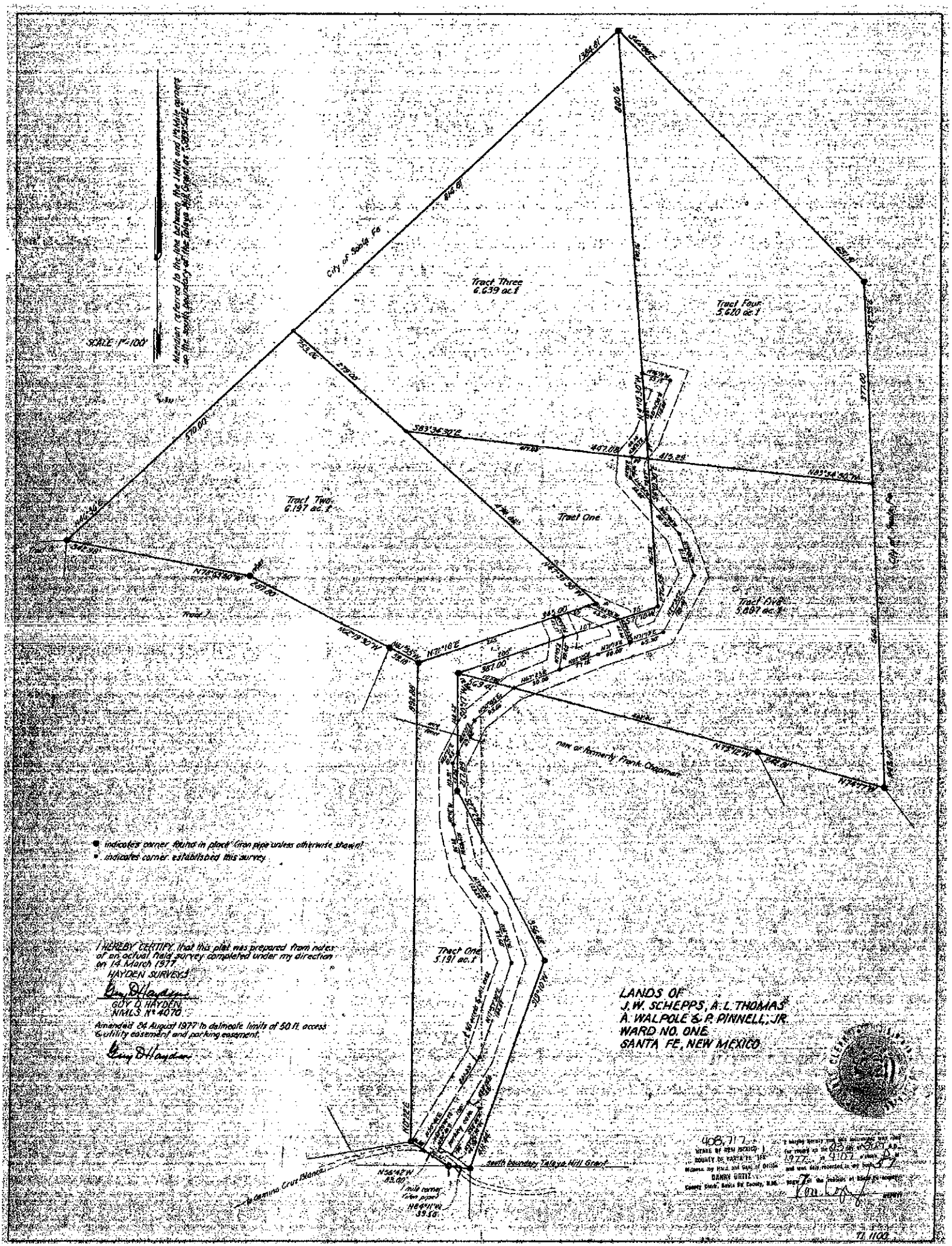
Notary Public

My Commission Expires:
April 18, 1979



JAMES W. SIEBERT AND ASSOCIATES, INC.	ALTON WALPOLE	SCALE 1"=300'
913 MERCER STREET • SANTA FE, NEW MEXICO 87501		
(505) 983-5588 FAX (505) 989-7313	VICINITY MAP	NORTH

Exhibit A-2


SCALE 1"=100'
Tract Three
6.639 ac.±
Tract Four
5.620 ac.±
Tract Two
6.197 ac.±
Tract One
Tract Five
5.897 ac.±
Tract One
5.191 ac.±
City of Santa Fe
new or formerly Frank Chapman
South boundary Tokaya Hill Grant
Camino Cruz Blanca
N56°42'W
83.00'
mile corner
iron pipe
N64°41'W
39.58'
N 3°54'30"W
457.08'
S83°34'30"E
419.24'
N 3°54'30"W
N 7°10'E
N 7°10'E
N 7°10'E

Prepared by:
James W. Siebert & Assoc., Inc
September 21, 2020

Variance from Road Design Standards (allowing 1 additional unit on a 14 to 15-foot private road.

Approval Criteria

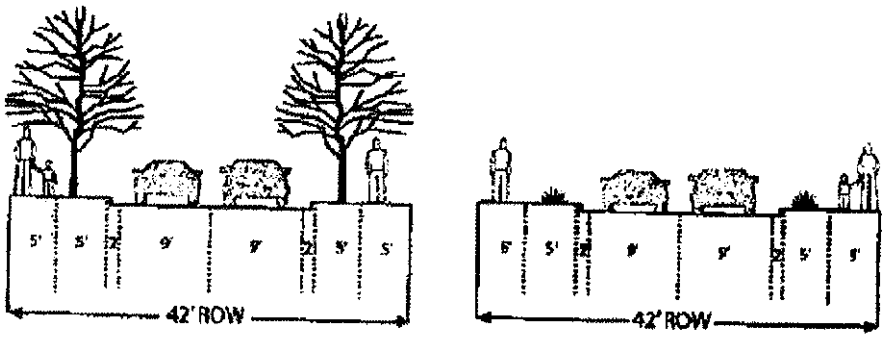
Subsections 14-3.16(C)(1) through (5) and, if applicable, to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

The road has existed since late 1970 and has been improved on an annual basis, is in excellent condition. The road is maintained by a road sharing agreement. All lot owners using the road participate in cost for repairs and improvements.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.



The width of a road consistent with City standards for 9 lots would require the above cross section for a 42-foot road which is not feasible nor is it consistent with low density, rural nature of the area.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

CASE# 2020-2592 1623 Camino De Cruz Blanca

Other lots served by Camino Cruz Blanca are similar in size to the resulting lots if the variance were approved. While the lot size is less than required by the Difficult and Mountainous regulation, it is consistent with 2.5 acre minimum standard of the City Code.

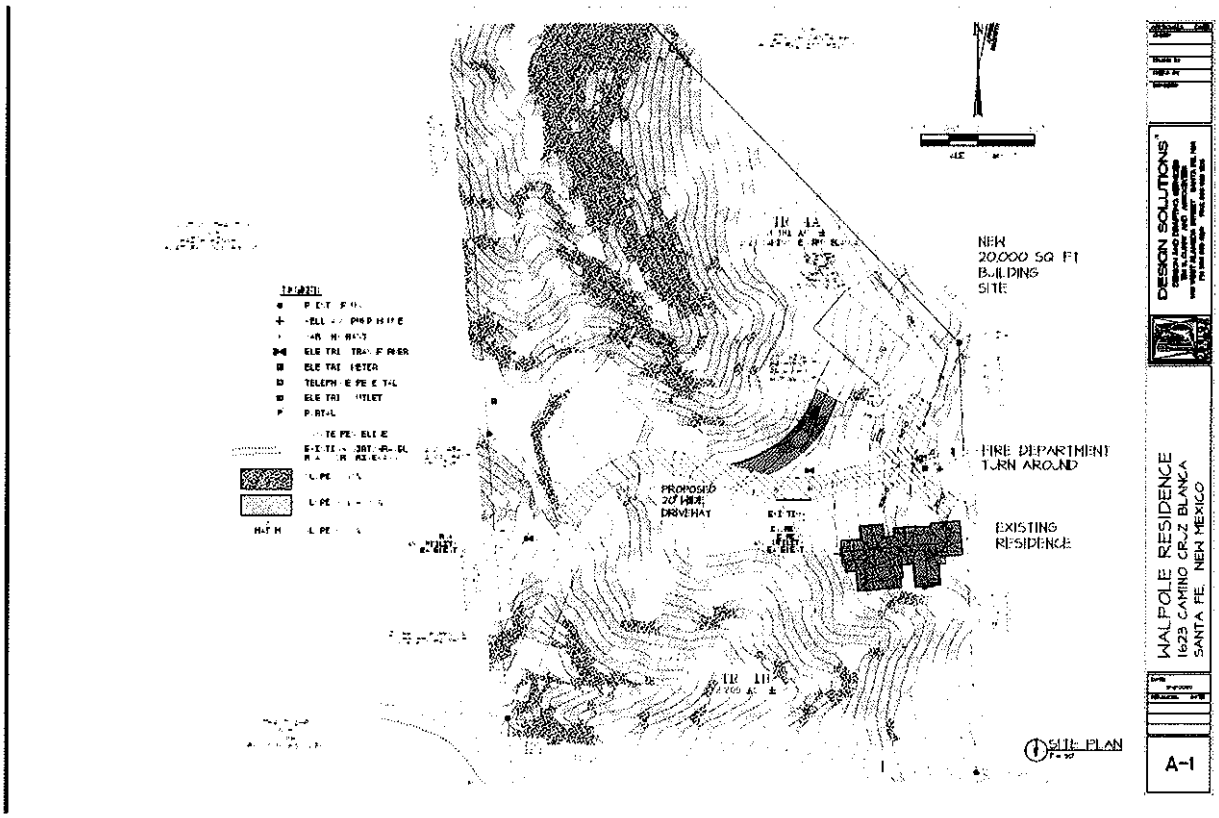
(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

A variance is required to create an additional lot. Assuming the variance from the Difficult and Mountainous Terrain regulation is approved, the lots would not be inconsistent with from the other lots served by the private road.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan.*

The Road is currently in excellent shape. There are turnouts at regular intervals to allow for vehicles to pull over and let fire trucks pass. There is a road sharing agreement for road maintenance and all lot owners participate in the agreement. The new driveway to the proposed building site can satisfy all requirements of the City Codes.



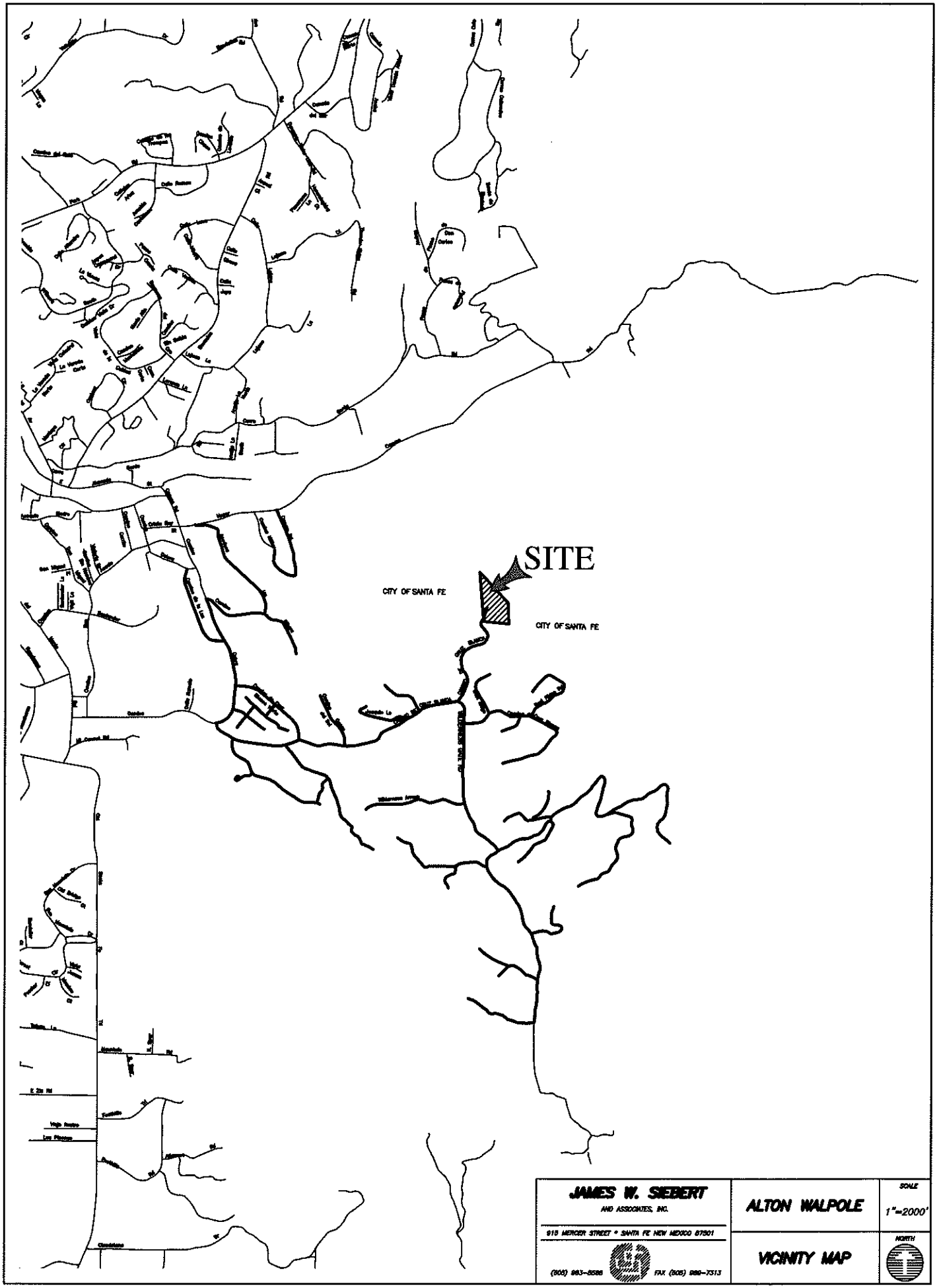
(5) The variance is not contrary to the public interest.

The Subdivision residents are in agreement with the lot split and minimal impact to traffic on the existing private road.

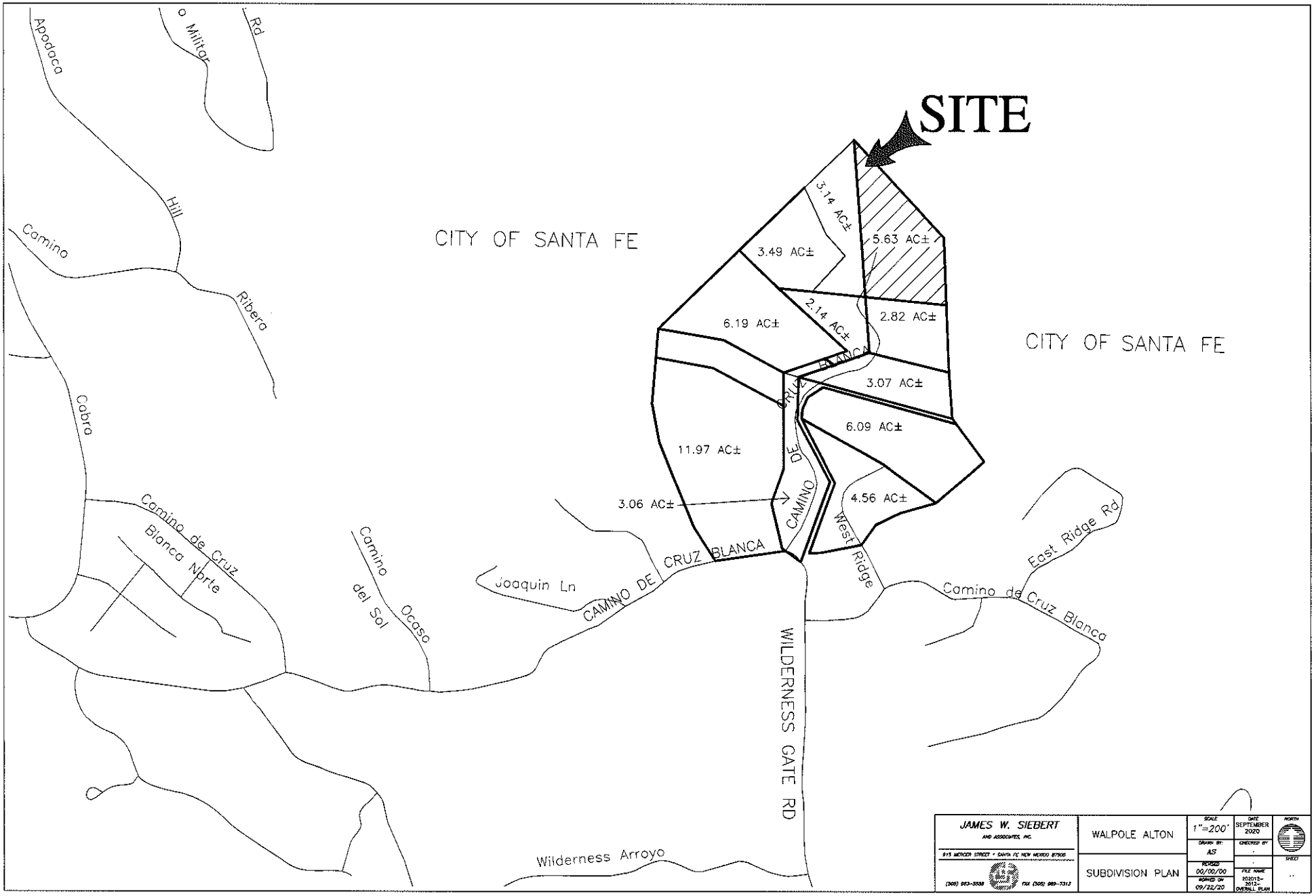
Prepared by-
James W. Siebert
22nd September 2020

Variance from minimum lot size for lots in Difficult and Mountainous Terrain Section 14-9.2.8(e)

CASE# 2020-002499
2020-002592



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET * SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	**ALTON WALPOLE** **VICINITY MAP**	SCALE 1"=2000' NORTH



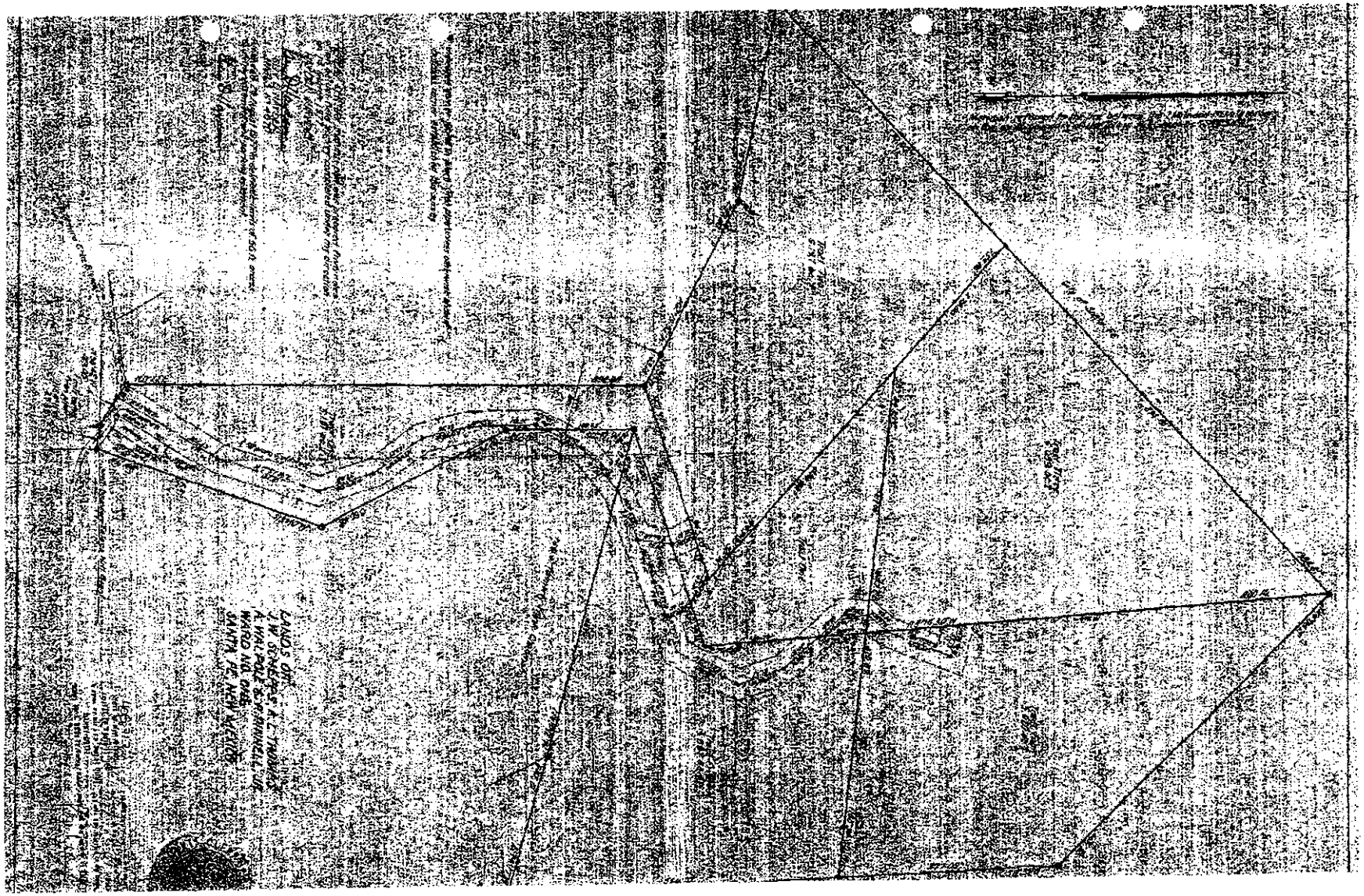
JAMES W. SIEBERT AND ASSOCIATES, INC.	WALPOLE ALTON	SCALE: 1"=200'	DATE: SEPTEMBER 2020
915 MERCER STREET • SANTA FE, NEW MEXICO 87505		DRAWN BY: AS	CHECKED BY: -
(505) 983-5588 FAX (505) 989-7313	SUBDIVISION PLAN	REVISED: 00/00/00	FILE NAME: 202013-2012-OVERALL PLAN
		NORMED ON: 09/22/20	SHEET: -

APPROVAL CRITERIA

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1)One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;



Difficult and mountainous terrain regulations adopted in 1987

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

Comparative analysis R-1 without city water or sewer to R-1 with city water & sewer

10 acre lot in difficult and mountainous terrain with R-1 Zoning.

R-1 allows one dwelling/acre with water & sewer, or either water or sewer.

10x1=10 dwellings on tract

10x0.75 for Difficult & Mountainous Terrain = 7.5 ~ 7 (rounded down)

10 acre lot in Difficult & Mountainous Terrain with no city sewer or city water

10/2.5=4 Dwellings x .75 =3

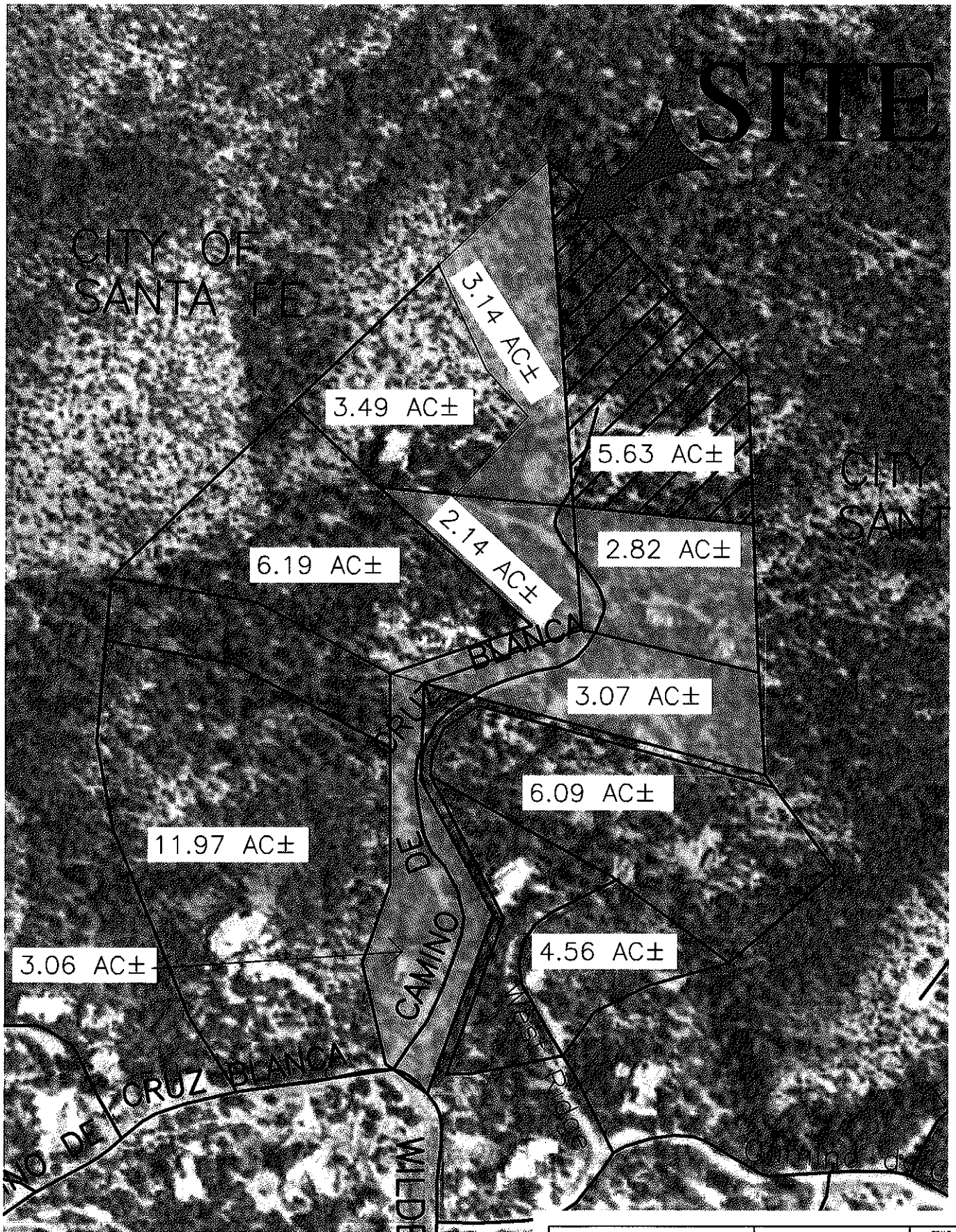
7 DU/Acre vs 3 DU/Acre

R-1 requires 1.375 acre lot to satisfy DMT , 1.375x0.75=1.00±

R-1 without city water or sewer, 3.33x7.5=2.5 ±

Since 1987 other city regulations have been adopted to protect hillside development such as limitation of heights of cut & fill slopes, height of retaining walls, percent of slopes, stormwater drainage management.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	ALTON WALPOLE	SCALE 1"=300'
	VICINITY MAP	NORTH

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Based on surrounding lots, the requested lot split is generally of the same or lesser intensity of development.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

In order to achieve a similar intensity of use to what exists in the area in the vicinity of Mr. Walpole, a variance is required to accomplish a lot split.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

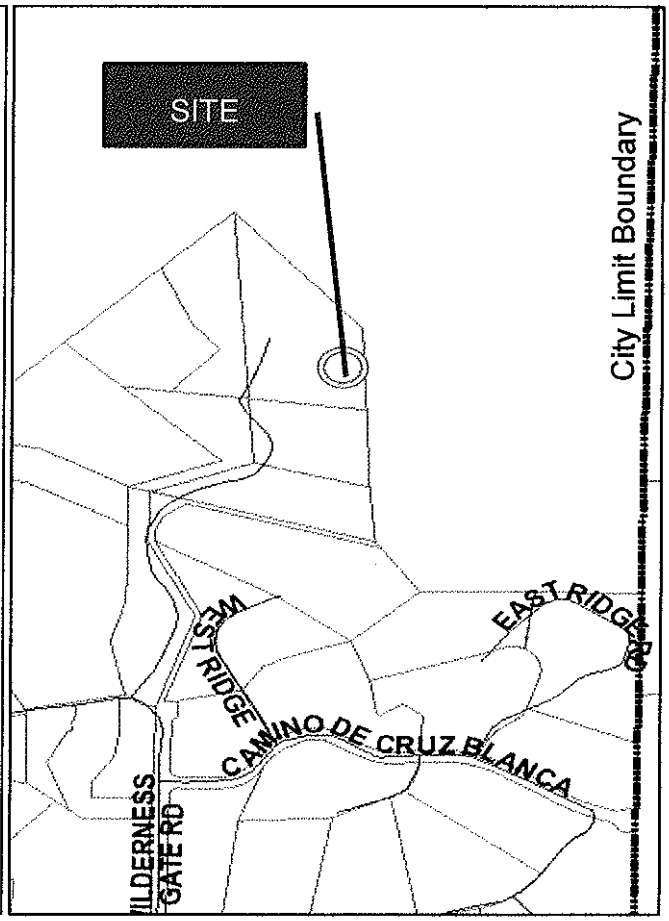
The lot split is consistent with the minimum lot size for R-1 Zoning without city water or city sewer. It satisfies the intent of the city code by maintaining lot sizes consistent with adjoining and nearby lots.

(5) The variance is not contrary to the public interest

The public interest is best served by the other lot owners in the area who are in agreement with the variance allowing for the lot split.

Land Use Department
Planning Commission Staff Report

Case No's:	20-2499 & 20-2592
Hearing Date:	October 1, 2020
Applicant:	James Siebert and Associates, Inc.
Request:	Variances.
Location:	1623 Camino De Cruz Blanca
Case Mgr.:	Daniel A. Esquibel
Zoning:	R-1(Residential No City Utilities - 0.4 Dwellings per Acre with net lot area of 2.5 acres per single family dwellings)
Overlay:	Suburban Archaeological Review District
Pre-App. Mtg.:	October 24, 2019
ENN Mtg.:	August 04, 2020
Proposal:	Two variances: 1.) Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density); 2.) Table 14-7.2(1) "Design Criteria for Street Types" (to allow 9 dwelling units on a Lot Access Driveway).



Case #2020-2499. 1623 Camino De Cruz Blanca Variance to 14-7.2(B)(5). James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to Subsection 14-7.2(B)(5) for calculation of dwellings within the Mountainous And Difficult Terrain (to eliminate the 0.75 reduction in density from the calculation of density). The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities – 0.4 Dwellings per acre with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

Case #2020-2592. 1623 Camino de Cruz Blanca Variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1). James Siebert and Associates, Inc., Agent, for Alton Walpole, Owner, requests a variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1) "Design Criteria for Street Types" to allow 9 dwelling units on a Lot Access Driveway. The property is approximately 5.63 acres, zoned R-1 (Residential - No City Utilities - 0.4 Dwellings per acre

with a net lot area of 2.5 acres per single family dwellings), and is located within the Suburban Archaeological Review District and area mapped as the Mountainous and Difficult Terrain.

I. RECOMMENDATION

The Land Use Department recommends **DENIAL** of Case #2020-2499 *"1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5)"*, and **DENIAL** of Case #2020-2592. *"1623 Camino de Cruz Blanca Variance to Table 14-7.2(1)".*

Three motions will be required in the following order:

1. *Approve or deny* Case #2020-2499. *1623 Camino de Cruz Blanca Variance to 14-7.2(B)(5),* subject to technical corrections of approval (Exhibit A).
2. *Approve or deny* Case #2020-2592. *1623 Camino de Cruz Blanca Variance to Table 14-7.2(1).*
3. *Approve or deny Findings of Fact and Conclusions of Law for* Case #2020-2499 and Case #2020-2592. *1623 Camino de Cruz Blanca Variances presented in Exhibit B.*

II. EXECUTIVE SUMMARY

The proposal consists of two variances:

1. SFCC Subsection 14-7.2(B)(5), for calculation of dwellings within the Mountainous and Difficult Terrain (to eliminate the 0.75 reductions in density from the calculation of density);
2. SFCC Table 14-9.2-(1) "Design Criteria for Street Types" (to allow nine dwelling units on a Lot Access Driveway).

Both variances are being sought to support the approval of a future lot split at 1623 Camino Cruz Blanca.

The Applicant has complied with Subsections 14-3.1(E) *"Pre-Application Conferences"*, 14-3.1(F) *"Early Neighborhood Notification Procedures"* and 14-3.1(H) *"Notice Requirements".*

Staff's analysis finds that the Applicant has **not** satisfied Subsection 14-3.7(C) "Approval Criteria", for the proposed variances requested for **Case #2020-2499** and **Case # 2020-2592** recommends denial of both cases.

III. BACKGROUND

The property is located at 1623 Camino de Cruz Blanca. The Tract of land was created as part of a 5-lot subdivision in 1977 entitled *"Lands of J.W. Schlepps, L. Tomas A. Walpole & P. Pinnell, Jr. Ward No. One"* (Subdivision) and is identified as Tract Four, containing approximately 5.63 acres. The City did not approve the Subdivision. However, the adjacent property to the south received city approval in 1984, for a lot split, the adjacent east property received City approved in 1996 for a consolidation/lot line adjustment, and north and east property lines of Tract 4 are bounded City property.
Tract 4 of the Subdivision today is considered a legal lot of record by adjacent lands legal status and shared property lines. This type of lot is identified as a legal lot of record by exclusion.

The property zoned R-1(Residential – one dwelling Unit per acre) is identified on the Mountainous and Difficult Terrain's official mapped area.

IV. EXISITNG CONDITIONS

The property currently is developed with once single-family dwelling, wood deck and solar panels. The surrounding lands:

Table 1 Adjacent Properties

Direction	Property Address	Zoning
North	N/A (City Land)	R-1 (Residential – One Dwelling unit per acre if connected to City utilities)
East	N/A (City Land)	
South	1627 Camino De Cruz Blanca	
West	1674 Camino De Cruz Blanca	

ACCESS

The property is accessed from Camino De Cruz Blanca, a private road (GIS measurements identify approximately a 25' wide driving surface). Off of Camino de Cruz Blanca, the property is accessed by a private ingress/egress easement width is platted as 50 feet. There are eight homes currently using this driveway easement. The Applicant states that the road providing access to the property is between 13 to 15 feet wide. The Applicant states that the north offshoot road is maintained, and adding an additional dwelling has little impact.

The following information was derived from the City's GIS Division and Applicants submittals regarding Camino De Cruz Blanca:

- Camino De Cruz Blanca extends off Camino Cabra (City Road).
- Camino De Cruz Blanca is a private paved road approximately 40 feet in width connecting to Wilderness Gate (derived from the City's Arch GIS Division).
- There is an offshoot of Camino De Cruz Blanca that extends north to the subject property.
- The Applicant states that the access road varies in width from approximately 13 feet to 15 feet (north offshoot). The 1977 plat referenced in Exhibit G, identifies that the access road to the property is a 50' wide access easement (north offshoot).
- From Camino Cabra to the Camino De Cruz Blanca north offshoot, Camino De Cruz Blanca serves approximately 30 dwellings.
- The north offshoot (to the subject property) of Camino De Cruz Blanca serves 8 dwellings.

FIRE ACCESS

The City Fire Department provided standard conditions, should the Planning Commission approve Cases No. 20-2499 and 20-2592. These conditions are listed both in Exhibit A *"Technical Correction"* and *Exhibit C "DRT Comments"*.

TERRAIN MANAGEMENT

This area of Camino de Cruz Blanca is primarily hilly and semi-rural in character. Mature tree covering and sloping terrain blanket the area. There are a series of natural drainage-ways that traverse the properties. The primary reason that this property is mapped in the Mountainous and Difficult Terrain is due to the fact that much of the property has natural slopes of greater than 20%.

The Applicant provided topographic information with the site plan. The Applicant's slope analysis identifies meeting the definition of the Mountainous and Difficult Terrain. The Applicant contends that the mountainous and difficult terrain is not listed as a district on the official zoning map or as an overlay district within Section 14-5 *"Overlay Districts"* and is eligible for a variance.

UTILITIES

City water is located in the main Camino De Cruse Blanca Road, approximately 1,500 feet away. City sewer is not available. Water and sewer is provided by well and septic systems.

V. ZONING ANALYSIS

The Mountainous and Difficult Terrain is defined as:

> *"Any parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."*

Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* (Exhibit F) explains how the City calculates density(the number of dwelling units on a property) or how many lots can be created from a single piece of land within a zoned district.

Calculating Density[1]

The following explains the formula following Table 2 of this report.

a = Acreage taken to two decimal places by a surveyor.
f = Flood way acres.
d = See *Table 1 "Zoning Calculation value"*
m = Mountainous and Difficult Terrain value (.75).

---

[1] 14-7.2(B)(6):

[I]f the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

14-7.2(B)(7):

[I]f the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

14-7.2(B)(8):

[I]f the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units).

Table 2 Zoning Calculation Value

Status	Calculation Value
If both City Utilities (water and sewer) is available.	Zoning Density value (R1 = 1, R2 = 2 etc.)
If one City Utility (water or sewer) is available.	1 dwelling unit per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).
If no City Utilities are available.	0.4 dwelling units per acre (TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts [Note 15]).

$$Density = ((a - f) \times d) \times m$$

The density calculation for 1623 Camino De Cruz Blanca allows for one dwelling on the property:

$$1.69 = ((5.63 - 0) \times .4) \times 0.75$$

Table 14-9.2-1 *"Design Criteria for Street Types"* (reference Exhibit F) establishes road construction and design corresponding to the number of dwellings accessed off the road.

Table 3 Street Types

	Lane	Lot Access Driveway
Dwelling Units	0-300	0-8
Minimum Right-Of-Way width	38' or 42'	Minimum,
Width of Driving Lane	Two 9' wide lanes	One 10' lane

VI. VARIANCE APPROVAL CRITERIA The variance process balances reasonable use of the Applicant's property against compliance with the letter and intent of adopted regulations. The proposal must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of Criteria 2 through 5.

Table 4 Variance Approval Criteria– Subsection 14-3.16(C) (Case #20-2499)

Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies: **(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or** **(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or** **(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or** **(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).**	**Criterion Met:** (YES/NO/) **NO**

The Applicant's response states that:

- *"Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987. Mr. Walpole had the right to split his lot allowing for two lots on the 5. 6-acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1."*
- *"There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres."*

Staff's Analysis:
Regarding the first bullet point above:
The variance standards are not a mechanism to abrogate or annul City Ordinances because changes to city regulations affected lost opportunities. City Ordinances are designed to address minimum standards to the public health, safety, and welfare of the general public and address the public interest. Cumulative regulations that restrict development intended to protect the public interest does not constitute a special circumstance.

Regarding the second bullet point above:
The Applicant's second response takes issue to the cumulative impacts. The Applicant identifies that Chapter 14 requirements prohibit the Applicant's ability to meet density to divide the property. However, the code changes that adjust the density to require City utilities are to regulate housing impacts and reduce density, where City sewer and water are not available. Additionally, regulation exists decreasing density in the Mountainous and Difficult Terrain. Increasing density, where City utilities are not available in severe terrain, jeopardizes groundwater, and impacts drainage. Ordinance regulations related to zoning density do not constitute a special circumstance to use as a variance.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

Criterion 2:	**Criterion Met:**
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.	(YES/NO) **NO**

The Applicant's response states that:

"There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain."

Staff's Analysis:

Applications to develop property approved by the City under prior code regulations were vetted at that time. There are no ordinance provisions that allow new development applications to be retroactively processed using previous Ordinance rules. The Applicant's explanation for this Criterion did not address why it is infeasible to develop the property *"in compliance with the standards"*.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion and that it is feasible to build on the property without a variance.

Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that:

"There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres."

Staff's Analysis:

The intensity of development for the property is increased by one dwelling unit. Under today's regulations, it would not be allowed on any other Tract of land, given the same or less acreage, in the same area, and under the same conditions. The legal status of properties in the vicinity of the subject site is unknown or approved through the City process. The Applicant's explanation for criterion 14-3.6(C)(3) increases the intensity of development on the subject property that is not allowed on other properties in the vicinity, under the same conditions and city code criterion.

Staff's analysis identifies that the variance criterion required by 14-3.6(C)(3) is not applicable.

Criterion 4:	Criterion Met:
The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: **(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and** **(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.**	(YES/NO) **NO**

The Applicant's response to "4a" states that:

"Mr. Walpole currently has his residence on the 5.6-acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City."

The Applicant's response to "4b" states that:

"The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of ones property as they are passed by the Governing Body. The criterion requires the Planning Commission to find that the proposed *"variance is the minimum variance that will make possible the reasonable use of the land or structure"* using the factors of "4a" and "4b". While the property could be used for a different category of use (i.e. open space), this alternative would not be impractical. The proposed variance is a request to abrogate or annul the Mountainous and Difficult Terrain from the density calculation.

Staff's Analysis (4b):

The calculations which establish density directly affect health, safety, welfare, land use, and development, to protect the public interest. Density, access, safety, terrain management, water, and sewer are parts of the General Plan by which the standards in the Land Development Code are derived. It is not uncommon to comply with the minimum lot size requirements to divide property, and still not be able to divide property or add a second dwelling.

An example is an R-1 district. Table 14-7.2-1: *"Table of Dimensional Standards for Residential Districts"* regulates density in an R-1 district to 1 dwelling per acre. A one-acre lot is 43,560 square feet. Table 14-7.2-1 also regulates minimum lot size allowing a 4,000 square foot lot. The density restriction of the R-1 district prohibits the development of more than one dwelling unit per acre, which prohibits the creations of additional lots that increase the density beyond one dwelling per acre. Therefore, Chapter 14 would prohibit ten dwelling units or 10 (4000 square foot lots) on a one-acre lot in an R-1 district. When calculating density, Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units"* includes additional factors within the formula for calculating density in residential districts.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

Criterion 5: The variance is not contrary to the public interest;	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that

"At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca."

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the zoning regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance has the effect of abrogating or annulling the purpose and intent of the regulations designed to protect the public interest, which meets the minimum standards for health, safety, and welfare. The requested variance is a request to eliminate a standard designed to prevent an increase in density where there is no city water or sewer and *"where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."* A variance which affects to abrogate or annul the standards is contrary to the public interest. The granting of a variance is not in conjunction with the public interest.

Staff's analysis identifies that the Applicant has not satisfied this variance criterion.

Table 5 Variance Approval Criteria– Subsection 14-3.16(C) (Case No. 20-2592)

Criterion 1: Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies: **(a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or** **(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or** **(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1.7; or** **(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).**	**Criterion Met:** (YES/NO/) **NO**

The Applicant's response states that:

- *"Camino Cruz Blanca has existed since 1970 's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created, and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code, the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet."*

Staff's Analysis:
New developments are required to ameliorate impacts and remedy existing deficiencies to meet the minimum standards for health, safety, and welfare. The Applicant is requesting this variance for a future proposed land division. Chapter 14 design standards for a road, providing access to nine dwelling units, require constructing a lane. The existing road is built, within a 50' wide access easement, as shown on a plat of survey (Exhibit G). The special circumstances presented by the Applicant is the age of the easement, driving surface, rocky nature of the area, and a desire to preserve existing vegetation. While natural topography can qualify as a special circumstance for Criterion 14-3.6(C)(1)(a), there were not any submittals to establish that the road cannot be developed in compliance with Chapter 14. Neither the age of the easement, driving surface, or the desire to preserve the existing vegetation addresses the criterion as a special circumstance that distinguishes the land or structure from others in the vicinity.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(1).

Criterion 2:	**Criterion Met:**
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.	(YES/ NO) **NO**

The Applicant's response states that:

"The road cross section for 9 lots would be a 42-foot easement or right-of way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5-foot planter strip and a 5-foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area."

Staff's Analysis:

The Criterion of 14-3.6(C)(2), requiring a finding where a *"special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14."* The Applicant states that the Planning Commission has the discretion and the neighborhood covenants establish a neighborhood plan. Nothing within the Applicant explanation for Criterion of 14-3.6(C)(2) addresses why it is infeasible to develop the property in compliance with the standards.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(2).

Criterion 3: The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that:

"Other properties in the area are already smaller is size than what is proposed by Mr. Walpole."

Staff's Analysis:

The Applicant did not address the criterion relative to the variance request. The request is to add an additional dwelling to a local access drive that would otherwise require an upgrade to a lane. The size of other properties in the area does not address the development's intensity on the road or the area or why the standard should be waived or varied. The request is to increase the dwelling threshold standards associated with a lot access drive. The request ultimately eliminates an upgrade to a lane standard by increasing the number of dwellings on a lot access drive. Under today's regulations, decreasing road standards baring variances with special circumstances would not be allowed under the same conditions. The legal status of other properties in the vicinity is unknown or was approved under city review at the time of approval. The Applicant's explanation for criterion 14-3.6(C)(3) compares the lot sizes of other properties relative to the applicants but does not discuss the intensity of development relative to the road.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(3).

Criterion 4: **The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:** **(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and** **(b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.**	**Criterion Met:** (YES/NO) **NO**

The Applicant's response to "4a" states that:

"The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton."

The Applicant's response to "4b" states that:

"The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970 's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development."

Staff's Analysis (4a):

Reasonable use is not defined in Chapter 14, but it can be deduced that the zoning regulations in place are deemed to allow for reasonable use of one's property. The criterion requires the Planning Commission to find that the proposed "*variance is the minimum variance that will make possible the reasonable use of the land or structure*" using the factors of "4a" and "4b". While the land could be used for a different category of use or lesser intensity of use (i.e., open space), this alternative would not be practical since it is developed for residential access. The Applicant did not address the criteria discussing a variance to road standards, but a comparison to other properties relative to the Applicant's property.

Staff's Analysis (4b):

The Applicant did not address the criterion. The authority of the Planning Commission is regulated by the findings established within the parameters of Chapter 14. Nothing within the variance criteria provides for arbitrary decisions. The General Plan is a Resolution and supports Chapter 14 "Land Development Code." The Standards of Chapter 14 are designed to mitigate impacts to the surrounding area for project development in existing and new neighborhoods. The Applicant's statement does not address 14-3.6(C)(4)(b).

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(4).

Criterion 5: The variance is not contrary to the public interest;	**Criterion Met:** (YES/NO) **NO**

The Applicant's response states that

"At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest."

Staff's Analysis:

Although public interest is not defined, the public interest has been deemed the regulations created and passed by the Governing Body. The public interest is much broader than the benefit obtained by an individual or the support or opposition from an Early Neighborhood Notification meeting. The granting of the variance may conflict with the overall public interest when the variance is inconsistent with findings required to grant a variance. The granting of a variance must be consistent with at least one of the circumstances listed in Criteria 1a through 1d and must be consistent with all of Criteria 2 through 5. The Applicant did not establish the necessary findings that warrant an easing or variance. The granting of a variance is not in conjunction with the public interest. Rather, only the recipient of the variance is benefitted.

Staff's analysis identifies that the Applicant has not satisfied the variance criterion required by Subsection 14-3.6(C)(5).

VII. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted a virtual ENN meeting using "Zoom" on August 04, 2020 at 5:30. Several members of the public were in attendance. There no concerns raised by attendees.

VIII. EXPIRATION

The expiration date for a variance is listed in Subsection 14-3.19(B) *"Expiration of Development Approvals"*. Variances shall expire three years after final action unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6)."

Should the Planning Commission approve the variances and adopt all the Findings of Fact and Conclusions of Law, the expiration date would be October 1, 2023.

IX. EXHIBITS:

EXHIBIT A: Technical Conditions

EXHIBIT B: Findings of Fact and Conclusions of Law

EXHIBIT C: Development Review Team (DRT)

1) City Subdivision Engineer (Terrain Management), Dee Beingessner
2) Fire Department, Geronimo Griego
3) Traffic Division, John Romero

EXHIBIT D: Early Neighborhood Notification
1) Guidelines
2) ENN Notes

EXHIBIT E: Maps and Photos
1) Current Zoning Map
2) Aerial Photo

EXHIBIT F: Code Material
1) Subsection 14-7.2(B) *"Calculations of Allowable Dwelling Units*
2) Table 14-9.2-1 *"Design Criteria for Street Types"*

EXHIBIT G: Applicant Material
1) Application
2) 1977 plat

APPROVED AS TO FORM:

Title	**Name**	**Initials**
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Planner Senior	Dan Esquibel	DAE

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

A

Technical Corrections

EXHIBIT A
Technical Corrections
Case #2020-2499 and 2020-2597
1623 Camino De Cruz Blanca Variances

	Technical Corrections of approval	Department	To be completed by:
1	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)	**Fire Division**	At the time of any new construction or remodel.
2	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
3	Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.		
4	Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)		
5	507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.		
6	Shall have water supply that meets fire flow requirements as per IFC (Appendix B)		
7	Shall comply with Section D102.1 Access and Loading (75,000 lbs).		
8	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)		
9	Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.		
10	Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.		
11	Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.		

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

B

Findings of Fact and Conclusions of Law

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2020-2499
1623 Camino de Cruz Blanca; Variance to SFCC Section 14-7.2(B)(5) (density)
Case #2020-2592
1623 Camino de Cruz Blanca; Variance to SFCC Table 14-7.2(1) (street design)

Owner's/Applicant's Name - Alton Walpole
Agent's Name - James Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on October 1, 2020, upon the applications (Applications) of James Siebert and Associates, Inc., as agent for Alton Walpole (Applicant). The Applications pertain to 1623 Camino de Cruz Blanca, totaling approximately 5.63 acres (Property). The Property is zoned R-1.

The Applicant requests two variances from the Santa Fe City Code (SFCC) as follows: (1) a variance to SFCC Section 14-7.2(B)(5), which requires a 0.75 reduction in density for a parcel that lies within mountainous and difficult terrain and where 25% or more of the parcel has a natural slope greater than 20%; and (2) a variance to SFCC Table 14-9.2-1, which provides that a lot access driveway may serve a maximum of 8 dwelling units.

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(vii)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. A pre-application conference was held on October 24, 2019 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was conducted on August 4, 2020 using "Zoom". The ENN meeting was attended by a representative of the Applicant, one member of City staff, and eight neighbors, who raised no concerns.
6. Pursuant to the SFCC Section 14-3.16(A), "[l]and use boards may approve variances to the provisions of Chapter 14 … regulating the size, location and appearance of structures."
7. Pursuant to SFCC Sections 14-2.3(C)(3) and 14-3.16(A), the Commission has the authority to review and approve or disapprove variances.

8. City staff reviewed the Applications and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
9. Staff recommended that the Commission deny the variances requested in both Applications.
10. SFCC Section 14-3.16(B) sets out procedures for variance applications and requires the Commission to hold a public hearing and approve, approve with conditions, or deny the variance aplication.
11. SFCC Section 14-3.16(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before granting a variance.

Variance to SFCC Section 14-7.2(B)(5)

12. SFCC Section 14-12.1 defines "density" as "[t]he extent of development per unit of area. In residential areas or development projects, density is typically expressed in dwelling units per acre."
13. SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1 set forth the manner for calculating allowable density, specifically, the maximum number of dwelling units per acre.
14. Under SFCC Table 14-7.2-1 (Table of Dimensional Standards for Residential Districts), Note 15, the "maximum gross density in districts that permit residential use is 0.4 dwelling units per acre if neither public sewer or water is provided, and one dwelling unit per acre if either public sewer or water is provided."
15. The Property lacks public sewer and public water.
16. SFCC Section 14-7.2(B)(5) provides that when calculating allowable density, the allowable density for a parcel should be reduced by 0.75 if the parcel lies within mountainous and difficult terrain and if 25% or more of the parcel has a natural slope greater than 20%.
17. SFCC Section 14-12.1 defines "mountainous and difficult terrain" as "[a]ny parcel or portion of a parcel that lies in the area labeled as mountainous and difficult terrain on the official zoning map and where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent."
18. The Property that meets the SFCC definition of mountain and difficult terrain and falls within the mapped area identified as mountainous and difficult terrain.
19. Under SFCC Section 14-7.2(B)(8), when calculating density, "if the result is other than a whole number, the number shall be rounded down to the nearest whole number . . . . This is the allowable number of dwelling units for the site."
20. Pursuant to SFCC Section 14-7.2(A)-(B) and SFCC Table 14-7.2-1, the density calculation for allowable dwelling units on the Property equals 1.69 dwelling units on approximately 5.63 acres, which must be rounded down to 1 dwelling unit.
21. In the Application, the Applicant asks the Commission to grant a variance to SFCC Section 14-7.2(B)(5) to eliminate the 0.75 reduction in density from the calculation of allowable dwelling units on the Property.
22. Approval of the Applicant's proposed variance to SFCC Section 14-7.2(B)(5) would yield a density calculation of 2.25 allowable dwelling units on approximately 5.63 acres, which must be rounded down to 2 dwelling units.

23. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
24. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the Property is not a legal nonconforming lot because the Property currently conforms to the maximum allowable density set forth in the SFCC.
25. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
26. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
27. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
28. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The Property has already been developed in accordance with the standards of Chapter 14.
29. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase the intensity of development by one dwelling unit. Under today's regulations, the density increase would not be allowed on any other tract of land in the same vicinity that is within mountainous and difficult terrain and lacks public sewer and water.
30. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property already contains the maximum number of dwelling units permitted by the SFCC, which constitutes a reasonable use. The remainder of the Property can be used for a different category of use (i.e. open space). The density provisions in the SFCC are based on provisions of the General Plan that are intended to protect health, safety, and welfare. The ability to subdivide land in compliance with minimum lot size requirements does not entitle a property owner to create more dwelling units than would otherwise be permitted by the SFCC.
31. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The requested variance would eliminate a standard designed to protect the public interest by limiting density in areas "where over twenty-five percent of the square footage of the parcel has an existing slope of over twenty percent." This limitation serves the public interest by preventing drainage and erosion problems.
32. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

Variance to SFCC Table 14-9.2-1

33. SFCC Table 14-9.2-1 (Design Criteria for Street Types) provides that a lot access driveway may be used to serve a maximum of 8 dwelling units, carries "minimum" average daily traffic, contains 1 auto lane, and is a minimum of 10 feet wide.
34. The existing access road provides access to 1623 Camino de Cruz Blanca serves 8 dwelling units, has a dirt driving surface, and is between 13 and 15 feet wide.
35. The existing access road is located on a 50-foot-wide access easement.
36. In the Application, the Applicant asks the Commission to grant a variance to SFCC Table 14-9.2-1 to allow the existing lot access driveway to serve 9 dwelling units.
37. Pursuant to SFCC Section 14-3.16(C)(1)(a), the Commission finds that there are no unusual physical characteristics distinguish the Property from others in the vicinity that are subject to the same relevant provisions of Chapter 14.
38. Pursuant to SFCC Section 14-3.16(C)(1)(b), the Commission finds that the existing access road is not a legal nonconforming road because the road currently conforms to the design standards for a lot access driveway.
39. Pursuant to SFCC Section 14-3.16(C)(1)(c), the Commission finds that there is not an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision.
40. Pursuant to SFCC Section 14-3.16(C)(1)(d), the Commission finds that the Property has not been designated as a landmark, contributing, or significant property.
41. The Commission finds that the Applicant has failed to meet the criterion set forth in SFCC Section 14-3.16(C)(1).
42. Pursuant to SFCC Section 14-3.16(C)(2), the Commission finds that the Applicant has failed to demonstrate that special circumstances make it infeasible to develop the property in compliance with the standards of Chapter 14. The existing access roads meets existing design criteria in Chapter 14 for a lot access driveway, and the Property has already been developed at the density permitted by the SFCC.
43. Pursuant to SFCC Section 14-3.16(C)(3), the Commission finds that the Applicant has failed to demonstrate that granting the variance would not increase the intensity of development beyond that which allowed on other properties in the vicinity. Granting the variance would increase use of the existing access road by one dwelling unit. Under today's regulations, this increased capacity would not be allowed for any other tract of land that uses the existing access road.
44. Pursuant to SFCC Section 14-3.16(C)(4), the Commission finds that the Applicant has failed to demonstrate that this is the minimum variance that will make possible the reasonable use of the land. The Property currently has access via a lot access driveway that meets the design criteria in the SFCC, and the Property already contains the maximum number of dwelling units permitted by the SFCC.
45. Pursuant to SFCC Section 14-3.16(C)(5), the Commission finds that the Applicant has failed to demonstrate that the variance would not be contrary to the public interest. The street design criteria were adopted to further the public interest. Granting the variance would increase the number of dwelling units and average daily traffic beyond what the SFCC permits for a lot access driveway and would benefit only the Applicant.

46. Pursuant to SFCC Section 14-3.16(C)(6), the Commission finds that there are no additional requirements, or supplemental or special findings required by other provisions of Chapter 14.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Commission CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.
2. The Commission has the power and authority at law and under the Code to review the requested variances and to approve, approve with conditions, or deny the Applications.

Variances to SFCC Section 14-7.2(B)(5)

3. The Property is allowed to have a maximum gross density of .4 dwelling units per acre because the Property lacks public sewer and public water.
4. The Property is subject to an additional 0.75 reduction in maximum allowable density because the Property is located within mountainous and difficult terrain.
5. The variance to SFCC Section 14-7.2(B)(5) should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

Variances to SFCC Table 14-9.2-1

6. The existing access road meets the design criteria for a lot access driveway.
7. The variance to SFCC Table 14-9.2-1 should not be granted because the Applicant has failed to meet all of the approval criteria for the variance.

WHEREFORE, IT IS ORDERED ON THE 1st DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission denies the variance to SFCC Section 14-7.2(B)(5), as requested in Case #2020-2499; and the Commission denies the variance to SFCC Table 14-9.2-1, as requested in Case #2020-2592.

_____ _____

John B. Hiatt
Chairperson

Date

FILED:

Yolanda Y. Vigil
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

October 1, 2020
Date

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

C

Development Review Team (DRT)

RE: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

ROMERO, JOHN J <jjromero1@santafenm.gov>
Wed 9/16/2020 2:42 PM
To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Hi Dan,
I have no comment.

-jjr

From: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>
Sent: Wednesday, September 16, 2020 2:20 PM
To: ROMERO, JOHN J <jjromero1@santafenm.gov>
Subject: Case #2020-2592. 1623 Camino de Cruz Blanca Variance to [14-7.2(B)(5)] Table 14-9.2-(1).

Please comment:
Case #2020-2592. 1623 Camino de Cruz Blanca Variance to ~~[14-7.2(B)(5)]~~ Table 14-9.2-(1).

Dan Esquibel
Planner Senior
Land Use Dept., Current Planning Division
Office: 505-955-6587
Email: daesquibel@santafenm.gov

Development Review Team

Comment Form

Date: 09/22/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2499 1623 Camino Cruz Blanca Variances

Case Mgr: Dan Esquibel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
	Prior to planning commission.

Technical Corrections*:	Must be completed by:
1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1) 2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads. 4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1) 5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. 6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	At the time of any new construction or remodel.

7. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade. 8. Shall comply with Section D102.1 Access and Loading (75,000 lbs). 9. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates. 11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads. 12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.	

*Must made prior to recording and/or permit issuance

Case #2020-2499. 1623 Camino Cruz Blanca Variances & Case 2020-2494. 113 Washington Avenue Variance

BEINGESSNER, DEE <dabeingessner@santafenm.gov>
Thu 8/27/2020 10:01 PM
To: ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>

Dan,
I had no comments for the two subject cases.
Dee

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

D

ENN

ENN GUIDELINES

Applicant Information

Project Name: **1623 Camino Cruz Blanca Variance of Chapter 14-7.2(B)5) Mountainous & Difficult Terrain**

Name:	**Walpole**	**Alton (C/O James W. Siebert & Assoc.**		
	Last	*First*	*M.I.*	
Address:	**1623 Camino Cruz Blanca**			
	Street Address		*Suite/Unit #*	
	Santa Fe		**NM**	**87505**
	City		*State*	*ZIP Code*

Phone: **( ) 983-5588** E-mail Address: **jim@jwsiebert.com**

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

This area of Santa Fe is an area of low density residential development. At 2.81 acres per lot for the two lots the lot sizes are not too dissimilar to the lot sizes in the area. The houses tend to be larger in this forested area of Santa Fe and neither Mr. Walpole's house nor the house that is proposed on the additional lot that is requested will be as large as some of the existing houses in the area. This is the area of Santa Fe that is heavily forested with Pine Trees. The area for landscape is minimized since the preservation of the existing vegetation minimizes the need to supplement the property with non-native species. The Santa Fe National Forest adjoins this property on the west side serving as a natural buffer from other residences.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

There is an area that is suitable for the construction of an additional dwelling that satisfies city terrain management regulations. That area does not have a flood plain, rock outcroppings and is not located within an escarpment and has limited visibility from other view sheds areas of Santa Fe. There are no hazardous materials on the site and the threat of forest fires is always a concern for this area of Santa Fe. There is an easement that was granted by the Walpole's to allow a neighbor to construct a leach field on his property since his property is flatter and has better soils for leach fields than his neighbor.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

Although an archaeological study is not required it is an unlikely area for early Indian habitation since there is no continuous supply of water for this area. The property is located at a considerable distance from other historical of cultural sites. There are no acequias on or near the property.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN ***For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.***

The existing densities are exceptionally low in this area of Santa Fe. The densities are limited by the lack of city water and sewer. The extension of city water and sewer would be extremely difficult due to the amount of rock that would have to be excavated to construct water and sewer to the homes sites, many of which are several hundred feet off the access road. This area was part of the original Santa Fe Grant zoned in the 1950's at the lowest residential density due to difficult terrain conditions. The subject lot is not included in the Historic District. The City General Plan recommends low density development for this area of Santa Fe.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES ***For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.***

The traffic for this area is limited since few people live on the private road that serves this house and a limited number of houses in the area. The larger lots reduce the number of dwellings. Traffic congestion is not a problem for this area of Santa Fe. Given the steepness of the area the disabled would have a difficult time accessing the dwelling or generally walking in the area.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE ***For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.***

The *construction of another dwelling will provide a limited number of jobs. An additional home would create a demand for a variety of services and food and supply purchases.*

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

Affordable housing is not proposed since this is a lot split and is not subject to affordable housing. Given the location and current housing market it is assumed that the house to be constructed on the future lot will be occupied by a family without children. This property is zoned residential and businesses be they, high end or affordable are not allowed in this area.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES ***For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.***

No new city utility service is required for this lot split. The new house will have to install a new well and septic tank and leach field. Water and sewer service is independent of the need to extend those utilities to the house. Bus service is at a considerable distance from the house and it is unlikely that it would be used by the residents of the new lot.. Electrical power and communication facilities are currently available to the existing lot and will also be available to the new residence.

(i) **IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** ***For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.***

The new lot will have to comply with water offset requirements that specify .25 acre feet of water to be delivered to the city through the purchase of water offsets available either from the city or private parties. Conservation measures are now mandated by the City, State and Federal codes. Those codes are enforced as part of the building permit review at the time a permit for construction is submitted to the city.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS ***For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.***

This is a part of the city that is isolated from the rest of the community. The ability to have integration and social balance is limited by the low density and distance from community facilities that exist for this area of Santa Fe. The closest major institution to this property is St Johns College where there is some possible interaction created by the schools programs to encourage interaction between older residents and the discussion of a variety of reading materials.

(k) EFFECT ON SANTA FE'S URBAN FORM ***For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.***

This is an infill project in the sense that the surrounding area is largely developed. It does not promote a compact urban form and was never designed to do so given the terrain in the area and proximity to the National Forest. The typical homeowner for the area is either retired or semi-retired and works from home. Travel to employment centers would be limited since the likely resident for the new lot would be retired or semi-retired.

(l) ADDITIONAL COMMENTS (optional)

City of Santa Fe
Land Use Department
Early Neighborhood Notification Meeting Notes

Project Name	ENN: 1623 Camino Cruz Blanca
Project Location	1623 Camino Cruz Blanca
Project Description	Proposed variance to Chapter 14-7.2(B)(5), calculations of dwelling within the mountainous and difficult terrain, and variance to 14-9.2.8E/Table 14-.9.2-1 to allow nine homes on a driveway where the construction of a Lane is required.
Applicant / Owner	Alton Walpole
Agent	James Siebert and Associates, Inc.
Pre-App Meeting Date	October 24, 2019
ENN Meeting Date	August 04, 2020
ENN Meeting Location	Virtual meeting via Zoom
Application Type	ENN
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	8

Notes/Comments:
The Applicant conducted an a virtual ENN meeting via Zoom on August 04, 2020. There were 8 people attended the virtual meeting, not including the Applicants and the Applicant's Agent. The Applicant's agent explained the variance requests and answered a few questions. There were no concerns or opposition raised.

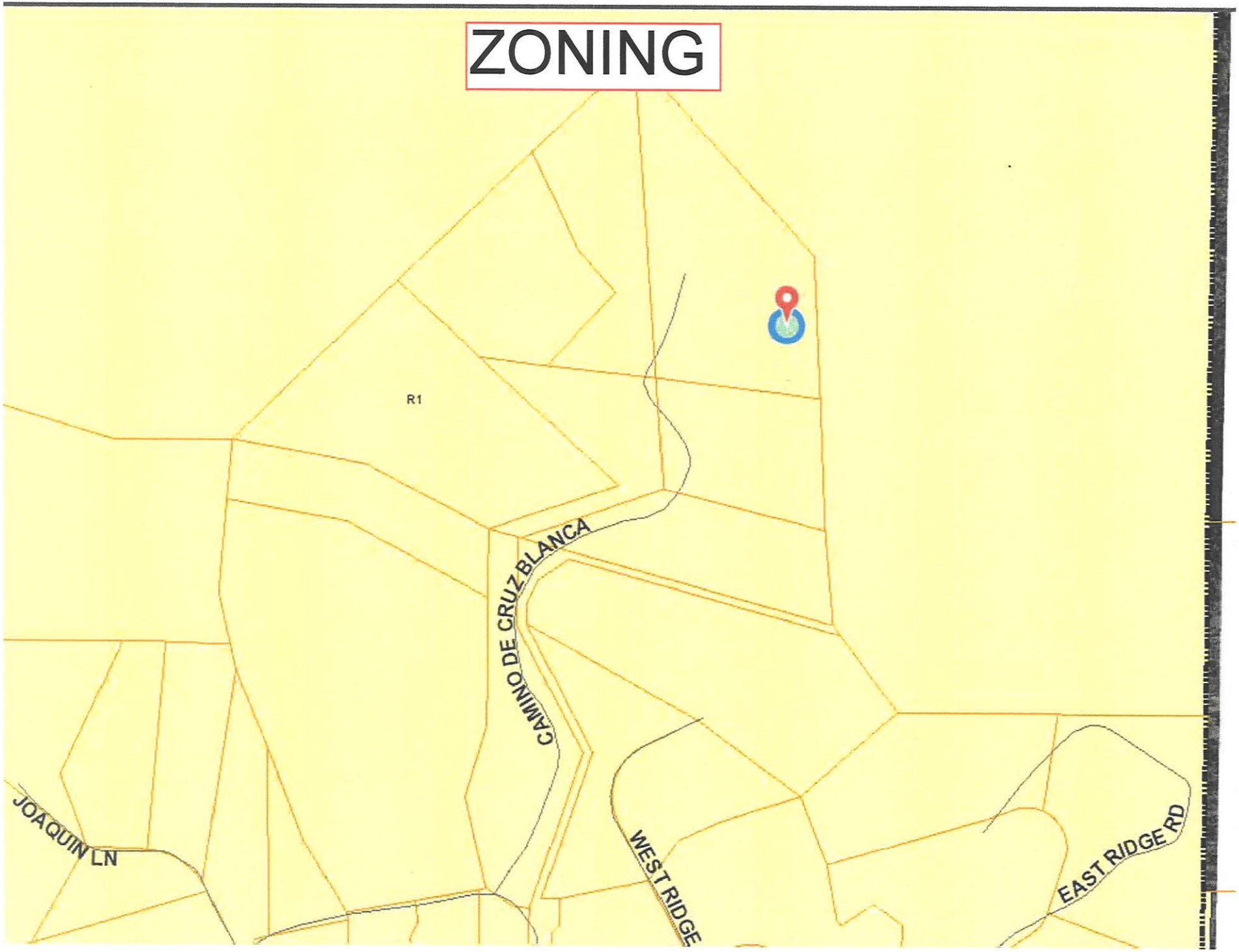
October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

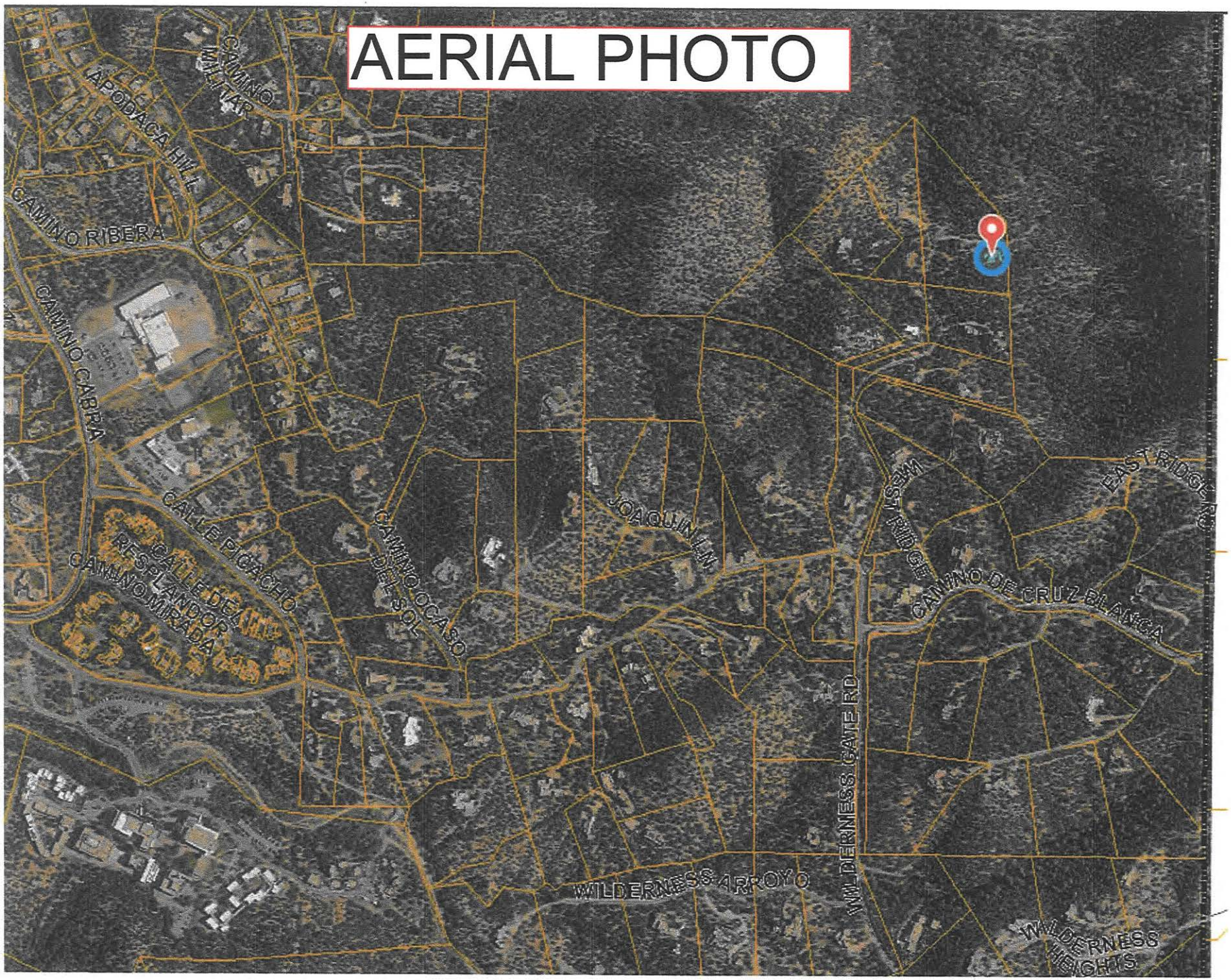
EXHIBIT

E

Maps and Photos

ZONING




AERIAL PHOTO
CAMINO MALTAVA
APODACA HILL
CAMINO RIBERA
CAMINO CABRA
CALLE PICACHO
CALLE DEL RESPLANDOR
CAMINO MIRADA
CAMINO OCASO
DEL SOL
JOAQUIN LM
WEST RIDGE
EAST RIDGE RD
CAMINO DE CRUZ BLANCA
WILDERNESS GATE RD
WILDERNESS ARROYO
WILDERNESS HEIGHTS

October 06, 2020
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1623 Camino De Cruz Blanca
Variances

EXHIBIT

F

Referenced Code Sections

14-7.-2(B) Calculation of Allowable Dwelling Units

(A) Prior to any development approval, the maximum allowable number of dwelling units shall be calculated for the site as a whole as follows:

(1) determine the total number of acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and

(2) determine the total flood way acres in the site to two decimal places, as certified by a professional land surveyor or professional engineer and

(3) subtract the sum of the flood way acres calculated in Subsection 14-7.2(B)(2) from the total number of acres of the site calculated in Subsection 14-7.2(B)(1);

(4) multiply the remaining acres by the applicable gross density factor of the district as shown in Table 14-7.2-1;

(5) for a parcel , any portion of which lies in the area labeled as mountainous and difficult terrain on Exhibit "I" following Chapter 14 and where twenty-five percent or more of the parcel has a natural slope greater than twenty percent, multiply the result calculated in Subsection 14-7.2(B)(4) by 0.75;

(6) if the result is other than a whole number, the number shall be rounded down to the nearest whole number except as set forth in Subsections 14-7.2(B)(7) or (8). This is the allowable number of dwelling units for the site;

(7) if the calculation is for a family transfer subdivision as set forth in Subsection 14-3.7(F)(2)(b) and the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more;

(8) if the result in Subsection 14-7.2(B)(6) is other than a whole number, the number may be rounded up if it is five-tenths or more; provided that the additional unit resulting from the rounding up meets the requirements of Santa Fe Homes Program (SFHP) set forth in Section 26-1 SFCC 1987 (Santa Fe Homes Program) or is a low-priced dwelling unit meeting the requirements set forth in Section 26-2.3 SFCC 1987 (Requirements for Low-Priced Dwelling Units);

(9) SFHP development incentives pursuant to Section 14-8.11(G) may increase the maximum number of dwelling units allowed on any site; however, if a development plan has been approved, in no case shall more dwelling units be constructed than described on the approved development plan.

(10)The minimum net lot area requirement for single-family dwellings shall be as established in Subsection 14-7.1(B)(1), Table 14-7.2-1 and Subsection 14-7.2(C); however, the number of dwelling units , and the number of lots occupied by single-family dwellings in a residential subdivision shall not exceed the number provided by this Subsection 14-7.2(B). (Ord. No. 2014-31 § 22)

(11)The allowable number of dwelling units shall not be exceeded for the site as a whole, regardless of subdivisions or lot splits. In the event of subdivision, including lot split, the allowed number of dwelling units shall be allocated among all resulting parcels so that no parcel exceeds the allowable number of units for that parcel calculated separately and the total number of units on all parcels shall not exceed that of the original site as a whole. A note shall be placed on the plat or development plan prior to recording the first and each subsequent subdivision or lot split that prohibits a further increase in the number of dwelling

units for each portion of the site unless approved by the governing body as a rezoning action or other action authorized by Chapter 14.(C)Lot Area Averaging in Single-Family Subdivisions

(Ord. No. 2014-31 § 23)

(1)It is intended that the common open space required in single- family subdivisions where the lot area has been reduced from that of a conventional subdivision be a compensation to occupants for reduced lot area. It is further intended that common open space be usable and be provided for occupants outside of the lot but within the subdivision.(2)The minimum lot area requirement for single- family structures is specified in Table 14-7.2-1; however the lot area may be reduced to a minimum of two thousand (2,000) square feet if common open space is provided equal to the sum of lot area reductions within the subdivision.

Table 14-9.2-1: Design Criteria for Street Types

(Ord. No. 2013-16 § 59)

TABLE 14-9.2-1: Design Criteria for Street Types

See also Chapter 12 Fire Prevention and Protection — International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000—5,000	1,000—5,000	300—1,000	300—1,000	0—300	Minimum
Dwelling Unit Access						30—100	30—100	0—30	(0—8)
Minimum Right-of-way Width	120	98	70	62	50	42	50 or 56	38 or 42	NA
Slope/Grading Easement (conditional upon staff review)	0—30	0—30	0—30	0—30	0—30	0—30	0—30	0—30	NR
Number of Auto Lanes	6—7 Note 2	4—5 Note 2	2—3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	5	NR	5	5	0 or 5 Note 1	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

Notes:

NA - Not Applicable

NR - Not Required

1. Refer to Subsection 14-9.2(C)(8) for additional standards for lanes and *lot* access driveways. *Lot* access driveway standard applicable to access from *street* to not more than eight single family *lots*

2. Includes Median/Turn Lane

3. Parking required on both sides of *street*, except no parking on that side of a *street* adjoining the plaza.

4. Parking may be on one side or both sides of the *street*; parking lane should not be continuous.))

All measurements in feet, unless otherwise noted.

October 06, 2020
Planning Commission
Case #2020-2499 & 2020-2592
1623 Camino De Cruz Blanca
Variances

EXHIBIT

G

Applicant Material

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

August 17, 2020

Noah Berke
Senior Planner
P.O. Box 909, 200 Lincoln Ave.
Santa Fe, NM 87504

Dear Mr. Berke:

On behalf of Mr. Alton Walpole I am submitting an application for variances for Section 14-9.2-1 Maximum of 8 lots on a 10 foot road and Section 14-7.2.(B)(5) Area of Difficult and Mountainous Terrain.

The following material is submitted with this application:

- Completed application form signed by Mr. Walton
- Response to Approval Criteria for 14-9.2-1
- Response to Approval Criteria for 14-7,2(B)(5)
- Informational Letter
- Check for $500 for application fee

Please schedule the request for the next available Planning Commission meeting.

Sincerely,

James W. Siebert

Xc: Alton Walpole
Dan Esquibel

PLANNING COMMISSION

VARIANCE APPLICATION

SUBDIVISION OR DEVELOPMENT PLAN STANDARDS

Parcel Information

Project Name: 1623 Camino Cruz Blanca Variances of 14-7.2(B)(5) Mountainous and Difficult Terrain and 14-9.2.8(e) & Table 14-9.2.1

Address: 1623 Camino Cruz Blanca Property Size: 5.62 acres

Zoning: R-1 Proposed Use of Land:

Does this project have a Final Development Plan approval? YES ☐ NO ☒ Case Number:

Early Neighborhood Notice (ENN) meeting date: 8/4/20 Uniform Parcel Code Number: 1-056-098-369-274

Preapplication Conference Date:

Property Owner Information

Company Name:

Name: Alton & Cynthia Walpole
First *Last*

Address: 1623 Camino Cruz Blanca
Street Address *Suite/Unit #*

Santa Fe NM
City *State* *ZIP Code*

Phone: ( ) E-mail Address:

Applicant/Agent Information (if different from owner)

Company Name: James W. Siebert & Assoc

Name:
First *Last*

Address: 915 Mercer St
Street Address *Suite/Unit #*

Santa Fe NM 87505
City *State* *ZIP Code*

Phone: (505) 983-5588 E-mail Address: victoria@jwsiebert.com

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Affidavit to Authorize Agent (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 1623 Camino Cruz Blanca

I/We authorize James W. Siebert & Assoc to act as my/our agent to execute this application.

Signed: Alton Walpole Date: 8/14/20

Signed: Date:

Submittal Checklist

☐ *Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:*

☐	Letter of Application (intent, location, acreage)	☐	Statement addressing approval criteria	☐	Legal Lot of Record, Legal Description	☐	Development Plan (as defined by Section 14-3.8 SFCC 2001)	☐	Landscape, Parking and Lighting Plan, Signage Specifications
☐	Terrain Management Plans (as required by Section 14-8.2 SFCC 2001)	☐	Traffic Impact Analysis (if required)	☐	Proof of Compliance with Conditions of Annexation Approval (if applicable)	☐	Sewer and Water Plan (including profiles and details)	☐	ENN Meeting Notes

Variances from Subdivision Regulations (Section 14-3.16 (C) SFCC 1987)

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:
   (a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;
   (b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;
   (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or
   (d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:
   (a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;
   (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

(5) The variance is not contrary to the public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

Note: If application is being made for Development in Special Flood Hazard Areas, then justification must be provided with the above approval criteria and the criteria found in Section 14-3.10(E) SFCC 1987.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature: _____ Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After you application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

Title Guaranty & Ins.
TG&IC # SF10-0379

WARRANTY DEED
(JOINT TENANTS)

Alton Walpole, for consideration paid, grant to Alton Walpole and Cynthia Christian, husband and wife, as joint tenants with rights of survivorship, whose address is 1623 Camino Cruz Blanca, Santa Fe, NM 87505, the following described real estate in Santa Fe County, New Mexico:

> Tract Four (4), as shown on plat entitled "Lands of J.W. Schepps, A.L. Thomas A. Walpole & P. Pinnell, Jr...", filed in the office of the County Clerk, Santa Fe County, New Mexico, on September 23, 1977, in Plat Book 57, page 7, as Document No. 408,717.

SUBJECT TO: Restrictions, reservations and easements of record.
ALSO SUBJECT TO: Ad valorem property taxes for the year 2010 and subsequent years.

with warranty covenants.

WITNESS my hand and seal this 17th day of August, 2010.

Alton Walpole

ACKNOWLEDGMENT

STATE OF NEW MEXICO
COUNTY OF SANTA FE

This instrument was acknowledged before me on August 6, 2010 by Alton Walpole.

OFFICIAL SEAL
Sandra M. Griego
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires:

Notary Public

My Commission Expires: 8/17/14

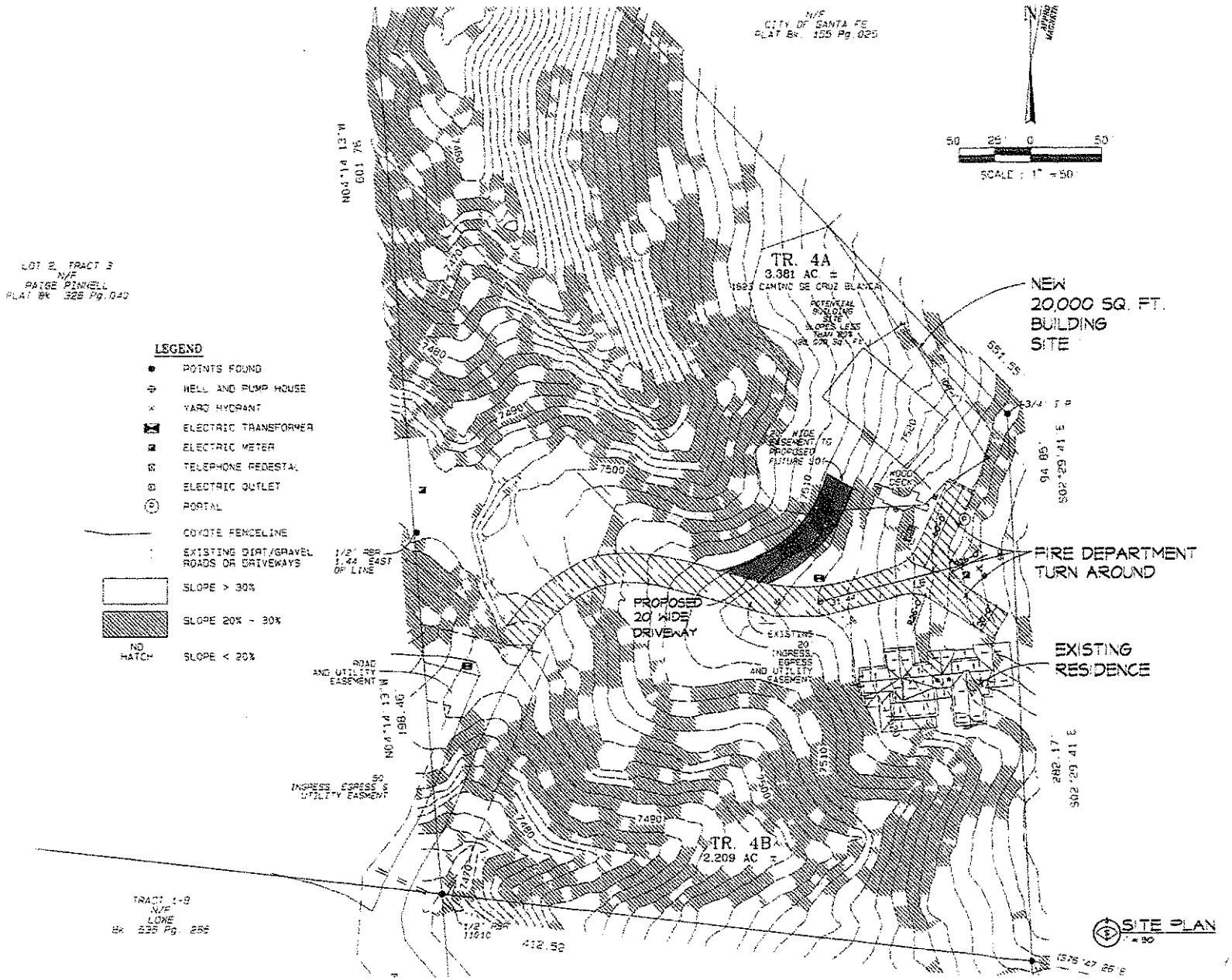
COUNTY CLERK
VALERIE ESPINOZA
SANTA FE COUNTY NEW MEXICO

WARRANTY DEED
COUNTY OF SANTA FE) PAGES: 1
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of August, 2010 at 03:56:50 PM And Was Duly Recorded as Instrument # 1808059 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

2010171789 08/17/2010 03:56:50 PM RECORDER MEETS 035


SITE
Galisteo
Cerrillos
Agua Fria
Alameda
Rio Grande
Cañada
Arroyo Hondo
Arroyo Mascaron
Arroyo Calabacillas
Arroyo Chamiso
Arroyo Tonque
Arroyo Ojo Caliente
Arroyo Ojo Sarco
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WALPOLE RESIDENCE
1623 CAMINO CRUZ BLANCA
SANTA FE, NEW MEXICO

DATE 3-4-2020

A-1

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
jim@jwsiebert.com

INFORMATIONAL LETTER

Noah Berke
Senior Planner
P.O. Box 909, 200 Lincoln Ave
Santa Fe, NM 87504

Re: Alton Walpole Variance Requests

Dear Mr. Berke

This letter provides the background information that cannot be conveyed in the response to the variance criteria.

Explanation of Difficult and Mountainous Terrain

The Difficult and Mountainous Terrain provision was adopted in the 1980's in response to retaining walls failing and collapsing due to heavy rains or poor construction and more construction taking place on Santa Fe's hillsides. Although much of the property on the north side of Santa Fe was already zoned R-1, there was desire to further reduce the density in selected areas where steep slopes dominated the landscape. It is my belief that the 25 percent reduction in density was directed to the R-1 and higher density zoning in the north side areas. The application of a 2.5 acre minimum lot size for lots without city sewer and water was not given much consideration when the Difficult and Mountainous Terrain ordinance was adopted. The 2.5 acre minimum lot size was based on the County requirement at the time for lots served by an on-site sewer and water.

R-1 land served by city water or city sewer within the area of Difficult and Mountainous Terrain may be developed at one dwelling per 1.25 acres. If neither of the two utilities are available the requirement is one dwelling per 3.33 acres. That is a significant increase in area compared for R-1 land with at least one of the city utilities. The imposition of Difficult and Mountainous Terrain on lots without city water and sewer is a significant burden on the land owner.

Difficult and Mountainous Terrain as a Dimensional Standard

The various zoning districts are set forth in Chapter14–4.2 and 14-4.3 of the Land Development Code. The area of Difficult and Mountainous Terrain is not listed as a zoning district. The residential zoning districts set the maximum allowed densities. Overlay districts also can set maximum allowed densities based on the underlying zoning. Chapter 14-5.1(A)(1)-(9) in describing the overlay districts does not mention the area of Difficult and Mountainous Terrain as an overlay district. The point being that it must therefore be a dimensional standard, like a setback or height standard.

Road Variance

The variance is requesting one more additional lot than the permitted 8 lots on a 10 foot roadway as set forth in 14- -9.2-1 in the Santa Fe City Code. In this case the roadway varies in width from 13 feet to 15 feet. The lot split would create the ninth lot served by the private road. A covenanted agreement among the land owners served by Camino Cruz Blanca private road is attached as Exhibit B. Article 4 on page 5 describes the payments and maintenance requirements for the private road. Mr. Walpole has stated that all lot owners participate in the cost for the maintenance and improvements to the road. Mr. Walpole is the administrator for the collection of money for the road maintenance and improvements. Improvements consist of widening the road where there is sufficient easement, adding basecourse where needed and maintaining or replacing culverts. Maintenance is undertaken at least once a year.

The point here is that in other areas of Santa Fe on private roads where the access is 10 feet in width often there is no formal organization to maintain and improve the roads and there is no requirement in city code to do so. Given the level of maintenance that is occurring on Camino Cruz Blanca one additional dwelling has little impact expect to add to the money collected for road maintenance. The new lot will be subject to the covenants the same as the existing lots and therefore the owner of this lot will be obligated to participate in road maintenance costs.

It also needs to be pointed out the City Code has taken into account where older roads may have to be permitted to allow for conformance with the unique neighborhood condition. The City Code, Section 14-9(4)(b) states that "The arrangement of streets in a development shall: (b) conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

Xc: Dan Esquibel
Alton Walpole

DECLARATION OF PROTECTIVE COVENANTS

THIS DECLARATION is made this 28th day of November, 2005, by PAMELA MESSER, a single woman; WILLIAM H. DONAHUE and DANA DENSMORE, husband and wife; MATTHEW and MARY SAMPLE, husband and wife; ALTON WALPOLE and CYNTHIA CHRISTIAN, husband and wife; RICHARD FERBER and POLLY TAPIA FERBER, husband and wife; and KENNETH and MARY ANN LOWE, husband and wife; (hereinafter collectively referred to as "Owners").

WHEREAS, Owners are the owners of certain parcels of real estate in Santa Fe, County, New Mexico, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference, and desire to impose the provisions of this Declaration on and subject all of the above described real estate to the covenants, hereinafter stated, including easements, for the purpose of protecting the value and standards of said real estate, the terms of which shall run with the land and be binding upon and inure to the benefit of all parties having any right, title or interest in or to the above described real estate, or any part thereof, and their successors and assigns.

NOW, THEREFORE, Owners hereby declare that the Properties shall be subject to the following covenants, conditions and restrictions:

ARTICLE 1
DEFINITIONS

Wherever used herein, the following terms shall have the following meanings:

1.1 "Properties" shall mean and refer to the real estate described in Exhibit A attached hereto and such additions as may hereafter be brought within the jurisdiction of this Declaration;

1.2 "Lot" shall mean and refer to each of the six (6) Lots inclusively as described in and listed as Lots or Tracts in Exhibit A;

1.3 "Easements" shall mean and refer to all easements affecting the Properties and recorded as of the date of this Declaration, provided further that "Private Road Easement" shall refer to the road access easement as shown on the plat entitled "Lands of J.W. Schepps, A.L Thomas, A. Walpole & P. Pinnell, Jr., Ward No. One, Santa Fe, New Mexico" dated September 3, 1977 and recorded as number 408,717 in the County Clerk's office of Santa Fe County, New Mexico.

1.4 "Guest House" shall mean a second residence on the Property occupied, full-time or part-time, by the family members or guests of the Owners.

1.5 "Structure" means any residence, dwelling, garage, outbuilding or wall.

SFC CLERK RECORDED 12/27/2005

Exhibit B

ARTICLE 2
SUBDIVISION AND STRUCTURES

2.1 *Intent.* The intent of Owners herein is (i) to attempt to ensure the protection of view corridors for the various Lots while recognizing that complete protection is not always possible; (ii) to limit the density of structures on the Lots and (iii) to avoid large scale monolithic structures.

2.2 *Subdivision.* The minimum lot size shall be 2.2 acres. No subdivision of or other adjustment of any Lot shall be permitted that will create a lot smaller than this size. Any lots created by the subdivision of any Lot shall be fully subject to the covenants and restrictions contained in this Declaration.

2.3 *Combination.* Combinations of Lots shall be permitted subject to the approval of the City of Santa Fe and the execution and acknowledgment by the Owner of the Lots to be combined, of an instrument specifying such combination and giving the metes and bounds description and Lot number of the newly created Lot. Such instrument shall be filed for record by the Owner in the real estate records of Santa Fe County, New Mexico, before such combination is considered to have been completed hereunder. Once combined, the newly created Lot shall not be resubdivided thereafter. No combination of Lots shall be deemed an amendment or release of the covenants and restrictions herein.

2.4 *Lot Line Adjustments.* Lot line adjustments between Lots shall be permitted subject to the approval of (i) all Owners, (ii) the City of Santa Fe, and (iii) the execution and acknowledgment by the Owners of the Lots to be adjusted, of an instrument specifying such adjustment and giving the metes and bounds description and Lot number for each of the adjusted Lots. Such instrument shall be filed for record by the affected Owners in the real estate records of Santa Fe County, New Mexico, before such adjustment is considered to have been completed hereunder. No adjustment of Lot lines shall be deemed an amendment or release of the covenants and restrictions herein.

2.5 *Permitted and Prohibited Structures.* No structure shall be erected, altered, placed or permitted to remain on any Lot or building site subject to this Declaration other than one single-family dwelling for private use, a Guest House, a private studio, a private garage, recreational facilities, storage sheds, solar heating devices, evaporative cooler or coolers, and improvements incidental to residential use of the Lot. Condominium units, each of which is owned and occupied by unrelated parties, are specifically prohibited.

2.6 *Size Limitations.* No Lot shall have structures totalling more than 6,000 square feet of roofed floor area. No single structure shall have more than 3,500 square feet of roofed floor area.

SFC. CLERK RECORDED 12/27/2005

ARTICLE 3
COMMON SCHEME RESTRICTIONS AND REQUIREMENTS

3.1 *Trees and Landscaping.* The living native growth of the Properties, including but not limited to cacti, pinon, ponderosa pines and juniper trees, shall not be destroyed or removed without the prior approval of all of the other Owners, except such native growth and flora as may be necessary to remove for the construction and maintenance of roads, driveways, dwellings and other approved structures. Dead trees may be removed.

3.2 *Utilities.* All electrical service, gas lines, water lines, cable television, telephone lines or other utilities shall be placed underground and installed in or adjacent to the driveway.

3.3 *Trash.* No Lot shall be used for the storage or dumping of rubbish or debris of any kind, or for the storage of any property or thing that will be toxic, dangerous, or unhealthy, and no substance, thing or material may be kept upon any Lot that will emit foul or obnoxious odors. Before and after construction, the storage of construction material, supplies and equipment shall be prohibited unless placed out of view of other Lot Owners.

3.4 *Noise.* No devices emitting undesirable noise levels or that will cause any noise that will disturb the peace, quiet, comfort, or serenity of any occupants or Owners of Lots shall be permitted on the Lots. Burglar alarms must be kept in good working order so that they do not go off without intrusions into the structure protected. Burglar alarms must be turned off within ten minutes after going off.

3.5 *Concrete Slurry.* During or after construction of improvements to any Lot, no concrete slurry shall be left on any Lot or within the Easements.

3.6 *Storage Tanks.* Any tanks for use in connection with any residence, including tanks for the storage of liquefied petroleum gas and fuel oil, gasoline, oil or water, must be buried or concealed by walls, trees, or fences so as to conceal them from view from other Lots and the Easements.

3.7 *Towers.* No derrick or other structure designed for use in boring for oil or natural gas, and no cellular telephone, radio or television transmission towers shall be erected, placed or permitted; and the production or extraction of oil, natural gas, petroleum, asphalt or hydrocarbon products or substances shall not be permitted. No exterior antenna of any sort, including satellite dishes, shall be installed or maintained on any Lot, except those devices which are erected, installed, placed or maintained and used entirely under the eaves or enclosed within a building or Structure or screened from view from other Lots and Easements or which are otherwise specifically authorized by the Declaration.

RECORDED 12/27/2005 09:26 CLERK RECORDER

Notwithstanding the foregoing, television antennae (but not satellite dishes) may extend two (2) feet above the parapet.

3.8 *Animals.* Domestic animals are permitted. No livestock, including horses shall be permitted on any Lot. No animals of any kind may be kept on any Lot for commercial purposes. Animals may not be kept on any Lot in any manner which creates a nuisance or is offensive to the neighboring Lots, whether by reason of noise, habits, odors, or otherwise, anything to the contrary hereinabove notwithstanding. The Owners shall have the right to demand the removal of any animals which are kept in violation of this Declaration. Enclosures for animals shall be constructed in accordance with this Declaration.

3.9 *Exterior Lights.* All exterior lights must be located so as not to be directed toward surrounding lots, properties or roads. Bright, glaring lights on roof tops and patio walls or elsewhere are prohibited.

3.10 *Conservation.* All Lot Owners are urged to practice indoor and outdoor water conservation measures. "Alternative" energy sources such as solar heat, wind generators, etc. are encouraged. All construction must comply with the published water conservation criteria of the City and County of Santa Fe.

3.11 *Drainage.* Surface drainage courses within Lots are to remain in their natural state, except for diversion approved by the Owners.

3.12 *Hunting and Firearms.* No hunting shall be permitted within the Properties, and no discharge of firearms shall be permitted within the Properties.

3.13 *Private Easements.* No dirt bikes, motorcycles, off-road vehicles or any unlicensed vehicles of any kind shall be driven or permitted on the Easements except for ingress and egress to an Owner's residence. No motor-driven vehicle shall be driven or permitted in the Properties except on the Easements or the driveways within the Properties. Mountain bikes may only be used on the Easements and private driveways.

3.14 *Ground Water.* Ground water shall not be impounded by any Owner in any way which might adversely affect other Owners of the Properties.

3.15 *Discharge of Explosives.* No explosive material may be discharged on any lot except for bona fide construction purposes and then only after all inhabitants of the Properties have been duly notified in advance of the proposed discharge of an explosive material and only in a manner that shall reduce to a minimum the noise, vibration and other impact of the proposed discharge.

SFC CLERK RECORDED 12/27/2005

ARTICLE 4
ROAD MAINTENANCE

4.1 *Owners' Approval.* Whenever any provision of this Article 4 requires the approval of or action by the Owners, such approval or action shall require the consent of at least two-thirds (2/3) of the owners of the Lots which (i) are then on record with the Office of the County Clerk of Santa Fe County and (ii) are currently used for residential purposes. For purposes of determining this consent, each such Lot, existing at the time of execution of this Declaration or created subsequently to such execution by a permitted combination, subdivision or Lot split, shall have one (1) vote, regardless of the number of Owners of record of the particular Lot.

4.2 *Determination of the Need for Maintenance.* At least once a year, and at least seventy-five (75) days prior to the end of the calendar year, a meeting of the Owners shall be held, or the Owners' views shall be otherwise solicited, to determine whether road maintenance is needed, and what such maintenance should be. All Owners shall be consulted, and no road maintenance of any kind shall be undertaken without such consultation. All road maintenance shall require approval as set forth in Section 1 of this Article.

4.3 *Apportionment of Expenses.* If road maintenance is approved as set forth above, the costs for such road maintenance shall be apportioned among the Owners approximately in proportion to the length of the road from Camino de la Cruz Blanca to the respective Lots, or in some other equitable manner agreed upon by the Owners in accordance with Section 1 of this Article.

4.4 *Mutual Covenants to Pay Apportionments.* The Owners covenant and agree with each other to pay all apportionments as determined hereunder, except that no Owner shall be required to pay more than $400.00 (four hundred dollars) plus 5% for each year after 2005, in any calendar year.

4.5 *Personal Debt of Owner.* The amount of road maintenance expense apportioned to the Owners shall be the personal and individual debt of the Owner of record thereof at the time the apportionment is made. Suit to recover a money judgment for unpaid assessments shall be maintainable.

4.6 *Prior Agreement.* On or about June 8, 1986, some of the Owners signed a Road Maintenance Agreement. As among the Owners who have executed both this Declaration and said Agreement, this Declaration shall control.

ARTICLE 5
GENERAL PROVISIONS

6.1 *Enforcement.* Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, servitudes, reserva-

RECORDED 12/27/2005 SFC CLERK RECORDED

tions, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by a party to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. Any Owner may enforce this Declaration regardless of whether the enforcement sought concerns a Lot that is contiguous to the Owner's Lot. Any waiver of any requirement of this Declaration with respect any Lot shall not be deemed a waiver of such requirement with respect to any other Lot. Violations of any requirement of this Declaration in existence on the effective date of this Declaration shall not be deemed a waiver with respect to any subsequent violations.

6.2 *Notices.* Any notices required or permitted to be delivered hereunder shall be deemed to be delivered when personally delivered to the respective addressee or upon deposit of the same in the United States mails, postage prepaid, certified or registered mail, return receipt requested at the address shown below.

6.3 *Severability.* Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

6.4 *Exhibits.* Each and every exhibit attached hereto is incorporated herein by this reference.

6.5. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years; provided, however, that (i) Owners holding at least sixty percent (60%) of the total number of existing Lots may execute and acknowledge an appropriate instrument within one (1) year and not less than ninety (90) days prior to the expiration of said initial twenty (20) year period or prior to the expiration of any ten (10) year extension period thereafter, that provides a release of the land subject hereto from all of the restrictive covenants contained in this Declaration, or a change, amendment, modification or revision of any of the restrictive covenants; or (ii) Owners holding at least eighty percent (80%) of the total number of existing Lots may execute and acknowledge an appropriate instrument at any time, that provides a change, amendment, modification or revision of any, but less than all, of the restrictive covenants, except as prohibited herein. Every amendment or release must be recorded in the real estate records of Santa Fe County, New Mexico.

6.6 *Binding Effect.* This Declaration shall be binding upon and shall inure to the benefit of the Owners and their respective heirs, successors and assigns, including lessees, easement holders, licensees, and invitees, and shall run with the land.

IN WITNESS WHEREOF, Owners have executed this Declaration this 7th day of Nov. 2005.

"OFFICIAL SEAL"
Robert Temple
Notary Public, State of Illinois
My Commission Exp. 08/16/2006

SFC CLERK RECORDED 12/27/2005

EXHIBIT A
LOTS

Tracts 1-A and 1-B as shown on a plat of survey entitled "Lands of Pamela Messer" recorded on 2 October, 1979, in Book 72, page 13, records of Santa Fe County, New Mexico.

Tracts 2 and 4 as shown on a plat of survey entitled "Lands of J. W. Schepps, A. L. Thomas, A. Walpole & P. Pinnell, Jr." recorded on 23 September, 1977, in Book 57, page 7, records of Santa Fe County, New Mexico.

Lot 1, Tract 3 as shown on a plat of survey entitled, "Lot Consolidation and Lot Line Adjustment Survey of the 'Paige Pinnell Replat'" recorded on 8 February 1996, in Book 326, page 40, records of Santa Fe County, New Mexico.

Tract 5A as shown on a plat of survey entitled, "Fineberg Subdivision" recorded on 25 February 1986, in Book 161 page 49, records of Santa Fe County, New Mexico.

SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 18 day of November 2005

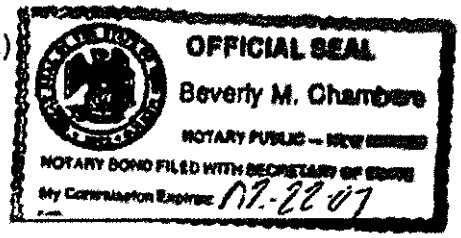
Pamela Messer

Pamela Messer

Notary Public

My commission expires: 07.22.07

(Seal)



12/2/2005 ... CLERK RECORDED 12/2/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 28th day of November 2005,

William H Donahue

Dana Densmore

William H. Donahue and Dana Densmore

Lois E Rael

Notary Public

My commission expires: 8/12/07

(Seal)



SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF ILLINOIS)

COUNTY OF LAKE)

The foregoing instrument was acknowledged before me this 19 day of August, 2005

Mary Sample

OFFICIAL SEAL
KATHLEEN A. WORWA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 8-16-2006

Matthew Sample and Mary Sample

Kathleen A Worwa
Notary Public

My commission expires: 8-16-2006

(Seal)

0512615062 Page: 3 of 3

RECORDED 12/27/2005 CLERK

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 19 day of NOVEMBER 2005

Cynthia Christian

Alton Walpole and Cynthia Christian

Notary Public

My commission expires: 3/08

(Seal)

OFFICIAL SEAL
STEPHANIE MORNINGSTAR
Notary Public
State of New Mexico
My Comm. Expires 3/08

SEC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14 day of NOVEMBER, 2005

Richard Ferber

Polly T Ferber

Richard Ferber and Polly Tapia Ferber

By

Notary Public JENNIFER VELASQUEZ

My commission expires: 3-30-08

(Seal)

Jennifer Velasquez NOTARY PUBLIC State of New

SFC CLERK RECORDED 12/27/2005

ACKNOWLEDGMENT

STATE OF TEXAS)

COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this 16 day of July, 2005

Kenneth Lowe + Mary Ann Lowe

Kenneth Lowe and Mary Ann Lowe

Cheryl Collins

Notary Public

My commission expires: 7/16/06

(Seal)

CHERYL COLLINS
MY COMMISSION EXPIRES
July 16, 2006

COUNTY CLERK
VALERIE ESPINOZA
SANTA FE COUNTY NEW MEXICO

RECORDED 12/27/2005

Prepared by:
James W. Siebert
August 7, 2020

Variance from minimum lot size for lots in Difficult and Mountainous Terrain Section 14-9.2.8(e)

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

Mr. Walpole bought the subject lot in 1977. The ordinance adopting the standards for "Difficult and Mountainous Terrain" were not adopted until 1987 Mr. Walpole had the right to split his lot allowing for two lots on the 5.6 acre parcel. The proof of ownership is provided by warranty deed and plat in Exhibit A-1.

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

There is the issue of the cumulative impact of the .75 reduction on lots with no city water and city sewer where the minimum lot size is 2.5 acres. For example, a 10 acre lot zoned R-1, with city water and sewer, or city water or city sewer would be permitted one dwelling per acre or 10 lots assuming there is no flood plain. If the 10 acre lot is located in an area of Difficult and Mountainous Terrain the number of lots is: 10 x .75 = 7.5 lots. A fractional density must be reduced to the next whole number which in this case results is 7 lots. If the same 10 acre lot has no city water or city sewer the number of lots is reduced to 4 (10÷2.5 = 4), and with the required .75 reduction the maximum number of lots would be 3, which is considerably less than the seven lots permitted with city sewer and city water.

Due to ordinances that have been adopted since the area of Difficult and Mountainous Terrain was imposed, such as maximum height of retaining walls, management of storm water runoff, mandatory revegetation, limitation on the heights of cut and fill slopes, escarpment regulations,

and limits on height of structures the impact on the hillside from a visual and terrain management standpoint have been considerably reduced.

The requirement for a 2.5 acre minimum lot size for lots created in the area of Difficult and Mountainous Terrain would by itself accomplish the goal of protecting Santa Fe's hillsides. Drilling a well on the lot does not create any significant disturbance to the land. Leach fields required for liquid waste disposal must be approved by the New Mexico Environment Department and can follow the contours of the land snaking in and out of trees. The 2.5 acre minimum lot size by itself accomplishes the intent of the area of Difficult and Mountainous Terrain and the cumulative impact of adding a further reduction in density does nothing to further protect the hillside environment.

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

There are 5 lots in the same area served by Camino Cruz Blanc that are less than the lot size of 3.3 acres, all of which are not served by city water or city sewer. Mr. Walpole is seeking approval of what has either been allowed by the city or lots that existed prior to the adoption of the area of Difficult and Mountainous Terrain. The location of these lots is shown on Exhibit A-2.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

There are other lots in close proximity to Mr. Walpole that are equal or lesser in size to the lots proposed by Mr. Walpole. The area of Difficult and Mountainous Terrain is not a zoning district nor an overlay district. It is clear that the minimum lot size from a zoning standpoint per Table 14-7.2-1 is one dwelling per 2.5 acres. Mr. Walpole can comply with that requirement since he has 5.6 acres of land and can divide them in such a way that each is a minimum of 2.5 acres.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

Mr. Walpole currently has his residence on the 5.6 acre lot. A lesser intensity without a variance would mean that he is unable to create another lot putting Mr. Walpole at a disadvantage to other lots created in the area that are less the 3.3 acres required by the City.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan*.

The general plan promotes infill within the urban area. The proposed lot split is in conformance with the mandatory density of 2.5 acres but short of the additional reduction in lot size created by the cumulative impact of imposing the dimensional standard of the area of Difficult and Mountainous Terrain.

(5) The variance is not contrary to the public interest.

At the Early Neighborhood Notice meeting the majority of owners of lots served by Camino Cruz Blanca attended the virtual meeting. All owners attending the virtual meeting were in support of the variance for the lot split. There is no impact to the broader public since any additional construction on the property would have limited visibility from outside the immediate area of the properties served from Camino Cruz Blanca.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

354125

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;

TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and

SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Randolph Nichols
Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Joseph William Schepps
Joseph William Schepps

TERRITORIAL ABSTRACT & TITLE CO., INC.
M. 2990

Exhibit A-1

354126

Arthur L. Thomas

Alton Walpole

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

COUNTY OF SANTA FE)
STATE OF NEW MEXICO)
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 17 DAY OF Oct. A.D., 1977 AT 11:11 O'CLOCK A M AND DULY RECORDED IN MY BOOK
CLERK OF THE BOARDS OF SANTA FE COUNTY
and ex officio Clerk of the District Court
County Clerk, Santa Fe County, N.M.
Helen Baca Deputy

354127

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.

SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

WITNESS our Hands and Seals this 1st day of November, 1977.

PAIGE PINNELL, JR.

Ann Randolph Nichols

By: Ann Randolph Nichols, Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps

JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

> That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 1100-1

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols, Attorney in Fact
for Paige Pinnell, Jr.

Joseph William Schepps

Arthur L. Thomas

Alton Walpole

Frank Chapman

Frank Chapman, Attorney in Fact
for Robert K. Potter, Jr.

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman.

Notary Public

My Commission Expires:

April 18, 1979

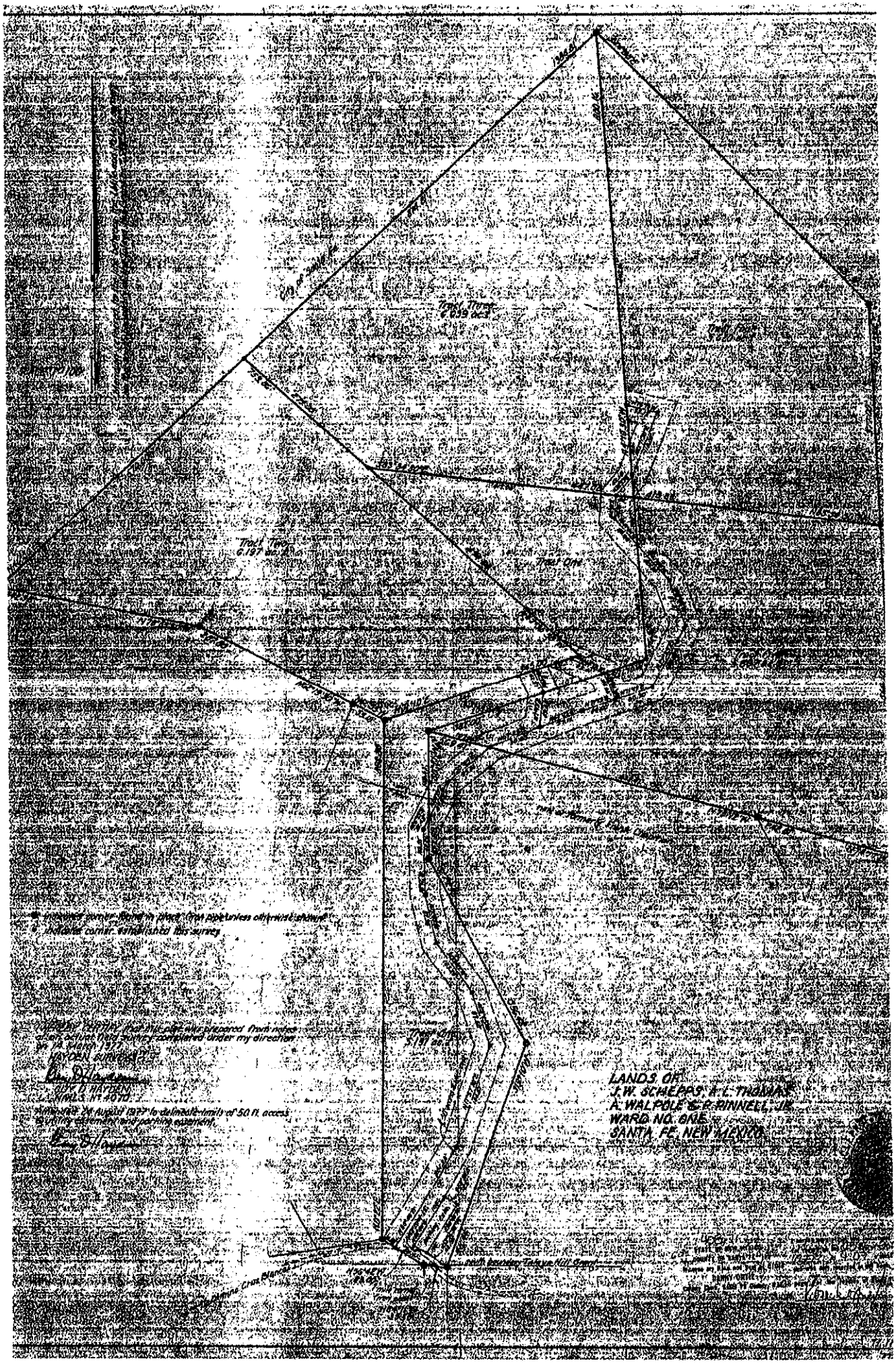
STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

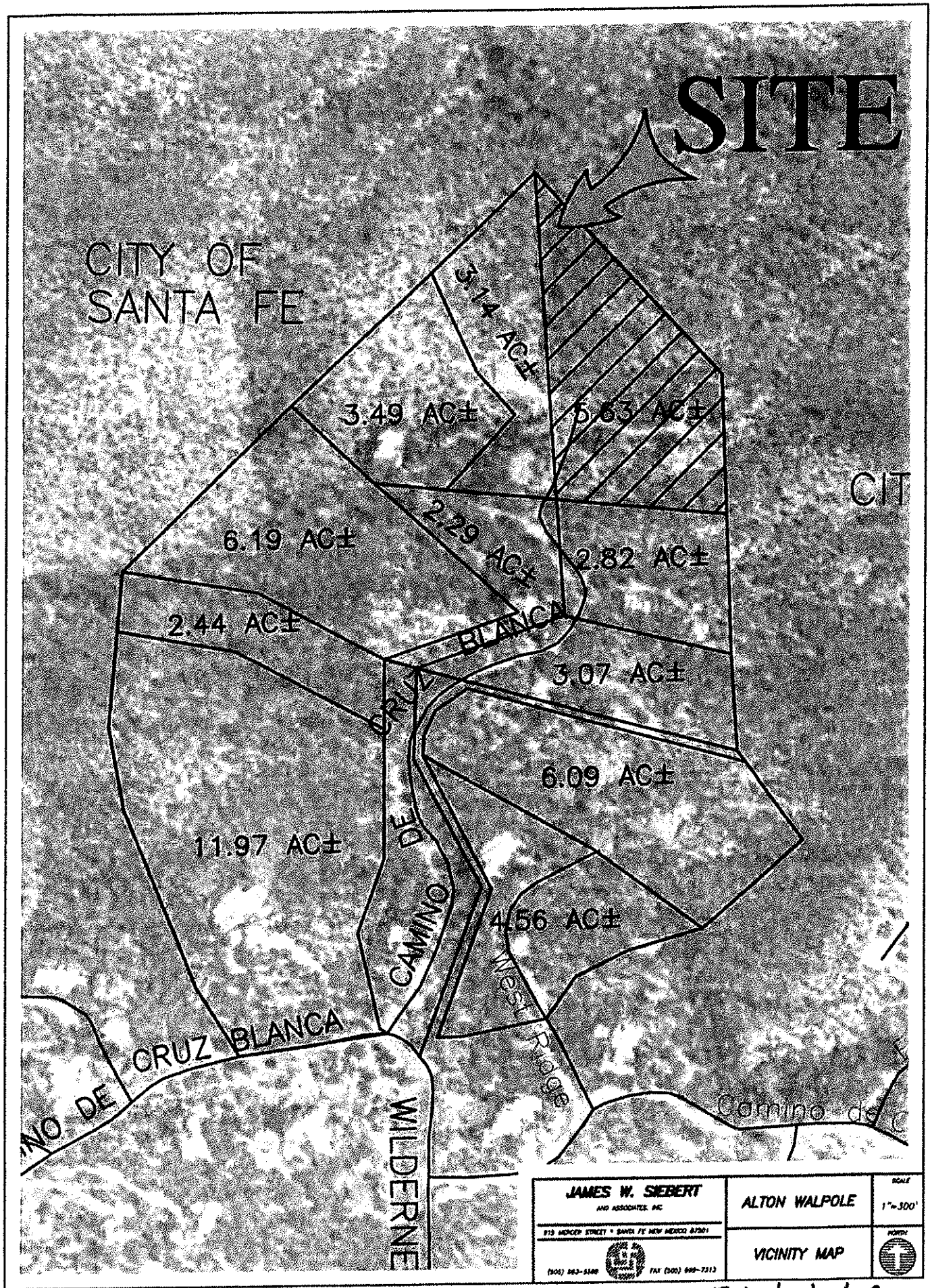
The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman, Attorney in Fact for Robert K. Potter, Jr.

Notary Public

My Commission Expires:

April 18, 1979


Tract Three
6.039 ac.±
Tract Two
6.197 ac.±
Tract One
5.191 ac.±
LANDS OF
J.W. SCHEPPS & L. THOMAS
A. WALPOLE & R. RINNELL, JR.
WARD NO. ONE
SANTA FE, NEW MEXICO



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	ALTON WALPOLE	SCALE 1"=300'
	VICINITY MAP	NORTH

Exhibit A-2

Variance requested: Maximum of 8 lots on 10 road

Section 14-9.2-1

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

Camino Cruz Blanca has existed since 1970's. It is a narrow road due principally to the rocky nature of the area and the desire to disturb no more than was necessary to protect the natural vegetation of the area. The city has recognized these lots as legal lots of record by the authorization of building permits. The developed road width varies from 13-15 feet. There were few standards at the time that the lots were created and the private road was constructed. Section 14-9.2-1 of the City Code does allow up to eight homes on a roadway of this width. Discussions with the Fire Marshal have indicated that a ninth home served by this road would be acceptable. The final decision on this matter awaits the Fire Marshal review. Under the International Fire Code the Fire Marshal has the discretion to allow homes on a roadway of less than 20 feet.

(b) the *parcel* is a *legal nonconforming lot* created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

(d) the land or *structure* is *nonconforming* and has been designated as a *landmark, contributing* or *significant property* pursuant to Section 14-5.2 (Historic Districts).

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.

The road cross section for a 9 lots would be a 42 foot easement or right-of-way with two travel lanes of 9 feet, curb and gutter on each side of two feet, a 5 foot planter strip and a 5 foot sidewalk. The Planning Commission is granted the discretion by the City Code to allow for other types of road based the local circumstance. "The arrangement of streets in a development shall: (b) "conform to a plan for the neighborhood approved by the planning commission to meet a particular situation where topographic or other conditions make continuance of or conformance to

existing streets impracticable." In this case the plan for the neighborhood is the covenants that have been adopted for the area.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

Other properties in the area are already smaller is size than what is proposed by Mr. Walpole.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

The property can remain in its current state but there is a certain injustice created by the fact that other subdivisions have taken place where lots are smaller than proposed by Mr. Walton.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan.*

The Planning Commission is granted the authority by Code to allow for roads that are more representative of the development pattern in the existing neighborhood. This is certainly the case where this private road has existed since the 1970's. The general plan does state that the character of the surrounding neighborhood should be recognized when considering new development.

(5) The variance is not contrary to the public interest.

At the ENN the neighbors and residents of the larger subdivision were universally in support of the lot split. There is no adverse impact on the large interpretation of public interest.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

354125

SPECIAL WARRANTY DEED

Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a single man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man, for consideration paid grants to Alton Walpole, as his sole and separate property, whose address is Santa Fe, New Mexico, the following described real estate in Santa Fe County, New Mexico:

> That certain tract of land described as Tract Four, containing 5.620 acres ±, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717;
>
> TOGETHER with an easement for ingress and egress for any purpose and an easement for utility purposes in and upon that certain road and parking easement as more particularly described and shown on the aforesaid Plat of Survey, AND grantors and grantee covenant that the grantee shall be obligated to pay one-fifth of all expenses which may be required to maintain the road described on the Plat of Survey in a passable condition for the purposes of the heretofore described easements with said covenant to run with the land; and
>
> SUBJECT TO that certain Mortgage recorded March 18, 1976 in Book 247, page 902 of the records of Santa Fe County and any other easements, restrictions or covenants of record.

with special warranty covenants.

WITNESS our hands and seals this 14th day of October, 1977.

Ann Randolph Nichols

Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Joseph William Schepps

Joseph William Schepps

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 2990

Exhibit A-1

354126

Arthur L. Thomas

Alton Walpole

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

...TY OF SANTA FE) ss
...TE OF NEW MEXICO)
...BY CERTIFY THAT THIS INSTRUMENT WAS FILED
...D RECORDED ON THE 17 DAY OF Oct. A.D.,
1977 AT 11:11 O'CLOCK A M
...RDED IN MY BOOK ____
...OFFICIAL RECORDS OF SANTA FE COUNTY
...and Seal of Office
...Santa Fe County, N.M.
Helen Baca Deputy

354127

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:

6/21/80

WARRANTY DEED

ANN RANDOLPH NICHOLS, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception No. 409,716 for PAIGE PINNELL, JR., a single man dealing with his separate property; JOSEPH WILLIAM SCHEPPS, a single man; ARTHUR L. THOMAS, a single man; and ALTON WALPOLE, a single man, for consideration paid, grant to PAMELA J. MESSER, a single woman and PATRICK N. CAFFEE, a single man as tenants in common, the following described real estate in Santa Fe County, New Mexico:

> That certain tract of land described as Tract One, as shown on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J. W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO" filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, no. plat #408,717.
>
> SUBJECT TO: Reservations, restrictions and easements of record and taxes for 1977 and subsequent years.

with warranty covenants.

WITNESS our hands and seals this 1st day of November, 1977.

PAIGE PINNELL, JR.

Ann Randolph Nichols

By: Ann Randolph Nichols, Attorney in Fact

ARTHUR L. THOMAS

Joseph William Schepps

JOSEPH WILLIAM SCHEPPS

ALTON WALPOLE

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 1st day of November, 1977 by Ann Randolph Nichols, Attorney in Fact for Paige Pinnell, Jr., Joseph William Schepps, Arthur L. Thomas and Alton Walpole.

Notary Public

My Commission Expires:

MUTUAL EASEMENT

IT IS AGREED BY AND BETWEEN Ann Randolph Nichols, Attorney in Fact pursuant to a Power of Attorney recorded at the County of Santa Fe as Reception Number 409,716 for Paige Pinnell, Jr., a married man dealing with his separate property; Joseph William Schepps, a single man; Arthur L. Thomas, a single man; and Alton Walpole, a single man; AND Frank Chapman dealing in his sole and separate property; and Frank Chapman, as Attorney in Fact for Robert K. Potter, Jr., pursuant to that Power of Attorney recorded in the County of Santa Fe, New Mexico;

WITNESS, the parties hereto, for mutual consideration, hereby grant onto each other, a perpetual easement upon the following described lands, for ingress and egress for any purpose and an easement for utility purposes in and upon that portion of a road described on that certain plat prepared by Guy D. Hayden, Registered Land Surveyor, from surveys completed on March 14, 1977, as amended on August 24, 1977, entitled "LANDS OF J.W. SCHEPPS, A. L. THOMAS, A. WALPOLE & P. PINNELL, JR., WARD NO. ONE, SANTA FE, NEW MEXICO, filed with the Clerk of Santa Fe County, New Mexico on September 23, 1977, Reception No. Plat #408, 717 as more particularly described as follows, to-wit:

> That portion of said road lying upon tract one and that portion of said road lying upon the lands designated "now or formerly Frank Chapman" as described in said heretofore described Plat of Survey.

This easement is superior and paramount to the rights of any of the parties hereto in the respective servient estates so created, and that it is a covenant running with the land.

TERRITORIAL ABSTRACT & TITLE CO., INC.
T.I. 1100-4

WITNESS our hands and seals this 14th day of October, 1977.

Ann Nichols, Attorney in Fact
for Paige Pinnell, Jr.

Joseph William Schepps

Arthur L. Thomas

Alton Walpole

Frank Chapman

Frank Chapman, Attorney in Fact
for Robert K. Potter, Jr.

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Ann Nichols, Attorney in Fact for Paige Pinnell, Jr.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Joseph William Schepps.

Notary Public

My Commission Expires:

6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Arthur L. Thomas.

Notary Public

My Commission Expires:
6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 14th day of October, 1977, by Alton Walpole.

Notary Public

My Commission Expires:
6/21/80

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman.

Notary Public

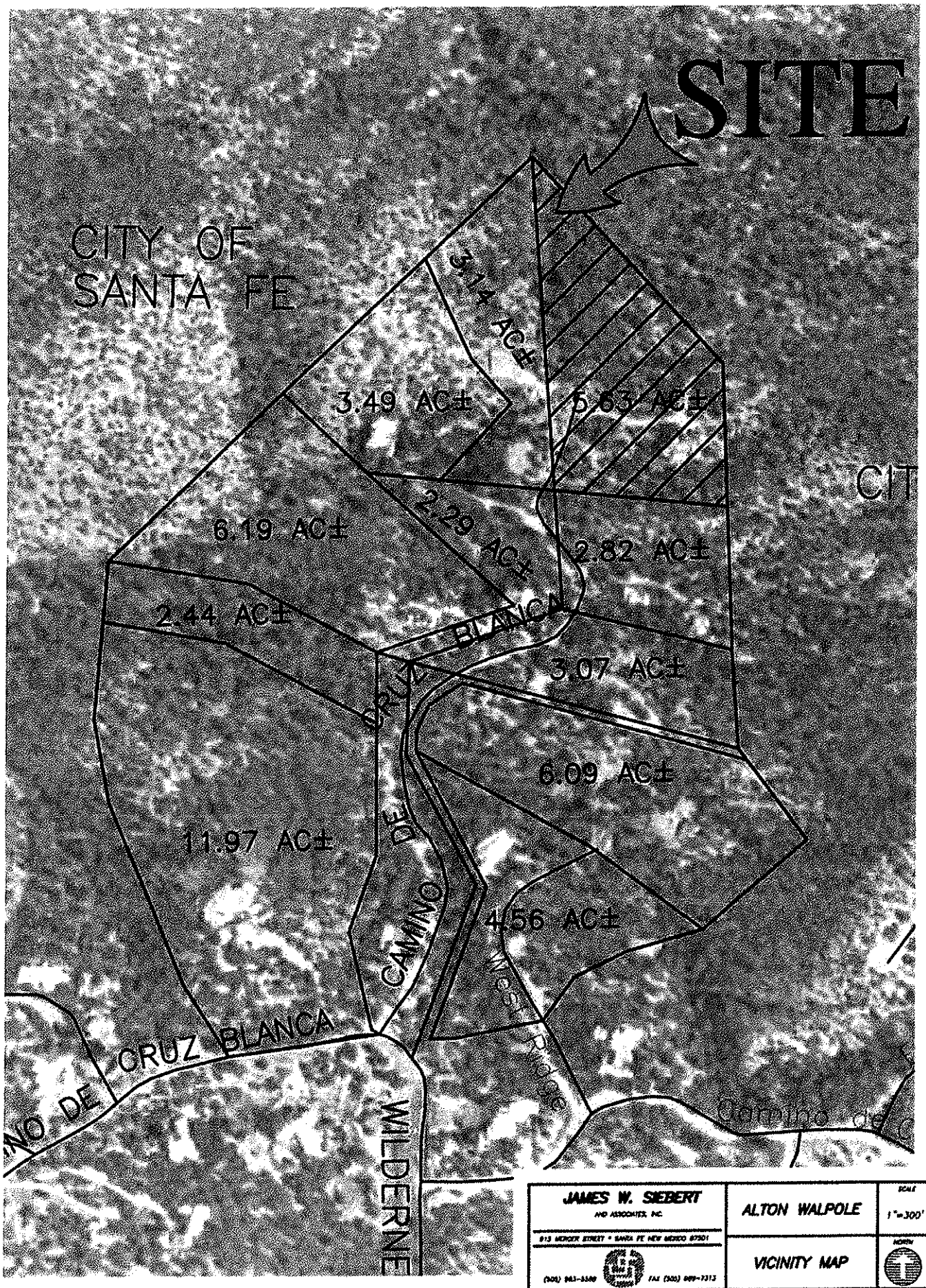
My Commission Expires:
April 18, 1979

STATE OF NEW MEXICO)
: ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 5th day of October, 1977, by Frank Chapman, Attorney in Fact for Robert K. Potter, Jr.

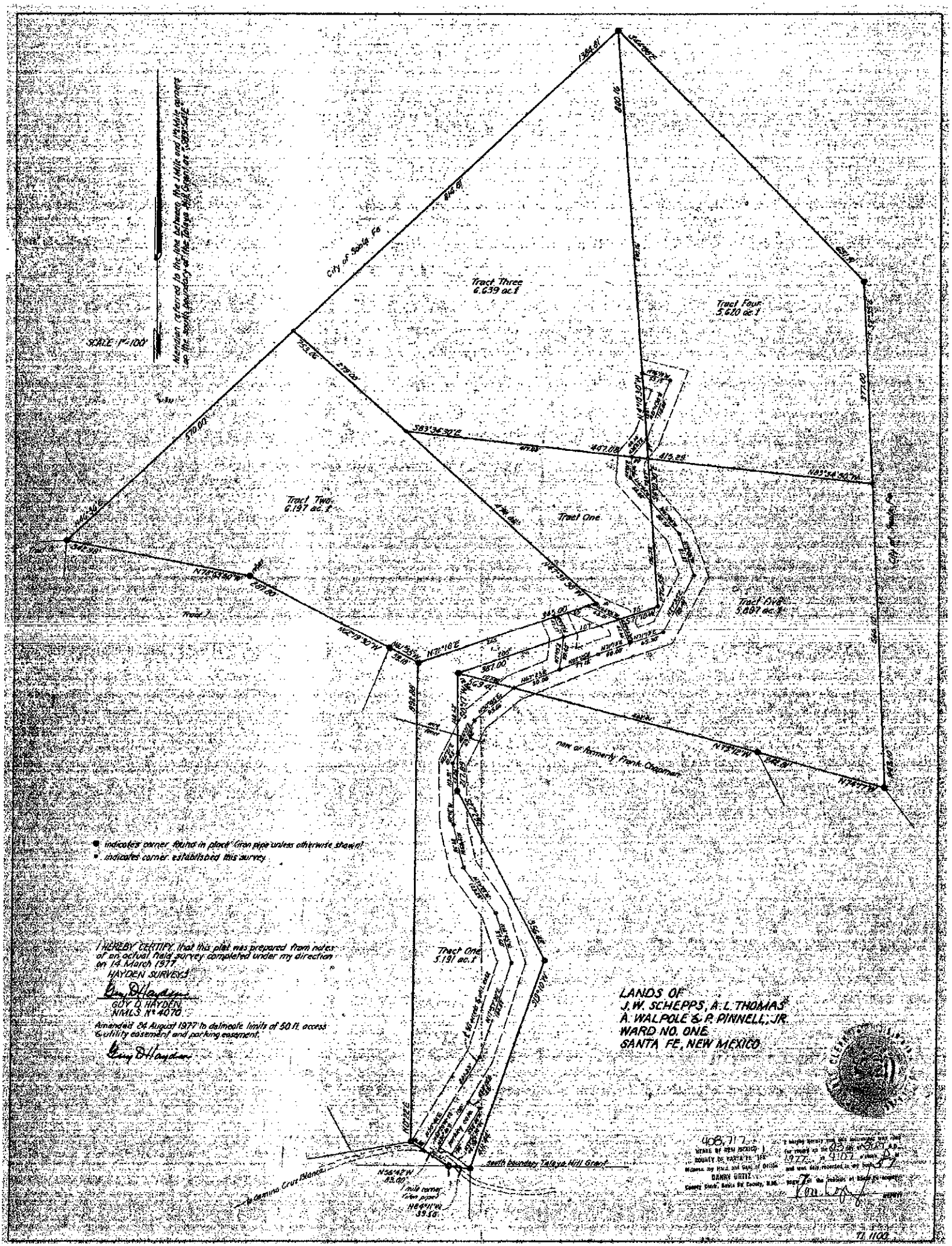
Notary Public

My Commission Expires:
April 18, 1979



JAMES W. SIEBERT AND ASSOCIATES, INC.	ALTON WALPOLE	SCALE 1"=300'
913 MERCER STREET • SANTA FE, NEW MEXICO 87501		
(505) 983-5588 FAX (505) 989-7313	VICINITY MAP	NORTH

Exhibit A-2


SCALE 1"=100'
Tract Three
6.639 ac.±
Tract Four
5.620 ac.±
Tract Two
6.197 ac.±
Tract One
Tract Five
5.897 ac.±
Tract One
5.191 ac.±
City of Santa Fe
new or formerly Frank Chapman
South boundary Tokaya Hill Grant
Camino Cruz Blanca
N56°42'W
83.00'
mile corner
iron pipe
N64°41'W
39.58'
N 3°54'30"W
457.08'
S83°34'30"E
419.24'
N 3°54'30"W
N 7°10'E
N 7°10'E
N 7°10'E

Prepared by:
James W. Siebert & Assoc., Inc
September 21, 2020

Variance from Road Design Standards (allowing 1 additional unit on a 14 to 15-foot private road.

Approval Criteria

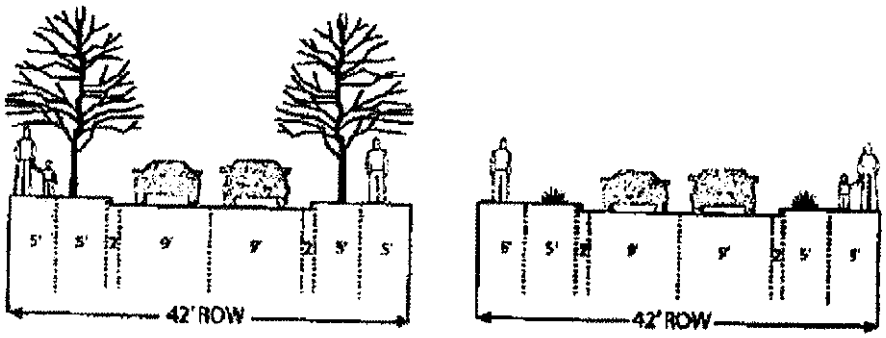
Subsections 14-3.16(C)(1) through (5) and, if applicable, to grant a variance.

(1) One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

The road has existed since late 1970 and has been improved on an annual basis, is in excellent condition. The road is maintained by a road sharing agreement. All lot owners using the road participate in cost for repairs and improvements.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the *property* in compliance with the standards of Chapter 14.



The width of a road consistent with City standards for 9 lots would require the above cross section for a 42-foot road which is not feasible nor is it consistent with low density, rural nature of the area.

(3) The *intensity* of *development* shall not exceed that which is allowed on other *properties* in the vicinity that are subject to the same relevant provisions of Chapter 14.

CASE# 2020-2592 1623 Camino De Cruz Blanca

Other lots served by Camino Cruz Blanca are similar in size to the resulting lots if the variance were approved. While the lot size is less than required by the Difficult and Mountainous regulation, it is consistent with 2.5 acre minimum standard of the City Code.

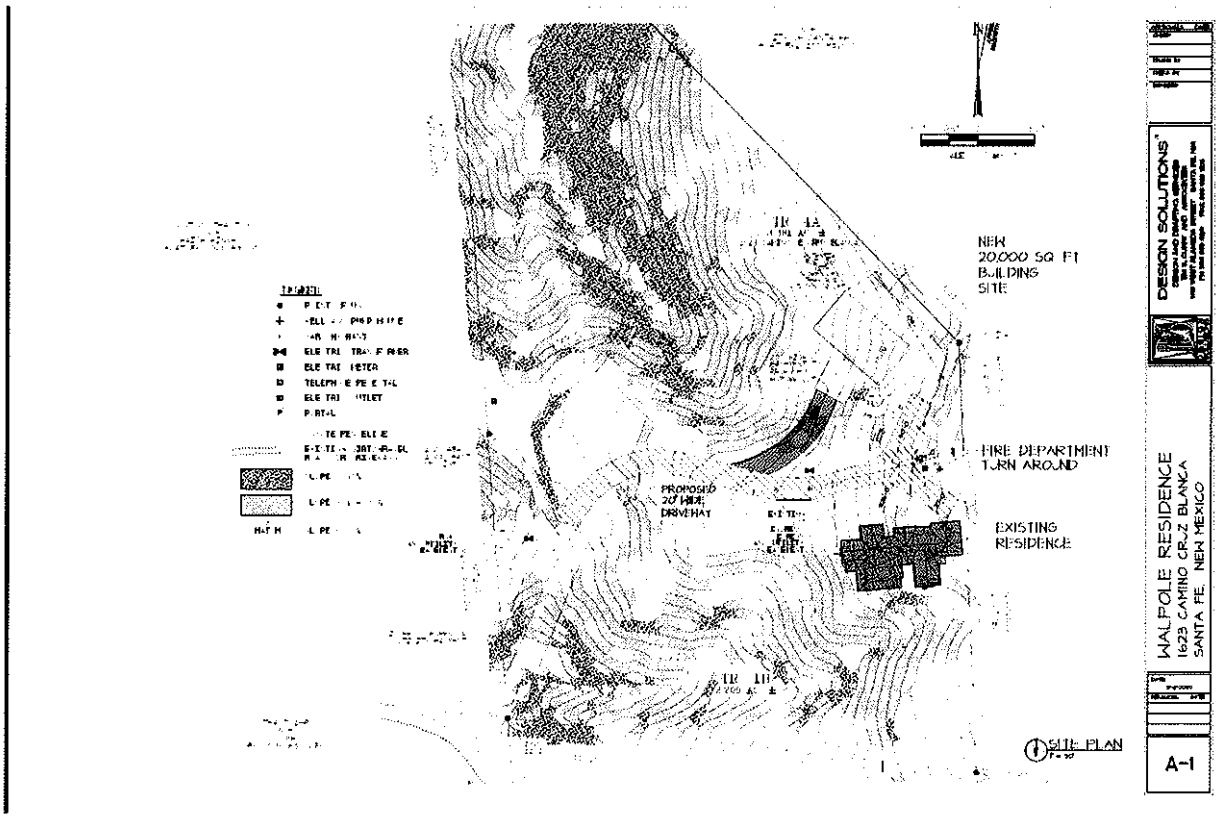
(4) The variance is the minimum variance that will make possible the reasonable use of the land or *structure*. The following factors shall be considered:

(a) whether the *property* has been or could be used without variances for a different category or lesser *intensity* of use;

A variance is required to create an additional lot. Assuming the variance from the Difficult and Mountainous Terrain regulation is approved, the lots would not be inconsistent with from the other lots served by the private road.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the *general plan.*

The Road is currently in excellent shape. There are turnouts at regular intervals to allow for vehicles to pull over and let fire trucks pass. There is a road sharing agreement for road maintenance and all lot owners participate in the agreement. The new driveway to the proposed building site can satisfy all requirements of the City Codes.



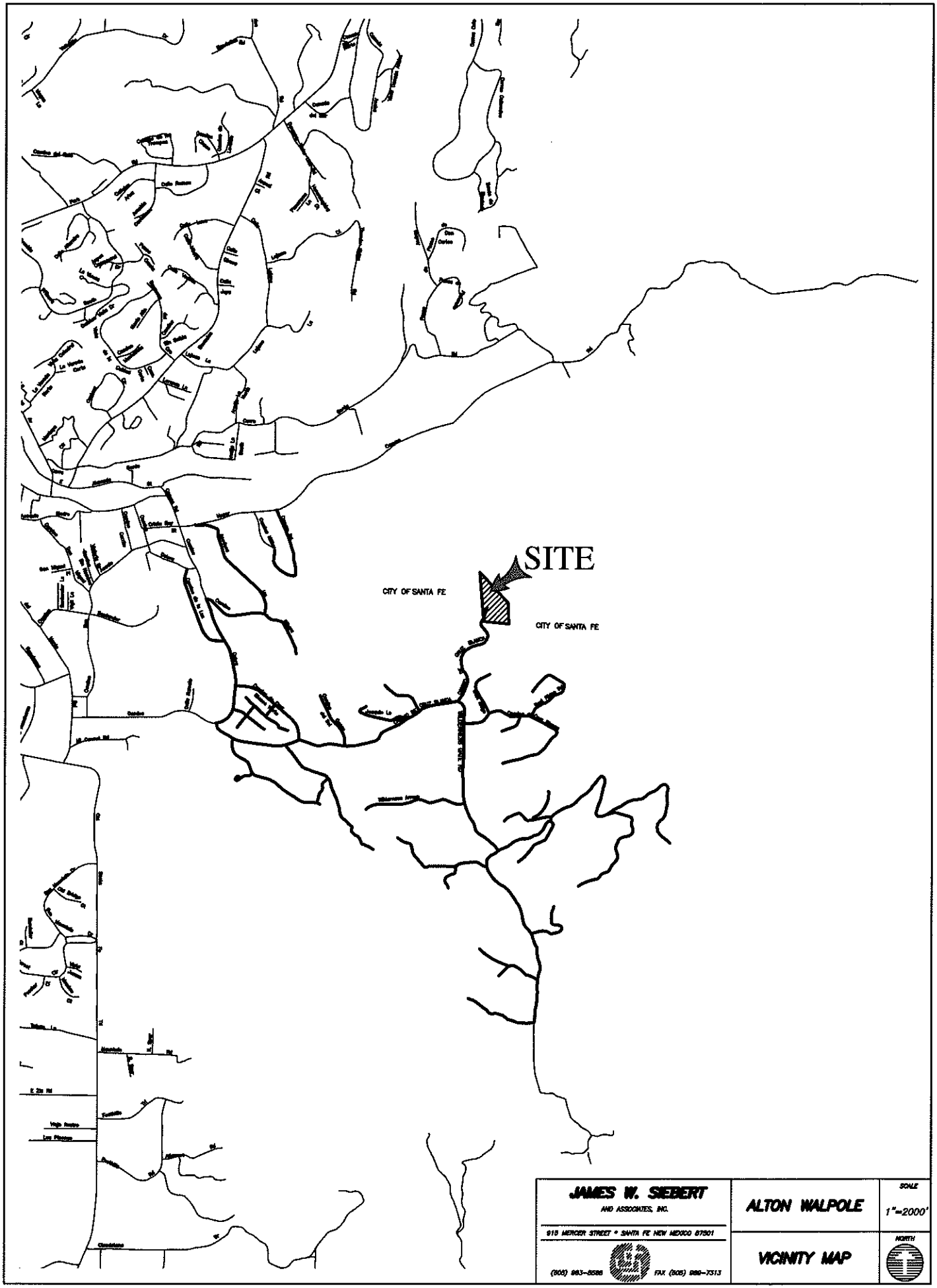
(5) The variance is not contrary to the public interest.

The Subdivision residents are in agreement with the lot split and minimal impact to traffic on the existing private road.

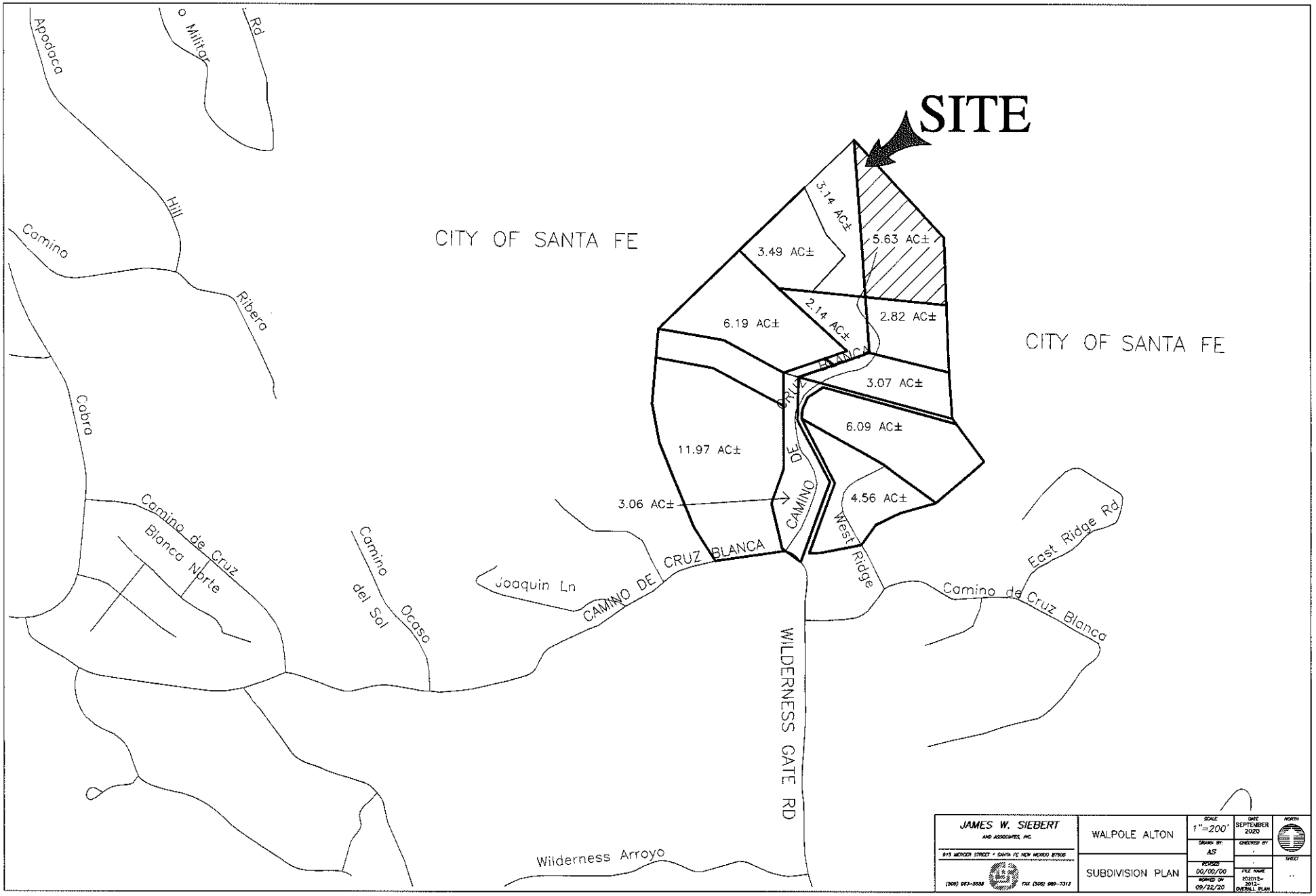
Prepared by-
James W. Siebert
22nd September 2020

Variance from minimum lot size for lots in Difficult and Mountainous Terrain Section 14-9.2.8(e)

CASE# 2020-002499
2020-002592



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET * SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	**ALTON WALPOLE** **VICINITY MAP**	SCALE 1"=2000' NORTH



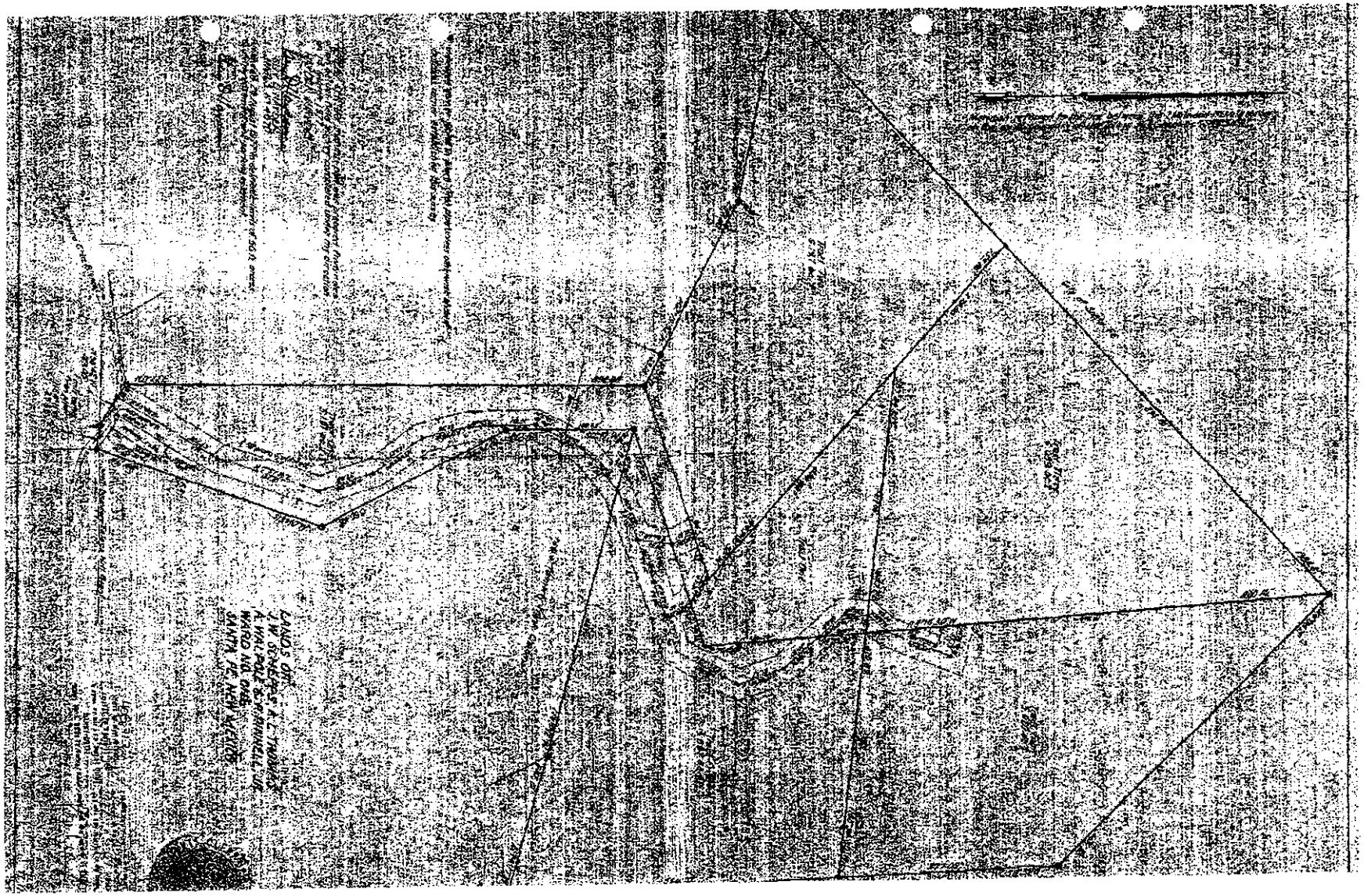
JAMES W. SIEBERT AND ASSOCIATES, INC.	WALPOLE ALTON	SCALE: 1"=200'	DATE: SEPTEMBER 2020
915 MERCER STREET • SANTA FE, NEW MEXICO 87505		DRAWN BY: AS	CHECKED BY: -
(505) 983-5588 FAX (505) 989-7313	SUBDIVISION PLAN	REVISED: 00/00/00	FILE NAME: 202013-2012-OVERALL PLAN
		NORMED ON: 09/22/20	SHEET: -

APPROVAL CRITERIA

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1)One or more of the following special circumstances applies:

(a) unusual physical characteristics exist that distinguish the land or *structure* from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;



Difficult and mountainous terrain regulations adopted in 1987

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

Comparative analysis R-1 without city water or sewer to R-1 with city water & sewer

10 acre lot in difficult and mountainous terrain with R-1 Zoning.

R-1 allows one dwelling/acre with water & sewer, or either water or sewer.

10x1=10 dwellings on tract

10x0.75 for Difficult & Mountainous Terrain = 7.5 ~ 7 (rounded down)

10 acre lot in Difficult & Mountainous Terrain with no city sewer or city water

10/2.5=4 Dwellings x .75 =3

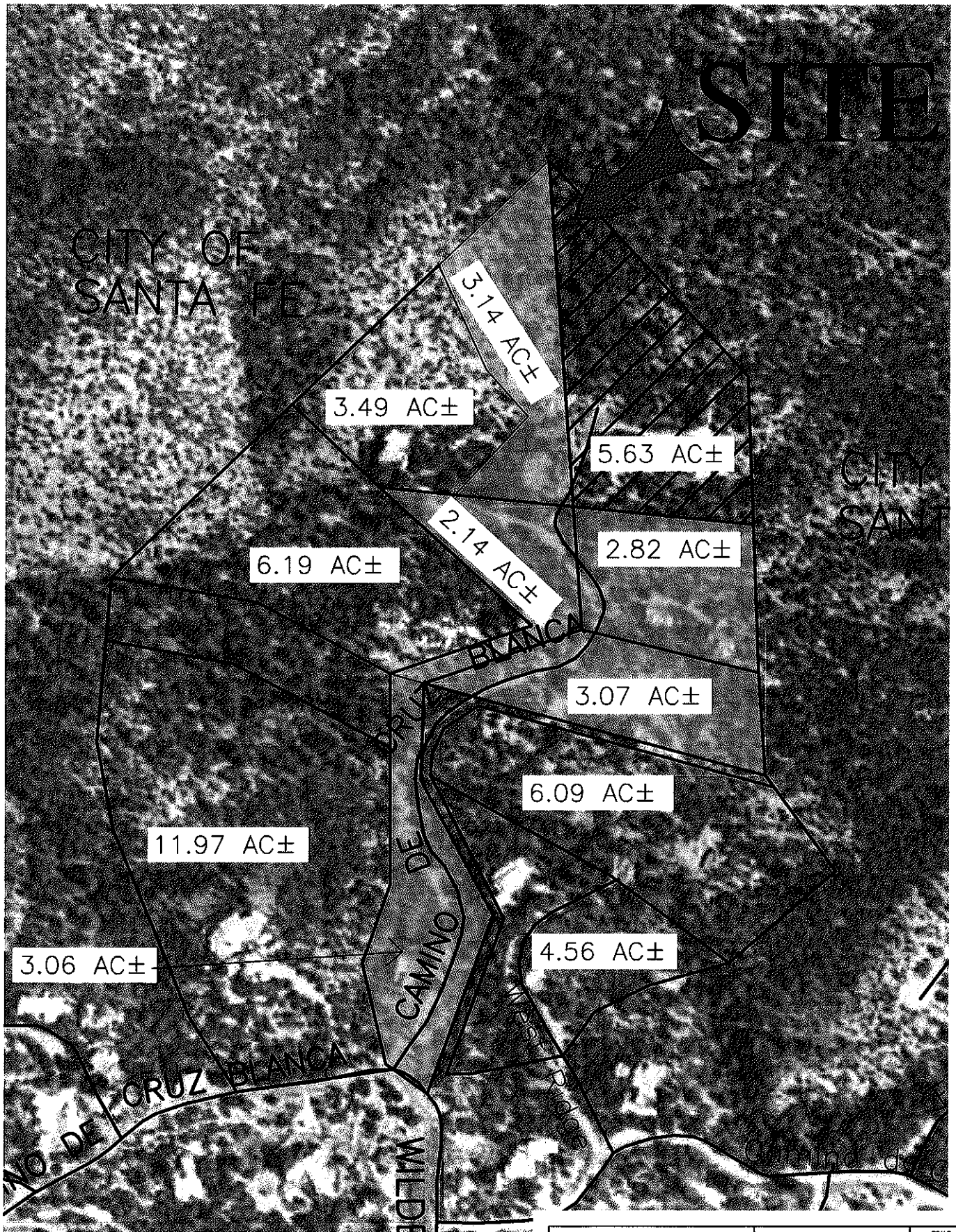
7 DU/Acre vs 3 DU/Acre

R-1 requires 1.375 acre lot to satisfy DMT , 1.375x0.75=1.00±

R-1 without city water or sewer, 3.33x7.5=2.5 ±

Since 1987 other city regulations have been adopted to protect hillside development such as limitation of heights of cut & fill slopes, height of retaining walls, percent of slopes, stormwater drainage management.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.



JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE NEW MEXICO 87501 (505) 983-5588 FAX (505) 989-7313	ALTON WALPOLE	SCALE 1"=300'
	VICINITY MAP	NORTH

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Based on surrounding lots, the requested lot split is generally of the same or lesser intensity of development.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

In order to achieve a similar intensity of use to what exists in the area in the vicinity of Mr. Walpole, a variance is required to accomplish a lot split.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

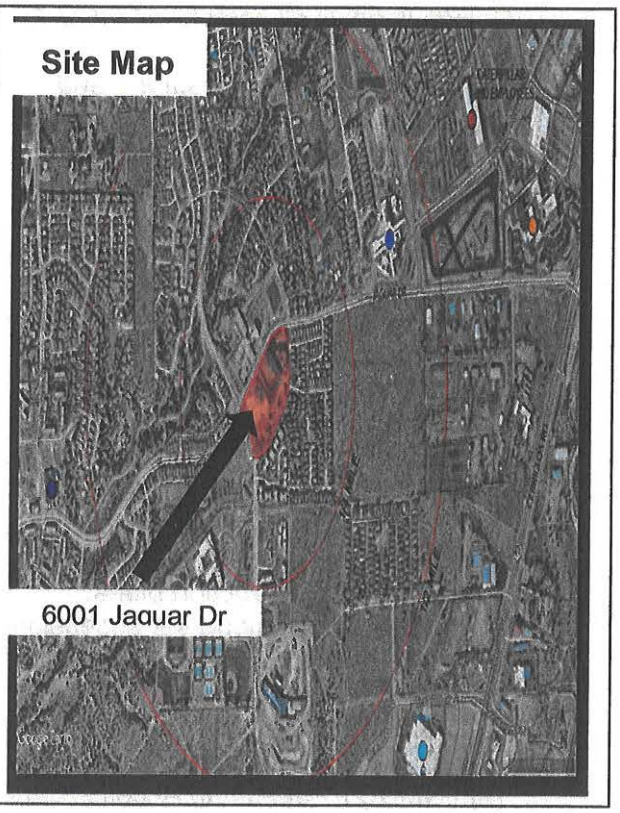
The lot split is consistent with the minimum lot size for R-1 Zoning without city water or city sewer. It satisfies the intent of the city code by maintaining lot sizes consistent with adjoining and nearby lots.

(5) The variance is not contrary to the public interest

The public interest is best served by the other lot owners in the area who are in agreement with the variance allowing for the lot split.

Land Use Department
Planning Commission Staff Report

Case No:	2020-2498
Hearing Date:	October 15, 2020
Applicant:	B&R Land Development
Request:	Approval of Final Development Plan
Location:	6001 Jaguar Drive
Case Mgr.:	John Neunuebel, Planner Senior
Zoning:	PRC (Planned Residential Community)
Overlay:	Overlay Not Applicable; (Subject Site Located Within Tierra Contenta Master Plan Area)
Pre-app Mtg:	April 23, 2020 & June 4, 2020
ENN Mtg:	July 15, 2020
Proposal:	Proposed Development Plan approval for a mixed-use project including neighborhood commercial uses and 150 multifamily units, and open space on approximately +/-7.02 acres



Case #2020-2498. Plaza Contenta Development Plan. Autotroph, Agent for B&R Land Development, owner, requests final Development Plan approval for a mixed-use project including multi-family residential comprising 150 apartments; 14,000 sqare feet of neighborhood commercial uses; and public open space as located at 6001 Jaguar Drive. The property is located within the Tierra Contenta Master Plan Area Phase 1A, as Tract 11, zoned PRC (Planned Residential Community) and is approximately 7.2 acres in size. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov Telephone: 505-966-6656.)

I. RECOMMENDATION:

Staff recommends that the Commission should **APPROVE** the proposed development plan (Case #2020-2498), subject to conditions of approval and technical corrections outlined in this report.

Two motions will be required for this case:

- *Approve or deny the Development Plan for Case #2020-2498, subject to the conditions of approval and technical corrections recommended by staff;*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2020-2498 (Exhibit A(2)).*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval:

#	Condition of Approval	Dept. or Division	To be completed by:
1	Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information). 2. Provide ADA detail/specifications for site fencing gate latches. 3. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be on shown on an enlarged plan and as typical. 4. Include Keyed note/tag/sheet reference for NMDOT curb ramp types and other applicable NMDOT design standards on construction plans. 5. Indicate slopes along the accessible path of travel, including driveway and intersection crossings. 6. Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608). Applicable On-Site accessible features shall also comply with NMDOT Serial 608 unless alternate feature design is provided for approval.	Land Use construction permit application Department/Technical Review	Prior to Construction Permit
2	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC2009 Section 503.2.1) Shall comply with Table D103.4 Requirements for Dead-End Fire Apparatus Access Roads. Fire Department shall have 150 feet distance to any portion of any building newly constructed. (IFC 2009 section 503.1.1)	Fire Prevention	Prior to Recordation

3	Provide an approved Water Plan from the Water Division will be required. Water Plan comments will be submitted to the design engineer.	Water Engineering	Prior to Recordation
4	1) New General Note No. 13 shall be added to Development Plan indicating the following: "The plaza area, adjacent to Jaguar Drive, shall remain open and accessible to the public, and signs indicating this shall be prominently posted within the plaza area." 2) Add title block that includes the following: "PLAZA CONTENTA DEVELOPMENT PLAN FOR MULTIPLE USES INCLUDING THE PLAZA CONTENTA APARTMENTS, NEIGHBORHOOD COMMERCIAL USES, AND PUBLIC PARK SPACE" 3) IMPLEMENT PUBLIC USE EASEMENT FOR CENTRAL PLAZA, PEDESTRIAN PROMENADE, AND PEDESTRIAN GATEWAY AREA(S) TO ENSURE CONTINUED PUBLIC ACCESS.	Land Use/Current Planning	Prior to Recordation

Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The "technical corrections" that must be made to the development plan and preliminary subdivision plat prior to recordation are listed in Exhibit A.

III. EXECUTIVE SUMMARY:

The subject site is located at 6001 Jaguar Road within a central portion of the Tierra Contenta community with nearby facilities including public schools and public library. The 7.2-acre site is bound by Jaguar Drive, Plaza Del Sol, and Avenida Contenta and currently includes two (2) existing structures each comprised of commercial spaces at ground level with residential apartments above pursuant to a previously-approved development plan. The Applicant is now proposing a new development plan that will provide for completion of development on the site through provision of 150 additional residential apartments within five separate, 1 & 2 story buildings, along with commercial spaces within three (3) 1-story buildings. (The new plan also provides for conversion of commercial spaces within the two presently-completed buildings into 5 residential apartments, as well as co-working / studio space for residents.) Additionally, the new development plan continues the designation of open space including completion of the now half-complete, circular-plaza feature, along with other open space areas that together provide for park space accessible to the general public pursuant to the Tierra Contenta Master Plan.

The proposed development plan meets all applicable development standards and will not create non-conformities with either Chapter 14 Land Development or the Tierra Contenta Master Plan; therefore, staff are recommending **APPROVAL**.

IV. BACKGROUND

The subject property as part of the Tierra Contenta Master Plan area was annexed into the City pursuant to annexation agreement subsequently "Restated" with recordation on July 19, 1994. The proposed new development plan for the subject site will replace an existing development plan as was approved by the Planning Commission on October 2, 2003, and amended on March 25, 2010. (Note: The existing development plan stipulates 4 phases of development, with only Phase 1 development having been completed to date.) The proposed new development plan provides for substantially more residential development and substantially less commercial development than the existing development plan.

The Tierra Contenta Master Plan designates the subject site for "Neighborhood Commercial" uses, along with a public park, which the Applicant is proposing, and will comprise completion of the circular plaza and other public open space. Permitted uses pursuant to the master plan include residential, retail, office, art & dance studios, eating establishments, and other compatible uses.

V. EXISTING CONDITIONS:

The property is primarily vacant, except for the two buildings constructed pursuant to Phase 1 of the existing development plan, along with parking lot areas and open space including the partially constructed circular plaza area. The site has been entirely graded pursuant to implementing the existing development plan.

Surrounding uses include Cesar Chavez Elementary School to the north and west, the Paseo Del Sol apartments to the south (east of Paseo Del Sol and south of Avenida Contenta) with Capital High School also located to the south (west of Paseo Del Sol). Existing single-family residences are located east of Avenida Contenta and to the southwest along Jaguar Drive just north of Capital High School. All adjacent areas are zoned PRC (Planned Residential Community) as is the subject site as they are all part of the Tierra Contenta Master Plan.

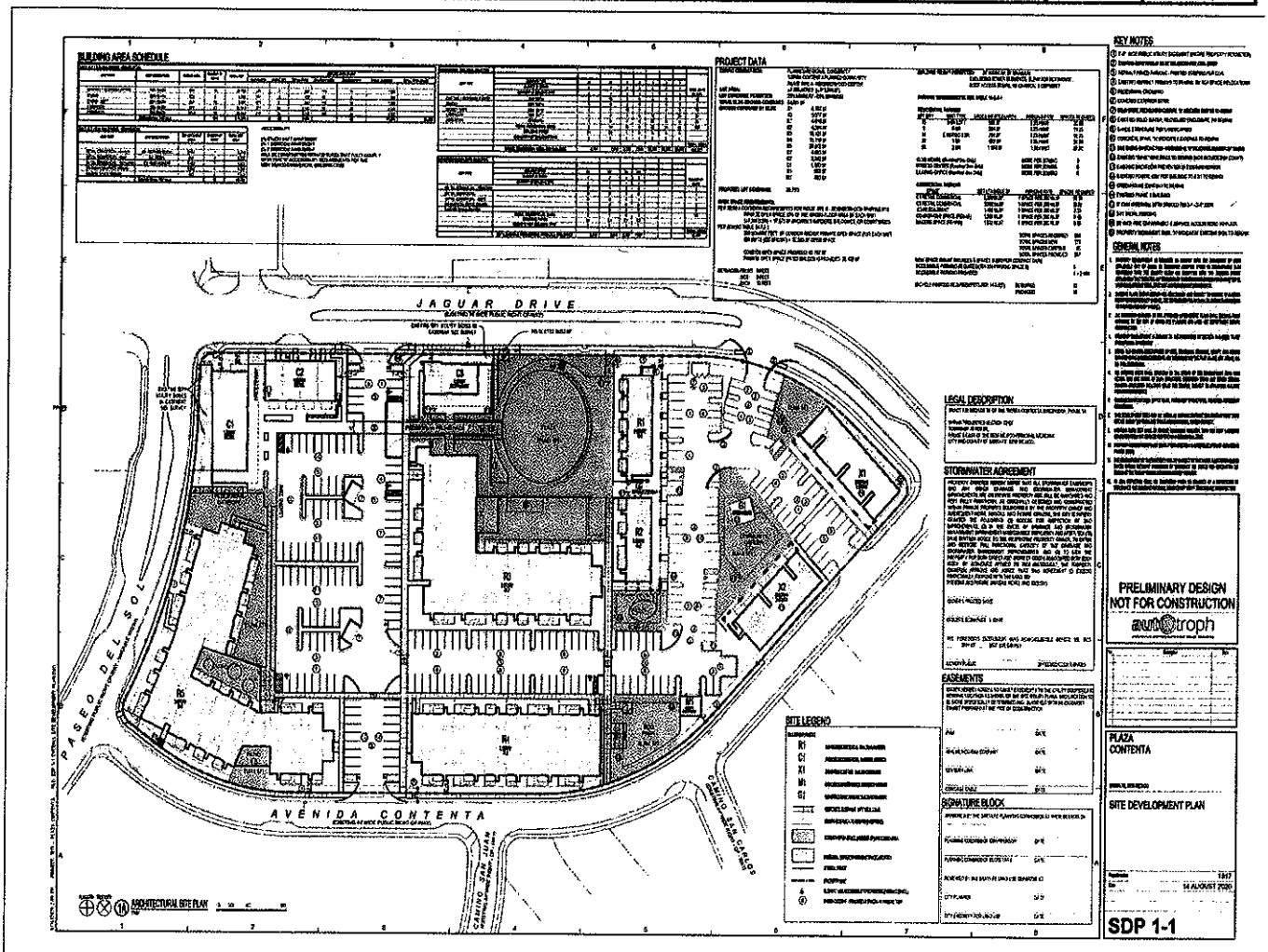
VI. PROJECT DESCRIPTION AND ANALYSIS:

Project Description

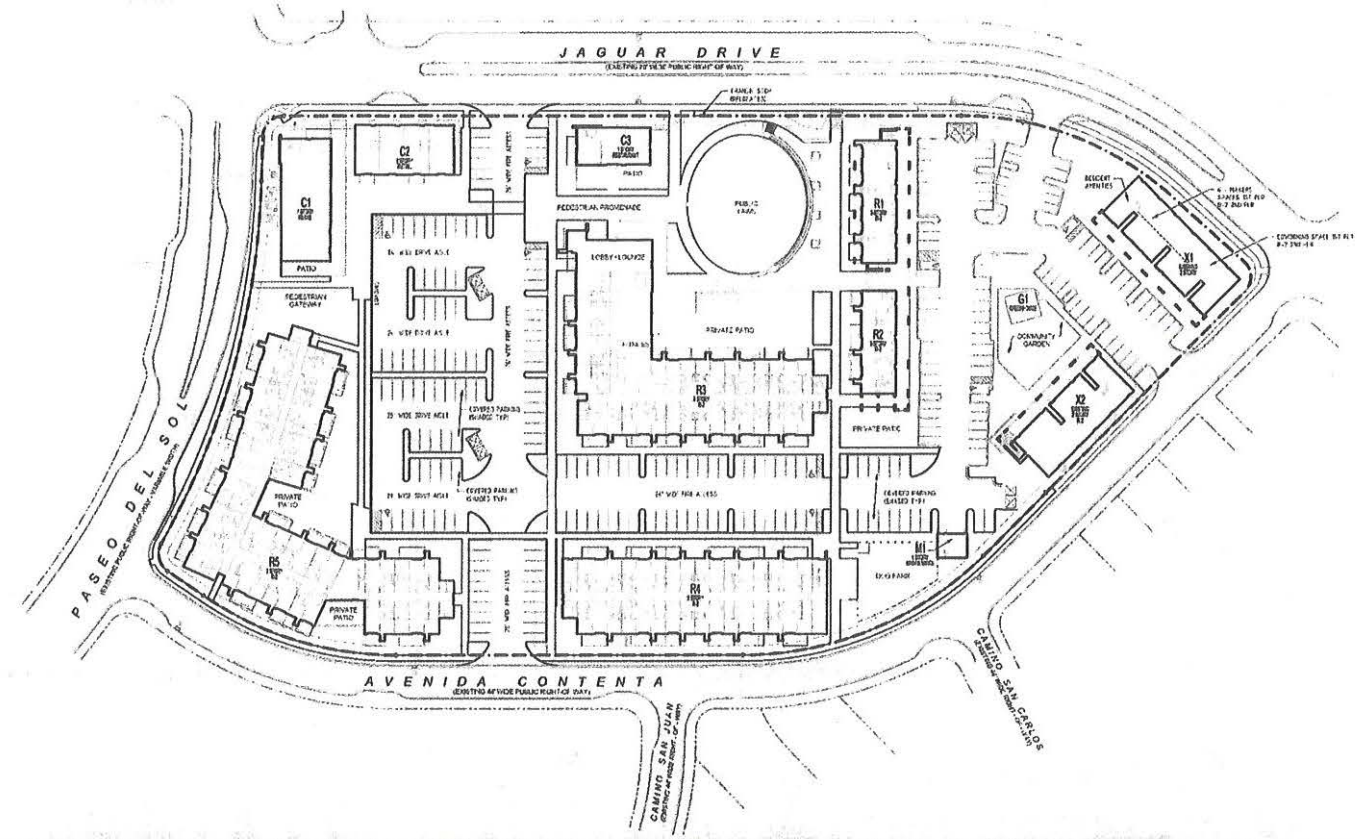
The proposed mixed-use project encompasses approximately 7.02 acres contained within a single lot. Proposed new residential development on the site consists of five (5) new, 2 and 3-story buildings, located throughout the site. Proposed new commercial development will be contained within three (3) new buildings located adjacent to Jaguar Drive near intersection with Paseo Del Sol. Private open space comprised of residential patios and balconies total 20,429 sq.ft. while common open space comprising all other designated open space including the central plaza, community garden, and dog park totals 62,787 sq.ft.

UNIT (S.F.) CALCULATIONS - RESIDENTIAL						
UNIT TYPE	UNIT DESCRIPTION	NET AREA (1)	NUMBER OF UNITS	APARTMENT MIX	TOTAL NET AREA	
EXISTING 1 BEDROOM (REHAB)	1BR/1BATH	794	16	11%	12,704	
STUDIO	0BR/1BATH	504	9	6%	4,536	
STUDIO - LOFT	0BR/1BATH	559	15	10%	8,385	
1 BEDROOM	1BR/1BATH	657	52	35%	34,164	
2 BEDROOM	2BR/2BATH	989	58	39%	57,362	
	RESIDENTIAL TOTALS		**150**	**100%**	**117,151**	

UNIT (S.F.) CALCULATIONS - COMMERCIAL						
UNIT TYPE	UNIT DESCRIPTION	NET AREA (1)	NUMBER OF UNITS		TOTAL NET AREA	LEASABLE AREA
RETAIL COMMERCIAL - Medium	C1 - CORNER RETAIL	4,048	1		4,048.00	3,238
RETAIL COMMERCIAL - Small	C2 - RETAIL	807	4		3,228.00	2,582
RETAIL COMMERCIAL - Restaurant	C3 - RESTAURANT	1,831	1		1,831.00	1,465
					-	0
CO-WORKING SPACE (REHAB)		2,136	1		2,136.00	1,709
MAKERS SPACE (REHAB)		534	6		3,204.00	2,563
	COMMERCIAL TOTALS		**13**		**14,447**	**11,558**



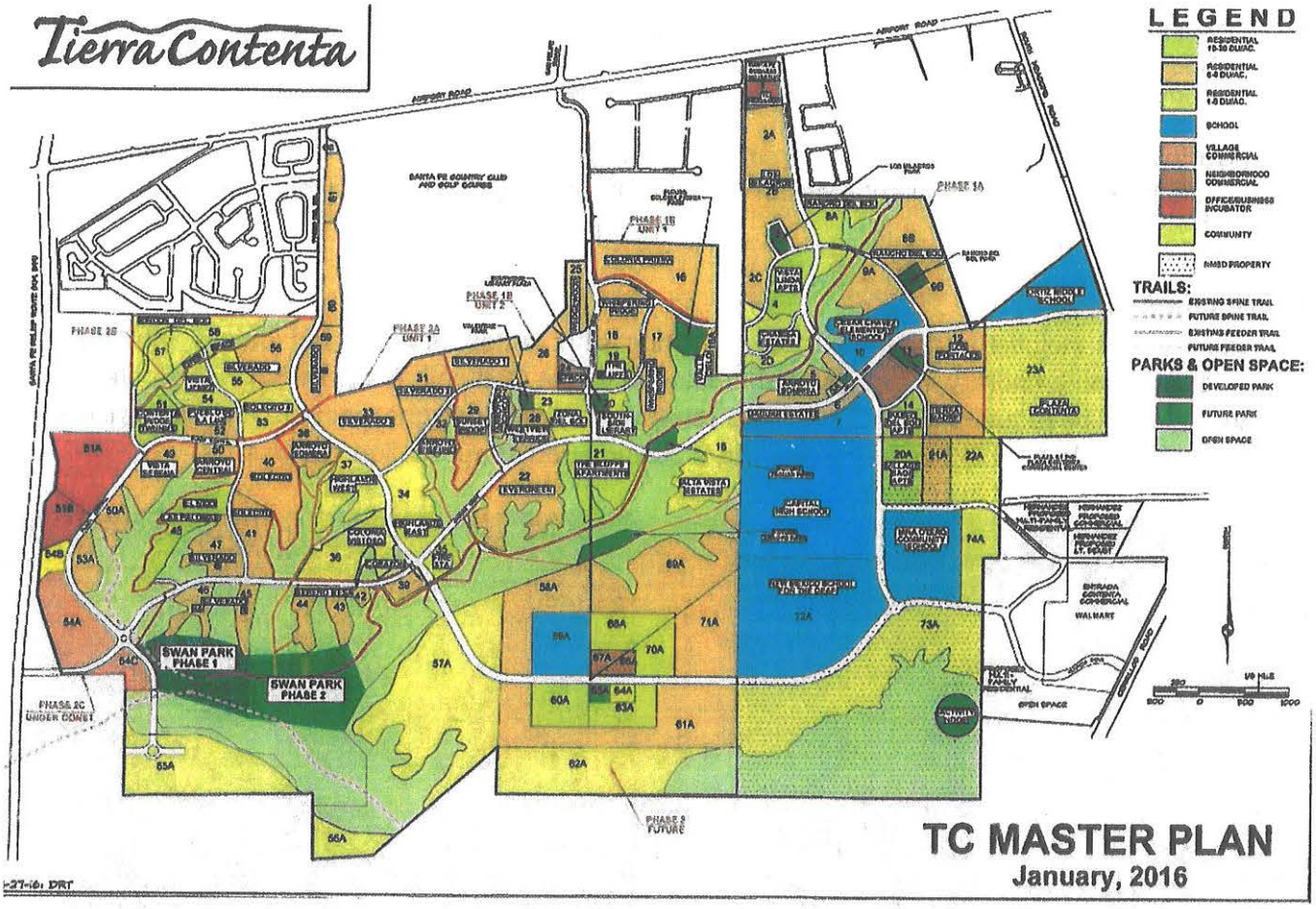
Proposed development plan above and next page, with open space areas shaded above





Conceptual aerial view from intersection of Paseo Del Sol & Avenida Contenta

Tierra Contenta Master Plan



As indicated on the Master Plan land use map, the subject site is intended for Neighborhood Commercial use, along with the site also indicated to include a park. Land Use Department staff have determined that the proposed Tierra Contenta Development Plan adheres to the Tierra Content Design Standards as specified for Neighborhood Commercial.

Site Designation: Neighborhood Commercial

Purpose: Neighborhood Commercial centers provide shopping, employment and community amenities for local residents within walking distance of their homes. Neighborhood Commercial centers shall contain a mixture of uses including residential.

General Characteristics: Businesses and other facilities shall be of a small scale and primarily for the benefit of neighborhood residents. Neighborhood Commercial centers shall be organized around a public plaza and parking shall be located behind buildings or otherwise screened. Buildings are typically between 2-3 stories and front public streets.
Permitted Uses: Residential, retail, office, art & dance studios, and eating establishments and other compatible uses.

Allowable Height: 20' min., 35' max. (excluding tower elements, elevator penthouse, roof access stairs & mechanical equipment)

Setbacks: 0' Front, 0' side and 10' rear

Lot coverage: 25% Min, 60% Max.

Parking: Per city of Santa Fe Land Use Code Requirements.
-Residential: 1.25 space per unit for units up to 800 SF. 1.5 spaces per unit for units between 800-1200 sf.
-Commercial: 1 space per 200 SF for retail, office, and restaurant uses

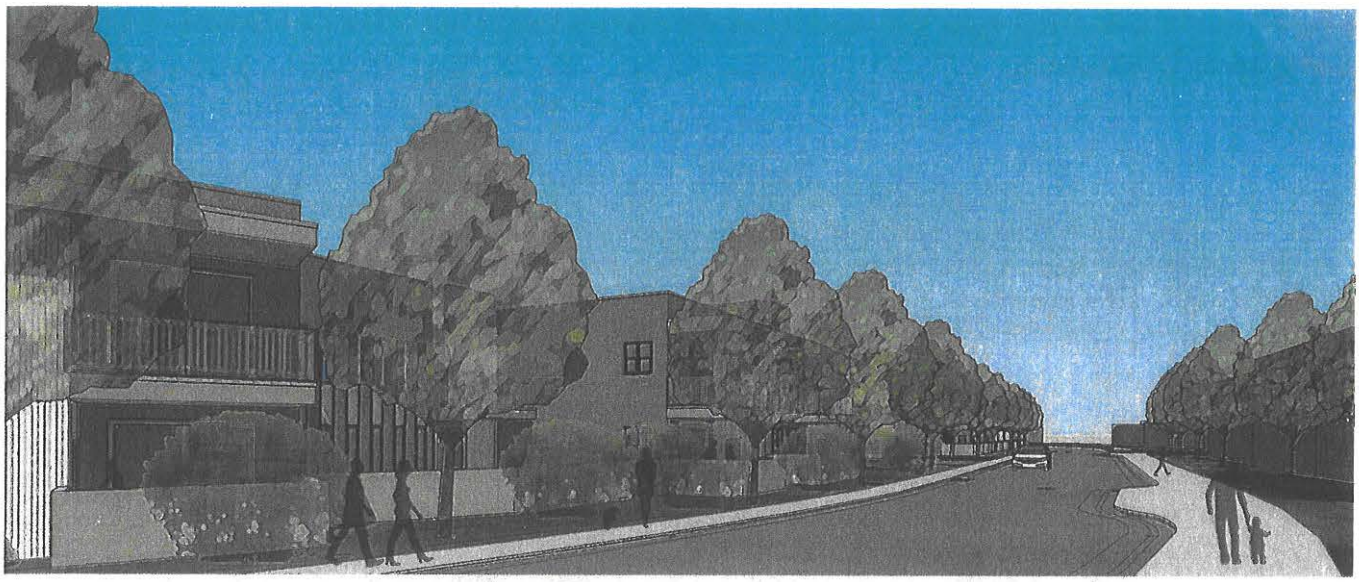
Staff have determined that the specified open spaces including central plaza, dog park, and community garden adhere to the Tierra Contenta Master Plan's inclusion of park space on the subject site.

Architectural Design

All buildings will include earth tone stucco finishes with varied architectural details that may be categorized as contemporary in design, and meets the Tierra Contenta Master Plan Design standards. The Applicant will be required to provide an analysis that proposed designs meet the Architectural Design Standards per Table 14-8.7-2 as part of the City's building permit application process.



Preliminary architectural designs above & next page



Santa Fe HOMES Program
The Applicant is required to build affordable units in this development in accordance with Tierra Contenta Master Plan affordability requirements, and City staff will be calculating precise requirements for the proposed development. The Applicant will submit a proposal to the City's Affordable Housing Director for review.

Access and Traffic
The proposed project, having existing collector roadways on the perimeter of the site, will have a total of 4 vehicular access points; two on Jaguar Drive and two on Avenida Contenta, with pedestrian access provided from all roadways. The interior of the project site will utilize private drive aisles connecting various parking lot areas. A Traffic Impact Analysis was completed for the project, and the City Engineer concluded that the analysis demonstrates that the area roadway network can adequately accommodate traffic generated by the proposed project.

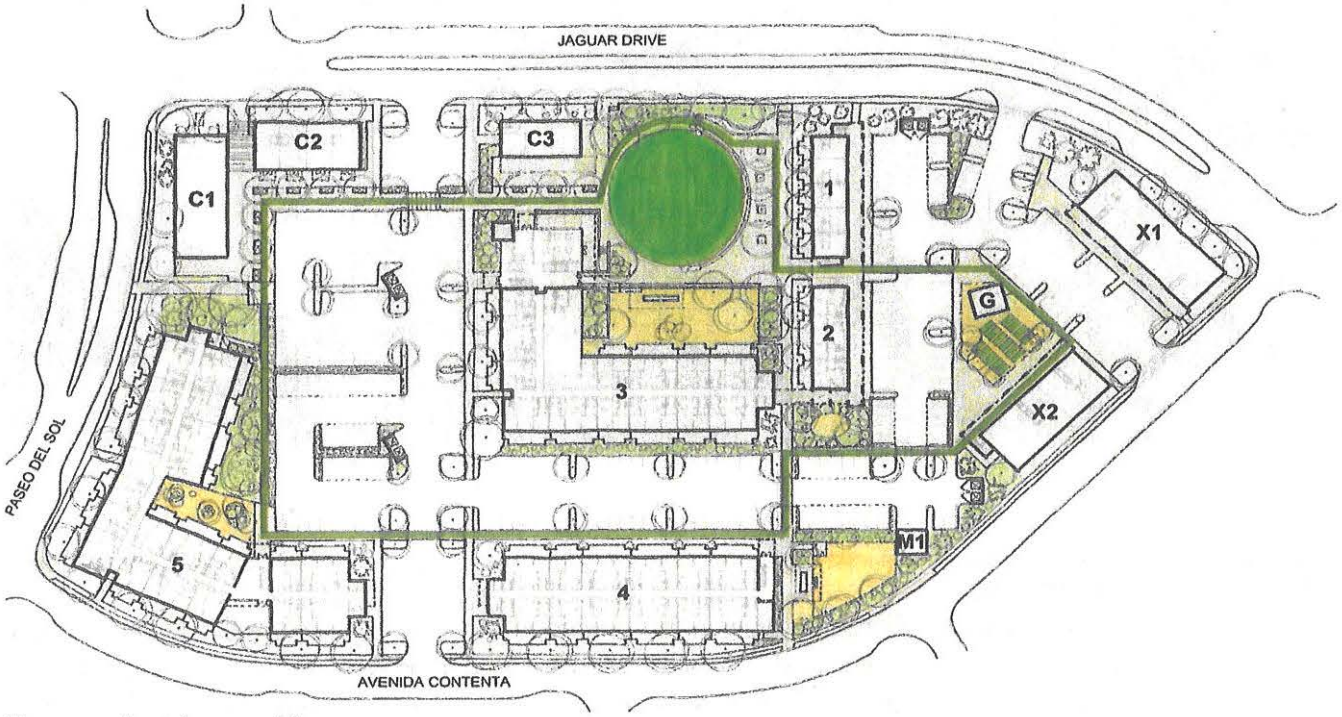
Parking
The commercial and residential components of the proposed development have a combined parking requirement of 255 spaces. There are currently 85 parking spaces on the site, with 172 new spaces to be provided for a total of 257 spaces. Required bicycle parking is provided at various locations.

Fire
The Fire Department has reviewed this proposal and has provided comments for construction. As proposed the Fire Department approves of this project.

Water, Sewer, and Dry Utilities
All utilities are already provided on site and/or are readily available in service of new development.

Landscaping
Street trees will be planted along periphery roadways, with the central plaza area comprising an open

area with trees also surrounding. Detailed landscape plans will be reviewed as part of the City's building permit application process.



Propose Landscape Plan

Water Budget

The project has been conditioned to require provision of an approved Water Plan from the City's Water Division prior to recordation of the subject Development Plan.

Grading and Drainage

As previously indicated, development on the site has already commenced pursuant to the existing development plan, and the entire 7.2 acre site has undergone grading. Revised drainage plans have been submitted in conjunction with the proposed new development plan. On site drainage is proposed with this project.

Lighting and Signage

Site lighting will be provided via pole-mounted LED fixtures located within the interior areas of the project site. To ensure adherence to City requirements including mediation of potential off-site lighting impacts, lighting plans will be reviewed as part of the building permit application process. The Development Plan includes the placement of two (2) project monument signs (each monument sign 16 sq.ft. maximum) with one monument sign to be located at each primary north and south entryways. Additionally, there are as two (2) building-mounted, hanging signs indicated for placement on commercial buildings (each wall sign 5 sq. ft. maximum).

Environmental Review: Archaeology and Prairie Dogs

The Project is located within the Suburban Archaeological District. An archaeological clearance permit is not required as the parcel is under 10 acres. The site will be assessed for Gunnison's prairie dogs and any colonies will be relocated prior to issuance of construction permits.

General Design Standards – Tierra Contenta Master Plan

The proposed development plan adheres to Tierra Contenta Phase 1A design standards including setbacks, density, open space, and parking design, as well as specific standards related to the subject site being categorized within the Master Plan as Neighborhood Commercial inclusive of park space. As required, the Tierra Contenta Architectural Review Committed has reviewed and approved the proposed development plan.

VII. DEVELOPMENT PLAN APPROVAL CRITERIA SECTION 14-3.8(D)(1)

SFCC Section 14-3.8 governs the authority, procedures, and restrictions for development plans. The Criteria for approval of development plans are detailed below:

Criterion 1: that the Planning Commission has the authority and is empowered to approve the development plan under the section of Chapter 14 described in the application;	**Criterion Met:** (Yes/No) **YES**
Santa Fe City Code (SFCC) Subsection 14-3.8(B)(3)(a) requires a development plan for development with a gross floor area of over thirty thousand square feet in any zone. Subsection 14-2.3(C)(1) authorizes the Planning Commission to review and approve or disapprove development plans.	
Criterion 2: that approving the development plan will not adversely affect the public interest; and	**Criterion Met:** (Yes/No) **YES**
The Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. Subject to staff recommended conditions of approval, the proposed development plan complies with both SFCC Chapter 14 and the Tierra Contenta Master Plan, and would not adversely affect the public interest. The project serves the public interest through the construction of needed housing and commercial services and complies with all City ordinances relating to the proposed project.	
Criterion 3: that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.	**Criterion Met:** (Yes/No) **YES**
The subject property is located in a mixed-use area of commercial, institutional, and multi-family development. The proposed use and scale of the Project is compatible with land uses in the vicinity and is adherence to the Tierra Contenta Master Plan.	

VIII. EARLY NEIGHBORHOOD NOTIFICATION

An ENN meeting was conducted via a virtual format on July 15, 2020. There were 30 attendees, in addition to the Applicant's project team and city staff. Issues identified and discussed comprised parking, traffic, project scale including building heights, and sustainability. (Note: Applicant was initially considering exceeding maximum building heights of 35' requiring a variance, but subsequently revised building heights in conformance with 35' standard.)

IX. EXPIRATION

The development plan, if approved by Planning Commission and the Findings of Fact and Conclusions of Law as adopted, will expire in three years, thus the expiration date would be October 15, 2023.

Per SFCC Subsection 14-3.19(B)(4) "Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6)."

X. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2020-2498

EXHIBIT B: Development Review Team Memoranda

1. Traffic Review Memorandum
2. Land Use/ Terrain Management Memorandum
3. Water Division Engineering
4. Wastewater Division Memorandum
5. Fire Prevention Memorandum
6. ADA Site Review Memorandum

EXHIBIT C: Maps and Photos

1. Site Photos

EXHIBIT D: ENN Materials

(Early Neighborhood Notification Meeting Summary – See Exhibit E #2 below)

EXHIBIT E: Applicant Materials

1. Development Plan Application and Approval Criteria
2. Early Neighborhood Notification Meeting Summary
3. Proposed Development Plan; Including Architectural Renderings, Site Details, and Landscape Plan

APPROVED BY:

Title	Name	Initials
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	
Land Use Department Case Manager	John Neunuebel	

City of Santa Fe, New Mexico

Exhibit A

Technical Corrections

Findings of Fact/Conclusions of Law Case #2020-2498

Development Review Team

Comment Form

Date: 8/27/20

Staff person: Dee Beingessner

Dept/Div: Land Use/Terrain Management

Case: **Case #2020-2498 Plaza Contenta Development Plan**

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1	
2	
3.	
4	
5	

Technical Corrections*:	Must be completed by:
1 Drainage Facilities Maintenance note shall be placed on the Plat or Development Plan (see attached)	Prior to recordation
2 Dust Control Note Shall be placed on the Plat or Development Plan (see attached)	
3 Gunnison's Prairie dog note shall be placed on the Plat or Development Plan (see attached)	
4 This development shall comply with the most current requirements of the American with Disabilities Act (ADA) for all infrastructure improvements. Place a note on the Plat to reflect this condition.	
5 Provide drainage analysis.	
6 Label each pond capacity and total ponding volume provided onsite on the grading and drainage plan.	
7 Provide soils report.	
8 Photometric Plan exceeds allowable values in table 14-8.9-2.	
9 Provide plan and profile for storm sewers.	

10 Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

DRAINAGE FACILITIES MAINTENANCE NOTE

ALL DRAINAGE FACILITIES SHALL BE MAINTAINED BY ALL PROPERTY OWNERS. THE PROPERTY OWNERS SHALL ALSO HAVE THE RESPONSIBILITY FOR MAINTENANCE OF THE PUBLIC DRAINAGE EASEMENT.

INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO OR OTHER QUALIFIED PERSON. INSPECTIONS SHALL BE CONDUCTED ON THE DRAINAGE FACILITIES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

ON OR ABOUT MARCH 15, ON OR ABOUT SEPTEMBER 15, AND AFTER EACH STORM EVENT OF 1-INCH OR GREATER. MAINTENANCE OF THE DRAINAGE FACILITIES SHALL BE CONDUCTED AND DOCUMENTED BY THE ENGINEER AND THE OWNER. THE OWNER SHALL MAINTAIN A FILE OF THE INSPECTIONS AND REMEDIAL ACTION CONDUCTED ON THE DRAINAGE FACILITIES.

WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE ENGINEER'S RECOMMENDATIONS, AND SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

A. FLUSH ALL CULVERTS, DROP INLETS AND DRAINAGE PIPES TO REMOVE SEDIMENT AND VEGETATION THAT PREVENTS OR HINDERS THE FLOW OF STORM WATER IN THE DRAINAGE STRUCTURE(S).

B. REMOVE SEDIMENT IN PONDS THAT IS GREATER THAN 6-INCHES IN DEPTH, AND IF NECESSARY, RESEED WITH NATIVE GRASSES AND INSTALL FILTER FABRIC AND 3 TO 4 INCH COBBLE AS DIRECTED BY THE ENGINEER.

C. INSPECT FOR SEDIMENTATION IN ALL SWALES, DITCHES, DRAINGE PONDS AND REMOVE AND STABILIZE AS NECESSARY.

D. INSPECT FOR SOIL EROSION AT ALL DRAINAGE PONDS, CUT AND FILL SLOPES, AND REPAIR OR STABILIZE ACCORDINGLY.

E. INSPECT THE STRUCTURAL INTEGRITY OF DRAINAGE PONDS, SLOPES, RIP-RAP, GABIONS, DROP INLETS, CULVERTS, ENERGY DISSIPATORS, AND RETAINING WALLS, ROCK PLATING, EROSION CONTROL MATS OR BLANKETS, AND REPAIR OR STABILIZE ACCORDINGLY.

GUNNISON'S PRAIRIE DOG NOTE

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISION'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

DUST CONTROL NOTE

All on-site soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer, or their designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil, and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

Development Review Team

Comment Form

Date: 08/21/2020

Staff person: Jason M. Kluck

Dept/Div: Land Use Dept./Building Division – ADA Site Review

Case: **Case #2020-2498 Plaza Contenta Final Development Plan**

6100 Jaguar Drive

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information).	Prior to construction permit application
2. Provide ADA detail/specifications for site fencing gate latches.	
3. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be on shown on an enlarged plan and as typical.	
4. Include Keyed note/tag/sheet reference for NMDOT curb ramp types and other applicable NMDOT design standards on construction plans.	
5. Indicate slopes along the accessible path of travel, including driveway and intersection crossings.	
6. Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608). Applicable On-Site accessible features shall also comply with NMDOT Serial 608 unless alternate feature design is provided for approval.	

Technical Corrections*:	Must be completed by:
1. Indicate locations of ADA accessible Units and ensure that ADA parking space locations are coordinated to provide the shortest accessible path of travel possible from the parking spaces to the associated Units. 2. Civil, Architectural and Landscaping plans appear uncoordinated. Ensure that ADA accessible path of travel route is included to provide access to all Site Features, in particular east/west access across the Plaza area. 3. Provide Design Professional Seal and signature with date signed on all drawing sheets. 4. Provide ADA accessible parking space and signage plans and details demonstrating compliance with the 2015 NM Accessible Parking Checklist and referenced codes. 5. Indicated ADA accessible parking signage locations on Site/Grading & Drainage plans. 6. Indicate bicycle rack locations and provide details.	Prior to recording

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project.

Explanation of Requirements and Conditions:

On-Site General ADA Compliance Requirements:

Accessible path(s) of travel route shall be provided from the Public Right-of-Way and accessible parking aisle(s) to accessible building entrance(s) and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Ensure accessible route(s) from the Public Right-of-Way and accessible parking space aisle(s) to building entrance(s) are provided and maintained. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

> IBC 1104.1 Site arrival points: At least one (firm, stable, slip resistant) accessible route within the site shall be provided from: public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

Accessibility feature design within the Site shall comply with NMDOT Pedestrian Access Route Details (Serial 608) as provided in the permitted Construction Documents.

All Sidewalks and Walkways along the accessible path of travel shall be firm, stable and slip resistant and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

Ramps within the site shall have 1:12 (8.33%) running slope and 1:48 (2%) cross slope max. With a max. rise of 30" and with 5' clear length landings where straight. Changes in direction shall comply with 304.3. Landing typical slope is 1.5% and shall not exceed 2% running and cross slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

At time of construction, the Contractor shall ensure ADA compliance for construction of required ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOJ, and NM State Statute and Code as applicable.

ADA parking signage shall comply with the New Mexico Accessible Parking Checklist, latest version. Accessible Signage Detail - Signage with required language per the NM Accessible Parking Checklist is required at ALL ADA Parking spaces. Parking signage height shall be 84" above the floor of the parking space, measured to the bottom of the R7-8 sign in the Public right-of-way, accessible path of travel, pedestrian way or path of the means of egress. Locate Van Accessible Parking signs immediately below the reserved parking sign at wall mounted or other locations not in the pedestrian way. At Van Accessible signs located in the pedestrian way, the R7-8A Van Accessible sign shall be mounted at 84" to bottom of the sign. Wall mounted signs and signs not mounted in the public way shall be 60" (84" is preferred) minimum above the floor of the parking space, measured to the bottom of the sign.

Per the 2015 NM Accessible Parking Checklist, Section 9 (NMBC-1111 Section 1.4 through 1.4.3) the ADA parking space access aisle shall be clearly marked by diagonal pavement striping. "NO PARKING" lettering shall be stenciled in 1 foot high min. and 2 inches wide min. strokes, and located at the drive end of the striped access aisle. The International Symbol of Accessibility (ISA) shall be stenciled at all parking spaces, centered on the space and aligned with the drive end of the parking space striping. All

pavement striping and markings shall be stenciled with pavement paint; blue on concrete paving or white on asphalt paving.

Accessible parking spaces and access aisles shall not exceed 2% slope in any direction. 1%-1.5% is the preferred target slope.

Ensure ADA Accessible parking spaces are located in close physical proximity to any adjacent Accessible housing units and other accessible entrances (60% of all entrances shall be accessible), with the shortest path of travel available from the parking area to the unit(s) and accessible entrances. Ensure accessible routes from Accessible parking space aisle(s) to building entrance are provided/maintained.

Wheel stops are encouraged at all ADA accessible parking spaces to help ensure required clearance along the accessible path of travel is maintained.

Vertical clearance: Provide and maintain 80" of vertical clearance for the full width of all sidewalks/pedestrian routes. Rails or other barriers shall be provided where the vertical clearance is less than 80". The leading edge of such rails or barrier shall be located 27" max. above the floor. (307.4) Provide and maintain 98" vertical clearance at van parking spaces and access aisles, and accessible routes. (502.6) At Passenger Loading Zones, provide and maintain 114" min. vertical clearance at the exterior vehicular route and access aisles serving the vehicle pull-up space. (503.5)

New bicycle racks shall comply with Santa Fe Chapter 14 Appendix Exhibit D for bicycle rack standards and dimensions.

Off-Site PROW Compliance Requirements:

Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608).

Driveway and intersection crossings shall not exceed 2% cross slope, shall have a level maneuvering space, shall have 1/4" max. vertical deflections, and 10% max. flare slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

Sidewalks and Walkways along the accessible path of travel shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

All walk surfaces along the accessible path of travel shall be firm, stable and slip resistant. Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without

handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

At time of construction, the Contractor shall ensure ADA compliance for construction of required ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOJ, and NM State Statute and Code as applicable.

Development Review Team

Comment Form

Date: 08/27/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: #2020-2498. Plaza Contenta Development Plan

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
	Prior to planning commission.

Technical Corrections*:	Must be completed by:
1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1) 2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads. 4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1) 5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. 6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	At the time of any new construction or remodel.

7. Shall comply with Section D102.1 Access and Loading (75,000 lbs). 8. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 9. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade. 10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates. 11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads. 12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.	

*Must made prior to recording and/or permit issuance

Development Review Team

Comment Form

Date: September 9, 2020

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater

Case: Case #2020-2498. **Plaza Contenta Development Plan.**

Case Mgr: John Neunuebel, Case Manager

The subject properties are accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. None at this time	Prior to Sign Off for Final Subdivision Plan.

Technical Corrections*:	Must be completed by:
1. All new 8 inch public sewer pipe shall be SDR 26 PVC and all new 6 inch sewer service lines shall be SCH 40 PVC. 2. Buildings C1, C2 and C3 shall require use of individual Industrial Pretreatment Sampling Ports (IPSP) 3. Sewer backwater valves are required	Prior to Sign Off for Final Subdivision Plan.

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [None]

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2020-2498
6001 Jaguar Drive Plaza Contenta Development Plan

Owner's/Applicant's Name - B&R Land Development
Agent's Name - Alexander Dzurec; Autotroph

THIS MATTER came before the Planning Commission (Commission) for hearing on October 15, 2020 upon the application (Application) of Autotroph as agent for B&R Land Development (Applicant).

The Application pertains to 6001 Jaguar Drive, totaling approximately 7.2 acres (Property). The Applicant requests approval of a development plan intended to replace an existing development plan, only partially implemented, as was approved by the Planning Commission on October 2, 2003, and amended on March 25, 2010. The new development plan will provide for completion of development on the site through provision of one hundred and fifty additional residential apartments within five separate one and two-story buildings, along with commercial spaces within three one-story buildings. The new development plan also provides for conversion of commercial spaces within the two existing buildings into five residential apartments, as well as co-working / studio space for residents. The Property is located within the Tierra Contenta Master Plan Area Phase 1A, as Tract 11, and is zoned PRC (Planned Residential Community).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code ("SFCC") Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. An initial pre-application conference was held on April 23, 2020, and a second pre-application conference was held on June 4, 2020, in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), an ENN meeting was held on July 15, 2020 and was conducted in a virtual meeting format pursuant to the City of Santa Fe's Covid Pandemic-related procedures and requirements. There were thirty attendees in addition to the

southwest along Jaguar Drive, just north of Capital High School. All adjacent areas are zoned PRC (Planned Residential Community) as is the subject site.

18. Pursuant to SFCC Section 14-3.8(D)(2), the Commission "may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan."
19. The Commission finds that the Conditions set forth in the Staff Report are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.

Development Plan

2. The Commission has the authority to review and approve the development plan subject to conditions.
3. The Applicant met the applicable Submittal Requirements.
4. The development plan should be approved because all applicable code requirements and criteria for development plan approval have been met, and because the development plan is consistent with the Tierra Contenta Master Plan.

WHEREFORE, IT IS ORDERED ON THE 15th DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission approves the development plan requested in Case #2020-2498, subject to the Conditions and the technical corrections set forth in the Staff Report and attached exhibits. The development plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC Section 14-3.19(B)(6) or an extension is granted pursuant to SFCC Section 14-3.19(C).

_____ _____

John B. Hiatt
Chairperson
FILED:

Date:

_____ _____

Yolanda Y. Vigil
City Clerk

Date:

City of Santa Fe, New Mexico

Exhibit B

Development Review Team

1. Traffic Engineering Division Memorandum
2. Land Use/ Terrain Mgmt. Memorandum
3. Water Division Memorandum
4. Wastewater Division Memorandum
5. Fire Prevention Memorandum
6. ADA Site Review Memorandum

City of Santa Fe, New Mexico

memo

DATE: September 23, 2020

TO: John Neunuebel, Senior Planner

FROM: John J. Romero, Engineering Division Director JR

CASE: **2020-2498:. Plaza Contenta Development Plan**

ISSUE:

Autotroph, Agent for B&R Land Development, owner, requests final Development Plan approval for a mixed-use project including multi-family residential comprising 150 apartments; 14,000 sqare feet of neighborhood commercial uses; and public open space as located at 6001 Jaguar Drive. The property is located within the Tierra Contenta Master Plan Area Phase 1A, as Tract 11, zoned PRC (Planned Residential Community) and is approximately 7.2 acres in size.

TRAFFIC:

The proposed development is consistent with the Tierra Contenta Master Plan. The developer prepared a Traffic Impact Analysis. Please refer to this analysis for the methodology used to assess traffic. The TIA demonstrates that the surrounding roadway network can adequately handle the traffic generated by the proposed development.

RECOMMENDED ACTION:

	Conditions of Approval:	Completed By
1	None	N.A.

	Technical Corrections:	Must be Completed By
1	None	N/A

Development Review Team

Comment Form

Date: 8/27/20

Staff person: Dee Beingessner

Dept/Div: Land Use/Terrain Management

Case: **Case #2020-2498 Plaza Contenta Development Plan**

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1	
2	
3.	
4	
5	

Technical Corrections*:	Must be completed by:
1 Drainage Facilities Maintenance note shall be placed on the Plat or Development Plan (see attached)	Prior to recordation
2 Dust Control Note Shall be placed on the Plat or Development Plan (see attached)	
3 Gunnison's Prairie dog note shall be placed on the Plat or Development Plan (see attached)	
4 This development shall comply with the most current requirements of the American with Disabilities Act (ADA) for all infrastructure improvements. Place a note on the Plat to reflect this condition.	
5 Provide drainage analysis.	
6 Label each pond capacity and total ponding volume provided onsite on the grading and drainage plan.	
7 Provide soils report.	
8 Photometric Plan exceeds allowable values in table 14-8.9-2.	
9 Provide plan and profile for storm sewers.	

10 Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

DRAINAGE FACILITIES MAINTENANCE NOTE

ALL DRAINAGE FACILITIES SHALL BE MAINTAINED BY ALL PROPERTY OWNERS. THE PROPERTY OWNERS SHALL ALSO HAVE THE RESPONSIBILITY FOR MAINTENANCE OF THE PUBLIC DRAINAGE EASEMENT.

INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO OR OTHER QUALIFIED PERSON. INSPECTIONS SHALL BE CONDUCTED ON THE DRAINAGE FACILITIES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

ON OR ABOUT MARCH 15, ON OR ABOUT SEPTEMBER 15, AND AFTER EACH STORM EVENT OF 1-INCH OR GREATER. MAINTENANCE OF THE DRAINAGE FACILITIES SHALL BE CONDUCTED AND DOCUMENTED BY THE ENGINEER AND THE OWNER. THE OWNER SHALL MAINTAIN A FILE OF THE INSPECTIONS AND REMEDIAL ACTION CONDUCTED ON THE DRAINAGE FACILITIES.

WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE ENGINEER'S RECOMMENDATIONS, AND SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

A. FLUSH ALL CULVERTS, DROP INLETS AND DRAINAGE PIPES TO REMOVE SEDIMENT AND VEGETATION THAT PREVENTS OR HINDERS THE FLOW OF STORM WATER IN THE DRAINAGE STRUCTURE(S).

B. REMOVE SEDIMENT IN PONDS THAT IS GREATER THAN 6-INCHES IN DEPTH, AND IF NECESSARY, RESEED WITH NATIVE GRASSES AND INSTALL FILTER FABRIC AND 3 TO 4 INCH COBBLE AS DIRECTED BY THE ENGINEER.

C. INSPECT FOR SEDIMENTATION IN ALL SWALES, DITCHES, DRAINGE PONDS AND REMOVE AND STABILIZE AS NECESSARY.

D. INSPECT FOR SOIL EROSION AT ALL DRAINAGE PONDS, CUT AND FILL SLOPES, AND REPAIR OR STABILIZE ACCORDINGLY.

E. INSPECT THE STRUCTURAL INTEGRITY OF DRAINAGE PONDS, SLOPES, RIP-RAP, GABIONS, DROP INLETS, CULVERTS, ENERGY DISSIPATORS, AND RETAINING WALLS, ROCK PLATING, EROSION CONTROL MATS OR BLANKETS, AND REPAIR OR STABILIZE ACCORDINGLY.

GUNNISON'S PRAIRIE DOG NOTE

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISION'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

DUST CONTROL NOTE

All on-site soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer, or their designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil, and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

Development Review Team

Comment Form

Date: 08/25/2020

Staff person: Brian Snyder

Dept/Div: Public Utilities/Water

Case: **Case #2020-2498. Plaza Contenta Development Plan.**

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1 An approved Water Plan from the Water Division will be required. Water Plan comments will be submitted to the design engineer.	Prior to final plat approval.
2	
3	
4	

Technical Corrections*:	Must be completed by:
1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: September 9, 2020

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater

Case: Case #2020-2498. **Plaza Contenta Development Plan.**

Case Mgr: John Neunuebel, Case Manager

The subject properties are accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. None at this time	Prior to Sign Off for Final Subdivision Plan.

Technical Corrections*:	Must be completed by:
1. All new 8 inch public sewer pipe shall be SDR 26 PVC and all new 6 inch sewer service lines shall be SCH 40 PVC. 2. Buildings C1, C2 and C3 shall require use of individual Industrial Pretreatment Sampling Ports (IPSP) 3. Sewer backwater valves are required	Prior to Sign Off for Final Subdivision Plan.

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [None]

Development Review Team

Comment Form

Date: 08/27/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: #2020-2498. Plaza Contenta Development Plan

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
	Prior to planning commission.

Technical Corrections*:	Must be completed by:
1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1) 2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads. 4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1) 5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building. 6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	At the time of any new construction or remodel.

Development Review Team

Comment Form

Date: 08/21/2020

Staff person: Jason M. Kluck

Dept/Div: Land Use Dept./Building Division – ADA Site Review

Case: **Case #2020-2498 Plaza Contenta Final Development Plan**

6100 Jaguar Drive

Case Mgr: John Neunuebel

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information).	Prior to construction permit application
2. Provide ADA detail/specifications for site fencing gate latches.	
3. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be on shown on an enlarged plan and as typical.	
4. Include Keyed note/tag/sheet reference for NMDOT curb ramp types and other applicable NMDOT design standards on construction plans.	
5. Indicate slopes along the accessible path of travel, including driveway and intersection crossings.	
6. Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608). Applicable On-Site accessible features shall also comply with NMDOT Serial 608 unless alternate feature design is provided for approval.	

7. Shall comply with Section D102.1 Access and Loading (75,000 lbs). 8. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4) 9. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade. 10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates. 11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads. 12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.	

*Must made prior to recording and/or permit issuance

Technical Corrections*:	Must be completed by:
1. Indicate locations of ADA accessible Units and ensure that ADA parking space locations are coordinated to provide the shortest accessible path of travel possible from the parking spaces to the associated Units. 2. Civil, Architectural and Landscaping plans appear uncoordinated. Ensure that ADA accessible path of travel route is included to provide access to all Site Features, in particular east/west access across the Plaza area. 3. Provide Design Professional Seal and signature with date signed on all drawing sheets. 4. Provide ADA accessible parking space and signage plans and details demonstrating compliance with the 2015 NM Accessible Parking Checklist and referenced codes. 5. Indicated ADA accessible parking signage locations on Site/Grading & Drainage plans. 6. Indicate bicycle rack locations and provide details.	Prior to recording

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project.

Explanation of Requirements and Conditions:

On-Site General ADA Compliance Requirements:

Accessible path(s) of travel route shall be provided from the Public Right-of-Way and accessible parking aisle(s) to accessible building entrance(s) and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Ensure accessible route(s) from the Public Right-of-Way and accessible parking space aisle(s) to building entrance(s) are provided and maintained. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

> IBC 1104.1 Site arrival points: At least one (firm, stable, slip resistant) accessible route within the site shall be provided from: public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

Accessibility feature design within the Site shall comply with NMDOT Pedestrian Access Route Details (Serial 608) as provided in the permitted Construction Documents.

All Sidewalks and Walkways along the accessible path of travel shall be firm, stable and slip resistant and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

Ramps within the site shall have 1:12 (8.33%) running slope and 1:48 (2%) cross slope max. With a max. rise of 30" and with 5' clear length landings where straight. Changes in direction shall comply with 304.3. Landing typical slope is 1.5% and shall not exceed 2% running and cross slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

At time of construction, the Contractor shall ensure ADA compliance for construction of required ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOJ, and NM State Statute and Code as applicable.

ADA parking signage shall comply with the New Mexico Accessible Parking Checklist, latest version. Accessible Signage Detail - Signage with required language per the NM Accessible Parking Checklist is required at ALL ADA Parking spaces. Parking signage height shall be 84" above the floor of the parking space, measured to the bottom of the R7-8 sign in the Public right-of-way, accessible path of travel, pedestrian way or path of the means of egress. Locate Van Accessible Parking signs immediately below the reserved parking sign at wall mounted or other locations not in the pedestrian way. At Van Accessible signs located in the pedestrian way, the R7-8A Van Accessible sign shall be mounted at 84" to bottom of the sign. Wall mounted signs and signs not mounted in the public way shall be 60" (84" is preferred) minimum above the floor of the parking space, measured to the bottom of the sign.

Per the 2015 NM Accessible Parking Checklist, Section 9 (NMBC-1111 Section 1.4 through 1.4.3) the ADA parking space access aisle shall be clearly marked by diagonal pavement striping. "NO PARKING" lettering shall be stenciled in 1 foot high min. and 2 inches wide min. strokes, and located at the drive end of the striped access aisle. The International Symbol of Accessibility (ISA) shall be stenciled at all parking spaces, centered on the space and aligned with the drive end of the parking space striping. All

pavement striping and markings shall be stenciled with pavement paint; blue on concrete paving or white on asphalt paving.

Accessible parking spaces and access aisles shall not exceed 2% slope in any direction. 1%-1.5% is the preferred target slope.

Ensure ADA Accessible parking spaces are located in close physical proximity to any adjacent Accessible housing units and other accessible entrances (60% of all entrances shall be accessible), with the shortest path of travel available from the parking area to the unit(s) and accessible entrances. Ensure accessible routes from Accessible parking space aisle(s) to building entrance are provided/maintained.

Wheel stops are encouraged at all ADA accessible parking spaces to help ensure required clearance along the accessible path of travel is maintained.

Vertical clearance: Provide and maintain 80" of vertical clearance for the full width of all sidewalks/pedestrian routes. Rails or other barriers shall be provided where the vertical clearance is less than 80". The leading edge of such rails or barrier shall be located 27" max. above the floor. (307.4) Provide and maintain 98" vertical clearance at van parking spaces and access aisles, and accessible routes. (502.6) At Passenger Loading Zones, provide and maintain 114" min. vertical clearance at the exterior vehicular route and access aisles serving the vehicle pull-up space. (503.5)

New bicycle racks shall comply with Santa Fe Chapter 14 Appendix Exhibit D for bicycle rack standards and dimensions.

Off-Site PROW Compliance Requirements:

Accessibility feature design within the Public Right-of-Way shall comply with NMDOT Pedestrian Access Route Details (Serial 608).

Driveway and intersection crossings shall not exceed 2% cross slope, shall have a level maneuvering space, shall have 1/4" max. vertical deflections, and 10% max. flare slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

Sidewalks and Walkways along the accessible path of travel shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

All walk surfaces along the accessible path of travel shall be firm, stable and slip resistant. Sidewalks and Walkways along the accessible path of travel shall not exceed 1:20 (5%) running slopes without

handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

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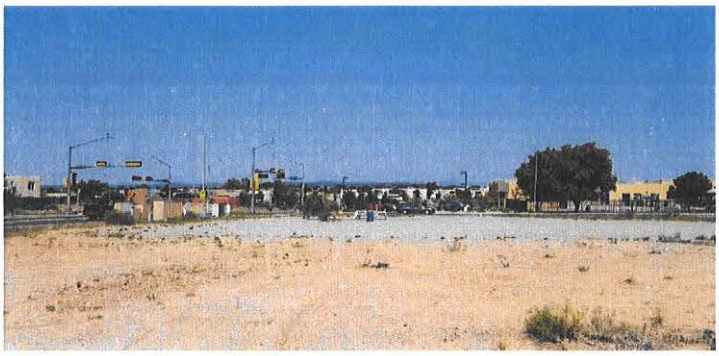
City of Santa Fe, New Mexico

Exhibit C

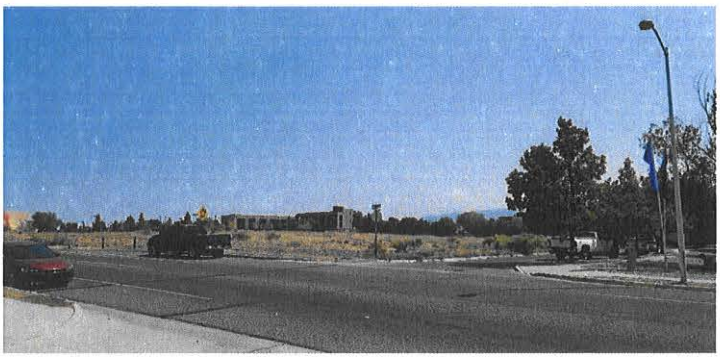
Maps and Photos

1. **Site Photos**

Site Photos









City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

1. **Development Plan Application and Approval Criteria**
2. **Early Neighborhood Notification Meeting Summary**
3. **Proposed Development Plan; Including Architectural Renderings, Site Details, and Landscape Plan**

(date stamp)

DEVELOPMENT PLAN APPLICATION

Parcel Information

Project Name: Plaza Contenta

Address: 6001 Jaguar Dr., Santa Fe, NM 87505

Property Size: 7.2 Acres +/-

Current Use of Land: Mixed use

Proposed Use of Land: Mixed use

Does a Rezoning application accompany this application? YES ☐ NO ☒

Are any variances required? YES ☐ NO ☒

Preapplication Conference Date: 4/23/20 & 6/4/20

Early Neighborhood Notice (ENN) meeting date: 7/15/2020

Zoning: PUD (Neighborhood Commercial)

Property Owner Information

Name: B&R Land Development, LLC
First *Last*

Address: 1000 Cordova Pl. #357,
Street Address *Suite/Unit #*

Santa Fe NM 87505
City *State* *ZIP Code*

Phone: (505) 395-5981 E-mail Address: rob-sons@live.com

Applicant/Agent Information (if different from owner)

Company Name: Autotroph Inc.,

Name: Alexander Dzurec
First *Last*

Address: 222 E. Marcy St. 19
Street Address *Suite/Unit #*

Santa Fe NM 87501
City *State* *ZIP Code*

Phone: (505)215-7555 E-mail Address: dzurec@autotrophdesign.com

Correspondence Directed to: ☐ Owner ☐ Applicant ☒ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 6001 Jaguar Dr., Santa Fe, NM 87505

I/We authorize Autotroph Inc - Alexander Dzurec, Principal to act as my/our agent to execute this application.

Signed: _____ Date: 8-14-2020

Signed: MANAGING MEMBER Date: _____

Submittal Checklist (Requirements found in Section 14-3.8 SFCC 1987)

☒ *Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:*

☒	Letter of Application (intent, location, acreage)	☒	Statement addressing approval criteria	☒	Legal Lot of Record, Legal Description	☒	Development Plan (as defined by Section 14-3.8 SFCC 1987)	☒	Landscape, Parking and Lighting Plan, Signage Specifications
☒	Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	☒	Traffic Impact Analysis (if required)	☐	Proof of Compliance with Conditions of Annexation Approval (if applicable)	☒	Sewer and Water Plan (including profiles and details)	☐	Phasing Plan (if applicable)
☐	Archaeological Clearance (if applicable)								

Development Plan Submittal Requirements, as defined by Section 14-3.8(C) SFCC 1987:

Applicants for developments that require development plans under this section shall submit plans and other documentation as required by the land use director that show compliance with the applicable provisions of the Santa Fe City Code as provided in Section 14-3.1(C) (Form of Application), including plans that show:

(a) existing conditions on the site and within two hundred (200) feet of the site;
(b) proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;
(c) the types, extent and intensity of land uses that are proposed;
(d) proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities;
(e) documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space;
(f) the phases of development, if applicable;
(g) for residential development, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program);
(h) a development water budget as required by Section 14-8.13;
(i) for a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met and identify any variance or waiver required;
(j) for a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, specific requests for which may be included.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.

Signature: Alexander Dzurec Date: 08/14/2020

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.

autotroph
architecture.planning.sustainable design consulting

August 14, 2020

John Neunuebel
Senior Planner
City of Santa Fe Land Use Department
Current Planning Division
200 Lincoln Ave., 1st Floor
Santa Fe, NM 87501

Project: Plaza Contenta Mixed Use Community

Re: Development Plan Submission

Please accept this application for a Development Plan for our proposed Plaza Contenta Development. This will be a vibrant mixed-use community that will provide much needed multi-family housing and community scale retail to a vital node in Tierra Contenta. The project has been reviewed and approved by the Tierra Contenta Architectural Review Committee (see attached letter from Justin Robison, Tierra Contenta Corporation Executive Director dated 8/14/20). As you will see in the attached plans and documents this submission complies will all development plan requirements and applicable Tierra Contenta Design Standards.

Background

Plaza Contenta is located in Phase 1A of the Tierra Contenta Community. Per the Tierra Contenta Master plan the site is designated as Neighborhood Commercia which allows for a mixture of uses including multi-family residential, community serving retail and other commercial uses. The site is intended to be a mixed-use node in Phase 1A and to include park space.

The site is conveniently located at the intersection of Jaguar Dr. and Paseo Del Sol and is adjacent to a variety of land uses including single family residential, multi-family residential and educational. In 2005 a development plan was approved for the site which included a mixture of Multi-family residential, retail and office spaces totaling 113,944 SF, to be built over four phases. However only portions of Phase 1 and 2 were completed. Since then the remainder of the site has not been developed further.

There are 3 existing buildings on site: (2) 2 level live-work buildings totaling 18,044 SF and a single level 573 SF greenhouse. Existing site improvements include a parking lot with 85 spaces, refuse enclosures and utilities to service the existing buildings. Also, a Plaza that was constructed in 2009 exists on site, consisting of shade trees, pavers and drainage features. The remainder of the site is undeveloped and includes minimal vegetation and slightly sloping grades.

Proposal

B&R Land Investment LLC proposes to complete the development of the site with a vibrant Mixed-Use Community. The project will be focused around an improved plaza providing residents and neighbors alike, a shaded green space in the form of a pocket park. Surrounding the plaza are (3) three story apartment buildings and a proposed single-story restaurant. (2) Additional 2-story apartment buildings will be constructed on the site perimeter on Paseo del Sol and Avenida Contenta. At the corner of Paseo Del Sol and Jaguar Dr. will be (2) single story, community scale, retail buildings. In the existing buildings, second floor apartments will remain. The ground floor of one existing building will be converted to residential use and the other will be renovated into a co-working office space. Per Tierra Contenta Design standards, parking will be primarily be screened by buildings with minimal visibility from public Rights of Way. Landscape amenities include the central plaza, a dog park, pedestrian gateway, community gardens and resident patios. Pedestrian connections on-site will provide connectivity from adjacent neighborhood streets to the plaza and retail corner. An existing bus stop will be relocated to a site adjacent to the plaza providing convenient access to the site via public transit. The proposed design meets all applicable Design Standards for Phase 1A and realizes the vision for a mixed neighborhood center for this site as articulated in the Tierra Contenta Master Plan.

The following are the critical project statistics:

Total Lot area:	7.2 Ac.
Lot coverage:	29.41% (83,553 SF) - (Permitted: 25% Min., 60% Max)
Common Open Space:	62,787 SF (37,500 SF Req.)
Private Open Space:	20,429 SF (17,583 SF Req.)
Total Building Area:	133,480 SF
Residential Building Area:	119,033 SF
Commercial Building Area:	14,447 SF
Building Heights:	35' Max. (Permitted: 35')
Residential Units:	150
Parking Spaces:	257 (255 Req.)

Note: See Site Development Plan SDP 1-1 for more information and project statistics

The anticipated cost of development is: $900,000.

Public Engagement Process

The development team realizes the importance of gathering public input and feedback on such a prominent site. Accordingly, in addition to the required Pre-application and Early Neighborhood Notification meetings, we have had meetings with City staff, the public and project stakeholders in order to fine tune our development plan. The following is a list of the meetings that were part of our public engagement process:

Meeting/ Presentation	**Date**

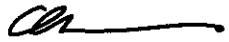
Southside Santa Fe Advocates	December 17, 2019
Pre-Application Meeting	April 23, 2020
Pre-Application Meeting #2	June 4, 2020
Tierra Contenta ARC Presentation	June 12, 2020
Southside Santa Fe Advocates	June 23, 2020
ENN	July 15, 2020
Tierra Contenta ARC Presentation #2	August 7, 2020

Statement Addressing Approval Criteria

Upon reviewing the pertinent sections of the City of Santa Fe Land Use Code (Chapter 14 of the City Code), Tierra Contenta Master Plan and Phase 1A Design Standards; and through meetings with City Staff, Tierra Contenta Corporation and project stakeholders; we believe the proposed design, and accompanying plans and documents, meet the approval criteria required for a development plan as outlined in 14-3.8.

Thank you for your consideration in this matter and please do not hesitate to contact me with any questions.

Sincerely,



Alexander Dzurec
Principal
Autotroph

autotroph
architecture.planning.sustainable design consulting

August 14, 2020

John Neunuebel
Planner Senior
City of Santa Fe Land Use Department
Current Planning Division
200 Lincoln Ave., 1st Floor
Santa Fe, NM 87501

Project: Plaza Contenta Mixed Use Community

Re: Early Neighborhood Notification Meeting Report

An Early Neighborhood Notification meeting, in accordance with 14-3.1 (F) and 14-3.8 (B)(2) for the above referenced project was held on July 15, 2020. This report documents the meeting and related correspondence.

Attendance

City Staff :
John Neunuebel, Case Manager
Noah Berke, Planner Manager

Plaza Contenta Owner :
Rob Gibbs, B&R Land Investments, LLC
Matthew Langsenkamp, B&R Land Investments, LLC

Plaza Contenta Design Team:
Alexander Dzurec, Autotroph, Architecture & Planning, Project Architect & Owner's Rep.
Brett Linker, Autotroph, Project Manager
Oralynn Guerrerortiz, Design Enginuity, LLC, Civil Engineer
Claudia Horn, Design Office, Landscape Architect

Meeting Summary

Due to COVID-19 restrictions, the meeting was held via Zoom and hosted by the Architect. Mailing were sent to all property Owners and Neighborhood Associations within 300' of the property boundaries per 14-3.1 (H) and responses to the issues required to be addresses in ENN guidelines per 14-3.1 (F)(6) were included in the mailing.

There were approximately 30 attendees. The Owner began the meeting with a brief introduction of the project and the architect presented a slideshow which described the project and covered the ENN guidelines per 14-3.1 (F)(6).

In order to document the comments from participants and responses from the Development team, the meeting was recorded and the team requested that all comments be made via the Zoom chat function. During the question and answer period the Zoom Chat comments / questions were grouped by category and answered by the Architect and Owner. The primary concerns raised by participants revolved around traffic, parking, project scale and sustainability.

For more information please see the following resources:

Zoom Meeting Recording:

https://zoom.us/recording/detail?meeting_id=mGUlKQhHTwWWWzHCwzYf8g==

Attachments:

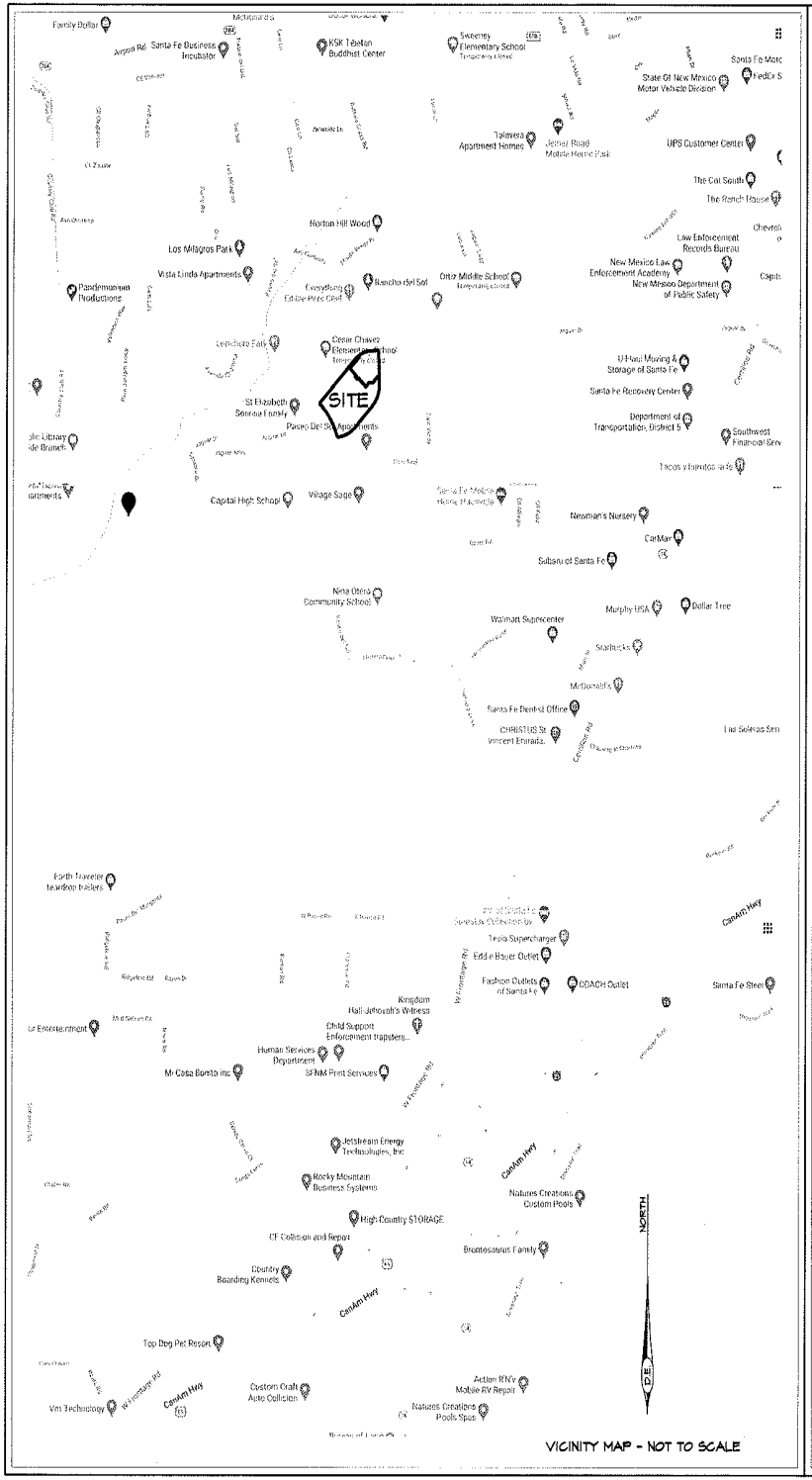
- Slide Show Presentation
- Zoom chat log
- Email comments and responses
- Letter received from Tierra Madre Association

Thank you for your consideration in this matter and please do not hesitate to contact me with any questions.

Sincerely,



Alexander Dzurec
Principal
Autotroph



VICINITY MAP - NOT TO SCALE

PLAZA CONTENTA APARTMENTS

TIERRA CONTENTA
SANTA FE, NEW MEXICO

SHEET LIST

SPD 1-1	SITE DEVELOPMENT PLAN
A 1-1	BUILDING R1, R2 PLANS
A 1-2	BUILDING R3 PLAN - LEVEL 1
A 1-3	BUILDING R3 PLAN - LEVEL 2
A 1-4	BUILDING R3 PLAN - LEVEL 3
A 1-5	BUILDING R4 PLANS
A 1-6	BUILDING R5 PLAN - LEVEL 1
A 1-7	BUILDING R5 PLAN - LEVEL 2
A 1-8	BUILDING X1 AND X2 PLANS
A 1-9	BUILDING C1, C2, C3, M1 PLANS
A 2-1	BUILDING R1, R2 ELEVATIONS
A 2-2	BUILDING R3 ELEVATIONS
A 2-3	BUILDING R4 ELEVATIONS
A 2-4	BUILDING R5 ELEVATIONS
A 2-5	BUILDING X, X2 ELEVATIONS
A 2-6	BUILDING C1, C2, C3 ELEVATIONS
A 3-1	RENDERINGS
A 5-1	SITE DETAILS
SE 1-1	SITE ELECTRICAL PLAN
SP 1-1	SITE PHOTOMETRICS PLAN
SP 1-2	LIGHTING FIXTURE CUT SHEETS
L 1-0	LANDSCAPE SITE PLAN
L 1-1	TREE PRESERVATION PLAN
L 1-2	LANDSCAPE PLAN WEST
L 1-3	LANDSCAPE PLAN EAST
L 1-4	LANDSCAPE IRRIGATION PLAN
L 1-5	LANDSCAPE WATER HARVESTING PLAN
C 1-1	SLOPE ANALYSIS AND EXISTING CONDITIONS
C 1-2	DEMOLITION PLAN
C 1-3	GRADING PLAN EAST
C 1-4	GRADING PLAN WEST
C 1-5	CIVIL DETAILS
C 2-1	DRAINAGE PLAN EAST
C 2-2	DRAINAGE PLAN WEST
C 3-1	FIRE PROTECTION PLAN
C 4-1	STRIPING, PAVEMENT MARKINGS AND TRAFFIC SIGNAGE PLAN
C 5-1	MASTER UTILITY PLAN
C 6-1	WATER PLAN
C 7-1	SANITARY SEWER PLAN AND PROFILE SEGMENT 1
C 7-2	SANITARY SEWER PLAN AND PROFILE SEGMENT 2
C 8-1	DRY UTILITY PLAN
C 9-1	TEMPORARY EROSION CONTROL PLAN
C 9-2	PERMANENT EROSION CONTROL PLAN
C 10-1	CITY CONSTRUCTION REQUIREMENTS
C 10-2	PROJECT SPECIFIC CIVIL CONSTRUCTION REQUIREMENTS
C 11-1 - C 11-12	STANDARD DETAILS FOR ROADS, DRAINAGE AND SEWER
CO-1	TOPOGRAPHIC SURVEY OF TRACT IIA AND A PORTION OF LOT 5A
CO-2	BOUNDARY SURVEY OF TRACT IIA
CO-3	EASEMENT SURVEY WITHIN TRACT IIA AND LOT 5A

I CERTIFY THAT ACCORDING TO INFORMATION PROVIDED BY OTHERS, THE PROJECT WAS BUILT IN ACCORDANCE WITH THE SPECIFICATIONS, AND THAT THESE RECORD DRAWINGS ARE TRUE AND CORRECT TO THE BEST OF MY BELIEF.

ORALYNN GUERRERORTIZ NMPE 12688 DATE
DESIGN ENGINUITY, LLC

ENGINEER'S STORMWATER INFRASTRUCTURE CERTIFICATION
I, THE UNDERSIGNED, BEING A PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THE RECORD INFORMATION SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND VISUAL INSPECTIONS PERFORMED BY MYSELF OR UNDER MY DIRECT SUPERVISION. I FURTHER CERTIFY THAT THE RECORD CONDITION AS OF _____ IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED GRADING AND DRAINAGE PLAN PREPARED BY ORALYNN GUERRERORTIZ, DATED _____.

ORALYNN GUERRERORTIZ NMPE 12688 DATE
DESIGN ENGINUITY, LLC

OWNER:
B & R LAND INVESTMENT, LLC
1000 CORDOVA PLACE, #357
SANTA FE, NM 87505
(505) 395-5981 ROB-SONS@LIVE.COM

ARCHITECTS:
autotroph
architecture.planning.sustainable design consulting
505.216.7555 222 E. Marcy Avenue, Suite 19 Santa Fe, New Mexico 87501
info@autotroph.com

CIVIL ENGINEERING:
DESIGN ENGINUITY
1421 Luisa Street, Suite E, Santa Fe, New Mexico
(505) 984-3557

SURVEYING:
SANTA FE SURVEYING COMPANY, INC.
PROFESSIONAL LAND SURVEYING
P.O. BOX 2919, SANTA FE, N.M. 87504
1210 LUISA STREET, SUITE B
PHONE (505)-992-3211, MOBILE (505)-660-2659
sfsc@cybermesa.com

TRAFFIC ENGINEER:
Santa Fe Engineering Consultants, LLC
1596 St. Francis Drive, Suite B
Santa Fe, N. M. 87505
(505) 982-2845 Fax (505) 982-2641
http://www.SFENGR.com

LANDSCAPE ARCHITECT:
design office
landscape planning urbanism
1300 LUISA ST. SUITE 24 SANTA FE, NM 87505
PHONE 505.983.1415
EMAIL CHORN@DO-DESIGNOFFICE.COM
MAP

AUGUST 14, 2020

REVISIONS

DATE	BY	DATE	BY

APPROVED FOR CONSTRUCTION
CITY ENGINEER DATE

BUILDING PERMIT No.'S (GRADING) _____
(LANDSCAPE/UTILITIES) _____
P & DR CASE # _____

PLAZA CONTENTA APARTMENTS

BUILDING AREA SCHEDULE

UNIT (S.F.) CALCULATIONS - RESIDENTIAL

UNIT TYPE	UNIT DESCRIPTION	GROSS AREA	NUMBER OF UNITS	TOTAL GSF	PRIVATE OPEN SPACE: PATIO AREA	PATIO QTY	TOTAL PATIO	BALCONY AREA	BALCONY QTY	TOTAL BALCONY	TOTAL OPEN SPACE
EXISTING 1 BEDROOM (RETAIN)	1BR/1BATH	794	16	12,706	126	1	126	179	11	1,969	
STUDIO	638/1BATH	364	9	4,185	107	1	107	71	1	178	
STUDIO - LOFT	638/1BATH	364	11	5,005	107	1	868	107	10	1,720	
1 BEDROOM	638/1BATH	672	57	14,542	107	29	2,783	77	30	1,174	
2 BEDROOM	2BR/2BATH	1,008	82	18,656	219	24	2,256	128	64	4,992	
	RESIDENTIAL TOTALS		155	119,553		59	5,958		86	11,213	39,439

UNIT (S.F.) CALCULATIONS - COMMERCIAL

UNIT TYPE	UNIT DESCRIPTION	NET LEASABLE AREA	NUMBER OF UNITS	TOTAL NET AREA
RETAIL, COMMERCIAL, Medium	C1 - CORNER RETAIL	1,220	1	1,220
RETAIL, COMMERCIAL, Small	C2, RETAIL	668	4	2,551
RETAIL, COMMERCIAL, Restaurant	C3 - RESTAURANT	1,476	1	1,488
CO-WORKING SPACE (REHAB)		1,295	1	1,295
MAKERS SPACE (REHAB)		922	10	1,932
	COMMERCIAL TOTALS		13	10,486

ACCESSIBILITY

(1) STUDIO LOFT APARTMENT
(1) 1 BEDROOM APARTMENT
(1) 2 BEDROOM APARTMENT
WILL BE CONSTRUCTED WITH FEATURES THAT FULLY COMPLY WITH TYPE "A" ACCESSIBILITY REQUIREMENTS PER THE NEW MEXICO COMMERCIAL BUILDING CODE.

RESIDENTIAL BUILDING ANALYSIS

UNIT TYPE	BUILDING TYPE	X1	X2	1	2	3	4	5	
	NUMBER OF STORY	1	2	3	3	3	3	3	
	QUANTITY OF BUILDING TYPE	1	1	1	1	1	1	1	TOTAL UNITS BY TYPE
EXISTING 1 BEDROOM (RETAIN)	1BR/1BATH	6	10	0	0	0	0	0	16
STUDIO	638/1BATH	0	8	0	0	0	0	0	9
STUDIO - LOFT	638/1BATH	0	9	13	0	0	0	0	11
1 BEDROOM	672/1BATH	0	6	0	0	18	2	22	57
2 BEDROOM	1008/2BATH	0	0	0	3	27	16	16	82
	TOTAL RESIDENTIAL UNITS	6	10	15	9	45	24	43	155
	BUILDING TYPES	X1	X2	1	2	3	4	5	
	QUANTITY OF BUILDING TYPE	1	1	1	1	1	1	1	TOTAL AREA
	GROSS RESIDENTIAL AREA PER BUILDING	4,764	7,945	8,388	7,056	36,283	21,504	33,896	119,833

COMMERCIAL BUILDING ANALYSIS

UNIT TYPE	BUILDING TYPES	X1	C1	C2	C3	
	NUMBER OF STORY	1	1	1	1	
	QUANTITY OF BUILDING TYPE	1	1	1	1	NUMBER OF UNITS
RETAIL, COMMERCIAL - (EXISTING)		6	1	4	0	1
RETAIL, COMMERCIAL		0	0	4	0	4
RETAIL, COMMERCIAL - CAFE		0	0	0	1	1
CO-WORKING SPACE (REHAB)		0	0	0	0	0
MAKERS SPACE (REHAB)		6	0	0	0	1
	TOTAL COMMERCIAL UNITS	7	1	4	1	10
	BUILDING TYPES	X1	C1	C2	C3	
	QUANTITY OF BUILDING TYPE	1	1	1	1	TOTAL AREA
	NET LEASABLE COMMERCIAL AREA ALL BUILDINGS	5,348	1,848	3,220	1,834	10,487

PROJECT DATA

ZONING DESIGNATION: PLANNED REGIONAL COMMUNITY
TIERRA CONTENTA PLANNED COMMUNITY
PHASE ONE-A: NEIGHBORHOOD CENTER

LOT AREA: ±7.209 ACRES (±313,983 SF)
LOT COVERAGE PERMITTED: 35% MINIMUM - 60% MAXIMUM
TOTAL BLDG GROUND COVERAGE: 84,936 SF
GROUND COVERAGE BY BLDG

X1	1,458 SF
X2	5,377 SF
R1	4,616 SF
R2	4,384 SF
R3	19,131 SF
R4	13,110 SF
R5	29,612 SF
C1	4,900 SF
C2	3,240 SF
C3	1,960 SF
G1	588 SF
M1	480 SF

PROPOSED LOT COVERAGE: 26.76%

OPEN SPACE REQUIREMENTS:
PER TIERRA CONTENTA REQUIREMENTS FOR PHASE ONE-A - NEIGHBORHOOD APARTMENTS
PRIVATE OPEN SPACE MIN OF 10% OF THE GROSS FLOOR AREA OF EACH UNIT
117,151 (15%) = 17,573 SF (INCLUDES GARDENS, BALCONIES, OR COURTYARDS
PER ZONING TABLE 16-7.2-1:
256 SQUARE FEET OF COMMON AND/OR PRIVATE OPEN SPACE FOR EACH UNIT
155 UNITS (250 SF/UNIT) = 37,560 SF OPEN SPACE

COMMON OPEN SPACE PROVIDED: 62,787 SF
PRIVATE OPEN SPACE (PATIO /BALCONY) PROVIDED: 30,429 SF

SETBACKS: FRONT 0 FEET
SIDE 0 FEET
BACK 10 FEET

BUILDING HEIGHT PERMITTED: 29' MINIMUM, 35' MAXIMUM
EXCLUDING TOWER ELEMENTS, ELEVATOR PENTHOUSE, ROOF ACCESS STAIRS, MECHANICAL EQUIPMENT

PARKING REQUIREMENTS PER TABLE 14-8.5-1

RESIDENTIAL PARKING

APT QTY	UNIT TYPE	GROSS (HEATED) AREA	PARKING RATE	SPACES REQUIRED
15	0 BR LOFT	559 SF	1.25 / UNIT	20.00
9	0 BR	504 SF	1.25 / UNIT	11.25
16	EXISTING 1 BR	794 SF	1.25 / UNIT	19.75
52	1 BR	672 SF	1.25 / UNIT	59.80
58	1 BR	1,008 SF	1.50 / UNIT	87.00
CLUB HOUSE (Resident Use Only)			NONE PER ZONING	0
FITNESS CENTER (Resident Use Only)			NONE PER ZONING	0
LEASING OFFICE (Resident Use Only)			NONE PER ZONING	0

COMMERCIAL PARKING

SPACE	NET LEASABLE SF	PARKING RATE	SPACES REQUIRED
C1 RETAIL COMMERCIAL	3,208 NLSF	1 SPACE PER 300 NLSF	10.19
C2 RETAIL COMMERCIAL	2,592 NLSF	1 SPACE PER 200 NLSF	12.82
C3 RESTAURANT	1,488 NLSF	1 SPACE PER 200 NLSF	7.33
CO-WORKING SPACE (REHAB)	1,295 NLSF	1 SPACE PER 200 NLSF	6.43
MAKERS SPACE (REHAB)	1,932 NLSF	1 SPACE PER 200 NLSF	9.66

TOTAL SPACES REQUIRED:	355
TOTAL SPACES NEW:	172
TOTAL SPACES EXISTING:	85
TOTAL SPACES PROVIDED:	257

NEW SPACE COUNT INCLUDES 5 SPACES RESERVED FOR COMPACT CARS
ACCESSIBLE PARKING REQUIRED (101-150 PARKING SPACES): 6
ACCESSIBLE PARKING PROVIDED: 6 + 2 VAN

BICYCLE PARKING REQUIREMENTS PER 14-8.6(E): REQUIRED: 12
PROVIDED: 19

KEY NOTES

1. 7'-6" WIDE PUBLIC UTILITY EASEMENT (ENTIRE PROPERTY PERIMETER)
2. EXISTING CURB RADIUS TO BE ENLARGED PER CIVIL DWGS
3. ASPHALT PAVED PARKING - PAINTED STRIPING PER CIVIL
4. EXISTING ASPHALT PARKING TO REMAIN, W/ ADA SPACE RELOCATIONS
5. PEDESTRIAN CROSSING
6. COVERED EXTERIOR STAIR
7. SOLID WASTE RECYCLING ENCLOSURE "X" INDICATES EXISTING TO REMAIN
8. EXISTING SOLID WASTE RECYCLING ENCLOSURE TO REMAIN
9. SHADE STRUCTURE PER LANDSCAPING
10. CONCRETE STAIR, "X" INDICATES EXISTING TO REMAIN
11. BIKE RACKS ON CONC PAD - INVERTED U; "X" INDICATES NUMBER OF RACKS
12. EXISTING "WAVE" BIKE RACK TO REMAIN (NOT INCLUDED IN COUNT)
13. EXISTING BACKFLOW PREVENTER IN EXISTING HOTBOX
14. EXISTING POSTAL CBU FOR BUILDING X1 & X5 TO REMAIN
15. GREENHOUSE EXISTING TO REMAIN
16. EXISTING PHASE 1 BUILDING
17. 6' CMU YARDWALL WITH STUCCO FINISH - 3'-6" HIGH
18. 5 FT METAL FENCING
19. 20' WIDE FIRE DEPARTMENT & SERVICE ACCESS ROAD TO PLAZA
20. PROPERTY MONUMENT SIGN. "X" INDICATES EXISTING SIGN TO REMAIN

GENERAL NOTES

1. PROPERTY OWNER/APPLICANT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH APPLICABLE CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL WITH THE BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF REQUIREMENTS CALLED FOR IN THAT CH. 4 LAND DEVELOPMENT CODE, SPECIFIED AND SUBREGION "AREA" EVENTS.
2. BUILDING PLANS SHOWN HEREIN ARE PRELIMINARY AND SUBJECT TO CHANGE. IF BUILDING FOOTPRINTS BETWEEN CHANGE THE DEVELOPMENT PLAN SHALL BE AMENDED ACCORDING TO THE PROVISIONS OF "4.3(E)".
3. ALL PROPOSED CHANGES TO THE APPROVED IMPROVEMENT PLANS SHALL RECEIVE PRIOR APPROVAL BY THE CITY OF SANTA FE'S PLANNING AND LAND USE DEPARTMENT BEFORE CONSTRUCTION
4. PROPERTY DEVELOPMENT IS SUBJECT TO THE PROVISIONS OF SECTION 14-4.2(D), "PLAN" ACTIVATION, STATUTORY
5. NOTES AND BOUNDS DESCRIPTIONS OF LOTS SHOWING DRAINAGE, UTILITY, AND ACCESS RIGHT-OF-WAYS AND/OR EASEMENTS ARE DESCRIBED ON THE PLAT AS ARE LOT AREAS ALL AS INCLUDED HEREIN.
6. ALL BUILDING UNITS SHALL CONFORM TO THE INTENT OF THE DEVELOPMENT PLAN WITH ACTUAL SIZE AND SHAPE OF EACH STRUCTURE CONTAINED WITHIN AND HEREIN DEFINED BUILDING ENVELOPES INCLUDING WALLS AND FENCES, SUBJECT TO APPLICABLE BUILDING PERMIT REQUIREMENTS.
7. BUILDING SETBACKS SHALL APPLY TO ALL PERMANENT STRUCTURES, INCLUDING ACCESSORY STRUCTURES
8. THIS DEVELOPMENT DOES NOT LIE WITHIN AN HISTORIC DISTRICT NOR DOES IT LIE WITHIN THE RESERVED "AREAS OF ARCHEOLOGICAL INTEREST DISTRICT".
9. EXISTING SHALL NOT HAVE AN OFFSET LOWERING GREATER THAN 100 FOOT LANDSCAPE BUILDING SHOWN ON PRELIMINARY PROPERTY PLAN RESERVED AREA ZONE
10. PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION 14-8.9 RELOCATION OF UTILITIES (PARTIE 2008).
11. THE DEVELOPMENT OF THE PROPERTY WILL BE SUBJECT TO THE WATER & LOCATION AND/OR WATER OFFSET RESTRICTIONS OF ORDINANCE NO. 2002-25 AND RESOLUTION NO. 2002-83 AT THE TIME OF PERMIT OR WATER HOOKUP REQUEST.
12. AN ACA INSPECTION SHALL BE CONDUCTED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. THE CONTRACTOR SHALL CONTACT CITY'S ATTORNEY TO ARRANGE AN INSPECTION.

LEGAL DESCRIPTION

TRACT 11A AND LOT 5A OF THE TIERRA CONTENTA SUBDIVISION, PHASE 1A

WITHIN PROJECTED SECTION 12 OF
TOWNSHIP 16 NORTH
RANGE 8 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN
CITY AND COUNTY OF SANTA FE, NEW MEXICO

STORMWATER AGREEMENT

PROPERTY OWNER(S) HEREBY AGREE THAT ALL STORMWATER EASEMENTS AND ANY OTHER DRAINAGE AND STORMWATER MANAGEMENT IMPROVEMENTS ARE ON PRIVATE PROPERTY AND WILL BE MAINTAINED AND KEPT FULLY FUNCTIONAL AS ORIGINALLY DESIGNED AND CONSTRUCTED WITHIN PRIVATE PROPERTY BOUNDARIES BY THE PROPERTY OWNER AND SUBSEQUENT HEIRS, ASSIGNS, AND FUTURE OWNERS. THE CITY IS HEREBY GRANTED THE FOLLOWING (1) ACCESS FOR INSPECTION OF SAID IMPROVEMENTS, (2) IN THE EVENT OF DRAINAGE AND STORMWATER MANAGEMENT IMPROVEMENT MAINTENANCE DEFICIENCY AND AFTER TEN (10) DAYS WRITTEN NOTICE TO THE RESPECTIVE PROPERTY OWNER, TO ENTER AND RESTORE FULL FUNCTIONAL CAPACITY OF THE DRAINAGE AND STORMWATER MANAGEMENT IMPROVEMENTS AND (3) TO LIEN THE PROPERTY FOR BOTH DIRECT AND INDIRECT COSTS ASSOCIATED WITH SUCH WORK. BY SIGNATURE AFFIXED TO THIS INSTRUMENT, THE PROPERTY OWNER(S) APPROVE AND AGREE THAT THIS AGREEMENT IS BINDING PERPETUALLY, RUNNING WITH THE LAND, ON PRESENT AND FUTURE OWNERS, HEIRS, AND ASSIGNS.

OWNER'S PRINTED NAME

OWNER'S SIGNATURE \ DATE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2020. (OR EQUAL)

NOTARY PUBLIC MY COMMISSION EXPIRES

EASEMENTS

OWNER HEREBY AGREES TO GRANT EASEMENTS TO THE UTILITY COMPANIES IN GENERAL LOCATION AS SHOWN ON THE SITE UTILITY PLANS, SAID LOCATION TO BE MORE SPECIFICALLY DETERMINED AND SURVEYED WITH AN EASEMENT EXHIBIT PREPARED AT THE TIME OF CONSTRUCTION

PNM DATE

NEW MEXICO GAS COMPANY DATE

CENTURY LINK DATE

COMCAST CABLE DATE

SIGNATURE BLOCK

APPROVED BY THE SANTA FE PLANNING COMMISSION AT THEIR MEETING ON

PLANNING COMMISSION CHAIRPERSON DATE

PLANNING COMMISSION SECRETARY DATE

REVIEWED BY THE SANTA FE LAND USE DEPARTMENT

CITY PLANNER DATE

CITY ENGINEER FOR LAND USE DATE

SITE LEGEND

BUILDING NUMBERS

- R1 INDICATES RESIDENTIAL BUILDING NUMBER
- C1 INDICATES COMMERCIAL BUILDING NUMBER
- X1 INDICATES EXISTING BUILDING NUMBER
- M1 INDICATES MAINTENANCE BUILDING NUMBER
- G1 INDICATES GREENHOUSE BUILDING NUMBER
- CONCRETE SIDEWALK 5' FT WIDE (MIN.)
- EXISTING SIDEWALK TO REMAIN (MIN. 5' FT)
- COMMON OPEN SPACE (NUMBER BY) INDICATED AREA
- POTENTIAL COVERED PARKING SPACE LOCATION
- 5' METAL FENCE
- PROPERTY LINE
- 6 ELEVATIONS ACCESSIBILITY PROPERTIES (PARKING SPACE)
- (5) PARKING COUNT - INDICATES # SPACES IN PARKING TRAY
- PUBLIC OPEN SPACE (NUMBER BY) INDICATED AREA TO REMAIN OPEN TO GENERAL PUBLIC

JAGUAR DRIVE
(EXISTING 78' WIDE PUBLIC RIGHT-OF-WAY)

EXISTING DRY UTILITY BOXES IN EASEMENT SEE SURVEY

RELOCATED BUS STOP

EXISTING DRY UTILITY BOXES IN EASEMENT SEE SURVEY

BREEZEWAY

C1 1 STORY RETAIL

C2 1 STORY RETAIL

C3 1 STORY RES. RESTAURANT

PEDESTRIAN PROMENADE

PLAZA (11,429 SF)

R1 3 STORY R-2

R2 3 STORY R-2

R3 3 STORY R-2

R4 3 STORY R-2

R5 2 STORY R-2

X1 EXISTING 3 STORY

X2 EXISTING 2 STORY

G1 GREENHOUSE

COMMUNITY GARDEN (6,649 SF)

PEDESTRIAN GATEWAY

LOADING ZONE

PATIO (11,228 SF)

PATIO (12,599 SF)

PATIO (1,641 SF)

M1 MAINTENANCE

DOG PARK (6,702 SF)

(12,466 SF)

PASEO DEL SOL
(EXISTING PUBLIC RIGHT-OF-WAY - VARIABLE WIDTH)

AVENIDA CONTENTA
(EXISTING 44' WIDE PUBLIC RIGHT-OF-WAY)

CAMINO SAN JUAN
(EXISTING 44' WIDE RIGHT - OF - WAY)

CAMINO SAN CARLOS
(EXISTING 44' WIDE RIGHT - OF - WAY)

1 ARCHITECTURAL SITE PLAN
1" = 40'

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

autOtroph

No.	Description	Date
1	DEMARCATE PUBLIC OPEN SPACE	9/22/2020

PLAZA
CONTENTA

SANTA FE, NEW MEXICO

SITE DEVELOPMENT PLAN

FOR MULTIPLE USES INCLUDING
THE PLAZA CONTENTA APARTMENTS
NEIGBORHOOD COMMERCIAL USES AND
PUBLIC OPEN SPACE

Project number 1817
Date 14 AUGUST 2020

SDP 1-1

9/21/2020 3:25 PM PROJECT: 1817 - PLAZA CONTENTA FILE: SDP 1-1 OVERALL SITE DEVELOPMENT PLAN.DWG



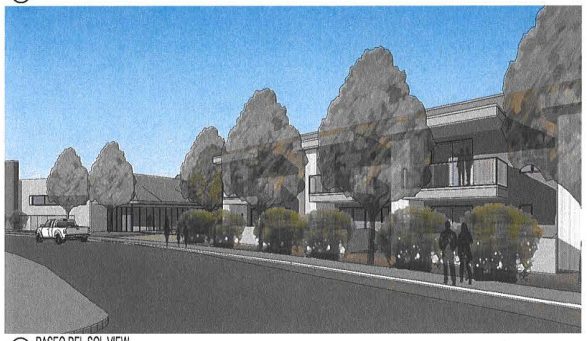
1E AERIAL VIEW LOOKING EAST



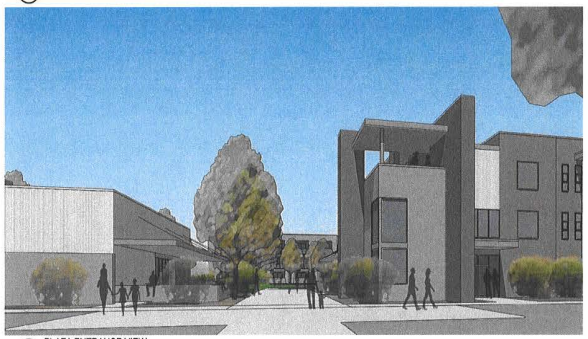
5E AERIAL VIEW LOOKING NORTH



1D PLAZA VIEW



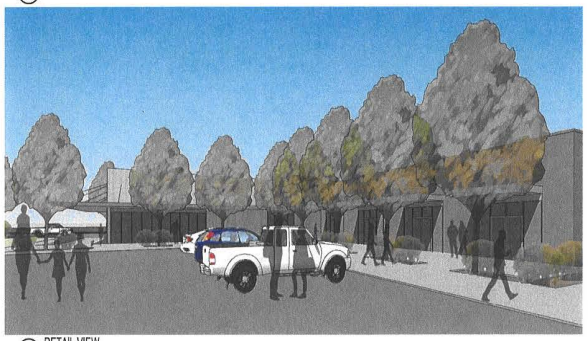
5D PASEO DEL SOL VIEW



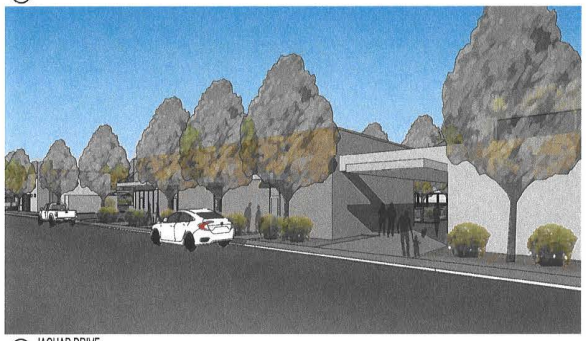
1B PLAZA ENTRANCE VIEW



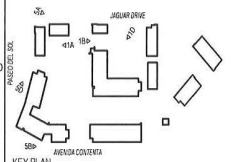
5B AVENIDA CONTENTA



1A RETAIL VIEW



5A JAGUAR DRIVE



KEY PLAN

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

autotroph
architecture planning sustainable design consulting

No.	Description	Date

PLAZA
CONTENTA

SANTA FE, NEW MEXICO

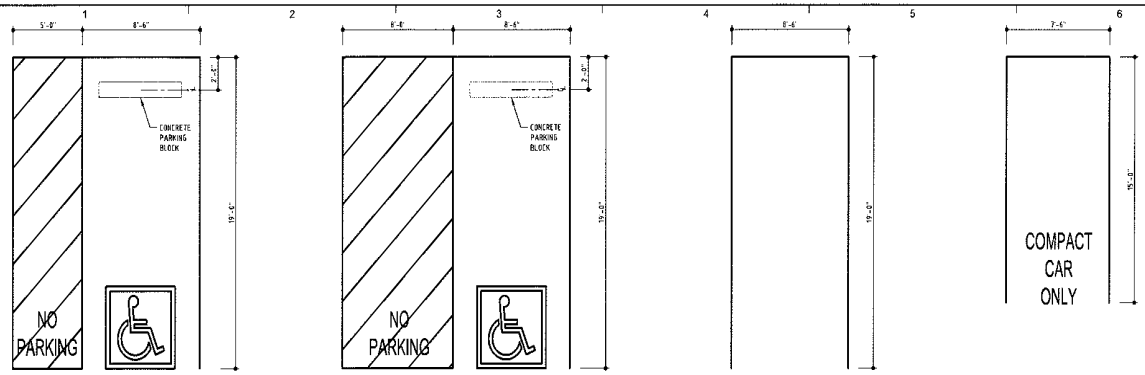
RENDERINGS

Project number 1817

Date 14 AUGUST 2020

A3-1

8/14/2020 10:14 AM PROJECT: ##### FILE: ELEVATIONS.DWG



CAR ACCESSIBLE PARKING SPACE

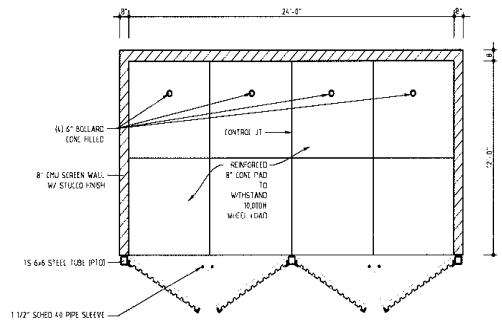
VAN ACCESSIBLE PARKING SPACE

TYPICAL PARKING SPACE

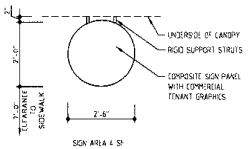
COMPACT CAR PARKING SPACE

SEE CIVIL DRAWING C4-1, "STRIPING, PAVEMENT MARKING AND TRAFFIC SIGNAGE PLAN" FOR LOCATION, PAINT SPECIFICATION AND GRAPHIC STANDARDS

1E PARKING SPACE DIMENSIONAL LAYOUT



1B SOLID WASTE AND RECYCLING ENCLOSURE PLAN



SIGN AREA 4 SF

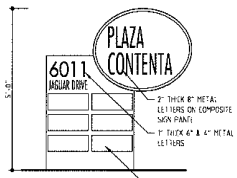
COMMERCIAL HANGING SIGN

4A SIGNAGE

SIGNAGE STANDARDS

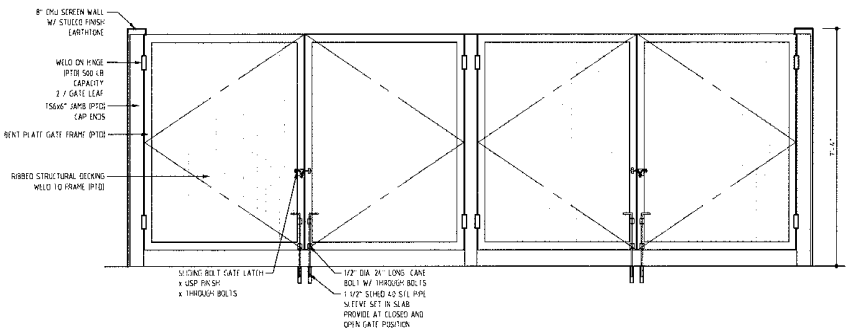
SIGNAGE SHALL COMPLY WITH THE DESIGN GUIDELINES OF PHASE ONE-A OF THE TIERRA CONTENTA PLANNED COMMUNITY AS FOLLOWS

1. FREE-STANDING SLAB SIGNS NO MORE THAN EIGHT FEET (8') HIGH AND NO LARGER THAN SIXTEEN (16) SQUARE FEET IN AREA
2. WALL MOUNTED SIGNS NOT PROJECTING MORE THAN ONE FOOT (1') FROM THE DISPLAY WALL AND NOT EXCEEDING AN AREA OF 20% OF THE AREA OF THE DISPLAY WALL OR SIXTY (60) SQUARE FEET OF WALL AREA, WHICHEVER IS SMALLER. CANOPY AND MARQUEE SIGNS SHALL BE INCLUDED IN THE TOTAL AREA FOR WALL SIGNS
3. HANGING SIGNS, NO LARGER THAN FIVE (5) SQUARE FEET IN AREA, ABOVE CONTINED PEDESTRIAN ARCADES.

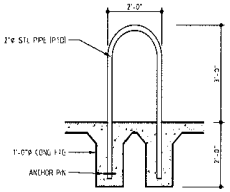


SIGN AREA 16 SF (MAX)

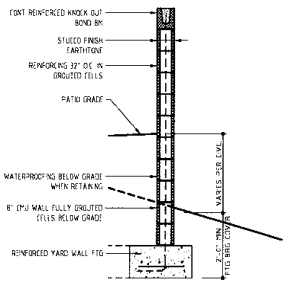
MONUMENT SIGN



1A SOLID WASTE AND RECYCLING ENCLOSURE GATE ELEVATION



5A BIKE RACK



7A RETAINING YARD WALL

PRELIMINARY DESIGN
NOT FOR CONSTRUCTION

autotroph

No.	Description	Date

PLAZA
CONTENTA

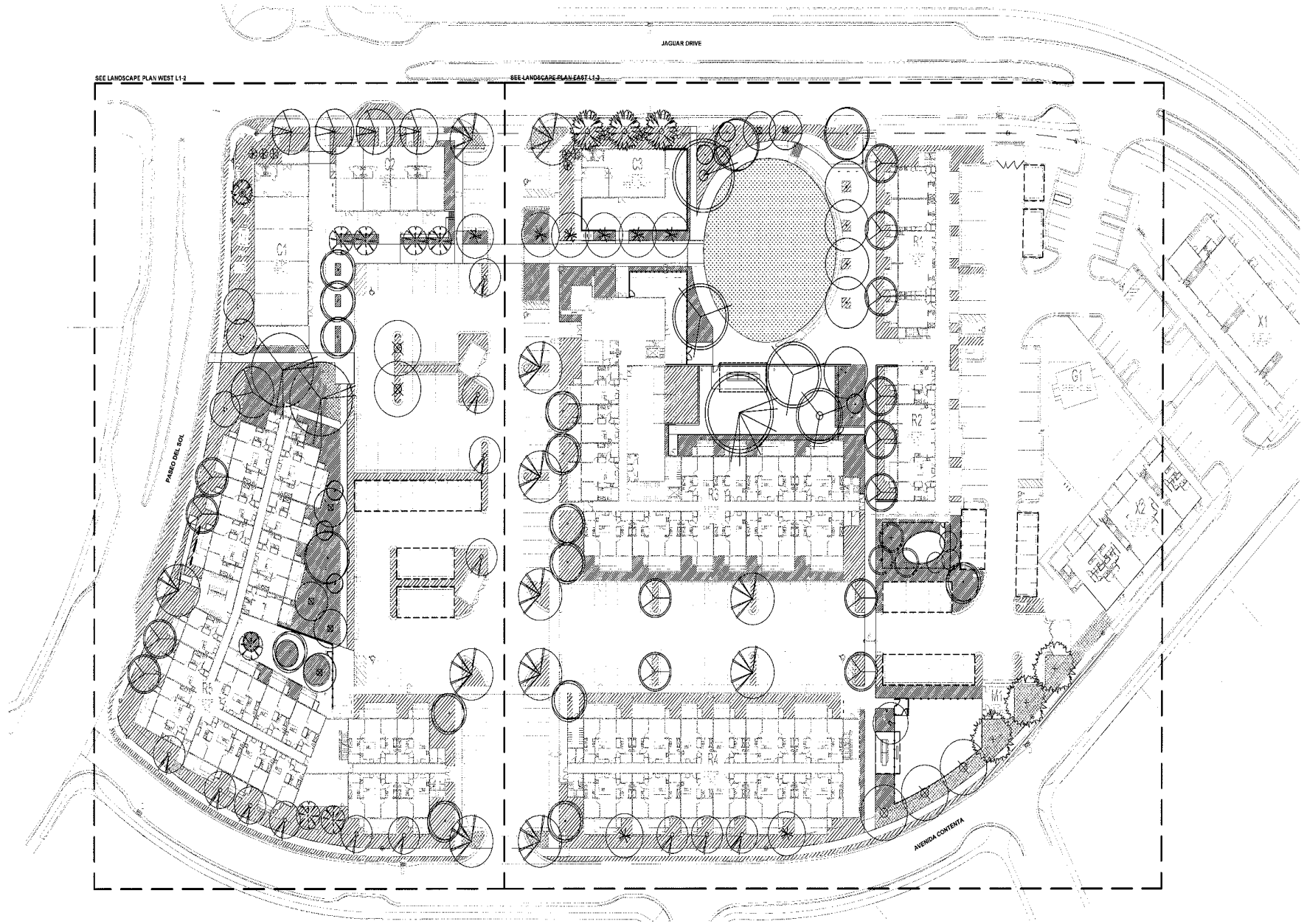
SANTA FE, NEW MEXICO

SITE DETAILS

Project number: 1817
Date: 13 AUGUST 2020

A5-1

8/14/2020 2:31 PM PROJECT: 1817 PLAZA CONTENTA FILE: A5-1 SITE DETAILS.DWG



PLANTING - CODE REQUIREMENTS

STREET TREES	REQUIRED	PROPOSED
JAGUAR DRIVE - MINOR ARTERIAL (1 TREE / 45'); 540 LF	12 TREES	13 TREES
PASEO DEL SOL - MINOR COLLECTOR (1 TREE / 45'); 380 LF	8 TREES	8 TREES
AVENIDA CONTENTA - UNCLASSIFIED (1 TREE / 45'); 820 LF	18 TREES	19 TREES

PARKING LOT	REQUIRED	PROPOSED
TREES (1 TREE / 6 SPACES); 185 PARKING SPACES (NEW)	31 TREES	31 TREES
LANDSCAPE BUFFER - 10' WIDE (1 SHRUB / 10 SF); 3,160 SF	316 SHRUBS	330 SHRUBS

*SEE L1-2 AND L1-3 FOR PARKING LOT LANDSCAPE BUFFER AREA LOCATIONS

COMMON OPEN SPACE	REQUIRED	PROPOSED
LANDSCAPE (1 TREE AND 2 SHRUBS / 500 SF); 37,500 SF	75 TREES 150 SHRUBS	75 TREES 150 SHRUBS

* SEE SHEET SDP 1-1 FOR OPEN SPACE CALCULATIONS; LANDSCAPE PLANTING BASED ON REQUIRED AREA AND ASSUMES MEETING MINIMUM REQUIREMENTS, COMMON OPEN SPACE TREE COUNT INCLUDES SOME TREES COUNTED AS PARKING LOT AND STREET TREES; FINAL SHRUB SELECTION TO BE SUBMITTED AT PERMIT

SIGNIFICANT TREES

SEE L1-1 FOR SIGNIFICANT TREE PRESERVATION PLAN

WATER BUDGET

SEE LANDSCAPE IRRIGATION WATER CALCULATIONS TABLE, SHEET L1-4

SCALE: 1" = 30'-0"
0' 15' 30' 60' 90'

Revisions

Date	Issue

design office
landscape planning urbanism
DESIGN OFFICE
1300 Luisa street, Suite 24
Santa Fe, NM 87505
t 505 983 1415
www.do-designoffice.com

DEVELOPMENT SUBMITTAL

B&R LAND INVESTMENT, LLC

PLAZA CONTENTA APARTMENTS

SANTA FE, NEW MEXICO

Date: August 14, 2020
Drawn by: CH
Checked by:

Sheet Title: LANDSCAPE SITE PLAN

Sheet Number: L1-0