City of Santa Fe

AGENDA

MEETING OF THE PUBLIC WORKS AND UTILITIES COMMITTEE
NOVEMBER 09, 20205:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR PUBLIC WORKS AND UTILITIES COMMITTEE MEETING

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 five (5) people, the Public Works and Utilities Committee meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/user/cityofsantafe. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at https://www.youtube.com/user/cityofsantafe. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at https://santafe.primegov.com/public/portal.

Written Comments: The public may submit written comments on any of the consent items to be considered on the Consent Agenda, through 1:00 p.m. the day of the meeting, via the virtual comment "button" at santafe.primegov.com/portal/search.

Public Comment: To provide live public comment during the *Public Comment* section, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: https://santafenm-gov.zoom.us/j/91298694031?pwd=QzlrbzRwRlhRckhGRVIzZzdiRnpWZz09 Passcode: 440699

Attendees should use the "Raise Hand" function to be recognized by the Chairman to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: +1 (669) 900-6833 - Webinar ID: 912 9869 4031 - Passcode: 440699

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Chairman to speak at the appropriate time.

City of Santa Fe

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF CONSENT AGENDA**

5. **APPROVAL OF MINUTES**

   a. Minutes from October 26, 2020 Public Works & Utilities Committee Meeting

6 **PUBLIC COMMENT**

   a To provide a live comment you must join the Zoom meeting by internet or phone, please e-mail or call Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979 or Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 by 1:00 p.m. the day of the meeting for the meeting link and/or call in number.

7. **PRESENTATION OF MATTERS FROM PUBLIC WORKS AND PUBLIC UTILITIES STAFF**

   a. Matters from Public Utilities Staff. (Jesse Roach, Water Division Director, jdroach@santafenm.gov, 955-4309)

8. **ACTION ITEMS: CONSENT**

   a. Request for the Approval of State Price Agreement #70-000-16-00034AC in the Total Amount of Nine Hundred Ninety-Five Thousand Dollars ($995,000.00) for the Purchase of a Ladder Truck from 411 Equipment, LLC.; Brian Moya; bjmoya@santafenm.gov; (505)955-3111

   COMMITTEE REVIEW:
   Public Works and Utilities Committee 11/09/2020
   Finance Committee 11/30/2020

Governing Body 12/09/2020

b. Request for the Approval of State Price Agreement #70-000-16-00034AE in the Total Amount of One Hundred Forty-Five Thousand Nine Hundred Sixty-Eight Dollars ($145,968.00) for the Purchase of a Brush Truck and Equipment from 411 Equipment, LLC.; Brian Moya; bjmoya@santafenm.gov; (505)955-3111

COMMITTEE REVIEW:
Public Works and Utilities Committee 11/09/2020
Finance Committee 11/30/2020
Governing Body 12/09/2020

c. Request for approval of a Budget Adjustment Resolution (BAR) in the total amount of $76,484.62 from the Water Enterprise Cash Balance to the unused 2020 Balance of the Alpha SW Contract. (Jonathan Montoya, Source of Supply Operations Manager, jmmontoya@santafenm.gov, 955-4373)

Committee Review:
Public Works and Utilities Committee - 11/09/2020
Finance Committee - 11/30/2020
Governing Body - 12/09/2020

d. Request for Approval on the License Agreement in exchange for obligations of Licensee for an indefinite term between the City of Santa Fe and New Mexico Department of Cultural Affairs. (Sam Burnett, Public Works Project Administrator, jsburnett@santafenm.gov, (505) 955-9533 and Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, (505) 995-6303)

Committee Review:
Quality of Life Committee: 11/04/2020
Public Works & Utilities Committee: 11/09/2020
Governing Body: 11/10/2020

e. Consideration of Resolution 2020-____. A Resolution Hosting Community Conversations and Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. (Mayor Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, and

Lindell) (Kristine Mihelcic, Constituent and Council Services Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:
Public Works and Utilities Committee: 10/26/2020
Quality of Life Committee: 11/4/2020
Public Works and Utilities Committee: 11/9/20
Special Finance Committee: 11/16/2020
Special Governing Body Meeting: 11/18/20

f. Consideration of Resolution No. 2020-__: A Resolution Urging the Legislature of the State of New Mexico to Repeal the Statutory Provisions Preempting Stricter County and Municipal Regulation of the Sale of Cigarettes, Tobacco Products, and Electronic Smoking Devices. (Councilors Romero-Wirth and Cassutt-Sanchez) (Rich Brown, Economic Development Director, rdbrown@santafenm.gov, 955-6625)

Committee Review:
Quality of Life Committee: 11/4/20
Public Works and Utilities Committee: 11/9/20
Governing Body: 11/10/20

g. Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-8.14(C) SFCC 1987 to Add a Reference to the Impact Fee Service Area; Amending Section 14-8.14(E) to Adopt a New Impact Fee Schedule and Clarify Appropriate Land Use Categories as They Relate to Impact Fee Collection; Amending Section 14-8.14(G) to Add a Reference to the Impact Fee Service Area; Amending Section 14-8.14(J) to Add a Reference to the Impact Fee Service Area; Adding a Service Area Map as Exhibit F in the Appendix to the Land Development Code; and Establishing an Effective Date. (Mayor Webber) (Carlos Gemora, Planner Senior, cegemora@santafenm.gov, 955-6670)

Committee Review:
Planning Commission: 11/5/20
Public Works and Utilities Committee: 11/9/20
Governing Body (request to publish): 11/10/20
Finance Committee: 11/30/20
Governing Body (public hearing): 12/9/20

h. Consideration of Resolution No. 2020-__: A Resolution Adopting the "Impact Fee Capital Improvements Plan 2021-2027 for Roads, Parks, Fire/EMS, and Police" to Update the City's Impact Fee Capital Improvement Plan, Land Use Assumptions, and Impact Fees, as Required by the State Development Fees Act, NMSA 1978, Section 5-8-30. (Mayor Webber) (Carlos Gemora, Planner Senior, ccegemora@santafenm.gov, 955-6670)

Committee Review:
Public Works and Utilities Committee: 11/9/20
Finance Committee: 11/30/20
Governing Body: 12/9/20

i. Request for approval to enter into a grant agreement with the New Mexico Environment Department to provide reimbursable funding for electric vehicle charging stations at City's public parking garages; the grant funds are reimbursable in the total amount of $26,303.00 (Neal Denton, Sustainability Planner, Environmental Services Department, nhdenton@santafenm.gov, 955.2229) **Committee Review:**
Public Works and Utilities Committee - 11/09/2020
Finance Committee - 11/30/2020
Governing Body - 12/09/2020

j. Consideration of Bill No. 2020-32: 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, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and 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
Public Works and Utilities Committee: 11/9/20
Governing Body (public hearing): 12/9/20

k. Consideration of Resolution No. 2020-__: A Resolution Establishing City of Santa Fe Legislative Priorities for Consideration by the New Mexico State Legislature During the 55th Legislature – State of New Mexico – First Session, 2021. (Mayor Webber) (Regina Wheeler, Public Works Department Director, rawheeler@santafenm.gov, 955-6622; Jesse Guillen, Legislative Liaison, jbguillen@santafenm.gov, 955-6518)

Committee Review:
Public Works and Utilities Committee: 11/9/20
Finance Committee: 11/30/20
Quality of Life Committee: 12/2/20
Governing Body: 12/9/20

l. Consideration of Resolution No. 2020-__: A Resolution Relating to a Request for Approval of First Quarter Budget Amendments for Fiscal Year 2020/2021. (Andy Hopkins, Principal Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

Committee Review:
Finance Committee: 11/2/20
Public Works and Utilities Committee: 11/9/20
Governing Body: 11/10/20

9. **MATTERS FROM THE COMMITTEE**

10. **MATTERS FROM THE CHAIR**

11. **NEXT MEETING: Monday, December 14, 2020**

12. **ADJOURN**

City of Santa Fe

AGENDA

MEETING OF THE PUBLIC WORKS AND UTILITIES COMMITTEE
NOVEMBER 09, 20205:00 PM
ATTEND VIRTUALLY

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

Public Works and Utilities Committee Meeting
Attended Virtually
Monday, October 26, 2020
5:00 P.M.

1. Call to Order

The meeting of the Public Works and Utilities Committee Meeting was called to order by Councilor Christopher Rivera, Chair at 5:03 p.m. on Monday, October 26, 2020 and was attended virtually.

2. Roll Call: Action: Quorum

Members Present
Councilor Christopher Rivera, Chair
Councilor Roman Abeyta
Councilor JoAnne Vigil Coppler
Councilor Michael Garcia
Councilor Signe Lindell

Others Present
Regina Wheeler, Public Works Department Director
Shannon Jones, Public Utilities Department Director
Emily Pisula, Public Works Fiscal Administrator
Jamie-Rae Diaz, Public Utilities Administrative Manager
Joe Abeyta, Project Manager Multi Media Department
Kristine Mihelcic, Constituent Services Director
Jesse Guillen, Legislative Liaison
Melissa McDonald, Acting Parks Division Director
Thomas Martinez, Streets Division Director
Felipe Trujillo, Streets Superintendent
John DelMar, Engineer Public Utilities
Elias Isaacson, Land Use Director
Mary McCoy, Finance Department Director
Sally Paez, Assistant City Attorney
Erin McSherry, City Attorney
Alan Webber, Mayor
Bernadette Salazar, Human Resources Department Director
Erick Aune, MPO Officer
Mark Betram, Public Comment
Amy Bobrick, Public Comment
Simon Sisneros, Public Comment
Tamar Hurwitz, Public Comment

3. **Approval of Agenda: Action: Approved**

No changes from staff and no changes from the Committee.

MOTION: A motion was made by Michael Garcia, second by Councilor Signe Lindell to approve the agenda as presented.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

4. **Approval of Consent Agenda: Action: Approved**

No changes from staff

Councilor JoAnn Vigil Coppler pulled Items B, C, E, G for discussion.

Councilor Signe Lindell pulled Item D for discussion.

Councilor Michael Garcia pulled Items B, E, G for discussion.

MOTION: A motion was made by Councilor Signe Lindell second by Councilor JoAnne eVigil Coppler to approve the consent agenda as amended.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

5. **Approval of Minutes: Action: Approved**

No changes from the committee or staff.

MOTION: A motion was made by Councilor Signe Lindell, second by Councilor JoAnne Vigil Coppler to approve the minutes.

VOTE: The motion passed unanimously by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

6. **Public Comment: Action: Information/Discussion**

Emily Pisula – read written public comments from Tamar Hurwitz & Drew Fleming and Fran Maier.

Marc Betram gave a live comment in regards to the STR Item E, he supports a lot of the changes that will be made with a few exceptions an issue dealing with 200ft with BCD and residential zones we thinks that it is not a good idea, consider striking this.

Amy Bobrick gave a live comment in regards to the STR Item E, in regards to the 1 permit per owner, why is this necessary? Very concerned about the new restrictions and how they are going to affect responsible hosts.

Please see Exhibit #1 for full comments

Jamie-Rae Diaz – None

7. **Presentation/Informational Items: Action: Information/Discussion**

   a. City of Santa Fe Snow Plan (Thomas Martinez, Director of Operations and Maintenance Transit Division and Interim Streets & Drainage Division Director, tamartinez@santafenm.gov, 955-2006). Presentation 10 minutes.

8. **Consent Agenda**

   a. Request Approval of 2021 Public Works and Utilities Committee Meeting Schedule (Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 and Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979)

   Approved on Consent

b. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of $398,751 to Pay Back Taxes to the IRS for the 2016 and 2017 Tax Years. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848; Bernadette Salazar, HR Director, bjsalazar@santafenm.gov, 955-6591; Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512; Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

Councilor Vigil Coppler: Had an audit for calendar years 2006 and 2007 and there were several findings and the recent audit came back with some of these findings were corrected and some were not and what the request tonight is approve these funds to pay the taxes owed for things that were not taken care of as a result of the 2006 & 2007 audits?

Director McCoy: the City was audited in 2009 for calendar years 2006 and 2007 at which point the findings resulted in the City having to pay back taxes of $338,000 and payments were remitted to the IRS at that time and then moving forward the IRS audited calendar years 2016 and 2017 and many of the same findings in regards to fringe benefits and worker classifications were still a problem for those calendar years. So this request tonight is to request approve of funds to be able to pay back taxes of just shy of $400,000 for calendar years 2016 and 2017 these back taxes are due to the IRS due to noncompliance.

Councilor Vigil Coppler: when it comes to contractual employees there needs to be a fine line in defining a contractual employee versus an actual employee in how we budget things and it states that these changes will take place December 31st.

Director McCoy: yes when we are converting contractual employees to employees there budget impacts such as benefits and taxes. IRS has given us until January 1st to come into compliance.

Councilor Vigil Coppler: is there any example that you can give us that defines what is truly a contractor?

Attorney McSherry: there is a number of factors that the IRS looks at for example if our fitness instructors set their own pricing and did their own marketing and use their own equipment they would be a contractor but since we schedule them and advertise their classes and pay them a flat rate and not give them more or less depending on the number of students and they use our facilities and equipment. It comes down to how they present themselves to the world.

Councilor Vigil Coppler: when it comes to defining a contract employee are there going to be policies and procedures on what the City's position will be?

Director Salazar: working on creating a different matrix on what the classifications will be and they are looking at getting their policy up-to-date.

Councilor Vigil Coppler: is there another way to handing the uniforms so that it does not fall to the employees to pay the tax on it because it is a requirement.

Director Salazar: The IRS regulations are very clear there are certain uniform articles that are considered a taxable fringe benefit

Councilor Vigil Coppler: I thought the tax on life insurance would not kick in until it was above $50,000

Director Salazar: that is for basic life insurance what we got a finding on was for the supplemental life insurance so anytime an employer pays on the supplemental life insurance that is a taxable fringe benefit.

Councilor Vigil Coppler: I read that employees who use the fitness centers will be taxed as well, does this still apply if they are part of the wellness program?

Director Salazar: no that is another finding that we got because it is considered a taxable fringe benefit because we do offer it to employees free of charge.

Councilor Vigil Coppler: so those employees who use the fitness centers will receive a 1099 at the end of the year?

Director Salazar: it will be added to their taxable income at the end of the year.

Councilor Garcia: we have a timeframe of when we plan on being in full compliance when we have everything implemented so that we can make these don't happen again?

Director McCoy: our goal is January 1st

Chairman Rivera: does this include laundering or dry cleaning of uniforms?

Director Salazar: there are specific regulations on that, but we did not receive any findings in that area.

MOTION: A motion was made by Councilor JoAnne Vigil Coppler second by Councilor Signe Lindell to approve this request.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

c. Request Approval of Capital Reallocation of 2018 GRT Bond for Parks Equipment & Machinery and Circle Drive Paving. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Mark Brooks, Streets & Drainage Project Administrator, mebrooks@santafenm.gov, 955-2404)

Councilor Vigil Coppler: we had leftover money from a bond from before?

Director Wheeler: may recall a month ago we had brought to committees a reallocation of the 2018 GRT bond to fund critical capital needs that would have ended up in the general operational budget.

Councilor Vigil Coppler: I just don't remember Circle Drive being on there

Director Wheeler: a lot of the residents of Circle Drive a paying for a portion of the procedure and once they raise the funds the City will match it. $61,000 is going to Circle Drive. The Parks equipment is just a redistribution of the funding of $57,000.

MOTION: A motion was made by Councilor Signe Lindell second by Councilor JoAnne Vigil Coppler to approve this request.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

d. Request for the Approval of Professional Services Contract with LSC Transportation Planning, Inc for the purpose of developing a Multi-Modal Transition Plan for the City of Santa Fe not to exceed $225,000 starting December 1st, 2020 and terminating on April 30th, 2022 (Erick J. Aune, Santa Fe MPO Officer, ejaune@santafenm.gov, 955.6664)

Councilor Lindell: the performance measures seem a little nonsensical.

Erick Aune: I would concur and we will remove this from the contract as it moves forward

Councilor Lindell: does not see anything that talks about recommendations that consider feasibility and not sure if we are looking for an idealized plan or taking into consideration what is fiscally feasible for this city. We need a section that talks about fiscal possibilities.

Erick Aune: MPO is supporting the PW department in this effort and the MPO has tradition that every 5 years updating to the Metropolitan Transportation Plan and within this plan there is a fiscally constrained component that looks at what is a reasonably amount of funds that is projected for the next 20 years and when project are added to this plan they are

fiscally constrained to that particular funding. What we can do with the preliminary planning and kick-off meeting with contractor we can build in a component that has a fiscally constrained component that has a reasonable budget over time and not do a "pie in the sky" plan.

MOTION: A motion was made by Councilor Michael Garcia second by Councilor JoAnne Vigil Coppler to approve this request with the recommendations made by Councilor Lindell.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

e. Request to Publish Notice of Public Hearing on December 9, 2020. **BILL NO. 2020-32.** 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)

Councilor Garcia: what is our plan to hiring new staff members and the capacity to enforce so this ordinance change or anything that we have in our books? Do we have a plan to hire new code enforcement officials?

Director Isaacson: It has been a challenge to fill those positions and am working with HR to move funded vacancies to an unfunded supervisor in the STR group to try to get that position filled. The changes in this ordinance do not add much more to enforce.

Councilor Garcia: For Councilor Lindell 1 for 7 day rule that is part of the original ordinance, would you be amendable to changing that? Or striking that as part of the original ordinance?

Councilor Lindell: the group that has been working on spent a lot of hours and meetings and it is not a new provision and has been for a long time, and am not able to support this if it ends up being depleted. This is in the ordinance because it helps to try to maintain our neighborhoods and allow homeowners to enjoy the quite enjoyment of their homes and neighborhoods. The constant coming and going of renters is super disruptive to the neighbors.

Councilor Garcia: I will be putting forth an amendment to strike the 1 per 7 day clause. I believe we do not need to enforce how many times an owner rents their property unless they are disruptive. We have enforcements in place that if an owner permits disruptive behaviors then we should enforce pulling their permit.

Councilor Vigil Coppler: I will have a few amendments myself. And how does this work? And Councilor Garcia has amendments? Do we do the amendments and if they get done in time by Finance then they go to Finance?

Assistant Attorney Paez: yes, it is best to give the Council as much notice as possible and am happy to coordinate this effort. If the amendments do not make it in time for Finance then we can get them in with the Governing Body materials.

Councilor Vigil Coppler: I thought we had 3 STR inspectors, but did 2 of those positions get reclassified into the Assistant Director positions?

Director Isaacson: No we currently have 2 STR inspectors, we lost 1 and still remains vacant at this time.

Councilor Vigil Coppler: Do you know how many residential permits that are out there?

Director Isaacson: I feel under 900 is a good estimate. We looked at permits and how they are held, and don't hold me to these numbers but there were 50 people that had more than 1 permit and of those 50, 40 had 3 or less. And the rest had about 3-5 and there may be 1 or 2 that have more than 5 permits.

Councilor Vigil Coppler: so how do we work around those that are grandfathered in that have more than 1 permit?

Director Isaacson: the changes that are proposed and are prospective so they will effect new permit holders. This point is not foreign to Land Use Code so we are aware of these issues. Permits are nontransferable so we believe over time everyone will eventually be in compliance.

Councilor Vigil Coppler: How do you enforce providing notice within 200 feet of Short Term Rental?

Director Isaacson: that is something that we ask property owners provide information to us and that is something that is provision that is not always easy to follow up on. And now

with the new Civil Penalty rule we can issue a ticket to owners who do not comply and we can continue to issue tickets until they comply.

Councilor Vigil Coppler: Discussion at the Planning Commission about the transferring of permits when it dealt with a family issue. Not sure if someone is going to introduce changing this or not?

Assistant Attorney Paez: does expect that the sponsors are going to introduce something to broaden the exemptions from the no transfer rule, but there is nothing as of yet. There are many ways that we can broaden the scope of it, like we can get rid of it all together. The no transfer rule only applies on the residential property.

Councilor Vigil Coppler: is the Business Capital District also going to come as an amendment?

Assistant Attorney Paez: I am not sure.

Councilor Abeyta: Under further discussion, maybe committee needs to postpone to look at the amendments. I believe this would disrupt the schedule.

Chairman Rivera: in favor of hearing the amendments at the committee level instead of trying to hear all of the amendments at the Governing Body meeting.

Councilor Vigil Coppler: Do you expect all of these amendments to go to Finance next week?

Councilor Abeyta: I don't think the amendments are as critical but if we have amendments to bring that is fine, but if there are financial amendments then yes these should be brought forth to this meeting.

MOTION: A motion was made to postpone this to the November 9, 2020 meeting by Councilor Abeyta and second by Councilor Garcia.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

f. Request for approval of Amendment No.1 to Professional Services Agreement (PSA) with Carollo Engineers Inc. for a term extension of two (2) years. (John Del Mar, Public Utilities Engineer, jpdelmar@santafenm.gov, 955-4231)

Approved on Consent

g. Consideration of Resolution 2020-____. A Resolution Hosting Community Conversations and Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. (Mayor Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, Lindell) (Jeff Norris, Legislative Liaison Asssistant, jtnorris@santafenm.gov, 955-6692)

Councilor Vigil Coppler: read that the language said that members of this committee do not need to be residents of the City but I think we need to provide some sort of parameters.

Mayor Webber: in conversations with the City Attorney we specifically say either City-Residents or non-City Residents.

Councilor Vigil Coppler: would like to see the date rage tightened up because December 2022 is too long. In regard to the financial issue that was raised and is not sure what exactly needs to be paid except for a facilitator.

Mayor Webber: is happy to change the boundaries to restrict within the State of New Mexico.

Councilor Vigil Coppler: is there a way that each Councilor can recommend or appoint one person?

Councilor Abeyta: page 4 of the Resolution outlines different areas that these people would come from are you asking would appointments be within these parameters?

Councilor Vigil Coppler: yes. Also I do not believe the facilitator should be counted as part of the 21 members, they are there to keep things moving.

Mayor Webber: the recommendation of the facilitator would be based on their skill set in mediation and facilitation as a member of the group and not a paid facilitator and it is a slot for someone that has that set of skills and can bring that into the chemistry of group.

Councilor Vigil Coppler: in consideration of staffing are these going to be term employees?

Mayor Webber: from exploring other entities that have implemented this and there is a lot of history to this undertaking. The structure is always consulting help instead of permanent help and we can start small. We do not have the capacity within the City's government to fulfill this mandate.

Councilor Vigil Coppler: we need to incorporate public comment or public dialogue somewhere in this or how these are going to be communicated? Would like to see public transparency on what these groups are doing and how can the public get involved?

Mayor Webber: the people that we select to be on this committee know that this is the essence of their work and if there is not public trust, engagement and transparency this

work will not be believed. The first task that is identified in this Resolution is broad based public engagement and listening.

Councilor Vigil Coppler: I just noticed on the agenda it does not list when it is going to the Governing Body

Mayor Webber: it is not specified because the selection committee needs to be done quickly and cannot do it in a way that we are rushing and missing out on good people who wish to participate. The timetable is getting it through the committee process. It should go to the governing after the committee process, but we will publish when this is going to the Governing Body.

Councilor Garcia: in regards to the committee makeup the way it is worded, three representatives from Hispanic cultural and civic groups are active in New Mexico and the way I read it is that a Hispanic person has to be a member of a group that is active. Not limit it to cultural and civic groups we need to ensure that we are limiting it to certain factions of our community.

Mayor Webber: misinterpreting this is not the only place where a Hispanic member can participate. We are just acknowledging that there are interest groups out there that are engaged in these conversations and these individuals need to have a set at the table.

Councilor Garcia: In regards to meetings, I think we need to put a number at least a minimum number of meetings that should be held. We need to put some fine details in here to charge this committee and give them framework on what the deliverables and what is expected.

Chairman Rivera: agree with the comments made by Garcia, and Vigil Coppler and perhaps the three of us should meet and have a zoom meeting with Jesse Guillen and put all of our thoughts together and into an amendment sheet that we can propose that we can come back to this meeting or move forward whatever we propose.

Councilor Garcia: recommend creating a steering committee to select the members of this committee and make recommendations to the Mayor.

MOTION: A motion to postpone to next committee meeting was made by Councilor JoAnn Vigil Coppler second by Councilor Roman Abeyta to approve this request.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnne Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Yes

9. **Matters from Staff: Action: Information/Discussion**

None.

10. Matters from the Committee: Action: Information/Discussion

None.

11. Matters from the Chair: Action: Information/Discussion

E-mail that went out announcing that City Facilities are not opening until 10 tomorrow and just received an e-mail that our Airport is closed due to safety concerns and will start at 4 a.m. to start the reopening process.

Ms. Pisula has taken a job with SWAMA, and will be here for one more committee meeting.

12. Next Meeting: Monday, November 09, 2020

13. Adjourn

There being no further business before the Committee the meeting adjourned at 7:57 p.m.

_____
Councilor Christopher Rivera, Chair

Emily Pisula 11/03/2020
_____
Emily Pisula, Fiscal Administrator Public Works

Exhibit #1

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF CONSENT AGENDA**

5. **APPROVAL OF MINUTES**

   a. Minutes from October 13, 2020 Public Works & Utilities Committee Meeting

6. **PUBLIC COMMENT**

a. To provide a live comment you must join the Zoom meeting by internet or phone, please e-mail or call Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979 or Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 by 4:00 p.m. the day of the meeting for the meeting link and/or call in number.

7. **PRESENTATION/INFORMATIONAL ITEMS**

   a. City of Santa Fe Snow Plan (Thomas Martinez, Director of Operations and Maintenance Transit Division and Interim Streets & Drainage Division Director, tamartinez@santafenm.gov, 955-2006). Presentation 10 minutes.

8. **EXECUTIVE SESSION**

9. **ACTION ITEMS: CONSENT**

a. Request Approval of 2021 Public Works and Utilities Committee Meeting Schedule (Jamie-R Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 and Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979)
Committee Review:
Governing Body 11/10/2020

b. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of $398,751 to Pay Back Taxes to the IRS for the 2016 and 2017 Tax Years. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848, Bernadette Salazar, HR Director, bjsalazar@santafenm.gov, 955-6591, Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512 and Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

c. Request Approval of Capital Reallocation of 2018 GRT Bond for Parks Equipment & Machir Circle Drive Paving. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Mark Brooks, Streets & Drainage Project Administrator, mebrooks@santafenm.gov, 955-2404)
Committee Review:

Public Works & Utilities Committee – 10/26/2020
Finance Committee – 11/02/2020
Governing Body – 11/10/2020

d. Request for the Approval of Professional Services Contract with LSC Transportation Planning, Inc for the purpose of developing a Multi-Modal Transition Plan for the City of Santa Fe not to $225,000 starting December 1st, 2020 and terminating on April 30th, 2022. (Erick J. Aune, Santa Fe MPO Officer, ejaune@santafenm.gov, 955.6664)

Committee Review:
Public Works & Utilities Committee (Scheduled): 10/26/2020
Finance Committee (Scheduled): 11/30/2020
Governing Body (Scheduled): 12/09/2020

e. Consideration of Bill No. 2020-32: 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, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Name: Tamar Hurwitz
Comment - 10/26/2020 10:42 AM: (No Vote)
Dear Public Works & Utility Committee,

As responsible people who rent our retirement home when we are not in town – with all the licenses required – we are very concerned about the current policy to cap rentals to one rental within a seven-day period and urge you to amend this, per the recommendation of the Planning Commission.

Here's why:

Most of our guests come for the weekend. If someone rents our home from Saturday-Monday, then it cannot be rented the following Friday due to this seven-day rule and we'd have to hope someone would want to rent it on a Saturday instead. Additionally, if someone rented it mid-week, then that would mean that both weekends on either end would be off the table. This could greatly limit the amount of rentals we could accept and it would have a negative economic impact on us.

Not only would this rule reduce the income we depend on, but it will also reduce the income of our property manager, house-cleaner, gardener, snow-shoveler and repairman whose work will dry up under this ruling – especially during these challenging economic times. Additionally, it will mean fewer taxes collected for the City of Santa Fe along with less tourists spending their tourist dollars here.

We have a beautiful little home that enhances the experience of everyone who stays with us while visiting Santa Fe. We add value to the community by sharing our home and caring for our home, and we respectfully request that you reconsider this provision and strike it from the rules so that homes may be rented out whenever a guest would like to stay there. We also request that instead, more effort is spent enforcing the license laws with other property owners that rent their homes without licenses or proper safety measures.

Sincerely,
Tamar Hurwitz & Drew Fleming

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f. Request for approval of Amendment No.1 to Professional Services Agreement (PSA) with Carollo Engineers Inc. for a term extension of two (2) years. (John Del Mar, Public Utilities Engineer, jpdelmar@santafenm.gov, 955-4231)

Committee Review

Public Works & Utilities Committee– 10/26/2020
Finance Committee – 11/02/2020
Governing Body – 11/10/2020

g. Consideration of Resolution 2020-____. A Resolution Hosting Community Conversatic Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, and Lindell) (Kristine Mihelcic, Constituent and Council Services Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:

Public Works & Utilities Committee: 10/26/2020
Quality of Life: 11/04/2020
Special Finance Committee: 11/16/2020

10. ACTION ITEMS: DISCUSSION

11. MATTERS FROM STAFF

12. MATTERS FROM THE COMMITTEE

13. MATTERS FROM THE CHAIR

14. NEXT MEETING: Monday, November 09 2020

15. ADJOURN

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

PISULA, EMILY K.

From: Fran Maier <franvacationrental@gmail.com>
Sent: Monday, October 26, 2020 2:53 PM
To: PISULA, EMILY K.
Subject: Fwd: public works meeting agenda

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.

Public Comment on Short Term Rental Ordinance

Dear Ms. Pisula
I attempted to submit public comment for tonights Public Works Committee item 8e by going to the portal as directed (https://santafe.primegov.com/Portal/Meeting?compiledMeetingDocumentFileId=5273), however their was no link or button to submit public comment.

I hope you will consider the letter below to be the comment from the Santa Fe Short Term Rental Alliance.

Let me know if there is another way to submit.

Thank you,

Fran Maier
(415) 596-4818

Dear Members of Public Works Committee

I am writing to you as President of the Santa Fe Short Term Rental Alliance. The Santa Fe Short Term Rental Alliance is a group of over 100 Santa Fe hosts with STR permits and business licenses, who abide by the current ordinance, pay taxes, and support reasonable regulation. Many of us depend on the income from our short-term rental which is especially critical in light of the Covid crises. We endeavor to offer our guests an exceptional experience, which means that we maintain and improve our homes.

Our position is that, with the 1000 permit cap, we believe that a new set of regulations puts a significant burden on already stressed rental hosts. In addition, the additional requirements for platforms, such as the requirement to collect and remit taxes, reduces the need to overly burden hosts. We would like to partner with the city to revise a more reasonable ordinance for the benefit of neighborhoods, the City, and responsible hosts.

Below are some of the biggest concerns that homeowners in the Alliance raised.

The role of Short-Term Rentals (STRs) in neighborhoods.

- We are good neighbors. We want the city to use its existing nuisance laws to enforce on problem properties, regardless of whether the home is a short-term rental, long-term rental or owner-occupied.
- STR homes are well-maintained and improved in order to attract guests in a competitive online market.

- STRs are the best social-distanced alternative for tourists today, especially those with medical conditions.
- Our guests are not competing with hotels; they want kitchens and common areas and are often families.
- Guests provide "eyes and ears" to keep neighborhoods safer when homes might be unoccupied.
- Many owners rely on rental income to hold onto their homes, whether now in this economic downturn, or for when they plan to retire here.

One rental every seven days doesn't solve problems and hurts all stakeholders. While this requirement is in the current ordinance, it is problematic especially now.

- STRs are not 'party houses'—we hear stories, not studies. Owners don't want their homes mistreated.
- Holidays, long weekends, and a mid-week 3-day stop by a family on a road trip makes it very hard to implement without losing significant rental opportunities.
- This hurts up to 1,000 permit holders, homeowners, and taxpayers. It could prevent 10,000+ family members and friends each year from enjoying our city.
- 'Streets turning into hotels' is already addressed by density provisions.
- Tracking and enforcement is difficult and takes effort away from enforcing non permit holders.

Restrictions on number of feet or number of permits has unintended consequences.

- Measurement of feet from the radius of property can disadvantage dense housing. There, the reach can be several streets—where no one would see them as being close (backyards facing each other in deep lots when street fronts are distanced and distinct).
- Proposed differentiation between those in commercial and residential areas is unnecessary and treats homes just a block apart adversely.

Restriction to one STR Per Natural Person

- The permits do not now "run with the property." We talked about an example where a surviving spouse or children could lose their livelihood when they inherit a property not permitted in her name and there is a waiting list for a new permits.
- Homeowners would be discouraged from fixing blighted properties in neighborhoods if they cannot get or pass-along a permit when they sell to an otherwise qualified applicant.
- Restrictions to one home per owner is not necessary to achieve the benefits of STRs. One multi-generational owner with a great record of managing homes shared that she would not be able to expand her business.

Contact onsite within an hour

Some of our members were not able to mention this at the meeting in their allotted testimony, but we wanted to bring this to your attention. It is absolutely appropriate that there is a responsible contact available to the City, guests, and neighbors. Currently the registration process has owner details, the rental platforms have contacts, and owners usually provide numbers/emails in their "welcome" instructions.

It is important to have a contact reachable within an hour, but physical presence is rarely needed. Owners aren't plumbers, electricians, or locksmiths, and true physical emergencies are best handled by fire and medical personnel. We believe that the contact requirement is well-served with a registration and notice to guests. Owners have been able to deal with nearly all issues by talking to the guests and/or calling the experts needed to fix the problem.

Enforcement against the unregistered properties

We hope we were able to convey that we favor appropriate regulation that works for Santa Fe in a way that benefits tourism, taxes, and neighborhoods. We worry that unnecessary restrictions will hurt those of us willing and trying to follow the rules. We urge the limited City resources be used to bring more owners into the registration process and believe that will end many of the abuses and complaints.

Thank you again, and we look forward to continuing to improve the Santa Fe we all love in this very difficult time.

Sincerely,

Fran Maier, President
Santa Fe Short Term Rental Alliance
415 596-4818

City of Santa Fe, New Mexico
Memorandum

DATE: October 13, 2020

TO: Governing Body
Finance Committee
Public Works

VIA: Jarel LaPan Hill, City Manager
Mary McCoy, Finance Department Director
Fran Dunaway, Chief Procurement Officer
Paul Babcock, Fire Chief

FROM: Brian Moya Assistant Chief

ITEM AND ISSUE:
Request for the Approval of State Price Agreement #70-000-16-00034AC in the total Amount of $995,000.00 for the purchase of a Ladder Truck from 411 Equipment, LLC.
Brian Moya, bjmoya@ci.santa-fe.nm.us, (505)955-3111.

BACKGROUND AND SUMMARY:

The City of Santa Fe Fire Department has been approved by the New Mexico Public Relations Commission, State Fire Marshal Division to purchase a new Ladder Truck in the amount of $995,000.00.

PROCUREMENT METHOD:
The procurement method is the NM Statewide Price Agreement (SWPA) # 70-000-16-00034AC which expires on August 31, 2021.

CONTRACT NUMBER:
The FY20 Munis contract number is 3202299.

FUNDING SOURCE:

Fund Name/Number: General Fund/Fund 200
Munis Org Name/Number: Fire Support Services /220181
Munis Object Name/Number: Vehicles >1.5/571000

ACTION REQUESTED:
Fire Department respectfully requests your review and approval.

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: 411 Equipment LLC

Procurement Title: Ladder Truck Vehicle Purchase

Procurement Method: State Price Agreement ☒ *Cooperative* ☐ *Sole Source* ☐ *Other* ☐ _____

Exempt ☐ *Request For Proposal* (RFP) ☐ *Invitation To Bid (ITB)* ☐ *Contract under 60K* ☐ *Contract over 60K* ☐

Department Requesting Fire Department Staff Name Brian Moya

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☒	☐	Approved Procurement Checklist (by Purchasing)
☒	☐	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☒	☐	State Price Agreement
☐	☒	RFP
☐	☒	Evaluation Committee Report
☐	☒	ITB
☐	☒	Bib Tab
☐	☒	Quotes (3 valid current quotes)
☐	☒	Cooperative Agreement
☐	☒	Sole Source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval for exempt procurement
☐	☒	BAR
☐	☒	FIR
☒	☐	Executed Contract, Agreement or Amendment
☒	☐	Current Business Registration and CRS numbers on contract or agreement
☐	☒	Summary of Contracts and Agreements form
☒	☐	Certificate of Insurance
☐	☒	All documentation presented to Committees
☒	☐	Other: Truck Specs.

Brian Moya	Assistant Chief	10/13/20
Department Rep Printed Name (attesting that all information included)	Title	Date

Fran Dunaway (Oct 14, 2020 10:48 MDT)

Purchasing Officer (attesting that all information is reviewed)	Title	Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

*

MVD
NEW MEXICO

NEW MEXICO

2019 - 2020

TAXATION & REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION

PURSUANT TO SECTION 66-4-1, NMSA 1978, the Person or Business Named Herein has been Licensed as a:

License Type	**Dealer**
License Number	**5178**
License Period	**19-Dec-2019 to 31-Dec-2020**
Business Name	**411 EQUIPMENT ,LLC**
Business Location	**1815 4TH ST NW ALBUQUERQUE NM 87102-1449**
Eligible Dealer Plates	**5**

2019 - 2020

This license is valid for the period indicated above.

The license shall be displayed in the office at the address shown above.

Letter ID:L1031617984

CITY OF ALBUQUERQUE
BUSINESS REGISTRATION

CITY OF ALBUQUERQUE
P.O. BOX 1293
ALBUQUERQUE, NM 87102

411 EQUIPMENT. LLC
1815 4TH ST NW
ALBUQUERQUE NM 87102-1449

CITY OF ALBUQUERQUE

411 EQUIPMENT. LLC
1815 4TH ST NW
ALBUQUERQUE NM

PERMIT NO: COM-2019-357800

PROGRAM: BUSINESS REGISTRATION

EFFECTIVE FROM: 12/18/2019 THROUGH: 12/17/2020

HAVING COMPLIED WITH THE FEE REQUIREMENTS OF CHAPTER 13 ARTICLE 1 OF THE REVISED ORDINANCES.

REGISTRATION OR LICENSING WITH THE CITY OF ALBUQUERQUE AND PAYMENT OF FEES DOES NOT CONSTITUTE A WAIVER OF ANY REQUIREMENTS OR PROVISIONS CONTAINED AT ANY LAW.

THE ACTIVITY/BUSINESS PROPOSED TO BE CONDUCTED AT ANY LOCATION WITHIN THE CITY SHALL BE APPROVED BY THE CITY'S ZONING ENFORCEMENT OFFICER PRIOR TO COMMENCING THE ACTIVITY/BUSINESS.

PLANNING DEPARTMENT - CODE ENFORCEMENT DIVISION

WWW.BIZREG.CABQ.GOV

(505) 924-3890

POST IN A CONSPICUOUS PLACE

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 CYNTHIA B. HALL
DISTRICT 2 JEFFERSON L. BYRD, VICE CHAIR
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 STEPHEN FISCHMANN, CHAIR

INTERIM CHIEF OF STAFF
Jason N. Montoya, P.E.

P.O. Box 1269
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
John Kondratick
Interim State Fire Marshal
Phone (505) 470-1044
Fax (505)476-0100

October 9, 2020

Brian Moya
200 Murales Rd.
Santa Fe, NM
87504

Dear Assistant Chief Moya,

The specifications you submitted on October 5, 2020 on behalf of the Santa Fe FD for the purchase of a new Ladder Truck have been reviewed and are approved. The Santa Fe FD is authorized to use fire protection Fund monies for the purchase of this vehicle. ***This Vehicle shall comply with NFPA 1901 Standard for Automotive Fire Apparatus 2016 Edition.***

"This letter shall serve as approval to expend fire protection fund monies to finance the cost of the New *Ladder Truck*. The *Santa Fe Fire Department is* currently an ISO classification of 2 *with* a minimum yearly Fire Protection Fund Allocation of *$722,554.00*.

If there are any major changes in the specifications that are made prior to bidding procedures, this office must approve the changes or this authorization of expenditure shall be rendered null and void.

If you anticipate a loan, I recommend that you contact the New Mexico Finance Authority {NMFA} at 505-984-1454 to finance the vehicle. A loan through NMFA will be at minimal interest. This letter shall serve as authorization for you to enter into an agreement with NMFA for the commitment of fire protection fund monies. For future references, please be reminded that all purchases shall be accomplished in accordance with the policies and guidelines of your governing body, the provisions of the Public Purchase Act, and as approved by the New Mexico Department of Finance and Administration.

Final Approval and determination of the purchase of this apparatus is incumbent upon the local government to ensure all needs of the fire Department are properly met to ensure full and complete response capabilities in the Fire District.
If you have any questions please do not hesitate to contact me at 505-467-9425

Respectfully,

Derrick Rodriguez
Fire Department Inspector
New Mexico State Fire Marshal Division
Fire Service Support Bureau
XC: Randy Varela, Deputy Fire Marshal
File

411EQUI-01 RTOURVILLE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/6/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Charles L. Crane Agency Co. 100 N Broadway, Ste 900 Saint Louis, MO 63102	CONTACT NAME: PHONE (A/C, No, Ext): (314) 241-8700 FAX (A/C, No): (314) 444-4970 E-MAIL ADDRESS:
INSURED 411 Equipment LLC 1815 4th Street NW Albuquerque, NM 87102	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Travelers Indemnity of America — 25666 INSURER B : Travelers Prop Cas Co of Amer — 25674 INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	[ ] CLAIMS-MADE [ ] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	[ ] POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$
	[ ] OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	[X] ANY AUTO			AD0P42283320CAG	8/9/2020	8/9/2021	BODILY INJURY (Per person)	$
	[ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	[X] UMBRELLA LIAB [X] OCCUR			CUP0P41866020	8/9/2020	8/9/2021	EACH OCCURRENCE	$ 1,000,000
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$ 1,000,000
	[ ] DED [X] RETENTION $ 0							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			UB0P41008420	8/9/2020	8/9/2021	[X] PER STATUTE [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH)		N/A				E.L. EACH ACCIDENT	$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000
A	Garage Liability			AD0P42283320CAG	8/9/2020	8/9/2021	$1,000,000 EaAcc/Agg	3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

.

CERTIFICATE HOLDER

City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Joel Karsten

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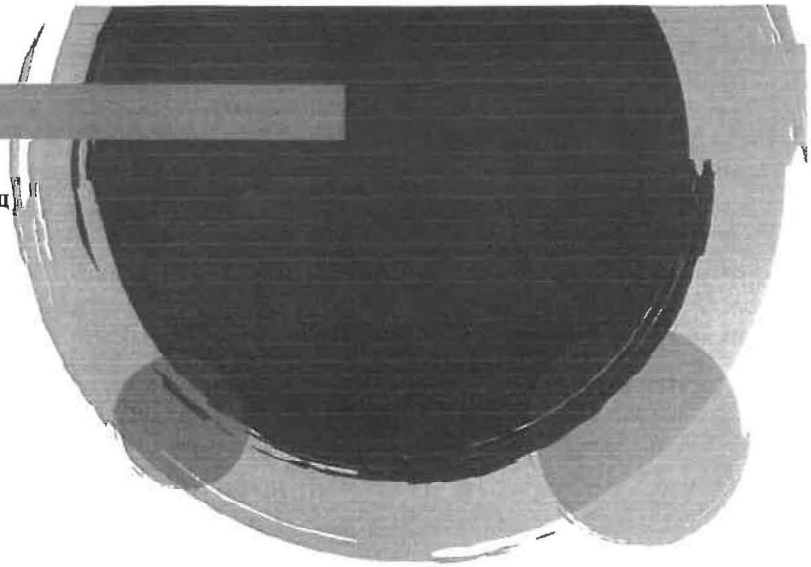
411 Equipment, LLC
"Be in the Know"
шяшь ыth Street NW, Albuquerque, NM яюшнщ
(505) 280-9143 Phone



October 02, 2020

FIRE APPARATUS PROPOSAL

A.C. Brian Moya

Santa Fe Fire Department

We hereby propose to furnish the following Ferrara HD77 Ladder/Quint and equipment, as described by the accompanying detailed specifications via our State Contract #70-000-16-00034AC. The apparatus and equipment will be delivered F.O.B., Santa Fe, NM within 150 calendar days from receipt of an order. Payment is due upon receipt of apparatus. The pricing in this proposal is valid through October 24, 2020 and may be extended, in writing, at the discretion of 411 Equipment LLC. I have attached a copy of our state contract.

411 Equipment LLC has three EVT Certified Technicians on staff with holding a Master EVT and Master ASE Certifications.

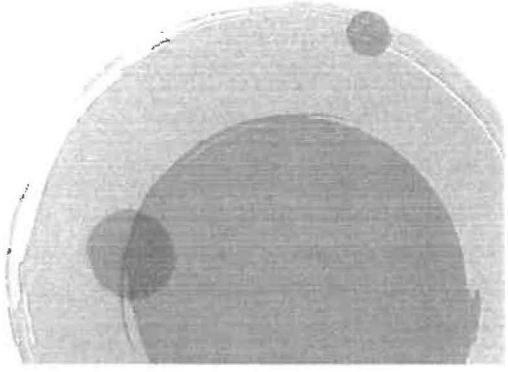
ITEM	DESCRIPTION	PRICE
1	Custom built Ferrara HD77 Ladder as per the attached specifications	**$995,000.00**

Please let me know if you have any questions.

Thank you for the opportunity,

Digitally signed by Pete Marquez, Jr
DN: cn=Pete Marquez, Jr, ou=411 Equipment LLC, email=jrmarquez@411equipment.com, c=US
Date: 2020.10.02 15:10:27 -06'00'

Pete Marquez, Jr,
General Manager/Owner



DocuSign Envelope ID: 0071ABF4-AFB5-4568-A9F1-E08C012E3E71

GSD/PD (Rev. 04/19)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor:
0000137893
Ferrara Fire Apparatus, Inc.
27855 James Chapel Road
Holden, LA 70744

Email: erica@ferrarafire.com
Telephone No.: 800-443-9006

Price Agreement Number: **70-000-16-00034AC**

Price Agreement Amendment No.: **Four**

Term: **January 27, 2017 – August 31, 2021**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested

Procurement Specialist: **Travis Dutton-Leyda** JDL

Telephone No.: **505-827-0477**

Email: **Travis.Dutton-Leyda@state.nm.us**

Title: **Fire Trucks and Fire Apparatus**

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from September 1, 2020 to August 31, 2021 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

Valerie Paulk

Mark Hayden, New Mexico State Purchasing Agent

Date:7/10/2020

X **This amendment was signed on behalf of the State Purchasing Agent**

VL

GSD/PD (Rev. 01/11)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor:
0000137893
Ferrara Fire Apparatus, Inc.
27855 James Chapel Road
Holden, LA 70744

Email: erica@ferrarafire.com
Telephone No.: 800-443-9006

Price Agreement Number: **70-000-16-00034AC**

Price Agreement Amendment No.: **Three**

Term: **January 27, 2017 – August 31, 2020**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested at time of order

Procurement Specialist: **Travis Dutton-Leyda**

Telephone No.: **505-827-0477**

Email: **Travis.Dutton-Leyda@state.nm.us**

Title: **Fire Trucks and Fire Apparatus**

This Price Agreement Amendment is to be attached to the respective Participating Addendum and become a part thereof.

Supporting documentation including pricing and the Master Agreement can be found here:
https://www.naspovaluepoint.org/portfolio/fire-apparatus-trucks-2016-2020/ferrara-fire-apparatus/

This amendment is issued to reflect the following effective immediately:

Add the following Authorized Dealer:
411 Equipment LLC
1815 4th Street NW
Albuquerque, NM 87102

Except as modified by this amendment, the provisions of the Participating Addendum shall remain in full force and effect.

Accepted for the State of New Mexico

Mark Hayden, New Mexico State Purchasing Agent

Date: 10/31/2019

GSD/PD (Rev. 04/19)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment

Awarded Vendor:
0000137893
Ferrara Fire Apparatus, Inc.
27855 James Chapel Road
Holden, LA 70744

Email: erica@ferrarafire.com
Telephone No.: 800-443-9006

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested at time of order

Price Agreement Number: **70-000-16-00034AC**

Price Agreement Amendment No.: **Two**

Term: **January 27, 2017 – August 31, 2020**

Procurement Specialist: Travis Dutton-Leyda

Telephone No.: 505-827-0477

Email: travis.dutton-leyda@state.nm.us

Title: **Fire Trucks and Fire Apparatus**

This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part thereof.

In accordance with Price Agreement provisions, and by mutual agreement of all parties, this Price Agreement is extended from September 1, 2019 to August 31, 2020 at the same price, terms and conditions.

Except as modified by this amendment, the provisions of the Price Agreement shall remain in full force and effect.

Accepted for the State of New Mexico

Mark Hayden, New Mexico State Purchasing Agent

Date: 8/20/19

SPD (Rev. 1/19)

State of New Mexico
General Services Department
Purchasing Division

Statewide Price Agreement Amendment Cover Page

Awarded Vendor:
0000137893
Ferrara Fire Apparatus, Inc.
27855 James Chapel Road
Holden, LA 70744

Email: erica@ferrarafire.com
Telephone No.: 800-443-9006

Price Agreement Number: **70-000-16-00034AC**

Price Agreement Amendment No.: **One**

Term: **January 27, 2017 – August 31, 2019**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested at time of order

Procurement Specialist: Travis Dutton-Leyda

Telephone No.: 505-827-0477

Email: travis.dutton-leyda@state.nm.us

Title: **Fire Trucks and Fire Apparatus**

The attached Amendment is to be attached to the respective Statewide Price Agreement and become a part thereof.

This amendment is issued to reflect the following effective immediately:

Delete New Mexico Administrative Reporting and Fees in its entirety and replace as described herein.

Except as modified by this amendment, the provisions of the Statewide Price Agreement shall remain in full force and effect.

PARTICIPATING ADDENDUM
NASPO ValuePoint
Fire Trucks and Fire Apparatus
Administered by the State of Mississippi (hereinafter "Lead State")

MASTER AGREEMENT
Ferrara Fire Apparatus, Inc.
Master Agreement No: 8200027987
(hereinafter "Contractor")
And
State of New Mexico
Statewide Price Agreement No: 70-000-16-00034AC
(hereinafter "Participating State/Entity")
70-000-16-00034AC
AMENDMENT NO: One

THIS AMENDMENT is made and entered into by and between the **State of New Mexico, General Services Department, State Purchasing Division,** hereinafter referred to as the **"Procuring Agency"** and **Ferrara Fire Apparatus, Inc.,** hereinafter referred to as the **"Contractor."**

IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISIONS OF THE ABOVE-REFERENCED CONTRACT ARE AMENDED AS FOLLOWS:

Delete New Mexico Administrative Reporting and Fees in its entirety and replace with the following:

All contracts and Purchase Orders arising out of this agreement shall be deemed to include an Administrative Fee assessment at the rate of percent (1.00 %), **but not to exceed $2,000 per order** for the gross total sales and other revenues (including commissions and fees charged). This assessment shall apply to all New Mexico state agencies and local public bodies. **"Gross total sales"** means any invoiced amount less any applicable state and local taxes.

For reporting purposes: list payments received for the issued invoice during the applicable quarter by state agency, local public body and invoice number. The Quarters are as follows.

Quarter:	Period End:	Report Due:
First	September 30	October 31
Second	December 31	January 31
Third	March 31	April 30
Fourth	June 30	July 31

Even if contractor experiences zero sales during the quarter, a report is still required. This will also apply if the contract starts partial within a Quarter. Reports and Administrative Fee shall be due no later than thirty (30) days following the end of the quarter. Only submit one payment and one report for each quarter, do not combine payments or reports.

Payment shall be made by check payable to the "*State Purchasing Division.*" This contract number **70-000-16-00034AC** must be included on all payments and Quarterly Sales Reports.

Remit Checks to:

State Purchasing Division
1100 St. Francis Drive, Room 2016
PO Box 6850
Santa Fe, NM 87505
Attn: Compliance Officer

Sample Reports can be found at:
http://www.generalservices.state.nm.us/statepurchasing/resourcesandinformation.aspx#Vendors

Email completed reports to: GSD.QuarterlyUsageR@state.nm.us
For questions regarding the Administrative Fees and Quarterly Sales Reports contact the Compliance Officer at (505) 827-0472.

All other articles of the original contract remain the same.

Participating State: **State of New Mexico**	Contractor: **Ferrara Fire Apparatus, Inc.**
By:	By:
Name: Mark Hayden	Name: Bert McCutcheon
Title: Acting State Purchasing Agent	Title: Vice President / General Manager
Date: 2/21/2019	Date: February 14, 2019

For questions on executing a participating addendum, please contact:

NASPO ValuePoint

Cooperative Development Coordinator:	Tim Hay
Telephone:	503-428-5705
E-mail:	thay@naspovaluepoint.org

GSD/PD (Rev. 01/11)

State of New Mexico
General Services Department

Statewide Price Agreement

Awarded Vendor

Ferrara Fire Apparatus
27855 James Chapel Road
Holden, LA 70744

Telephone No. 800-443-7679

Price Agreement Number: **70-000-16-00034AC**

Payment Terms: **Net 30**

F.O.B.: **See Contract**

Delivery: **See Contract**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:

Procurement Specialist: Kathy Sanchez

Telephone No.: 505-827-0487

Title: **Fire Trucks and Fire Apparatus**

Term: **January 27, 2017 through August 31, 2019**

This Price Agreement is made subject to the "terms and conditions" shown on the reverse side of this page, and as indicated in this Price Agreement.

Accepted for the State of New Mexico

New Mexico State Purchasing Agent

Date: 01/26/17

APPENDIX C CONTRACTOR INFORMATION AND PROFILE

1. **Company Name:** Ferrara Fire Apparatus, Inc.
   Address: 27855 James Chapel Road
   City: Holden State: Louisiana Zip: 70744
   Phone: 800-443-9006 FAX: 225-567-5260
   Federal Tax ID No.: 72-1129363
   Company Internet URL Address: www.ferrarafire.com

2. **Legal Status of the Bidder:** S Corporation: X

3. **Bidder's Authorized Representative:**
   Name: Chris Ferrara
   Phone: 800-443-9006 FAX: 225-567-5260 E-mail: cferrara@ferrarafire.com

4. **Orders to be sent to:**
   Company Name: Ferrara Fire Apparatus, Inc.
   Address: 27855 James Chapel Road
   City: Holden State: Louisiana Zip: 70744
   Phone: 800-443-9006 FAX: 225-567-5260
   Internet address for company catalog (if available): n/a

5. **Billing will be from:**
   Company Name: Ferrara Fire Apparatus, Inc.
   Address: 27855 James Chapel Road
   City: Holden State: Louisiana Zip: 70744
   Phone: 800-443-9006 FAX: 225-567-5260

6. **Payment to be sent to:**
   Company Name: Ferrara Fire Apparatus Inc.
   Address: 27855 James Chapel Road
   City: Holden State: Louisiana Zip: 70744
   Phone: 800-443-9006 FAX: 225-567-5260

7. **Bidder's Company Experience and History:** Upon request, Contractor will provide information about the company's experience and history in providing fire apparatus and services.

8. **Minority/Women Owned Business (MWBE):** No: X

9. **Payment Methods and Term:**

Payment Terms: Net 45 days.

10. **Purchasing Cooperative Members:** Contractor agrees to sell the goods and services on this contract to political subdivisions and nonprofit corporations: Yes X.

11. **Subcontractors:** Vendor has identified the following subcontractors as participants in the fulfillment of contract requirements and has provided a briefly describe the nature of equipment/services to be performed. (Reference Section 4.2)

12. **Customer References:** Customers may contact the Contractor for a list of references for any category of fire apparatus and service available through this Contract.

Contract 8200027987 with Ferrara Fire Apparatus, Inc. for Fire Trucks and Fire Apparatus

APPENDIX D AWARD & DISCOUNT SHEET

Ferrara Fire Apparatus, Inc. has been awarded a contract for the following categories of Fire Trucks with a discount of 5% off retail price. This discount also applies to all options available for each category of Fire Truck.

	List Price	% Discount	Final Price
100' (+/- 5 feet) Mid Mounted Aerial Apparatus, 4 Door	$953,423.00	5%	$908,022.00
50' (+/- 5 feet) Rear Mounted Aerial Apparatus, 4 Door	$622,650.00	5%	$593,000.00
75' (+/- 5 feet) Rear Mounted Aerial Apparatus, 4 Door	$673,109.00	5%	$641,056.00
100' (+/- 5 feet) Rear Mounted Aerial Apparatus, 4 Door	$818,423.00	5%	$779,450.00
125' (+/- 5 feet) Rear Mounted Aerial Apparatus, 4 Door	$903,048.00	5%	$860,046.00
Medium Duty Rescue Apparatus, 2 Door	$191,100.00	5%	$182,000.00
Medium Duty Rescue Apparatus, 4 Door	$202,125.00	5%	$192,500.00
Min. 2000 Gallon Water Tender, 2 Door	$287,951.00	5%	$273,553.00
Wildland Fire Apparatus Type 3, 2 Door	$282,900.00	5%	$268,755.00
Wildland Fire Apparatus Type 3, 4 Door	$293,000.00	5%	$278,350.00
Wildland Fire Apparatus Type 6, 2 Door- 0% Discount	$92,600.00	0%	$92,600.00
Wildland Fire Apparatus Type 6, 4 Door- 0% Discount	$94,560.00	0%	$94,650.00
Commercial Pumper 2 Door	$222,537.00	5%	$211,410.00
Commercial Pumper 4 Door	$231,205.00	5%	$219,645.00

D06	Freightliner M2, 2-door Cab, Single Axle, Extruded Aluminum Body, Walk-In MEDIUM Rescue	$263,396.00
D07	Freightliner M2, 4-door Cab, Single Axle, Extruded Aluminum Body, Walk-In MEDIUM Rescue	$273,793.00
D08	Cinder, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, NON Walk-In HEAVY Rescue	$357,284.00
D09	Cinder, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, Walk-In HEAVY Rescue	$375,823.00
D10	Igniter, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, NON Walk-In HEAVY Rescue	$370,453.00
D11	Igniter, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, Walk-In HEAVY Rescue	$388,992.00
D12	Inferno, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, NON Walk-In HEAVY Rescue	$401,694.00
D13	Inferno, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, Walk-In HEAVY Rescue	$422,155.00
D14	Inferno, 4-Door, Full-Tilt, OEM Cab, Single Axle, Extruded Aluminum Body, Incident Command Vehicle	$892,620.00
E. Pumper/Tankers & Tankers		
E01	M2 Freightliner, 2-Door, Extruded Aluminum Body, Tandem Axle, 1250 GPM Pump, Mid-Mounted Pumper/Tanker (3000 Gallons)	$278,951.00
E02	M2 Freightliner, 4-Door, Extruded Aluminum Body, Tandem Axle, 1250 GPM Pump, Mid-Mounted Pumper/Tanker (3000 Gallons)	$288,659.00
E03	Custom Cinder 2, 4-Door, Extruded Aluminum Body, Tandem Axle, 1250 GPM Pump, Mid-Mounted Pumper/Tanker (3000 Gallons)	$419,869.00
E04	Custom Igniter, 4-Door, Extruded Aluminum Body, Tandem Axle, 1250 GPM Pump, Mid-Mounted Pumper/Tanker (3000 Gallons)	$433,285.00
E05	Custom Inferno, 4-Door, Extruded Aluminum Body, Tandem Axle, 1250 GPM Pump, Mid-Mounted Pumper/Tanker (3000 Gallons)	$478,786.00

MVD
NEW MEXICO

NEW MEXICO

2019 - 2020

TAXATION & REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION

PURSUANT TO SECTION 66-4-1, NMSA 1978, the Person or Business Named Herein has been Licensed as a:

License Type	**Dealer**
License Number	**5178**
License Period	**19-Dec-2019 to 31-Dec-2020**
Business Name	**411 EQUIPMENT ,LLC**
Business Location	**1815 4TH ST NW ALBUQUERQUE NM 87102-1449**
Eligible Dealer Plates	**5**

2019 - 2020

This license is valid for the period indicated above.

The license shall be displayed in the office at the address shown above.

Letter ID:L1031617984

QUOTATION

411 Equipment LLC

Santa Fe Fire Department
200 Murales Road
Santa Fe, New Mexico 87504
505-955-3110

411 Equipment
Pete Marquez
1815 4th Street NW
Albuquerque, New Mexico 87102
505-280-9143
jrmarquez@411equipment.com

Exp. Date: 09/17/2020
Quote No: CinderHD77-0007
Job/Order No: H6640
08/17/2020

PART NO	S		DESCRIPTION	QTY	ID
			== Legals - Aerial - 419.001 04/03/19 ==	**1**	**FE**
00-06-0420			Payment Terms: Ferrara Standard	1	FE
00-12-0420			Manufacturer - Virtual	1	FE
00-12-0820			Certified Welders	1	FE
00-12-1020			Body Weight	1	FE
00-14-0620			Drawings - Approval	1	FE
00-16-6220			Final Inspection - Factory (Airfare/Lodging/Meals) Per Person	3	FE
00-16-8820			Training - Ladders/Platforms, 3 Days	1	FE
00-18-0820	S	>	Vehicle Transportation - DEALERS ONLY!!!!!!!!!	1	FE
00-18-1820			Delivery Time: Calendar Days	120	FE
00-22-0220			Service Contacts	1	FE
00-22-0620			Company Service Vehicles	1	FE
00-22-0820			Replacement Parts	1	FE
			== CHASSIS - Aerial RM, HD77 300/400/500 Tank - 419.001 04/03/19 ==	**1**	**FE**
00-D2-0820			Custom XD Full Tilt Cab - CINDER AERIAL	1	FE
			WHEELBASE / FRAMERAILS / COMPONENTS / ACCESSORIES	**1**	**FE**
02-A2-0220	S		Wheelbase: 219"	1	FE
02-A4-0630			Frame Rails - Full Length Double	1	FE
02-A4-2420		<	Paint - Frame Rail, "F-Shield"	1	FE
02-A4-2620			"F-Shield" Color: Black	1	FE
02-A6-1420			Tow Hooks - Chrome, Below the Bumper	1	FE
			FRONT BUMPERS / COMPONENTS / ACCESSORIES	**1**	**FE**
02-B2-0220			Front Bumper - 12" High, Polished Stainless Steel	1	FE
02-C4-2220			Front Bumper Extension - 24"	1	FE
02-D2-0220			Gravelshield - Front Bumper Extension	1	FE
02-D4-0620		<	Compartment - Front Bumper, Center	1	FE
02-E4-0420			Restraining Strap - Center Compartment	1	FE
02-P2-0420		>	Air Horn - PS Thru Bumper (P2)	1	FE
02-P2-1020		>	Air Horn - DS Thru Bumper (P6)	1	FE
02-P6-0620			Switch - Air Horn, (2) Driver/Officer Side Floor	1	FE
02-P8-0420			Air Horn Wiring - Active All Modes	1	FE
02-R2-1420			Speaker - DS Thru Bumper (P7)	1	FE
02-R4-0420			Siren Speaker - Cast Product SA2401	1	FE
			FRONT AXLES / COMPONENTS / ACCESSORIES	**1**	**FE**
04-A2-1020			Front Axle - 23,000 Pounds, Meritor MFS-20	1	FE
04-A6-0620			Steering System - Sheppard, Over 21,500 Pounds	1	FE
04-A8-0220			Chassis Alignment	1	FE
04-B2-1220			Front Suspension - 23,000 Pounds, Parabolic	1	FE
04-C2-0620			Front Brakes - Disc, Meritor EX-225	1	FE
04-C4-0220			Cramp Angle - 41 Degrees	1	FE
04-D2-1420			Front Tires - Goodyear 425/65R22.5 "L" G296 MSA 23,000 Pounds	1	FE
04-E2-2820			Front Wheels - 22-1/2" x 13", Alcoa Aluminum	1	FE
04-E4-0220			Wheel Trim - Front, Baby Moons/Lug Nut Covers	1	FE
04-E4-2020			Mud Flaps - Front	1	FE
			SINGLE REAR AXLES / COMPONENTS / ACCESSORIES	**1**	**FE**
04-G2-2020			Rear Axle - 35,000 Pounds, Dana Spicer S35-590 FT	1	FE
04-K2-8620			Rear Suspension - 35,000 Pounds, Spring	1	FE
04-M2-0220			Standard Differential - Single Axle	1	FE

PART NO	S	DESCRIPTION	QTY	ID
04-M6-0420		Vehicle Top Speed: 60-62 MPH	1	FE
04-P2-0220		Rear Brakes - S-Cam 16-1/2" x 7"	1	FE
04-R2-4820		Rear Tires - Goodyear 315/80R22.5 "L" Endurance TSD 35,000 Pounds	1	FE
04-S2-2420		Rear Wheels - 22-1/2" x 9", Alcoa Aluminum	1	FE
04-S2-6020		Wheel Trim - Rear, Lincoln Hats	1	FE
04-S6-1220		Tire Pressure Monitor (Single Rear Axles) - LED Alert	1	FE
		AIR BRAKE SYSTEM / COMPONENTS	**1**	**FE**
06-A2-0220		Harness and Hose Routing System	1	FE
06-A2-0420		Air Brake System - Color Coded Nylon w/1/4 Turn Drain Valves	1	FE
06-A2-4020		Chassis Air System Fittings - Push-Lock Type	1	FE
06-A2-6020		Air Compressor - Wabco 18.7	1	FE
06-A4-4020	< >	ABS/ATC/ESC System - SINGLE AXLE	1	FE
06-B4-2020		Air Dryer - Bendix AD-9	1	FE
		ENGINES / COMPONENTS / ACCESSORIES	**1**	**FE**
08-A2-1020		Engine - 450 HP, Cummins L9 (EPA 2017)	1	FE
08-B2-0620		Engine Brake - Cummins ISL Engine	1	FE
		ENGINE / COMPONENTS / COOLING SYSTEM - ISL	**1**	**FE**
08-C2-0420		Cooling System - 1400 Square Inch Radiator	1	FE
08-C2-1420		Cooling System Fan - Cummins ISL	1	FE
08-C2-2620		Radiator Coolant - Extended Life	1	FE
08-C2-4220		Coolant Hoses - Premium Rubber	1	FE
08-C2-4420		Coolant Hose Clamps - Gates PowerGrip	1	FE
08-C2-6020		Auxiliary Engine Cooler	1	FE
		ENGINE / COMPONENTS / CHARGING SYSTEMS	**1**	**FE**
08-D2-2220		Alternator - 430 AMP, Delco Remy 55SI	1	FE
08-E2-0620		Battery System (6) - Exide (750 CCA Each)	1	FE
08-E4-0220		Battery Boxes - Stainless Steel	1	FE
08-E6-0220		Battery Master Load Disconnect	1	FE
08-E6-0420		Total System Manager w/High Idle - Class 1	1	FE
08-E8-4420	>	Battery / Air Charger - Pump Plus 1200, Kussmaul 52-21-1100	1	FE
08-G4-2020	>	Receptacle - Kussmaul 20 AMP Super Auto-Eject 091-55-20-120	1	FE
08-G4-4020		Receptacle Location - Driver's Side Cab Wheel Well Area	1	FE
08-G6-0230	>	Cover - Super Auto Eject Yellow, Kussmaul 091-55-234-YW w/Bar Graph Display	1	FE
08-G8-8220		Plate - Shore Power Inlet	1	FE
		TRANSMISSION / COMPONENTS / ACCESSORIES	**1**	**FE**
10-A2-0220	>	Transmission - Allison 3000 EVS	1	FE
10-A4-0620		Transmission Push Button Shifter - 5 Speed	1	FE
10-H2-0220		Drive line - 1710 Series	1	FE
10-H4-1820		Fire Pump Installation	1	FE
		FUEL SYSTEM / COMPONENTS - ISL	**1**	**FE**
10-J2-0220		Fuel Tank - 50 Gallon	1	FE
10-J4-0220		Fuel Lines - Reinforced Wire Braided	1	FE
10-J4-0820		Fuel Filter - Secondary Filter	1	FE
10-J4-2020		Fuel Water Separator - Primary Filter	1	FE
10-J6-0820		DEF System w/5 Gallon Tank - Left Rear Under Cab	1	FE
10-J8-2020		DEF Fill w/Door - Left Crew Cab Extension	1	FE
10-M2-0820		Exhaust System - EPA 2017/18	1	FE
		CAB CONFIGURATIONS - CINDER XD - SMFD thru LFD	**1**	**FE**
12-H6-2420	>	Custom Cab - Ferrara XD 96, XMFD Cab w/8" Notched Raised Roof	1	FE
12-P2-1020		Cab Doors - Full Length, 4 Door Raised Roof Cab	1	FE
12-P4-0220		Cab Door Hinges - Concealed	1	FE
12-P6-0820		Cab Door Locks - Manual Paddle Type (4 Door Cab)	1	FE
12-P8-1020		Window Regulators - Electric (4 Door Cab)	1	FE
12-R2-0620		Window - Left Side Fixed, 16-1/2"W x 33-1/2"H	1	FE
12-R2-0820		Window - Right Side Fixed, 16-1/2"W x 33-1/2"H	1	FE
12-R4-0420		Cab Tilt Lock Suspension (Full Tilt Cab)	1	FE
12-R4-2220		Cab Tilt Electric Pump w/Manual Back-Up (Standard Location)	1	FE
		CUSTOM CAB - EXTERIOR TRIM COMPONENTS	**1**	**FE**
14-A2-0420		Front Grille - Stainless Steel	1	FE
14-A2-2020		Front Grille Logo - Custom/Lighted	1	FE
14-A2-6220		Side Grille w/Ember Separator - Notched Right Side	1	FE
14-A4-0620		Cab Mirrors - Heated/Remote, Velvac Stainless Steel	1	FE
14-A6-0220		Exterior Trim - Cab Handrails, Knurled Stainless Steel	1	FE
14-A6-1620		Fenderettes - Polished Stainless Steel	1	FE
14-A6-2020		Exterior Trim - Rear Step Well w/Removable Battery Access Covers	1	FE

PART NO	S	DESCRIPTION	QTY	ID
14-A6-8220		Exterior Trim - Tread Plate, Back of Cab	1	FE
14-A8-0230	>	Exterior Trim - Tread Plate, Cab Roof (Flat Roof Cabs)	1	FE
		CUSTOM CAB - INTERIOR TRIM COMPONENTS	**1**	**FE**
14-G2-1020		Corrosion Protection/Sound Deadening - "F-Shield"	1	FE
14-G4-0220		Interior Cab Finish - "F-Shield" Dark Gray	1	FE
14-G4-2220		Interior Trim - Gray Floor Mats/Engine Tunnel Covering	1	FE
14-G4-6420		Interior Trim - Sprayed Aluminum, Rear Wall	1	FE
14-G6-0420	>	Interior Trim - Grab Handles (4 Door Cab)	1	FE
14-G6-4020		Interior Trim - Officer's Dash, Glove Box	1	FE
14-G6-6020		Interior Trim - Sun Visors (3)	1	FE
14-H2-0820		Interior Trim - Upper Door Panels "F-Shield" (4 Door Cab)	1	FE
14-H2-4220		Interior Trim - Lower Door Panels "F-Shield" (4 Door Cab)	1	FE
14-H4-1220		Interior Trim - Lower Door Panels Reflective Stop Sign (4 Door Cab)	1	FE
		CUSTOM CAB - INSTRUMENTS AND CONTROLS	**1**	**FE**
14-K2-0100		Smart Truck Technology - AXIS	1	FE
14-K2-0420		Cab Instrumentation & Controls - Standard Gauges	1	FE
14-K2-0620		Driver's Information Display Panel	1	FE
14-K2-0820		Chassis Electrical System - Standard Wiring	1	FE
14-K2-2020		Doghouse Mounted Switch Panel - Ferrara XD Aluminum	1	FE
14-K2-2220		Switch Panel - Driver's Side (Pump Applications)	1	FE
14-K2-4220		Switch Panel - Center, 96" Wide XD Cab	1	FE
14-K2-6220		Switch Panel - Officer's Side	1	FE
14-K2-8220		Vehicle Data Recorder (VDR) w/Seat Belt Warning - Class 1	1	FE
14-K4-0420		Seat Belt Warning System Panel - Class 1	1	FE
14-K4-4020		Steering Column w/Self Canceling Turn Signals - Douglas	1	FE
14-P2-1620	>	Heat/Air Conditioning - Under Dash and Rear Crew Area	1	FE
14-P2-2420		A/C Condenser Housings: Black	1	FE
		CUSTOM CAB / SEATING / AIR BAG PROTECTION / EMS COMPARTMENTS	**1**	**FE**
16-A2-1220		Seating / EMS Compartments - Bostrom	1	FE
16-A8-0420		Seat Material - Bostrom Durawear	1	FE
16-A8-1220		Seat Color - Gray/Black	1	FE
16-A8-4020		Seat Belts - Standard 3-Point NON ABTS	1	FE
16-A8-6020		No SCBA Bracket Required	1	FE
16-A8-8020		No Filler Panels Required	1	FE
16-B4-0220		Seat - Driver, Bostrom Sierra Air-100 RX	1	FE
16-B4-2820		Seat - Officer Bostrom Tanker 450 SCBA	1	FE
16-E2-1820		Seats (2) - IB Forward Facing Crew, Bostrom Tanker 450 SCBA	1	FE
		CUSTOM CAB - ACCESSORIES	**1**	**FE**
16-M2-0820	<	Fuse Block - 12-Volt 6-Place, Blue Sea 5025	1	FE
16-M2-1420		12-Volt Dual USB Charging Port - Cab Mounted, Kussmaul 091-219-4	1	FE
16-M2-6020	>	12-Volt Power and Ground Studs (2)	1	FE
16-M2-6420		12-Volt Power Outlet - Cab Mounted	2	FE
16-M2-6620		Wiring - 12-Volt Outlet, Battery Direct	2	FE
16-M4-2620		Electronic Siren - Whelen 295HFS2	1	FE
16-M6-0620		Electric Horn - Single	1	FE
16-M6-2020		Back Up Alarm - 107 dB, Whelen WBUA107	1	FE
		CUSTOM CAB - INTERIOR LIGHTING	**1**	**FE**
16-P2-0220		Lights (4) - LED Cab Dome, 6" Red/Clear Whelen 60CREGCS	1	FE
16-P2-2420		Light - Open Door w/Alarm, Whelen TIR3 LED	1	FE
16-P4-0220		Lights (6) - Step Well, TecNiq D04 Linear Dragon	1	FE
16-R4-0420		Lights (2) - Engine Maintenance, LED	1	FE
		CUSTOM CAB - EXTERIOR ILLUMINATION	**1**	**FE**
18-A2-0620		Front Cab Lighting - Whelen "M" Series LED	1	FE
18-A4-0830		Headlights - LED, FireTech FT-4X6-4KIT	1	FE
18-A6-0820		Lights (2) - Turn Signal, Whelen "M" Series LED (Headlight Module Mounted)	1	FE
18-A6-1220		Lights (2) - Turn Signal/Marker, Whelen 400 Series LED	1	FE
18-A6-6020		Lights (2) - Cornering, LED	1	FE
18-A6-6220		Lights - DOT, LED	1	FE
18-B4-1420		Lights (2) - Inboard Lower Front Warning, Whelen M6 LED M6 (Red w/Clear Lens)	1	FE
18-D2-0820		Lights (4) - LED Cab Ground, Whelen 20C0CDCD	1	FE
		AUDIO / VISUAL COMMUNICATION SYSTEMS	**1**	**FE**
18-H2-2220		Intercom System - Four-(4) Position, Firecom	1	FE
18-H4-0420		Intercom Station - Firecom 5100D	1	FE

PART NO	S	DESCRIPTION	QTY	ID
18-H4-8020		> Mobile Radio Interface Cable	1	FE
18-H6-0220		Headset - Driver, Firecom Wired UH-51	1	FE
18-H6-0420		Plug-In Module - Driver, Firecom HM10	1	FE
18-H6-0820		Headset - Officer, Firecom Wired UH-51	1	FE
18-H6-1020		Plug-In Module - Officer, Firecom HM10	1	FE
18-H6-2020		Headsets - Crew Area, Firecom Wired UH-52	2	FE
18-H6-2620		Plug-In Module - Crew Position, Firecom HM10	2	FE
		== Chassis Mods - STOCK UNIT - 520.001 05/01/20 ==	**1**	**FE**
02-P8-1220		Switch - Air Horn, Officer's Side Dash	1	FE
02-R2-0220		Speaker - PS Thru Bumper (P1)	1	FE
02-R4-0420		Siren Speaker - Cast Product SA2401	1	FE
04-T8-0220		> Automatic Tire Chains - On Spot	1	FE
06-A2-8020		Front Axle Service Brake Locking System	1	FE
06-B4-6020		Air Inlet - Driver's Step Well	1	FE
14-A4-1020	S	Cab Mirrors - Heated/Remote Ramco Door Mounted	1	FE
14-A8-0420		Exterior Trim - 12" Stainless Steel Band Bottom of Cab Doors	1	FE
16-H2-0220		Compartment - Outboard Rear Facing EMS, Driver's Side	1	FE
16-H2-0630		Door - Driver's Side EMS Compartment, Interior ROM Roll Up	1	FE
16-H2-2020		Sill Plate - Anodized Aluminum, Roll Up Door	1	FE
16-H4-0620		Light - Driver's Side EMS Compartment, 36" OnScene Access 73036	1	FE
16-H6-0220		Shelf - Adjustable, Driver's Side EMS Compartment	1	FE
16-H8-0220		Receptacle - Driver's Side EMS Compartment, 120V Duplex Household	1	FE
16-H8-6220		> Outlet - Driver's Side EMS Compartment, 12V Power	1	FE
16-J2-0220		Compartment - Outboard Rear Facing EMS, Officer's Side	1	FE
16-J2-0630		Door - Officer's Side EMS Compartment, Interior ROM Roll Up	1	FE
16-J2-2020		Sill Plate - Anodized Aluminum, Roll Up Door	1	FE
16-J4-0620		Light - Officer's Side EMS Compartment, 36" OnScene Access 73036	1	FE
16-J6-0220		Shelf - Adjustable, Officer's Side EMS Compartment	1	FE
16-J8-0220		Receptacle - Officer's Side EMS Compartment, 120V Duplex Household	1	FE
16-J8-0420		> Outlet - Officer's Side EMS Compartment, 12V Power	1	FE
16-M2-2220		Radio - WB/AM/FM/CD/iPod/Sat w/Speakers, Jensen	1	FE
16-M2-4620		Radio Swivel Mount - Johnny Ray	1	FE
16-M4-8420		Switch - Siren, Officer's Side Floor	1	FE
16-P2-2220		Lights (4) - LED Door Courtesy, Whelen TIR6	1	FE
18-H2-2220		Intercom System - Four-(4) Position, Firecom	1	FE
18-H4-0620		Intercom Station - Firecom 5200D	1	FE
18-H4-8020		> Mobile Radio Interface Cable	1	FE
18-H6-0220		Headset - Driver, Firecom Wired UH-51	1	FE
18-H6-0420		Plug-In Module - Driver, Firecom HM10	1	FE
18-H6-0820		Headset - Officer, Firecom Wired UH-51	1	FE
18-H6-1020		Plug-In Module - Officer, Firecom HM10	1	FE
18-H6-2020		Headsets - Crew Area, Firecom Wired UH-52	2	FE
18-H6-2620		Plug-In Module - Crew Position, Firecom HM10	2	FE
		NFPA SAFETY SIGNS	**1**	**FE**
18-P2-0220		Safety Signs - General Requirements	1	FE
18-P2-0420		Safety Signs - Battery Explosion, FAMA01	1	FE
18-P2-0620		Safety Signs - Rotating Shafts, FAMA02	1	FE
18-P2-0820		Safety Signs - Hot Surfaces, FAMA03	1	FE
18-P2-1020		Safety Sign - Hot Exhaust, FAMA04	1	FE
18-P2-1220		Safety Sign - Spinning Fan, FAMA05	1	FE
18-P2-1420		Safety Signs - Seated & Belted, FAMA07	1	FE
18-P2-1620		Safety Sign - Air Conditioning Refrigerant, FAMA09	1	FE
18-P2-1820		Safety Sign - Cab Equipment Mounting, FAMA10	1	FE
18-P2-2020		Safety Sign - Fire Service Tire Rating, FAMA12	1	FE
18-P2-2220		Safety Sign - Electronic Stability Control, FAMA13	1	FE
18-P2-2420	S	Safety Sign - Cab Seating, FEMA14	1	FE
18-P2-2620		Safety Signs - Helmet Worn in Cab, FAMA15	1	FE
18-P2-2820		Safety Sign - Vehicle Backing, FAMA17	1	FE
18-P2-4020		Safety Signs - Intake/Discharge Cap Pressure, FAMA18	1	FE
18-P2-4220		Safety Signs - Hose Restraint Required, FAMA22	1	FE
18-P2-4420		Safety Signs - Climbing Method Instruction, FAMA23	1	FE

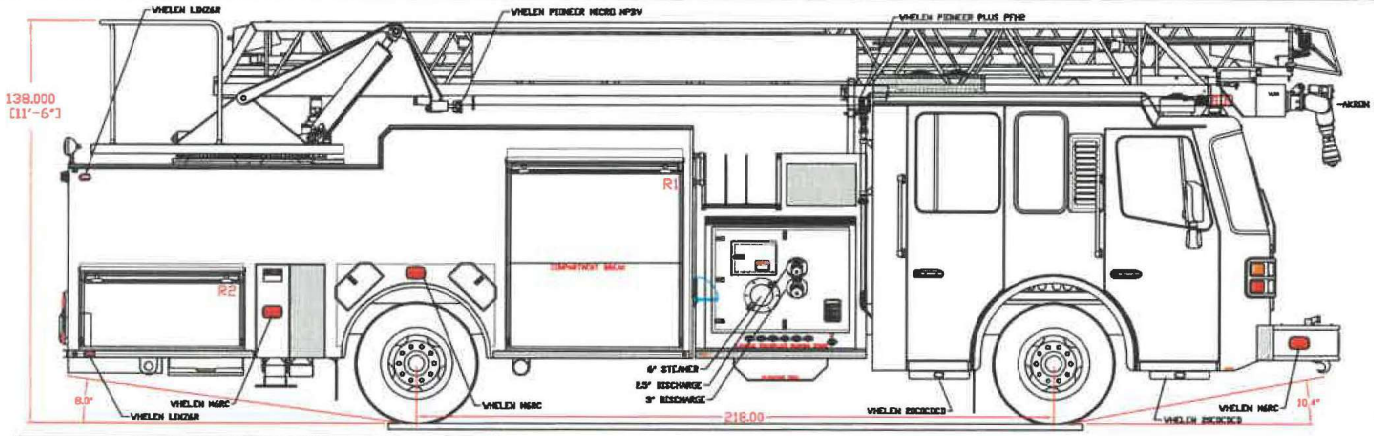
PART NO	S	DESCRIPTION	QTY	ID
18-P2-4620		Safety Signs - Riding on Exterior, FAMA24	1	FE
18-P2-4820		Safety Sign - Pump Training, FAMA25	1	FE
18-P2-6020		Safety Signs - No-Step, FAMA26	1	FE
18-P2-6220		Safety Sign - Siren Noise, FAMA42	1	FE
18-P4-1020		Safety Sign - Apparatus Movement Warning	1	FE
18-P6-0220		Plate - Fluid Capacity	1	FE
18-P6-0420		Plate - Overall Height/Length/Weight	1	FE
		== Pump Enclosure - Aerials - RML - 419.001 04/03/19 ==	**1**	**FE**
20-A2-0230		PUMP MODULE - SIDE MOUNT EXTRUDED ALUMINUM	1	FE
20-A4-2220		Separate Pump Module - Extruded	1	FE
20-A4-4020		Trim - Dunnage Area, Tread Plate	1	FE
20-C4-0220		Pump Panels - Black Anodized Aluminum	1	FE
20-C6-1020	>	Pump Panel - Fully Hinged, Right Side	1	FE
20-D6-0220		Light - Left Side Pump Panel, OnScene LED Access	1	FE
20-D6-1220		Light - Right Side Pump Panel, OnScene LED Access	1	FE
20-D8-0620		Light - Pump Compartment, LED	1	FE
20-F4-0420		Running Boards - Aluminum Tread Plate, Left & Right Side	1	FE
20-F4-2020	< >	Hose Tray - Running Board	1	FE
20-F4-2620	<	Hose Tray Mounting - Floating/Drop In Style w/45-Degree Bottom Corners	1	FE
20-F8-0220	>	Slide-Out Platform - Pump Operator's, 500-Pound Capacity	1	FE
20-J2-0220		Gauges - Master Suction/Pressure, 4-1/2" Metal Face	1	FE
20-J4-1620		Pressure Governor - FRC Pump Boss PBA400-A00	1	FE
20-J6-0220		Gauges - 2-1/2" Pressure, Metal Face	1	FE
20-J6-6220		Gauge Bezels - Color Coded	1	FE
20-M4-0220		Tags - Pump Panel, Color Coded (Metal)	1	FE
22-A4-0820		Pump System - 1250-2000 GPM Single Stage, Waterous CSU	1	FE
22-F4-0420		Mechanical Seal - Waterous (CS/CM/CSU/CMU)	1	FE
22-F4-1420	>	Flame Plated Impeller Hub - Waterous	1	FE
22-G2-0420		Pump Shift w/Manual Override	1	FE
22-J4-0220		Primer - Pump, Waterous VPO (Oil Less)	1	FE
22-P2-0220		Valve - Master Pump Drain	1	FE
22-P2-1220		Valve - Individual Drain, 3/4" 1/4 Turn	1	FE
22-R2-0420		Pump Test Points - Waterous Pumps	1	FE
22-R2-1820		Certification - Pump, 1500 GPM Pump	1	FE
22-R4-0420		Plate - Pump Test Certification	1	FE
24-A2-1620		Steamer Inlets - 6" w/Long Handle Cap, Left & Right Side	1	FE
24-G4-0220		Valve - Waterway Dump	1	FE
24-G4-0420		Valve - Waterway Drain	1	FE
24-G4-1220		Rear Inlet - Aerial Waterway, 4" Stainless Steel	1	FE
24-J8-0220		Valve - Intake Relief, Elkhart 40	1	FE
24-R2-0420		Tank-To-Pump - 3" Valve w/Push-Pull Control	1	FE
24-S6-0420	>	Tank Fill - 1-1/2" Valve w/Push-Pull Control	1	FE
24-T2-0420		Cooler - Engine, 1/2" Line w/ 1/4 Turn Valve	1	FE
24-T2-0620		Cooler - Pump, 3/8" Line w/ 1/4 Turn Valve	1	FE
24-W2-0220	>	Plumbing - Stainless Steel	1	FE
24-W2-0620		Plumbing - Stainless Steel Foam Manifold	1	FE
24-W4-0220		Plumbing Finish - Natural	1	FE
26-A2-0820		Apparatus Valves - Akron Brass 8800 Series/Waterous	1	FE
26-D2-0420		Suction - Left Side, 2-1/2" Valve w/Swing Control at Valve	1	FE
28-00-0140		DISCHARGE OUTLETS - AERIALS	1	FE
28-00-0220		All 2-1/2" Side Discharge Outlets Terminate 30-Degree Elbows	1	FE
28-A6-0220		Discharge - Front Bumper w/ Swivel - thru Tread Plate (PS)	1	FE
28-A8-0220		Discharge - Front Bumper, 2" Valve w/Push Pull Control	1	FE
28-A8-6020		Discharge - Swivel Stop, Tread plate	1	FE
28-D4-0420	<	Crosslays (2) - Double Lay, 2" Valve w/Push Pull Control	1	FE
28-D6-2020	<	Crosslay - Double Lay, 2-1/2" Valve w/Push Pull Control	1	FE
28-D8-0820		Cover - Hypalon w/End Flaps, Crosslays	1	FE
28-D8-2220		End Flaps - Hypalon w/Snaps, Crosslays	1	FE
28-D8-6020		Cover/End Flaps Color: Red	1	FE
28-H8-0420		Discharges (2) - Left Side, 2-1/2" Valve w/Push-Pull Control	1	FE
28-K2-8020		Discharge - Left Panel, Aerial Waterway 4" Valve w/Handwheel Control	1	FE
28-K2-9920		Flowmeter - Pump Panel, Fire Research DFA400-040	1	FE
28-K4-0220		Discharge - Right Side, 2-1/2" Valve w/Push-Pull Control	1	FE

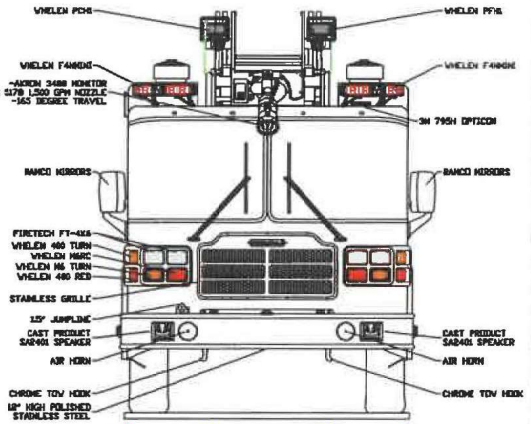
PART NO	S	DESCRIPTION	QTY	ID
28-K4-4020	>	Discharge - Right Side, 3" Valve w/Push Pull Control	1	FE
30-C2-0620		Foam System - Foam Pro 2001	1	FE
30-J2-2020		Gauge - Class A Foam, FRC Tank Vision Pro WLA360-A00	1	FE
30-K2-1220		Tank Switch (1) Low Level	1	FE
30-M4-0620		Flowmeter - Tee Mount w/kit, 2-1/2"	1	FE
30-R2-0620		Placard - Operating System, Single Tank	1	FE
30-R8-0220		NFPA Test - Foam Proportioning Systems	1	FE
30-S2-0420	>	Foam Tank No. 1 - Polypropylene, 20 Gallons	1	FE
32-E2-2020		Return Line - Fill Subsurface	1	FE
		== Bodies - Aerial RML, HD77 300/400/500 Tank - 419.001 04/03/19 ==	**1**	**FE**
		WATER TANKS / COMPONENTS / ACCESSORIES	**1**	**FE**
32-A2-2620	>	Water Tank - Polypropylene, 500 Gallons (R)	1	FE
32-D8-0420		Certification - NFPA Water Tank Size	1	FE
34-A2-1220		Gauge - Water Level, Tank Vision Pro WLA300-A00	1	FE
56-A2-0420		Body - Extruded Aluminum, HD77-S Rear Mount Ladder	1	FE
56-B2-1020		Body Sub frame - Extruded Aluminum	1	FE
56-B2-4025		Body/Compartment Construction - HD57 / HD77 Aerials	1	FE
56-B2-4620		Wheel Well Panels & Fenders - Body, Painted Aluminum	1	FE
56-B2-6820	<	Hose Bed - EZ Stack, Right Rear	1	FE
56-C2-2620		Compartments - Left Side, Rescue Style w/NO Hose Chute	1	FE
56-C8-2230	>	Compartment Door - Left Side Roll Up, ROM Painted (Slats & Door Frame)	4	FE
56-D2-4020		Compartments - Right Side, Rescue Style w/EZ Stack	1	FE
56-D8-2230	>	Compartment Door - Right Side Roll Up, ROM Painted (Slats & Door Frame)	2	FE
56-E2-0220		Turntable Access - Swing Out, Left Rear	1	FE
56-E4-0220		Compartment - Ladder/Pike Pole Storage, Torque Box	1	FE
56-E4-1230		Compartment Door - Ladder Compartment, ROM Painted Roll Up	1	FE
56-E4-4020		Tubes (6) - Pike Pole Storage	1	FE
56-E4-6820		Cover Plates - Outrigger, Stainless Steel	1	FE
60-A2-4820		Vertical Load Test - Body	1	FE
62-D2-0220		Trays (2) - Suction Hose, Each Side Above Compartments	1	FE
64-B2-0420	>	Compartment - Wheel Well Double Air Bottle, Left Front (SIG4)	1	FE
64-B4-0420		Compartment - Wheel Well Double Air Bottle, Left Rear (SIG4)	1	FE
64-B4-6220	>	Compartment - Wheel Well Double Air Bottle, Right Front (SIG4)	1	FE
64-B6-6220		Compartment - Wheel Well Double Air Bottle, Right Rear (SIG4)	1	FE
66-A2-0420		Body Trim Package	1	FE
66-A2-2420		Fuel Fill - Recessed w/Door, Left Side	1	FE
66-A2-4420		Mud Flaps - Rear	1	FE
66-A2-4620		Rub rail - Extruded Aluminum	1	FE
66-A4-4420		Step - Chrome Folding, Front of Body	2	FE
66-A4-8620	<	Step - Slide Out	1	FE
66-A4-8820		Tow Eyes (2) - Rear, Below Body	1	FE
66-A4-8900		Storage Rack - Outrigger Ground Pads	1	FE
66-A4-8940		Pads (2) - Magnetic Auxiliary Stabilizer	1	FE
66-A6-0620		Handrails (2) - Aerial Access, Knurled Aluminum	1	FE
66-A6-6420	<	Handrail - Front of Body, 12" Knurled Aluminum	2	FE
66-A6-8220	<	Handrail - Additional, 12" Knurled Aluminum	5	FE
66-A8-2020		Divider - Hose Bed, Aerial	1	FE
66-A8-4220		Cover - Hose Bed, Hypalon	1	FE
66-A8-7020		End Flap - Cargo Net w/Snaps, Hose Bed	1	FE
66-A8-8020		Cover/End Flap Color: Red	1	FE
66-A8-8820	<	Hose Bed Capacity	1	FE
		== Body Components - Aerials - 419.001 04/03/19 ==	**1**	**FE**
		== Aerial Ladder - Rear Mount, HD77 - 419.001 04/03/19 ==	**1**	**FE**
68-A2-2420		Ladder - 77' Rear Mount	1	FE
68-A6-0420		Specifications - 77' Rear Mount Ladder	1	FE
68-B2-0420		Construction / Dimensions - 77' Rear Mount Ladder	1	FE
68-C2-1020		Covers - Rung, Serrated Rubber	1	FE
68-C2-2020		Egress - Bolt-On	1	FE
68-C2-2220		Steps (2) - Folding, Fly Section	1	FE
68-C2-2420		Eyelets - Rescue, Aerial Fly Section	1	FE
68-C2-4020		Extension Indicator Base Section	1	FE
68-C2-4420		Angle Indicator - Lighted, Aerial Base Section	1	FE
68-C2-6220	>	Sign Plates (2), Ladder Base Section, White	1	FE
68-C4-0420		Torque Box	1	FE

PART NO	S		DESCRIPTION	QTY	ID
68-C4-6020		>	Travel Support - Rear Mount Ladders, Heavy Duty	1	FE
68-D2-0420			Hydraulic System	1	FE
68-D2-4020			Power Take-Off	1	FE
68-D4-0420			Hydraulic Pump w/Aux. Pump for Hyd. Generator under 15K	1	FE
68-D4-8020			Gauges - Hydraulic Pressure	1	FE
68-D4-8420			Kit - Filter Isolation	1	FE
68-D4-8620			Emergency Pump	1	FE
68-D4-8820			Swivel - Hydraulic	1	FE
68-D4-9020			Swivel - Electric	1	FE
68-D6-0420			Elevation System	1	FE
68-D6-4220			Extension / Retraction System	1	FE
68-D6-6820			Extension / Retraction System Pulleys - Greaseless	1	FE
68-D6-8020			Wear Pads / Bearing Surfaces	1	FE
68-D8-0420			Rotation Bearing - Heavy Duty	1	FE
68-D8-2220			Rotation Gear Box	1	FE
68-D8-4020			Tool Kit	1	FE
68-E2-0620			Stabilizers - Rear	1	FE
68-E2-4020			Outrigger Cylinder Stroke	1	FE
68-E4-1020			Locks - Stabilizer, Mechanical	1	FE
68-E4-2040			Hot Dip Galvanizing - Outriggers	1	FE
68-E4-4020			Stabilizer - Extension System	1	FE
68-E4-6220			Lights - Stabilizer Work, LED	1	FE
68-E6-0220			Lights - Stabilizer Warning, LED	1	FE
68-F2-0220			Controls - Stabilizer, Electric/Hydraulic	1	FE
68-F2-1020			Controls - Ground Station	1	FE
68-F4-0620			Turntable	1	FE
68-F6-1620			Mansaver Bars (2) on Turntable ILO Safety Chains	1	FE
68-F6-2020		<	Controls - Turntable Console	1	FE
68-F6-4820	X		Remote Ladder Creeper Control at Ladder Tip	1	
68-F6-8020			Load Sensing System - Automatic	1	FE
68-G2-0220			Interlock System - Aerial Stow Operation w/Indicator Light	1	FE
68-G2-0420			Interlock System - Cab/ Body Damage Control	1	FE
68-G2-0620			Interlock System - Rotation	1	FE
68-G2-0820			Retraction Safety System	1	FE
68-G2-1020			Interlock System - Cradle	1	FE
68-H2-0420			Waterway System	1	FE
68-H2-2220			Waterway Material	1	FE
68-H2-4420			Waterway - Retractable / Dual Position, Electric	1	FE
68-H4-0630			Monitor - Akron 3480 w/5178 1500 GPM Nozzle, 165-Degree Travel	1	FE
68-H4-8820			Capabilities Monitor Flowing Water	1	FE
68-H6-6020			Master Stream - Controls, Tip/Turntable	1	FE
68-H8-0220	X		Discharge - 2-1/2" Ladder Tip, TFT VUM	1	
68-H8-2020			Valve - Waterway Relief	1	FE
68-J2-0220			Communication System - 2 Way/2 Station	1	FE
68-M2-0220			Electrical System - E-Chain	1	FE
68-M2-2820			Lights (4) - Turntable Work, LED	1	FE
68-M4-2020			Spotlights (2) - Aerial Base Section, Whelen Pioneer Micro MPBW	1	FE
68-M6-1220			Floodlight - Left Aerial Tip Section, Whelen PFH1	1	FE
68-M8-1420			Spotlight - Right Aerial Tip Section, Whelen PCH1	1	FE
68-P2-0420			Lighting - Blue LED Rung Illumination	1	FE
68-R2-0220			Paint - Aerial Device, Standard White	1	FE
68-R2-2620			Paint - Aerial Monitor, Red	1	FE
68-S2-0420			Load Chart - Aerial	1	FE
68-S6-0220			Safety Signs - Aerial Applications, NFPA 2016	1	FE
68-S6-2420			Plate - Aerial Information Specification	1	FE
68-T2-0220			Testing - Third Party	1	FE
68-T2-4020			Testing - Stability	1	FE
68-T2-8020			Certificate - Inspection	1	FE
68-T8-2020			Internal Corrosion Protection	1	FE
			== Elec. Components - Aerial RM Custom - 419.001 04/03/19 ==	1	FE
			******* ELECTRICAL / COMPONENTS / ACCESSORIES *******	1	FE
70-A2-2032			Electrical System - Apparatus Body	1	FE
70-A2-4020			Electrical System - 12 Volt Testing	1	FE
70-A2-6020			12-Volt Wiring Protection - Split Loom	1	FE
70-A2-8020			EMI/RFI Protection	1	FE

PART NO	S	DESCRIPTION	QTY	ID
		AUDIBLE WARNING DEVICES	1	FE
		INTERIOR COMPARTMENT LIGHTING	**1**	**FE**
70-D2-0220		Lights - 5" Diameter Halogen Compartment, Truck Lite 80351	1	FE
70-E2-2220		> Light - LED Compartment, On Scene Solutions Access Series	12	FE
70-H2-0220		Switch - Compartment Door Ajar Indicator	1	FE
72-G8-9020		Zone A Upper Light Bars (2) - 22" LED Forward Facing, Whelen Freedom IV F4NMINI	1	FE
72-G9-0420		Opticom Emitter - Exterior Mounted, 3M 795H	1	FE
72-P8-0420		Zone B/D Upper Body Side Rear Lights (2) - Red w/Clear Lens LINZ6 LED, Whelen	1	FE
72-T6-4820		Zone C Upper Inboard Lights (2) - Red w/Clear Lens M6 LED, Whelen M6RC	1	FE
74-C8-9220		> Zone B & D Lower Front (2) - Red w/Clear Lens M6 LED, Whelen M6RC	1	FE
74-D8-8220		Zone B & D Lower Midship (2) - Red w/Clear Lens M6 LED, Whelen M6RC	1	FE
74-E8-1820		Lights (2) - Outrigger Cover Plate, Whelen M6	1	FE
74-G8-1020		Zone B & D Lower Rear (2) - Red w/Clear Lens LINZ6 LED, Whelen LINZ6R	1	FE
74-H8-2020		Zone C Lower Lights (2) - Red w/Clear Lens M6 LED, Whelen M6RC	1	FE
74-J4-0620		Stop/Turn/Reverse Lights - LED, Whelen M6	1	FE
74-J4-2620		Housing - Rear Tail Light Assembly, M6FCV4	1	FE
74-J8-1820		Light - LED Rear Directional, Whelen TAM65	1	FE
74-J9-0220		Rear Directional Light Mounting - Surface Mount	1	FE
74-J9-6020		Control Head Location - Traffic Light, Centered Top of Dash	1	FE
		12-VOLT APPARATUS LIGHTING / ACCESSORIES	**1**	**FE**
74-L0-0220	S	Lights (2) - 6" LED Deck, Unity	1	FE
74-L0-2220		Lights - LED Clearance and Maker	1	FE
74-L2-0420		Light - LED Underbody, Whelen 20C0CDCR	4	FE
74-L2-4020		Light - LED License, Whelen OSC0EDCR	1	FE
74-S2-0420		Telescoping Light Locations - Back of Cab	1	FE
74-S2-1420		Light - 12 Volt 160 Watt LED Telescoping, Whelen Pioneer Plus PFH2	2	FE
74-S8-0420		Switch - Telescoping Light Activation, Pump Panel	2	FE
		== Paint - Ladder/Platfrom - 419.001 04/03/19 ==	**1**	**FE**
80-A2-2220		> Paint - Custom Cab, Two Tone (Upper Only)	1	FE
80-A4-0220		< > Upper Cab Paint Finish	1	FE
80-A4-0420		> Paint Color/Code: White FLNA 41477 (FFA White 1)	1	FE
80-B2-8220		Two-Tone Cab Break Line Stripe: Black	1	FE
80-B4-0220		Paint - Chassis Door Jamb	1	FE
80-C2-0220		Paint - Body/Cab	1	FE
80-C2-0420		> Paint Color/Code: Red FLNA 31979 (FFA Red 1)	1	FE
80-D2-0620		> Paint - Interior Compartment, "F-Shield" Extruded Bodies	1	FE
80-E2-1820		Stripe - Scotchlite, 1-6-1 Triple	1	FE
80-E4-0420		Striping Color: White	1	FE
80-E4-4220		Pin Stripe/Secondary Stripe Color: White	1	FE
80-E4-9920		Striping Layout: Hockey Stick Design, Body Compartment Doors	1	FE
80-E8-0220		Striping - Rear Body, Reflective Chevron	1	FE
80-E8-0620		Chevron Striping Colors: 3M Red & Lime Green	1	FE
80-E8-4020		Reflective Material - Designated Walking Surfaces	1	FE
80-G2-0620		Lettering - 3" Scotchlite w/Shade	1	FE
80-G8-1820		Letters - Aerial Sign Plates	26	FE
80-H2-0620		Decals/Maltese Cross (2)	1	FE
80-H2-1020		Sign - "Keep Back 500 Feet"	1	FE
		== Warranty / Manuals - Aerials Custom RML - 419.001 04/03/19 ==	**1**	**FE**
98-A2-0420		Warranty - Body Parts & Labor, 2-Year	1	FE
98-A2-1020		Warranty - Cab/Chassis Parts & Labor, 2-Year	1	FE
98-A2-4220		Warranty - Aerial/Platform, F-Series	1	FE
98-A4-0210		Warranty - Cab Structural, 10-Year/100,000 Miles	1	FE
98-A4-0420		Warranty - Body Structure, 10-Year/100,000 Miles	1	FE
98-A6-0210		Warranty - Cab Paint/Perforation, 10 Year	1	FE
98-A6-0220		Warranty - Body Paint/Perforation, 10 Year	1	FE
98-A6-1020		Warranty - Frame Corrosion "F"-Shield"	1	FE
98-A8-0220		Warranty - Frame Rails, Lifetime	1	FE
98-A8-0420		Warranty - Meritor Axle, 2-Year/Unlimited Miles	1	FE
98-A8-4220		Warranty - Cummins Engine, 5-Year/100,000 Miles	1	FE
98-A8-4420		Warranty - Allison Automatic Transmission, 5-Year/Unlimited Miles	1	FE
98-A8-4620		Warranty - Anti Lock Brake System, 3-Year/300,000 Miles	1	FE
98-A8-6220		Warranty - Waterous Pumps	1	FE
98-A8-8020		Warranty - Plumbing System, 10-Year	1	FE

PART NO	S	DESCRIPTION	QTY	ID
98-A8-8420		Warranty - Poly Water Tank, Lifetime	1	FE
98-B2-0220		Manuals (2) - Chassis Operation, Digital	1	FE
98-B2-1220		Manuals (2) - Engine/Transmission Operations	1	FE
98-B2-1820		Manuals - Apparatus Body & Components	1	FE
98-B2-2020		Manuals - Pump	1	FE
98-B2-2220		Safety Guide - FAMA	1	FE
98-B2-6020		Wiring Diagrams - Cab/Chassis, Standard	1	FE
98-B2-6620		Wiring Diagrams - Apparatus Body, Standard	1	FE
		== Loose Equipment Pkg. - Platform - 419.001 04/03/19 ==	**1**	**FE**
90-A2-0420	>	Equipment Package - NFPA 1901 2016, Fire Department Supplied	1	FE
90-B2-0220		NFPA - Aerial Ground Ladders	1	FE
90-C2-0420		Ladder - 10' Folding Attic, Alco-Lite FL-10	1	FE
90-C6-0620		Ladder - 16' Roof, Alco-Lite PRL-16	2	FE
90-D4-0620		Ladder - 14' Combination, Alco-Lite CJL-14	1	FE
90-D6-1020		Ladder - 24' 2-Section Extension, Alco-Lite PEL-24	1	FE
90-E4-0620		Ladder - 35' 3-Section Extension, Alco-Lite PEL3-35	1	FE
90-H8-0420		Hose (2) - PVC Flexible Suction, Kochek 10' x 6"	1	FE
90-K2-1220		Strainer - 6" NH Barrel, Kochek BS60C	1	FE
90-K4-1020		Bracket - 6" Strainer, Kochek MM601C	1	FE
90-L6-0220		Pike Pole - 6' Fiberglass	2	FE
90-L6-0420		Pike Pole - 8' Fiberglass	2	FE
90-L6-0820		Pike Pole - 12' Fiberglass	2	FE
96-C2-0220		Wheel Chocks (2) - Folding, Ziamatic SAC-44-E w/Mounting Bracket	1	FE
96-E2-0220		Pompier Ladder Belt	4	FE
96-J2-0220		Miscellaneous Hardware Bag	1	FE
96-M6-1220	>	Bracket - Air Pack w/strap, Ziamatic ULLH	3	FE
		== Adminstration - 419.001 04/03/19 ==	**1**	**FE**
			1	**FE**





COMPARTMENT DIMENSIONS		
COMPT.	OPENING	INTERIOR
L1	57.5W X 57.25H	60W X 66.25H X 24D
L2	33.5W X 25H	36W X 38H X 24D
L3	39.5W X 17H	42W X 30H X 24D
L4	29W X 49.25H	31.5W X 58.25H X 24D
R1	57.5W X 58.75H	60W X 71.75H X 12/24D
R2	53W X 21H	55.5W X 28H X 24D

CUSTOMER APPROVAL

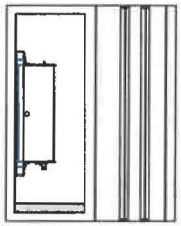
NAME: _____

BY: _____

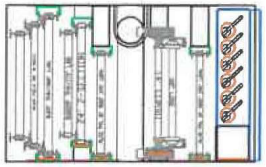
TITLE: _____

DATE: _____

DRAWING IS A VISUAL REPRESENTATION OF A SPECIFIED APPARATUS. IN THE EVENT OF DISCREPANCIES BETWEEN SPECIFICATIONS AND DRAWING, THE SPECIFICATIONS SHALL PREVAIL. DRAWING IS FOR REFERENCE ONLY. SOME DETAILS MAY NOT BE SHOWN OR NOTED.



SUPPLIED LADDERS	
10' FOLDING LADDER (FL-10)	1
14' COMBO LADDER (CJL-14)	1
16' ROOF LADDER (PRL-16)	2
24' 2 SECT. LADDER (PEL-24)	1
35' 3 SECT. LADDER (PEL3-35)	1
6', 8', 12' PIKE POLE	2 EA.



SCALED X2

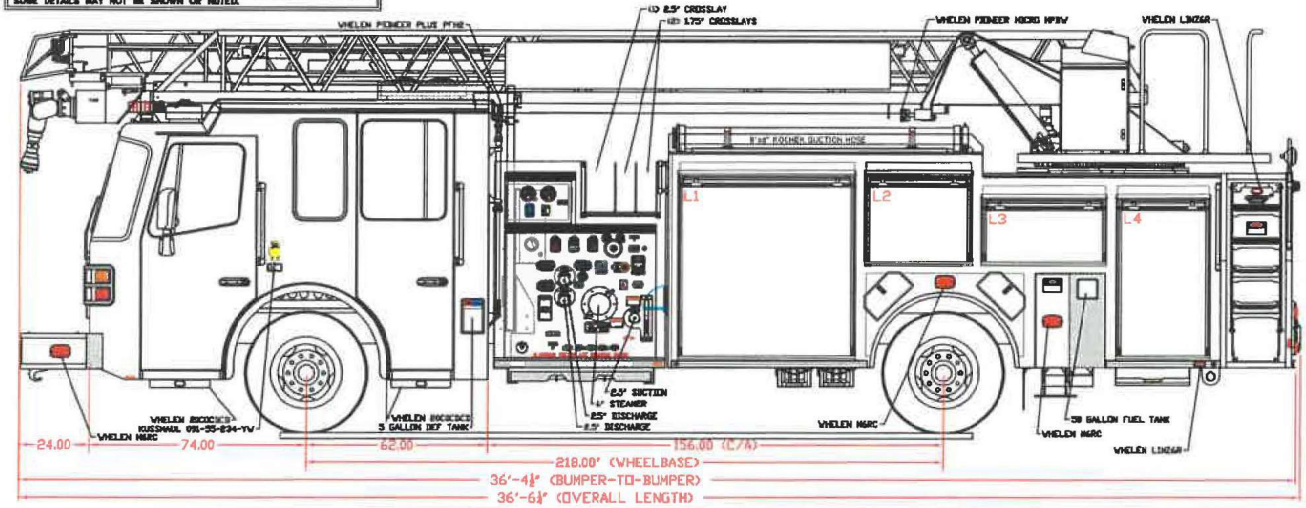
FERRARA

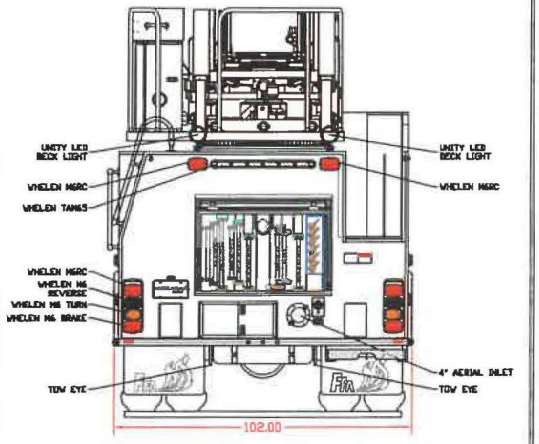
REV GROUP

SANTA FE FIRE DEPARTMENT
SANTA FE, NM

REFERENCE DRAWING

1,500 GPM WATEROUS CSU PUMP
500 GALLON WATER TANK
10 GALLON FOAM TANK





08-17-2020 PRELIMINARY (JD)

City of Santa Fe, New Mexico
Memorandum

DATE: October 13, 2020

TO: Governing Body
Finance Committee
Public Works

VIA: Jarel LaPan Hill, City Manager
Mary McCoy, Finance Department Director
Fran Dunaway, Chief Procurement Officer
Paul Babcock, Fire Chief PB FD

FROM: Brian Moya Assistant Chief BM

ITEM AND ISSUE:
Request for the Approval of State Price Agreement #70-000-16-00034AE in the Total Amount of $145,968.00 for the purchase of a Brush Truck and equipment from 411 Equipment, LLC
Brian Moya, bjmoya@ci.santa-fe.nm.us, (505)955-3111

BACKGROUND AND SUMMARY:

The City of Santa Fe Fire Department has been approved by the New Mexico Public Relations Commission, State Fire Marshal Division to purchase a new Brush Truck in the amount of $145,968.00.

PROCUREMENT METHOD:
The procurement method is the NM Statewide Price Agreement (SWPA) # 70-000-16-00034AE which expires on August 31, 2021.

CONTRACT NUMBER:
The FY20 Munis contract number is 3202311.

FUNDING SOURCE:

Fund Name/Number: General Fund/Fund 200
Munis Org Name/Number: Fire Support Services /220181
Munis Object Name/Number: Vehicles <1.5/570950

ACTION REQUESTED:
Fire Department respectfully requests your review and approval..

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: 411 Equipment LLC

Procurement Title: Brush Truck Vehicle Purchase

Procurement Method: State Price Agreement ☒ *Cooperative* ☐ *Sole Source* ☐ *Other* ☐ _____

Exempt ☐ *Request For Proposal* (RFP) ☐ *Invitation To Bid (ITB)* ☐ *Contract under 60K* ☐ *Contract over 60K* ☐

Department Requesting Fire Department Staff Name Brian Moya

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☒	☐	Approved Procurement Checklist (by Purchasing)
☒	☐	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☒	☐	State Price Agreement
☐	☒	RFP
☐	☒	Evaluation Committee Report
☐	☒	ITB
☐	☒	Bib Tab
☐	☒	Quotes (3 valid current quotes)
☐	☒	Cooperative Agreement
☐	☒	Sole Source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval for exempt procurement
☐	☒	BAR
☐	☒	FIR
☒	☐	Executed Contract, Agreement or Amendment
☒	☐	Current Business Registration and CRS numbers on contract or agreement
☐	☒	Summary of Contracts and Agreements form
☒	☐	Certificate of Insurance
☐	☒	All documentation presented to Committees
☐	☒	Other: _____

Brian Moya	Assistant Chief	10/13/20
Department Rep Printed Name (attesting that all information included)	Title	Date
Fran Dunaway (Oct 14, 2020 13:21 MDT)		
Purchasing Officer (attesting that all information is reviewed)	Title	Date

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

*

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS

DISTRICT 1 CYNTHIA B. HALL
DISTRICT 2 JEFFERSON L. BYRD, VICE CHAIR
DISTRICT 3 VALERIE ESPINOZA
DISTRICT 4 THERESA BECENTI-AGUILAR
DISTRICT 5 STEPHEN FISCHMANN, CHAIR

INTERIM CHIEF OF STAFF
Jason N. Montoya, P.E.

P.O. Box 1269
Santa Fe, NM 87504-1269

STATE FIRE MARSHAL DIVISION
John Kondratick
Interim State Fire Marshal
Phone (505) 470-1044
Fax (505)476-0100

October 9, 2020

Brian Moya
200 Murales Rd.
Santa Fe, NM
87504

Dear Assistant Chief Moya,

The specifications you submitted on October 8, 2020 on behalf of the Santa Fe FD for the purchase of a new Brush Truck have been reviewed and are approved. The Santa Fe FD is authorized to use fire protection Fund monies for the purchase of this vehicle. ***This Vehicle shall comply with NFPA 1906 Standard for Automotive Fire Apparatus 2016 Edition.***

"This letter shall serve as approval to expend fire protection fund monies to finance the cost of the New *Brush Truck*. The *Santa Fe Fire Department is* currently an ISO classification of 2 *with* a minimum yearly Fire Protection Fund Allocation of *$722,554.00*.

If there are any major changes in the specifications that are made prior to bidding procedures, this office must approve the changes or this authorization of expenditure shall be rendered null and void.

If you anticipate a loan, I recommend that you contact the New Mexico Finance Authority {NMFA} at 505-984-1454 to finance the vehicle. A loan through NMFA will be at minimal interest. This letter shall serve as authorization for you to enter into an agreement with NMFA for the commitment of fire protection fund monies. For future references, please be reminded that all purchases shall be accomplished in accordance with the policies and guidelines of your governing body, the provisions of the Public Purchase Act, and as approved by the New Mexico Department of Finance and Administration.

Final Approval and determination of the purchase of this apparatus is incumbent upon the local government to ensure all needs of the fire Department are properly met to ensure full and complete response capabilities in the Fire District.
If you have any questions please do not hesitate to contact me at 505-467-9425

Respectfully,

Derrick Rodriguez
Fire Department Inspector
New Mexico State Fire Marshal Division
Fire Service Support Bureau
XC: Randy Varela, Deputy Fire Marshal
File

MVD
NEW MEXICO

NEW MEXICO

2019 - 2020

TAXATION & REVENUE DEPARTMENT
MOTOR VEHICLE DIVISION

PURSUANT TO SECTION 66-4-1, NMSA 1978, the Person or Business Named Herein has been Licensed as a:

License Type	**Dealer**
License Number	**5178**
License Period	**19-Dec-2019 to 31-Dec-2020**
Business Name	**411 EQUIPMENT ,LLC**
Business Location	**1815 4TH ST NW ALBUQUERQUE NM 87102-1449**
Eligible Dealer Plates	**5**

2019 - 2020

This license is valid for the period indicated above.

The license shall be displayed in the office at the address shown above.

Letter ID:L1031617984

CITY OF ALBUQUERQUE
BUSINESS REGISTRATION

CITY OF ALBUQUERQUE
P.O. BOX 1293
ALBUQUERQUE, NM 87102

411 EQUIPMENT. LLC
1815 4TH ST NW
ALBUQUERQUE NM 87102-1449

CITY OF ALBUQUERQUE

411 EQUIPMENT. LLC
1815 4TH ST NW
ALBUQUERQUE NM

PERMIT NO: COM-2019-357800

PROGRAM: BUSINESS REGISTRATION

EFFECTIVE FROM: 12/18/2019 THROUGH: 12/17/2020

HAVING COMPLIED WITH THE FEE REQUIREMENTS OF CHAPTER 13 ARTICLE 1 OF THE REVISED ORDINANCES.

REGISTRATION OR LICENSING WITH THE CITY OF ALBUQUERQUE AND PAYMENT OF FEES DOES NOT CONSTITUTE A WAIVER OF ANY REQUIREMENTS OR PROVISIONS CONTAINED AT ANY LAW.

THE ACTIVITY/BUSINESS PROPOSED TO BE CONDUCTED AT ANY LOCATION WITHIN THE CITY SHALL BE APPROVED BY THE CITY'S ZONING ENFORCEMENT OFFICER PRIOR TO COMMENCING THE ACTIVITY/BUSINESS.

PLANNING DEPARTMENT - CODE ENFORCEMENT DIVISION

WWW.BIZREG.CABQ.GOV

(505) 924-3890

POST IN A CONSPICUOUS PLACE

411EQUI-01 RTOURVILLE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 10/6/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Charles L. Crane Agency Co. 100 N Broadway, Ste 900 Saint Louis, MO 63102	CONTACT NAME: PHONE (A/C, No, Ext): (314) 241-8700 FAX (A/C, No): (314) 444-4970 E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Travelers Indemnity of America	25666
INSURED 411 Equipment LLC 1815 4th Street NW Albuquerque, NM 87102	INSURER B : Travelers Prop Cas Co of Amer	25674
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	[ ] CLAIMS-MADE [ ] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	[ ] POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$
	[ ] OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	[X] ANY AUTO			AD0P42283320CAG	8/9/2020	8/9/2021	BODILY INJURY (Per person)	$
	[ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	[X] UMBRELLA LIAB [X] OCCUR			CUP0P41866020	8/9/2020	8/9/2021	EACH OCCURRENCE	$ 1,000,000
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$ 1,000,000
	[ ] DED [X] RETENTION $ 0							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			UB0P41008420	8/9/2020	8/9/2021	[X] PER STATUTE [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH)		N/A				E.L. EACH ACCIDENT	$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000
A	Garage Liability			AD0P42283320CAG	8/9/2020	8/9/2021	$1,000,000 EaAcc/Agg	3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Joel Karsten

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411 Equipment, LLC
"Be in the Know"
1815 4th Street NW, Albuquerque, NM 87102
(505) 280-9143 Phone

October 6, 2020

City of Santa Fe
Fire Department
Assistant Chief Brian Moya

Dear Chief Moya:

We hereby propose to furnish the following Brush Truck vehicle and equipment, as described by the accompanying detailed specifications via our State Contract #70-000-16-00034AE. The apparatus and equipment will be delivered F.O.B., Santa Fe, NM within 120 calendar days from receipt of an order. Payment is due upon receipt of apparatus. The pricing in this proposal is valid through October 30, 2020 and may be extended, in writing, at the discretion of 411 Equipment LLC. I have attached a copy of our state contract. The contract allows for a 4% discount on the base model and optional items.

Base Model Type 6 2 Door Chassis	$122,734.00
Upgrade to Crew Cab Dodge 5500 4x4 Chassis	6,061.00
Aluminum Flat Bed Upgrade	4,222.00
In Cab Foam and Water Gauges	1,658.00
Front Bumper Nozzles with in Cab Controls	2,800.00
Heavy Duty Front Bumper	2,350.00
Portable 9500 lb winch with rec in front and rear	2,850.00
Rear Class V Hitch	650.00
Upgraded Federal Signal Light Package	2,168.00
Transverse Compartment	3,185.00
Three Shelves	990.00
Roof top bins – expanded metal	2,600.00
Pair of FRC Flood Lights mounted on bumper	1,200.00
Back up camera	750.00
Total	$152,050.00
4% Dicount	6,082.00
Grand Total	$145,968.00

The price for a brush truck as described in the attached specifications is $145,968.00.

The Chassis is currently in stock at Melloy and is subject to prior sale. If this chassis is sold to another customer, it will extend the delivery time.

Please contact me if you any have questions.

Thank you for the opportunity,

Digitally signed by Pete Marquez, Jr
DN: cn=Pete Marquez, Jr, ou=411 Equipment LLC, email=jmarquez@411equipment.com, c=US
Date: 2020.10.06 08:56:38 -06'00'

Pete Marquez, Jr.
GM/Owner

Dodge 5500 Cab & Chassis

Unit is to be installed on a Dodge 5500, 2021, Crew Cab, 4 x 4.

- GVWR : 19,500 lb
- GAWR front: 7,000 lbs.
- GAWR rear: 14,706 lbs.
- 4.89 Ratio Limited Slip Axle
- Rear and Front Stabilizer suspension bar

The power train should consist of the following:

- V8, 6. 7 L Cummins Diesel Motor
- 360 Hp @ 2800 RPM, 800 Lb.-ft. @ 1800 RPM
- 6 Speed Automatic transmission
- 4 x 4, electric shift
- Trailer brake controller
- Engine Block Heater

Major Standard Features:

- Two (2) Batteries - 750 CCA 78-AH
- 220-amp alternator
- Brakes -Anti-lock System (ABS)
- Fuel tank - 52 gallon capacity
- Grab handles - Driver and front passenger
- Power steering
- Roof clearance lights
- Solar tinted glass
- Steering damper
- Windshield wipers - interval

Optional Equipment Supplied

- Bluetooth
- Limited slip
- Trailer Tow Mirror
- Power Windows & Locks
- Running Boards
- Trailer Brake Control

Safety & Security:

- Airbag - Driver and front passenger
- Belt-Minder safety belt reminder

Dodge Warranty:

- 3 years 36,000 miles bumper to bumper
- 5 years 100,000 miles Transmission
- 5 years 100,000 miles motor

Safety Signs

All NFPA 1906 Required Safety Signs to be provided and installed.

Seating Capacity

The unit shall be designed for seating of five (5) personnel. A tag shall be provided in the cab identifying the seating capacity.

Roll Over Stability

The roll over stability shall met NFPA 1906 Standards for a brush truck.

Fluid Data Plate

A fluid data plate identifying the chassis and pump fluids shall supplied and mounted to the apparatus.

Vehicle Height and GVWR Data Plate

A vehicle overall height and GVWR data plate shall be supplied and mounted to the apparatus.

Inside Doors Reflective

All driving and crew compartment doors shall have at least 96 in2 of reflective material affixed to the inside of each door.

Engine Speed Control Device

An automatic engine speed control device shall be installed to allow an increase in the engine speed when the apparatus is parked. (NFPA 1906, 5.2.1.4 requirement)

An interlock shall prevent the operation of this engine speed control device unless the parking brake is fully engaged and the transmission is in neutral or park, or unless the engine speed control device is used with chassis engine driven components, in which case it shall be interlocked with the engagement of those components.

TIRE PRESSURE MONITORING DEVICES

Each tire shall be equipped with an LED tire alert pressure management system (Vecsafe equal) that shall monitor tire pressure. A chrome plated brass sensor shall be provided on the valve stem of each tire. The sensor shall calibrate to the tire pressure when installed on the valve stem for pressures between 20 and 120 psi. The sensor shall activate an integral battery-operated LED when the pressure of that tire drops 8 psi. Removing the cap from the sensor shall indicate the functionality of the sensor and battery. If the sensor and battery are in working condition, the LED shall immediately start blinking.

Spare tire

A spare tire shall be supplied and installed on the top of the water tank.

Tire Replacement Tools

A lug wrench and jack shall be provided for the replacement of a tire.

Heavy Duty Front Bumper

The OEM bumper shall be removed and replaced with a heavy duty front bumper and brush guard. Contoured to follow the shape of the grille and body. The bumper shall be will be flat black finish.

Removable Winch 9,500 lbs.

There shall be a 9500 lbs. WARN 9.5ti Thermometric removable electric winch. As per NFPA 1906 (13.2.2), the winch shall have a minimum wire rope length of 125 ft (38m) with a large latched hook. The wire rope will be 5/16" in diameter and shall be constructed of aircraft wire rope and galvanized to help resist corrosion.

Feature of the winch will include a 3 stage planetary gear system for fast line speed, cam action clutch disengages planetary gear system for free spooling and automatic load holding brake for strength and reliability.

A quick connector and battery power lead to connect the winch shall be run for mounting of the winch.

A remote with 25' (7.6m) of cable shall be supplied (NFPA 1906, 13.3.1.1 requirement).

Rear Receiver

A rear mounted Class III trailer hitch shall be securely attached to the chassis frame and shall include the 7-pin wiring trailer harness. Front and Rear Warn Quick Connectors and battery power leads to connect the winch shall be run to each of these locations for mounting of the winch. Dust Cover shall be installed.

Black Side Step Bars

One (1) set of 3" diameter black side step bars. Steps to be marine grade 304 primed stainless steel polished to a mirror finish with molded plastic step pad. Step area is compressed, rather than a cut out hole, to enhance strength and prevents interior corrosion. Lifetime Limited Warranty.

Handrails

There shall be two handrails located in the rear. One on each side of the rear to assist access to the pump skid.

Two (2) handrails will be provided by the cab manufacture assisting passenger entry to the cab.

Lettering & Stripping

The lettering supplied by the FD shall be installed on each front cab door.

Stripping

4" white reflective stripping shall be applied on the cab & the flatbed. The stripping shall be applied at the direction of the Fire Department.

Rear Chevron

6" reflective red & yellow chevron stripes shall be applied on the rear skirt of the flatbed.

Cab Safety Signs

The following safety signs shall be provided in the cab:

- A permanent plate, stating the maximum number of two (2) personnel allowed to ride on the apparatus, shall be provided and installed in clear view of the driver.
- "No riding on rear of apparatus" shall be installed on rear of the apparatus.

Aluminum Flat Bed Body

One (1) custom Fire Application aluminum flat bed body, 112" long x 95.75" wide. The aluminum plate used in construction is polished aluminum alloy tread plate.

Body sub-frame is made from aluminum tubes and channels. The body crossmembers shall extend the full width to support the compartment framing and shall be welded to the sub-frame main members.

Aluminum headache rack with light bar brackets and protective cross members shall be installed. The uprights will be angled inward to match the aerodynamic contour of the chassis cab. Headache rack

is designed to protect the back of the cab and occupants and also increase the driver rear view and to improve the driving efficiency while driving to an emergency response.

The body shall be attached to the chassis rails with a minimum of four (4) Spring mounts attached at each corner.

The body is a modular design to allow removal from the chassis for major repair or mounting on a new chassis. Isolating material between the body and the chassis to be installed.

License plate light shall be an Eon light with SS polish case that has a light output equivalent to a 10 watt halogen lamp. Eon light to have a 50,000 hr LED life.

LED Signal, brake and reverse lights will be High Quality Grote Automotive lights recessed mount into rear aluminum skirt area of body per FMVSS 108 and CMVSS 108 requirements. Light to be LED Oval with chromed housing.

Two (2) LED Amber marker/clearance lights with chrome housing and clear lens will be installed on the front side of the bed, one (1) each side. Two (2) LED Red marker/clearance lights with chrome housing and clear lens will be installed on the rear side of the bed, one (1) each side.

Three (3) LED Red marker/clearance lights with chrome housing and clear lens will be installed at the rear center of the bed. Amber & Red reflectors shall be installed around the perimeter of the bed as per DOT requirement.

Two (2) heavy duty tow eyes shall be installed at the rear of the body (NFPA 1906 requirement). The tow eyes will be fastened directly to each rear chassis frame rail. Hardware shall have a clear and unobstructed access (Shipped loose).

The rear of the flat bed shall have two (2) non-skid rear steps for access to pump and controls. The rear steps shall be made so it can be folded up for use in rough terrain. All steps shall sustain a minimum static load of 500 lb (227 kg) without deformation (NFPA 1906 & 1901 compliant). Stepping height from the ground to the first step shall not exceed 24".

An angle of approach and an angle of departure of at least 20 degrees shall be maintained at the front and the rear of the vehicle when it is loaded.

NFPA Compliant Walking Surface

All walking surfaces shall meet NFPA 1906 compliance for slip resistance. All walking services shall be outlined in yellow to identify walking surfaces.

Fuel and DEF Fill Bezel

A fuel and DEF fill bezel shall be supplied and installed behind of the rear wheels on the perimeter of the flatbed on the driver side.

Compartments

All compartments will be made with 1/8" aluminum sheet.

All compartments shall have a minimum of one (1) louvered panel bolted into a wall to provide the proper airflow inside the compartment.
All compartments shall be of sweep-out type with no lip at bottom edge for easy cleaning.

Transverse Front Compartment (L1/R1)

One (1) 20" Wide x 36" high x 92" deep compartment behind the chassis, located in front of the water tank. This compartment shall be transverse. One adjustable shelf will be provided. Access swing doors will be hinged and shall have shocks to hold the doors in the open position. D ring latches shall be supplied.

Left (Driver) Side Compartment (L 2)

One (1) 60" long x 28" high x 24" deep compartment behind the L1/R1 transverse compartment, located at the left (driver) side of the water tank.

The overlap aluminum compartment door shall be securely attached to the body with a full vertical stainless steel hinge. Door opening shall be fitted with solid neoprene weather strip completely sealing the perimeter of the compartment door opening. The door shall be installed with gas hold open struts. The 1 /8" compartment door are latched with recessed, polished stainless steel "D" ring handle and key lock.

The aluminum door completes with the following features: door ajar switch and two (2) LED lights.

One (1) switch shall be installed so the compartment light(s) shall come on only when compartment door is open.

There shall be a set of tracks for future installation of adjustable shelf(s) in each compartment. These tracks shall be installed vertically on the walls of the compartment(s) and shall offer a multitude of height adjustment possibilities.

Right (Passenger) Side Compartment (R2)

One (1) 60" long x 28" high x 24" deep compartment behind the L1/R1 transverse compartment located at the right (passenger) side of the water tank.

The overlap aluminum compartment door shall be securely attached to the body with a full vertical stainless steel hinge. Door opening shall be fitted with solid neoprene weather strip completely sealing the perimeter of the compartment door opening. The door shall be installed with gas hold open struts. The 1 /8" compartment door are latched with recessed, polished stainless steel "D" ring handle and key lock.

The aluminum door completes with the following features: door ajar switch and two (2) LED lights.

One (1) switch shall be installed so the compartment light(s) shall come on only when compartment door is open.

There shall be a set of tracks for future installation of adjustable shelf(s) in each compartment. These tracks shall be installed vertically on the walls of the compartment(s) and shall offer a multitude of height adjustment possibilities.

Three (3) Adjustable Shelves

There shall be three (3) adjustable shelving formed from .125 thick smooth aluminum sheet. Each shelf shall be fastened to the tracking using four (4) adjustable shelf clips and stainless-steel hardware.

The shelves shall be located on the side compartments, L1-R1, L2 and R2

Front Underbody Compartments

Two (2) aluminum underbody compartments ahead of the rear wheels shall be supplied and mounted, one on the driver's side and one on the passenger's side.

The compartments shall be made with aluminum tread plate sheet 30" wide x 18" deep x 18" high.

Compartment shall have a horizontally hinged drop-down door made from aluminum diamond tread-plate.

The compartments shall have a minimum of one (1) louvered panel bolted into a wall to provide the proper airflow inside the compartment.

Top Storage Trays

A storage tray shall be supplied and installed on top of the compartments.

Dimensions of the storage trays shall be 96" Long X 24" Wide X 8" High.

The four (4) walls of the tray shall be made from expanded aluminum webbing with relief cut on external wall to aid access to long tools from the ground.

Wheel Chocks

Medium Kochek Wheel Chocks with storage brackets shall be provided. The location shall be determined by the FD.

Rear Mud Flaps

Rear rubber mud flaps are provided. A bracket attached to the side of the muffler pipe end is installed to prevent any damaged that can occur to the mud flap.

Electrical components

A 12 volt electrical system is supply.

The wiring is secured in place, readily accessible and protected against heat, water and physical damage.

Electrical harness lines shall be mechanically attached to the frame or body structure of the apparatus.

All wiring will be run in heat and moisture resistant plastic convoluted split loom. Electrical harness lines shall be furnished with protective looms, grommets, or other devices at each point where they pass through body panels or structural members or wherever they lie against a sharp metal edge. A through-the-frame connector shall be permitted to be used in place of metal protective looms or grommets.

Switches, relays, terminals, and connectors shall have a direct current (de) rating of 125 percent of maximum current for which the circuit is protected and inside junction boxes or console in the cab.

Conductor insulation will conform to S.A.E. requirements. All circuit are protected by automatic reset circuit breakers.

All wiring furnished will conform to the national Electric Code.

All circuits will be wired in conformance with S.A.E. J1292, Automobile wiring standard. All wiring

will be function worded schematically.

A set of electric diagram will be remit upon delivery.

Low Voltage

A low voltage alarm shall be supplied and alert operator when voltage falls below the NFPA 1906 minimum.

Master Battery Switch

A master battery disconnect switch shall be installed and mount in the cab within easy reach of the driver. All electrical circuits shall be connected to the master battery switch with a reset breaker.

Console

One fire application custom console installed between seats with rocker switch. To be quickly identified and visible to the driver and passenger while seated, the rocker switches shall be installed on the top face of the console designed with a 40 deg. angle. This area shall be able to hold at least two rows of rocker switch. All switches shall be appropriately identified by panel mounted legends.

The first lighted rocker switch shall be a red Master Optical Warning switch. A master body disconnect automatic switch, normally open contacts, shall be provided to disconnect all electrical loads not provided by the chassis manufacturer. The starter solenoids shall be connected directly to the batteries.

All rocker switches to have a green "On" indicator that is visible from the driver's position shall be provided.

The console has an area to accommodate department map books, clipboards etc. The

console has an area for two (2) radio heads & Siren installation.

One (1) dual USB charging port shall be installed in the console.

All electrical components like breaker, relays, wiring etc. will be installed inside this customized console and protected with an aluminium box. This console will be design to easily gain access to those breaker, relays, wiring, etc.

Controls and switches that are expected to be operated by the driver while the apparatus is in motion shall be within convenient reach for the driver.

Console shall be painted black scratch free Herculiner finish.

Pump Engine Control in the Cab

A key switch, throttle, pressure gauge, mini water and foam level displays and one (1) front bumper spray nozzle toggle switch shall be installed in the cab console to control the pump engine.

Emergency lighting

One (1) LED lightbar shall be mounted the headache rack and controlled by one (1) switch on the cab console.

Mounted on front Ford grill, two (2) Whelen Ion-T series Linear Super LED, two (2) each side, red with clear lens with a black flange.

Mounted each side of the chassis, two (2) Whelen Ion-T series Linear Super LED, one (1) each side, red with clear lens with a black flange.

Mounted on sides of the flatbed, two (2) Whelen M4 series Linear Super LED, one (1) on each rear corner, red with clear lens with a black flange.

Mounted at the lower rear of the flatbed Two (2) Whelen M4 series Linear Super LED, one (1) each side, red with clear lens, each with a black flange.

Mounted at the upper rear of the flatbed four (4) Whelen M4 series Linear Super LED, two (2) on each rear wall compartments, red with clear lens, each with a black flange.

Siren & Speaker

One (1) Code3, model #3599L5 or equal electronic siren amplifier with PA and switch control center to be provided and installed. Siren shall have wail, yelp, hi-lo, hyper hi-lo, whoop, manual wail and air horn tones as well as public address and shall be capable of radio rebroadcast.

One (1) Whelen, model# SA315P, 100 watt speaker, or equal shall be provided and mounted on the front bumper with SAK1 universal mounting bracket.

Front Scene Lights

Two (2) Warn 4" HID off road lights shall be provided and mounted on the front grill and connected to a switch in the cab console.

Six (6) Scene Lights

Six (6) TecNiq swivel LED scene flood lights, four (4) on the body, one (1) on each corner and two (2) facing rear, shall be installed and connected to a switch in the cab console.

Four (4) Ground lights

Two (2) ground lights shall be installed at the entry of the cab, one (1) on each side. Lighting designed to provide illumination on areas under the driver and crew riding area exits shall be switchable but activated automatically when the exit doors are opened.

Two (2) ground lights shall be installed below the rear steps, one (1) on each side. These ground lights will be illuminated at any time the chassis parking brake is activated.

Lights shall be white oval LED with bracket.

Compartment Lights switches

One (1) switch per compartment shall be installed so the compartment light(s) shall come on only and automatically when compartment door is open.

Door Ajar

One (1) door ajar warning red light shall be provided and installed visible to the driver, on the cab console. The light shall be properly marked with a sign "Warning Door Ajar".

Back-Up Alarm

One (1) back-up alarm that meets the type D (87 dBa) requirements of SAEJ994 shall be provided at the rear of the apparatus. It will activate when the transmission is placed in reverse.

Back-Up Camera

One (1) back-up camera shall be provided at the rear of the apparatus. It will activate when the transmission is placed in reverse. A monitor shall be supplied in the cab and visible by the driver.

Tank

The water tank shall have a rated capacity of 400 U.S. gallons complete with lifetime warranty. The tank manufacturer shall mark the tank and furnish notice that indicates proof of warranty. The purpose of the notice is to inform department personnel who store or use the tank that the unit is under warranty. The entire tank shall meet NFPA standards.

The tank shall be constructed of 1/2 (15mm) thick Polyprene sheet stock. This material shall be non-corrosive stress relieved thermoplastic, be black in color and U.V. stabilized for maximum protection. The tank shall be of a special configuration and is so designed to be completely independent of the body and compartments. All exterior tank joints and seams shall be extrusion welded and/or contain the Bent Edge and tested for maximum strength and integrity. The top of the tank is fitted with removable lifting eyes designed with a 3 to 1 safety factor to facilitate easy removal.

The transverse and longitudinal swash partitions shall be manufactured of Polyprene material. All partitions shall be equipped with vent and air holes to permit movement of air and water between compartments. The partitions shall be designed to provide maximum water flow and meet NFPA rules. All swash partitions interlock with one another and are welded to each other as well as to the walls and floor of the tank.

The tank shall have a combination vent and fill tower. The fill tower shall be constructed of 1/2 (15 mm) thick Polyprene and shall be a minimum dimension of 8 x 8 (200mm x 200mm) outer perimeter. The tower shall be located on the top of the tank closest to the pump platform area. The tower shall have a 1/4 (63mm) thick removable Polyprene screen and a Polyprene hinged-type cover. Inside the fill tower, there shall be a combination vent overflow pipe. The vent overflow shall be a minimum of schedule 40 pipe with a minimum I.D. of 4 (100mm) that is designed to run through the tank, and shall be piped behind the rear wheels where specified by the purchaser so as to maximize traction.

The tank cover shall be constructed of recessed 1/2 (127mm) thick black Polyprene, stress relieved, U.V. stabilized material

There will be two (2) standard tank outlets: one for tank to pump suction line which shall be a minimum of 2 (50 mm) FNPT coupling; and one for a tank fill line which shall be a minimum of 1 1/2 (38 mm) FNPT coupling. All tank fill couplings shall be backed with flow deflectors to break up the stream of water entering the tank, and be capable of withstanding sustained fill rates of up to 1000 G.P.M. (3800 LPM). All auxiliary outlets and inlets must meet N.F.P.A. 1906 guidelines in effect at the time of manufacture.

Water Tank Level Sight Glass:

The water tank shall have a sight glass incorporated into the tank located near the pump platform area. This sight level shall be 70% transparent and of natural color.

Pump & Tank Mounting:

Three (3) Polyprene C channel beam base shall be provided to support the tank and pump. The tank shall be extrusion welded to the base for maximum strength and integrity. The entire pump and tank skid shall be completely removable.

Piping:
All welded Stainless-Steel manifold painted blue. All pipe nipples and coupling used are schedule 40 stainless steel fittings. All connections from the pump to the tank will be soft connections using hose and crimped fittings.

Valves:
All valves shall be quarter turn and be made of forged brass a forged brass body and stem with and chrome plated brass ball valves. Handles shall be of zinc-plated steel with vinyl sleeves and zinc plated handle nut.

Water Tank Indicator

Fire Research TankVision model WLA200-AOO tank indicator kit shall be installed. The kit shall include an electronic indicator module, a pressure sensor, and a 1 O' sensor cable. The indicator shall show the volume of water in the tank on nine (9) easy to see super bright LEDs. A wide view lens over the LEDs shall provide for a viewing angle of 180 degrees. The indicator case shall be waterproof, manufactured of aluminum, and have a distinctive blue label.

The program features shall be accessed from the front of the indicator module. The program shall support self-diagnostics capabilities, self-calibration, and a datalink to connect remote indicators. Low water warnings shall include flashing LEDs at 1 /4 tank, down chasing LEDs when the tank is almost empty, and an output for an audio alarm.

The indicator shall receive an input signal from an electronic pressure sensor. The sensor shall be mounted from the outside of the water tank near the bottom. No probe shall place on the interior of the tank. Wiring shall be weather resistant and have automotive type plug-in connectors.

Location of water tank indicator shall be: Pump Panel Area **Water**

Tank Mini-Display Indicator

One (1) water tank mini display indicator shall be provided and installed in the cab console.

Class A Foam Tank Indicator

Fire Research TankVision model WLA260-AOO tank indicator kit shall be installed. The kit shall include an electronic indicator module, a pressure sensor, a 1 O' sensor cable and a tank vent. The indicator shall show the volume of Class A foam concentrate in the tank on nine (9) easy to see super bright LEDs. A wide view lens over the LEDs shall provide for a viewing angle of 180 degrees. The indicator case shall be waterproof, manufactured of aluminum, and have a distinctive green label.

The program features shall be accessed from the front of the indicator module. The program shall support self-diagnostics capabilities, self-calibration, and a datalink to connect remote indicators. Low foam warnings shall include flashing LEDs at 1/4 tank, down chasing LEDs when the tank is almost empty, and an output for an audio alarm.

The indicator shall receive an input signal from an electronic pressure sensor. The sensor shall be mounted from the outside of the foam tank near the bottom. No probe shall place on the interior of the tank. The foam tank vent shall be installed on the foam fill tower. Wiring shall be weather resistant and have automotive type plug-in connectors.

Location of foam tank indicator shall be: Pump Panel Area

Foam Tank Mini-Display Indicator

One (1) foam tank mini display indicator shall be provided and installed in the cab console.

Fire Pump

Darley model number 2 BE 18 HP Gas powered, centrifugal portable pump shall be provided. The medium pressure, high volume pump, direct drive, engine mounted shall meet the following performance requirements. :

2 BE 18 HP
375 gpm @ 25 psi
300 gpm @ 45 psi
100 gpm @ 140 psi

Pump casing shall be of anodized aluminum and vertically split, with a minimum tensile strength of 33,900 PSI - bronze-fitted. Pump ratio to be selected by the manufacturer's Engineering Department. Seal rings shall be renewable, double labyrinth, wrap around bronze type. Bearings are to be heavy duty, deep groove, radial-type ball bearings, oversized for long life. Bearings to be protected at all openings from road dirt and water splash with oil seals and water slingers.

The pump unit shall be supplied with a control panel for remote mounting, panel light, hour meter / tachometer, pressure gauge, on/off ignition switch, and a low oil pressure light, engine choke, engine throttle

Mechanical Seal

The pump shall be furnished with a Darley maintenance free mechanical seal. The mechanical seal shall be a non-contacting, non-wearing seal design. Seal shall be a Silicon Carbide Mechanical seals with welded springs. The stationary face of mechanical seals shall be made from Silicon Carbide, and be extremely hard and of a heat dissipative material, which resists wear and dry running damage much better than conventional Ni-resist and Tungsten Carbide materials

Engine

Briggs and Stratton Vanguard 18HP, 12 volt starter, 40 amp alternator, replaceable fuel and oil pump filters

Pump Tag

A pump tag shall be mounted on the operator's panel with pump certification information.

Oil Drain

An oil drain line shall be installed on the engine for an easy maintenance.

Pump Controls

The pump unit shall be supplied with a **Digitrol** control panel for remote mounting. The panel shall include oil pressure warning light, water temperature warning light, hour meter, pressure gauge, and on/off ignition switch.

Valves:

All valves shall be quarter turn and be made of forged brass a forged brass body and stem with and chrome plated brass ball valves. Handles shall be of zinc-plated steel with vinyl sleeves and zinc plated handle nut.

Pump Certification:

The pump, when dry, shall be capable of taking suction and discharging water in compliance with NFPA #1906. The pump shall be tested at the manufacturer's facility. The conditions of the pump test shall be as outlined and in accordance with current NFPA 1906.

The pump shall deliver the percentage of rated capacities at pressures indicated: 100% of rated capacities at 150 PSI (1000KPA) net pump pressure.

Pump Warranty:

Pump shall have a three (3) Year Pump Warranty & 72 Hour Parts Shipping. W.S. Darley & Co. guarantees to replace or repair any defective part or parts, which Darley determines to be defective in materials or workmanship from date of shipment as outlined in the Standard Pump Warranty Document, for a period of three (3) years.

Electric Primer

Exhaust Prime shall be suppied

Foam System

There shall be an around the pump foam eductor/mixer installed integral to the pump. The eductor shall be plumbed from the foam cell with flexible reinforced tubing to throughout the eductor to a suction fitting on the pump impeller housing.

1" Tank Fill

There shall be a 1" valve piped from the discharge manifold as a means for refilling the tank. The valve shall be a Fire Type quarter turn swing-out valve handle and 1" NPT threads, and shall be connected to the tank fill port by 1" high pressure flexible hose.

Garden Hose Discharge to Rear

There shall be a standard garden hose valve piped from the manifold of the pump. The valve shall be an industrial quarter turn valve with handle and %" threads.

One (1) 1-1/2" Discharge To Rear

There shall be one (1) 1-1/2" valve piped from the discharge manifold to the rear of the truck for connection of forestry hose. The valve shall be an *industrial* quarter turn valve with 1-1/2" NH threads. The valve shall be furnished with a 1-1/2" NH chrome cap and chain.

One (1) 1" Discharges to Booster Reels

There shall be 1" valve piped from the discharge manifold to the booster reel. The valves shall be fire type quarter turn swing-out valve handles and 1" NPT threads and shall be connected the reel by 1" high pressure flexible hose.

Booster Hose Reel

A 12v electric rewind booster hose reels capable of handling 100' of 1" diameter booster hose. The

reel shall have a push button rewind control and a backup geared crank rewind handle. The reel shall be equipped with a 1" NPT 90° swivel inlet, and a 1" NST outlet riser. The reel shall be manufactured of steel and shall be primed and painted red. The reels shall be installed on the rear corners of the flatbed, one (1) on each side, facing rear.

One (1) high mounted roller and spool assembly shall be furnished and installed on the reel.

100' of 1" fabric booster hose shall be supplied and installed on the reel

Two (2) Front Bumper Nozzles

Two (2) brass fog nozzles shall be installed at the lower section of the front bumper.

One (1) 1" electric valve shall be installed on the pump manifold and shall be controlled together inside the cab with a toggle switch.

One (1) brass automatic drain shall be installed on the front water line.

Additional Equipment

- Two (2) suction hoses 2-1/2" NH by 8' long shall be supplied.
- One (1) 2-1/2" NH barrel strainer shall be supplied.
- One (1) 1" Booster nozzle with pistol grip shut-off shall be provided.

SPD (Rev. 1/19)

State of New Mexico
General Services Department

Statewide Price Agreement Cover Page

Awarded Vendor

Kovatch Mobile Equipment Corp (KME)
One Industrial Complex
Nesquehoning, PA 18240

Email: rslane@kmefire.com
Telephone No. 570-669-5591

Price Agreement Number: **70-000-16-00034AE**

Payment Terms: **Net 30**

F.O.B.: **Destination**

Delivery: **As Requested**

Ship To:
All State of New Mexico agencies, commissions, institutions, political subdivisions and local public bodies allowed by law.

Invoice:
As Requested

Procurement Specialist: **Travis Dutton-Leyda**

Telephone No.: **505-827-0477**

Email: **Travis.Dutton-Leyda@state.nm.us**

Title: **Fire Trucks and Fire Apparatus**

Term: **September 16, 2019 thru August 31, 2021**

This Statewide Price Agreement is made subject to the "terms and conditions" as indicated on the attached Participating Addendum.

Supporting documentation including pricing and the Master Agreement can be found here:
https://www.naspovaluepoint.org/portfolio/fire-apparatus-trucks-2016-2020/kovach-mobile-equipment-corp/

Authorized Dealer:

411 Equipment LLC
1815 4th Street NW
Albuquerque, NM 87102

PARTICIPATING ADDENDUM
NASPO ValuePoint
Fire Trucks and Fire Apparatus
Administered by the State of Mississippi (hereinafter "Lead State")

MASTER AGREEMENT
Kovach Mobile Equipment Corp.
Master Agreement No: 8200027991
(hereinafter "Contractor")

And

State of New Mexico
Statewide Price Agreement No: 70-000-16-00034AE
(hereinafter "Participating State/Entity")

1. Scope: This addendum covers the *Fire Trucks and Fire Apparatus* led by the State of **Mississippi** for use by state agencies and other entities located in the Participating **State/Entity** authorized by that state's statutes to utilize **state/entity** contracts with the prior approval of the state's chief procurement official.

2. Participation: Use of specific NASPO ValuePoint cooperative contracts by agencies, political subdivisions and other entities (including cooperatives) authorized by an individual state's statutes to use **state/entity** contracts are subject to the prior approval of the respective State Chief Procurement Official. Issues of interpretation and eligibility for participation are solely within the authority of the State Chief Procurement Official.

3. Participating State/Entity Modifications or Additions to Master Agreement:
(These modifications or additions apply only to actions and relationships within the Participating Entity.)

Participating State/Entity to check one box.

[__] No changes to the terms and conditions of the Master Agreement are required

[X] The following changes are modifying or supplementing the Master Agreement terms and conditions.

Taxes:
The Contractor shall be reimbursed by the Procuring Agency for applicable New Mexico gross receipts taxes, excluding interest or penalties assessed on the Contractor by any authority. **PLEASE NOTE NO PROPERTY TAX WILL BE PAID TO THE CONTRACTOR BY THE STATE.** The payment of taxes for any money received under this Agreement shall be the Contractor's sole responsibility and should be reported under the Contractor's Federal and State tax identification number(s).

Contractor and any and all subcontractors shall pay all Federal, state and local taxes applicable to its operation and any persons employed by the Contractor. Contractor shall require all subcontractors to hold the Procuring Agency harmless from any responsibility for taxes, damages and interest, if applicable, contributions required under Federal and/or state and local laws and regulations and any other costs, including transaction privilege taxes, unemployment compensation insurance, Social Security and Worker's Compensation.

D. Retainage.
Reserved

E. Performance Bond.
Reserved

Term:

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED IN WRITING BY THE STATE PURCHASING AGENT, IF REQUIRED. This Agreement shall begin on date approved by the agency or the State Purchasing Agent, if the State Purchasing Agent has signed this Agreement, and end on August 31, 2021. The agency reserves the right to renew the contract on an annual basis by mutual Agreement not exceed a total of 8 years in accordance with NMSA 1978 §13-1-150.

Termination:

A. Grounds. The Procuring Agency may terminate this Agreement for convenience or cause. The Contractor may only terminate this Agreement based upon the Procuring Agency's uncured, material breach of this Agreement.

B. Notice; Procuring Agency Opportunity to Cure.

1. Except as otherwise provided in sub-paragraph A of this Clause and the Appropriations Clause of this Agreement, the Procuring Agency shall give Contractor written notice of termination at least thirty (30) days prior to the intended date of termination.

2. Contractor shall give Procuring Agency written notice of termination at least thirty (30) days prior to the intended date of termination, which notice shall (i) identify all the Procuring Agency's material breaches of this Agreement upon which the termination is based and (ii) state what the Procuring Agency must do to cure such material breaches. Contractor's notice of termination shall only be effective (i) if the Procuring Agency does not cure all material breaches within the thirty (30) day notice period or (ii) in the case of material breaches that cannot be cured within thirty (30) days, the Procuring Agency does not, within the thirty (30) day notice period, notify the Contractor of its intent to cure and begin with due diligence to cure the material breach.

3. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor (i) if the Contractor becomes unable to perform the services contracted for, as determined by the Procuring Agency; (ii) if, during the term of this Agreement, the Contractor is suspended or debarred by the State Purchasing Agent; or (iii) the Agreement is terminated pursuant to the Appropriations Clause of this Agreement.

C. Liability. Except as otherwise expressly allowed or provided under this Agreement, the Procuring Agency's sole liability upon termination shall be to pay for acceptable work performed prior to the Contractor's receipt or issuance of a notice of termination; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE PROCURING AGENCY'S OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

Appropriations:

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations

and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by the Procuring Agency to the Contractor. The Procuring Agency's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the Procuring Agency proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

Status of Contractor:

The Contractor and its agents and employees are independent contractors performing professional or general services for the Procuring Agency and are not employees of the State of New Mexico. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles, or any other benefits afforded to employees of the State of New Mexico as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax. The Contractor agrees not to purport to bind the State of New Mexico unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

Conflict of Interest; Governmental Conduct Act:

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978. Without in any way limiting the generality of the foregoing, the Contractor specifically represents and warrants that:

1) in accordance with NMSA 1978, § 10-16-4.3, the Contractor does not employ, has not employed, and will not employ during the term of this Agreement any Procuring Agency employee while such employee was or is employed by the Procuring Agency and participating directly or indirectly in the Procuring Agency's contracting process;

2) this Agreement complies with NMSA 1978, § 10-16-7(A) because (i) the Contractor is not a public officer or employee of the State; (ii) the Contractor is not a member of the family of a public officer or employee of the State; (iii) the Contractor is not a business in which a public officer or employee or the family of a public officer or employee has a substantial interest; or (iv) if the Contractor is a public officer or employee of the State, a member of the family of a public officer or employee of the State, or a business in which a public officer or employee of the State or the family of a public officer or employee of the State has a substantial interest, public notice was given as required by NMSA 1978, § 10-16-7(A) and this Agreement was awarded pursuant to a competitive process;

3) in accordance with NMSA 1978, § 10-16-8(A), (i) the Contractor is not, and has not been represented by, a person who has been a public officer or employee of the State within the preceding year and whose official act directly resulted in this Agreement and (ii) the Contractor is not, and has not been assisted in any way regarding this transaction by, a former public officer or employee of the State whose official act, while in State employment, directly resulted in the Procuring Agency's making this Agreement;

4) this Agreement complies with NMSA 1978, § 10-16-9(A)because (i) the Contractor is not a legislator; (ii) the Contractor is not a member of a legislator's family; (iii) the Contractor is not a business in which a legislator or a legislator's family has a substantial interest; or (iv) if the Contractor is a legislator, a member of a legislator's family, or a business in which a legislator or a legislator's family has a substantial interest, disclosure has been made as required by NMSA 1978, § 10-16-7(A), this Agreement is not a sole source or small purchase contract, and this Agreement was awarded in accordance with the provisions of the Procurement Code;

5) in accordance with NMSA 1978, § 10-16-13, the Contractor has not directly participated in the preparation of specifications, qualifications or evaluation criteria for this Agreement or any procurement related to this Agreement; and

6) in accordance with NMSA 1978, § 10-16-3 and § 10-16-13.3, the Contractor has not contributed, and during the term of this Agreement shall not contribute, anything of value to a public officer or employee of the Procuring Agency.

C. Contractor's representations and warranties in paragraphs A and B of this Clause are material representations of fact upon which the Procuring Agency relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the Procuring Agency if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in paragraphs A and B of this Clause were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in paragraphs A and B of this Clause were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the Procuring Agency and notwithstanding anything in the Agreement to the contrary, the Procuring Agency may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this Agreement.

Amendment:

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the Procuring Agency proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in the Terminations Clause of this Agreement, or to agree to the reduced funding.

Merger:

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

Penalties for violation of law:

The Procurement Code, NMSA 1978 §§ 13-1-28 through 13-1-199, imposes civil and criminal penalties for violation of the statute. In addition, the New Mexico criminal statutes impose felony penalties for illegal acts, including bribes, gratuities and kickbacks.

Equal Opportunity Compliance:

The Contractor agrees to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

Workers Compensation:

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the Procuring Agency.

Applicable Law:

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, § 38-3-1 (G). By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

Records and Financial Audit:

The Contractor shall maintain detailed time and expenditure records that indicate the date, time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Procuring Agency, the Department of Finance and Administration and the State Auditor. The Procuring Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Procuring Agency to recover excessive or illegal payments.

Invalid Term or Condition:

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

Enforcement of Agreement:

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

Non-Collusion:

In signing this Agreement, the Contractor certifies the Contractor has not, either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the State Purchasing Agent or agency or entity.

Notices:

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:
To the Procuring Agency:
Lawrence O. Maxwell, State Purchasing Agent
State Purchasing Division
1100 St. Francis Dr., Room 2016
Santa Fe, NM87505

To the Contractor:

Name:	Ryan Slane
Address:	One Industrial Complex, Nesquehoning, PA 18240
Telephone:	570-669-5591
Fax:	
Email:	rslane@kmefire.com

Succession:

This Agreement shall extend to and be binding upon the successors and assigns of the parties.

Headings:

Any and all headings herein are inserted only for convenience and ease of reference and are not to be considered in the construction or interpretation of any provision of this Agreement. Numbered or lettered provisions, sections and subsections contained herein, refer only to provisions, sections and subsections of this Agreement unless otherwise expressly stated.

Default/Breach:

In case of Default and/or Breach by the Contractor, for any reason whatsoever, the Procuring Agency and the State of New Mexico may procure the goods or Services from another source and hold the Contractor responsible for any resulting excess costs and/or damages, including but not limited to, direct damages, indirect damages, consequential damages, special damages and the Procuring Agency

direct damages, indirect damages, consequential damages, special damages and the Procuring Agency and the State of New Mexico may also seek all other remedies under the terms of this Agreement and under law or equity.

Equitable Remedies:

Contractor acknowledges that its failure to comply with any provision of this Agreement will cause the Procuring Agency irrevocable harm and that a remedy at law for such a failure would be an inadequate remedy for the Procuring Agency, and the Contractor consents to the Procuring Agency's obtaining from a court of competent jurisdiction, specific performance, or injunction, or any other equitable relief in order to enforce such compliance. Procuring Agency's rights to obtain equitable relief pursuant to this Agreement shall be in addition to, and not in lieu of, any other remedy that Procuring Agency may have under applicable law, including, but not limited to, monetary damages.

New Mexico Employees Health Coverage:

A. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of this Agreement, Contractor certifies, by signing this agreement, to have in place, and agree to maintain for the term of the Agreement, health insurance for those employees and offer that health insurance to those employees if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed $250,000 dollars.

B. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.

C. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: http://insurenewmexico.state.nm.us/.

Employee Pay Equity Reporting:

Contractor agrees if it has ten (10) or more New Mexico employees OR eight (8) or more employees in the same job classification, at any time during the term of this Agreement, to complete and submit the PE10-249 form on the annual anniversary of the initial report submittal for agreements up to one (1) year in duration. If contractor has (250) or more employees contractor must complete and submit the PE250 form on the annual anniversary of the initial report submittal for agreements up to one (1) year in duration. For agreements that extend beyond one (1) calendar year, or are extended beyond one (1) calendar year, contractor also agrees to complete and submit the PE10-249 or PE250 form, whichever is applicable, within thirty (30) days of the annual agreement anniversary date of the initial submittal date or, if more than 180 days has elapsed since submittal of the last report, at the completion of the Agreement, whichever comes first. Should contract or not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, contractor agrees to provide the required report within ninety (90 days) of meeting or exceeding the size requirement. That submittal date shall serve as the basis for submittals required thereafter. Contractor also agrees to levy this requirement on any subcontractor(s) performing more than 10% of the dollar value of this Agreement if said subcontractor(s) meets, or grows to meet, the stated employee size thresholds during the term of the Agreement. Contractor further agrees that,

Not Required

should one or more subcontractor not meet the size requirement for reporting at contract award but subsequently grows such that they meet or exceed the size requirement for reporting, Contractor will submit the required report, for each such subcontractor, within ninety (90 days) of that subcontractor meeting or exceeding the size requirement. Subsequent report submittals, on behalf of each such subcontractor, shall be due on the annual anniversary of the initial report submittal. Contractor shall submit the required form(s) to the State Purchasing Division of the General Services Department, and other departments as may be determined, on behalf of the applicable subcontractor(s) in accordance with the schedule contained in this Clause. Contractor acknowledges that this subcontractor requirement applies even though Contractor itself may not meet the size requirement for reporting and be required to report itself.

Notwithstanding the foregoing, if this Agreement was procured pursuant to a solicitation, and if Contractor has already submitted the required report accompanying their response to such solicitation, the report does not need to b e re-submitted with this Agreement.

Not Required

Indemnification:

The Contractor shall defend, indemnify and hold harmless the Procuring Agency and the State of New Mexico from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement. In the event that any action, suit or proceeding related to the services performed by the Contractor or any officer, agent, employee, servant or subcontractor under this Agreement is brought against the Contractor, the Contractor shall, as soon as practicable but no later than two (2) days after it receives notice thereof, notify the legal counsel of the Procuring Agency and the Risk Management Division of the New Mexico General Services Department by certified mail.

Default and Force Majeure:

The State reserves the right to cancel all or any part of any orders placed under this Agreement without cost to the State, if the Contractor fails to meet the provisions of this Agreement and, except as otherwise provided herein, to hold the Contractor liable for any excess cost occasioned by the State due to the Contractor's default. The Contractor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Contractor; such causes include, but are not restricted to, acts of God or the public enemy, acts of the State or Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery scheduled. The rights and remedies of the State provided in this Clause shall not be exclusive and are in addition to any other rights now being provided by law or under this Agreement.

Assignment:

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the Procuring Agency.

Subcontracting:

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Procuring Agency. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the Procuring Agency.

Inspection of Plant:

The State Purchasing Agent or agency or entity that is a party to this Agreement may inspect, at any reasonable time during Contractor's regular business hours and upon prior written notice, the Contractor's plant or place of business, or any subcontractor's plant or place of business, which is related to the performance of this Agreement.

Commercial Warranty:

The Contractor agrees that the tangible personal property or services furnished under this Agreement shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such tangible personal property or services, and that the rights and remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other Clause of this Agreement or order. Contractor agrees not to disclaim warranties of fitness for a particular purpose or merchantability.

Condition of Proposed Items:

Where tangible personal property is a part of this Agreement, all proposed items are to be NEW and of most current production, unless otherwise specified.

Release:

Final payment of the amounts due under this Agreement shall operate as a release of the Procuring Agency, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

Confidentiality:

Any Confidential Information provided to the Contractor by the Procuring Agency or, developed by the Contractor based on information provided by the Procuring Agency in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the Procuring Agency. Upon termination of this Agreement, Contractor shall deliver all Confidential Information in its possession to the Procuring Agency within thirty (30) Business Days of such termination. Contractor acknowledges that failure to deliver such Confidential Information to the Procuring Agency will result in direct, special and incidental damages.

Contractor Personnel:

A. Key Personnel. Contractor's key personnel shall not be diverted from this Agreement without the prior written approval of the Procuring Agency. Key personnel are those individuals considered by

the Procuring Agency to be mandatory to the work to be performed under this Agreement. Key personnel shall be:
[Insert Contractor Staff Name(s)]
B. Personnel Changes. Replacement of any personnel shall be made with personnel of equal ability, experience, and qualification and shall be approved by the Procuring Agency. For all personnel, the Procuring Agency reserves the right to require submission of their resumes prior to approval. If the number of Contractor's personnel assigned to the Project is reduced for any reason, Contractor shall, within ten (10) Business Days of the reduction, replace with the same or greater number of personnel with equal ability, experience, and qualifications, subject to Procuring Agency approval. The Procuring Agency, in its sole discretion, may approve additional time beyond the ten (10) Business Days for replacement of personnel. The Contractor shall include status reports of its efforts and progress in finding replacements and the effect of the absence of the personnel on the progress of the Project. The Contractor shall also make interim arrangements to assure that the Project progress is not affected by the loss of personnel. The Procuring Agency reserves the right to require a change in Contractor's personnel if the assigned personnel are not, in the sole opinion of the Procuring Agency, meeting the Procuring Agency's expectations.

Incorporation by Reference and Precedence:

If this Agreement has been procured pursuant to a request for proposals, this Agreement is derived from (1) the request for proposal, (including any written clarifications to the request for proposals and any agency response to questions); (2) the Contractor's best and final offer; and (3) the Contractor's response to the request for proposals.
In the event of a dispute under this Agreement, applicable documents will be referred to for the purpose of clarification or for additional detail in the following order of precedence: (1) amendments to the Agreement in reverse chronological order; (2) the Agreement, including the scope of work and all terms and conditions thereof; (3) the request for proposals, including attachments thereto and written responses to questions and written clarifications; (4) the Contractor's best and final offer if such has been made and accepted by the SPA or Procuring Agency or entity; and (5) the Contractor's response to the request for proposals.

Inspection:

If this Agreement is for the purchase of tangible personal property (goods), final inspection and acceptance shall be made at Destination. Tangible personal property rejected at Destination for non-conformance to specifications shall be removed at Contractor's risk and expense promptly after notice of rejection and shall not be allowable as billable items for payment.

Inspection of Services:

If this Agreement is for the purchase of services, the following terms shall apply.

A. Services, as used in this Clause, include services performed, workmanship, and material furnished or utilized in the performance of services.

B. The Contractor shall provide and maintain an inspection system acceptable to the

State Purchasing Agent or other party to this Agreement covering the services under this Agreement. Complete records of all inspection work performed by the Contractor shall be maintained and made available to the State Purchasing Agent or other party to this Agreement during the term of performance of this Agreement and for as long thereafter as the Agreement requires.

C. The State Purchasing Agent or other party to this Agreement has the right to inspect and test all services contemplated under this Agreement to the extent practicable at all times and places during the term of the Agreement. The State Purchasing Agent or other party to this Agreement shall perform inspections and tests in a manner that will not unduly delay or interfere with Contractor's performance.

D. If the State Purchasing Agent or other party to this Agreement performs inspections or tests on the premises of the Contractor or a subcontractor, the Contractor shall furnish, and shall require subcontractors to furnish, at no increase in Agreement price, all reasonable facilities and assistance for the safe and convenient performance of such inspections or tests.

E. If any part of the services do not conform with the requirements of this Agreement, the State Purchasing Agent or other party to this Agreement may require the Contractor to re-perform the services in conformity with the requirements of this Agreement at no increase in Agreement amount. When the defects in services cannot be corrected by re-performance, the State Purchasing Agent or other party to this Agreement may:

(1) require the Contractor to take necessary action(s) to ensure that future performance conforms to the requirements of this Agreement; and

(2) reduce the Agreement price to reflect the reduced value of the services performed.

F. If the Contractor fails to promptly re-perform the services or to take the necessary action(s) to ensure future performance in conformity with the requirements of this Agreement, the State Purchasing Agent or other party to this Agreement may:

(1) by Agreement or otherwise, perform the services and charge to the Contractor any cost incurred by the State Purchasing Agent or other party to this Agreement that is directly related to the performance of such service; or

(2) terminate the Agreement for default.

THE PROVISIONS OF THIS CLAUSE ARE NOT EXCLUSIVE AND DO NOT WAIVE THE STATE PARTIES' TO THIS AGREEMENT OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.

Insurance:

If the services contemplated under this Agreement will be performed on or in State facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the State of New Mexico, General Services Department or other party to this Agreement as additional insured.

A. Workers Compensation (including accident and disease coverage) at the statutory limit.

Employers liability: $100,000.

B. Comprehensive general liability (including endorsements providing broad form property damage, personal injury coverage and contractual assumption of liability for all liability the Contractor has assumed under this Agreement). Limits shall not be less than the following:

a. Bodily injury: $1,000,000 per person /$1,000,000 per occurrence.

b. Property damage or combined single limit coverage: $1,000,000.

c. Automobile liability (including non-owned automobile coverage): $1,000,000.

d. Umbrella: $1,000,000.

C. Contractor shall maintain the above insurance for the term of this Agreement and name the State of New Mexico, General Services Department or other party to this Agreement as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

Arbitration:

Any controversy or claim arising between the parties shall be settled by arbitration pursuant to NMSA 1978 § 44-7A-1 *et seq.*

New Mexico Administrative Reporting and Fees:

All contracts and Purchase Orders arising out of this agreement shall be deemed to include an Administrative Fee assessment at the rate of **percent (1.00 %), but not to exceed $2,000 per order** for the gross total sales and other revenues (including commissions and fees charged). This assessment shall apply to all New Mexico state agencies and local public bodies. **"Gross total sales"** means any invoiced amount less any applicable state and local taxes.

For reporting purposes: list payments received for the issued invoice during the applicable quarter by state agency, local public body and invoice number. The Quarters are as follows.

Quarter:	Period End:	Report Due:
First	September 30	October 31
Second	December 31	January 31
Third	March 31	April 30
Fourth	June 30	July 31

Even if contractor experiences zero sales during the quarter, a report is still required. This will also apply if the contract starts partial within a Quarter. Reports and Administrative Fee shall be due no later than thirty (30) days following the end of the quarter. Only submit one payment and one report for each quarter, do not combine payments or reports.

Payment shall be made by check payable to the *"State Purchasing Division."* This contract number **80-000-18-00048AE** must be included on all payments and Quarterly Sales Reports.

Remit Checks to:

State Purchasing Division
1100 St. Francis Drive, Room 2016
PO Box 6850
Santa Fe, NM 87505
Attn: Compliance Officer

Sample Reports can be found at:
http://www.generalservices.state.nm.us/statepurchasing/resourcesandinformation.aspx#Vendors

Email completed reports to: GSD.QuarterlyUsageR@state.nm.us
For questions regarding the Administrative Fees and Quarterly Sales Reports contact the Compliance Officer at (505) 827-0472.

4. **Distributors; Sub-Contractors or Authorized Dealers**: The Contractor may utilize distributors; however, the contractual agreement that may result from this Participating Addendum shall specify that the price prime Contractor is solely responsible for fulfillment of all requirements of the contractual agreement with the State.

Additionally, the Contractor must receive approval in writing, from New Mexico's State Purchasing Agent before any distributor is used during the term of this agreement.

Distributors are classified as follows, and their role shall be specified in Contractor's request for approval.

a. Contractor authorized resellers
   (1) Contract authorized resellers shall provide quotes, accept purchase order, and accept payment from entities ordering under this Participating Addendum.
   (2) Authorizes resellers are responsible for sending a copy of all purchase orders and invoices to the Contractor for compliance with quarterly usage reporting and administrative requirements.
   (3) All purchase documents to authorized resellers shall reference the participating addendum number and Kovach Mobile Equipment Corp. as the contractor.
b. Contractor authorized subcontractors
   (1) Contractor authorized subcontractors are authorized to provide quotes, sales assistance, configuration guidance and ordering support for services available under this Participating Addendum.

   (2) Contractor authorized subcontractors ARE NOT authorized to accept orders, purchase orders or payments from entities ordering under this Participating Addendum.

5. **Records Administration and Audit:** Participating State's right as specified in Section 25 of the Master Agreement shall survive for a period of six (6) years following termination of this Participating Addendum or final payment for any order placed by a Purchasing Entity against this Participating Addendum, which is later, to assure compliance with the terms hereof or to evaluate performance hereunder.

6. **Primary Contacts:** The primary contact individuals for this Participating Addendum are as follows (or their named successors):

7. **Primary Contacts**: The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Contractor

Name	Stephen Carleton
Address	One Industrial Complex, Nesquehoning, PA 18240
Telephone	(570) 669-5174
Fax	
E-mail	scarleton@kovatch.com

Participating Entity

Name	Travis Dutton-Leyda
Address	PO Box 6850, Santa Fe, NM 87502

Telephone	505-827-0477/505-795-1076
Fax	505-827-2484
E-mail	Travis.dutton-leyda@state.nm.us

8. **Subcontractors:** All [contactor] dealers and resellers authorized in the State of New Mexico, as shown on the dedicated **[contractor]** (cooperative contract) website, are approved to provide sales and service support to participants in the NASPO ValuePoint Master Agreement. The **[contractors]** dealer's participation will be in accordance with the terms and conditions set forth in the aforementioned Master Agreement.

9. Orders: Any Order placed by a Participating Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement shall be deemed to be a sale under (and governed by the prices and other terms and conditions) of the Master Agreement unless the parties to the Order agree in writing that another contract or agreement applies to such Order.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Participating State: New Mexico	Contractor: **Kovach Mobile Equipment Corp.**
By:	By:
Name: ~~Lawrence Maxwell~~ MARK R. HAYDEN	Name: Stephen Carleton
Title: State Purchasing Agent	Title: Director of Sales
Date:	Date: 08-29-19

[Additional signatures as required by Participating State]

For questions on executing a participating addendum, please contact:

NASPO ValuePoint

Cooperative Development Coordinator	Tim Hay
Telephone	503-428-5705
E-mail	thay@naspovaluepoint.org

[Please email fully executed PDF copy of this document to PA@naspovaluepoint.org to support documentation of participation and posting in appropriate data bases]

City of Santa Fe, New Mexico

memo

Date: October 19, 2020

To: PW-UC/Finance/City Council

Via: Shannon Jones, Public Utilities Director SJ
Jesse Roach, Water Division Director JR

From: Jonathan Montoya, Source of Supply Operations Manager JM
Re: Approval of BAR in the amount of $76,484.62 from the Water Enterprise Cash Balance

ITEM
Source of Supply staff is requesting approval of accompanying BAR to fund the unused 2020 balance of the Alpha SW contract.

JUSTIFICATION
Alpha Southwest currently holds a 4-year emergency well repair contract for Source of Supply for $189,328.13 per year. Work under this contract typically involves non-routine or emergency repairs to the Canyon Road water treatment plant, and city water facilities (Wells, booster pumps, water storage tanks, etc.).

In May of 2020, a task order was issued under this contract to repair or replace four pumps that had reached the end of their useful life at two of the Water division's booster pump sites. These pumps are no longer supported by the manufacture and have become obsolete. The amount of lead time it took to build the new pumps pushed the final billing past the FY20 PO cut off which left $76,484.62 unused when the PO was closed out. The delay in billing caused this amount to be applied to the current fiscal year balance, which has left us with limited funds for other repairs needed in our water system. Source of supply is requesting the current FY 2021 Budget be increased from the Water Enterprise fund for $76,484.62. This will allow staff to amend the purchase order to include this unused balance to complete the funding for this pump project. This change will not increase the total 4-year contract amount.

RECOMMENDED ACTION
- Please approve accompanying BAR in the amount of $76,484.62

Log # *{Finance use only}*:	
Batch # *{Finance use only}*:	

City of Santa Fe, New Mexico
BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME	DATE
PUD/Water/SOS	10/21/2020

ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE
EXPENDITURES				*{enter as positive #}*	*{enter as negative #}*
Service Contracts	5050385	510310		76,485	
REVENUES				*{enter as negative #}*	*{enter as positive #}*
				$ 76,485	$ -

JUSTIFICATION: *(use additional page if needed)*
--Attach supporting documentation/memo

Budget Increase from Cash Balance in Water Divisiont Enterprise Fund to fund

unsused 2020 balance of contract.

{Complete section below if BAR results in a net change to ANY Fund}	
Fund(s) Affected	Fund Balance Increase/(Decrease)
505	(76,485)
TOTAL:	**(76,485)**

Maya Martinez 10/21/2020
Prepared By *{print name}* Date

AJH (Oct 22, 2020 10:38 MDT)
Budget Officer Date

{Use this form for Finance Committee/ City Council agenda items ONLY}

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

Division Director Signature *{optional}* Date

Shannon Jones (Oct 21, 2020 16:40 MDT)

Finance Director *{≤ $5,000}* Date

Department Director Signature Date

City Manager *{≤ $60,000}* Date

Signature: Jonathan Montoya
Jonathan Montoya (Oct 21, 2020 14:53 MDT)

Email: jmmontoya@santafenm.gov

Alpha BAR

Final Audit Report 2020-10-22

Created:	2020-10-21
By:	Maya Martinez (mfmartinez@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAEUeadzhiToTdZ4cQDKhA-8EelWE7s1ei

"Alpha BAR" History

Document created by Maya Martinez (mfmartinez@ci.santa-fe.nm.us)
2020-10-21 - 8:45:58 PM GMT- IP address: 63.232.20.2

Document emailed to Jonathan Montoya (jmmontoya@santafenm.gov) for signature
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Document e-signed by Jonathan Montoya (jmmontoya@santafenm.gov)
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Signature Date: 2020-10-21 - 10:40:19 PM GMT - Time Source: server- IP address: 174.28.170.100

Document emailed to AJH (ajhopkins@santafenm.gov) for signature
2020-10-21 - 10:40:21 PM GMT

Email viewed by AJH (ajhopkins@santafenm.gov)

2020-10-22 - 4:38:34 PM GMT- IP address: 104.47.64.254

Document e-signed by AJH (ajhopkins@santafenm.gov)

Signature Date: 2020-10-22 - 4:38:57 PM GMT - Time Source: server- IP address: 63.232.20.2

Agreement completed.

2020-10-22 - 4:38:57 PM GMT

City of Santa Fe, New Mexico
Memorandum

DATE: **October 1, 2020**

TO: **City of Santa Fe Governing Body**

VIA: **Jarel LaPan Hill, City Manager** JLH
Regina Wheeler, Public Works Director RW
Erin McSherry, City Attorney EM
Andrea Salazar, Assistant City Attorney AS

FROM: **Sam Burnett, Property Maintenance Manager**

ITEM AND ISSUE:
Request for Approval on the License Agreement in exchange for obligations of Licensee for an indefinite term between the City of Santa Fe and New Mexico Department of Cultural Affairs.

BACKGROUND AND SUMMARY:
This agreement will grant a License to the New Mexico State Department of Cultural Affairs for the use of the right-of-way at the corner of Garfield Street and Guadalupe Street. The total area included in this license is 5,900 sqft.

This License allows the Licensee to use the Premises for the purpose of construction staging and storage during construction of the Vladem Contemporary Museum, and creating and maintaining landscaping and improvements for the Vladem Contemporary Museum. No other use by the Licensee of the right-of-way shall be allowed.

Both the City Attorney's Office and the General Counsel for the NM Department of Cultural Affairs have reviewed and negotiated the terms of the License with their internal stakeholders.

The Licensee's use of the Premises for any purpose not provided for herein shall be deemed a material and substantial breach of this Agreement and shall constitute grounds for injunctive relief by the City.

ACTION REQUESTED:
We respectfully requests your review and approval.

LICENSE AGREEMENT
FOR ENCROACHMENTS ONTO
CITY RIGHT-OF-WAY

THIS AGREEMENT, made this _____ day of September, 2020, by and between the City of Santa Fe, New Mexico, a Municipal Corporation, (the "City"), and the State of New Mexico, acting by and through the Department of Cultural Affairs, a political subdivision of New Mexico (the "Licensee"), whose address is Bataan Memorial Building, 407 Galisteo Street, Suite 260, Santa Fe, NM 87501.

WITNESSETH:

In consideration of the Licensee's promises herein, the City hereby gives the Licensee a License, revocable and terminable as hereinafter provided, to enter on the property of the City as follows:

1. **PREMISES**. Subject to all of the terms and conditions of this License Agreement, the City allows the Licensee to use and occupy that portion of City right-of-way located at the northwest corner of the intersection of Garfield Street and Guadalupe Street. The area of encroachment consists of approximately 5900 square feet as shown on **Exhibit "A"**, attached hereto and made a part hereof (the "Premises").

    a. The City agrees to allow, and hereby allows, the Licensee to use the Premises for the purpose of construction staging, and storage, during construction of the Vladem Contemporary Museum, and creating and maintaining landscaping and improvements for the Vladem Contemporary. No other use by the Licensee of the right-of-way shall be allowed.

    b. No other uses shall be allowed in any manner by the Licensee beyond those actions necessary to create and maintain the landscaping and site improvements.

    c. Licensee's use of the Premises for any purpose not provided for herein shall be deemed a material and substantial breach of this Agreement and shall constitute grounds for injunctive relief by the City.

2. **TERM**. This License Agreement shall commence on the date entered above, which shall be no earlier than the date of execution by all parties, and shall continue until this License Agreement is terminated as provided in Part 4 below.

3. **PAYMENT**. The City hereby waives its standard fees for this License Agreement; provided, however, in the place and stead of those fees, the City accepts as full consideration for granting this License, the Licensee's performance of the following actions, at the Licensee's sole expense, and in conformity with the requirements of Section 10 below:

a. relocate the existing bus stop, no later than the substantial completion of the construction of the Vladem Contemporary Museum, to the location depicted on Exhibit B attached hereto and incorporated herein by reference[or: to a location acceptable to the City of Santa Fe Transit Division];
b. reconstruct the sidewalk at the southwest corner of the intersection of Guadalupe and Montezuma Street to be ADA compliant no later than the substantial completion of the construction of the Vladem Contemporary Museum, to the reasonable specifications timely provided by the City in the location depicted on Exhibit B; and
c. relocate the existing fire hydrant and/or the crosswalk signal pedestal at the southwest corner of the intersection of Guadalupe and Montezuma Streets, as approved by the City of Santa Fe Traffic/Engineering Division, no later than the substantial completion of the construction of the Vladem Contemporary Museum to the location depicted on Exhibit B.

4. **TERMINATION.**
   a. If the City faces a health, safety, or operational need to use the Premises that conflicts with this license, the City may revoke this License Agreement or reduce the area of the Premises, at any time upon thirty (30) days written notice to the Licensee.

   b. The Licensee may terminate this License Agreement at any time upon six (6) month written notice to the City.

   c. In the event that this License is terminated by either party, the Licensee agrees to peaceably and promptly surrender the Premises on that date that is no more than six (6) month after the written notice of termination, to remove all trade fixtures and personal property that the Licensee has placed on the Premises, and, if requested by the City, to restore the Premises to its original state at the time of Licensee's entry thereon; however, in no event shall the City require or have the right to compel the Licensee to relocate the bus stop or fire hydrant to their original locations or to remove the ADA compliant sidewalk constructed in accordance with this License Agreement.

5. **NO INTEREST CREATED.** The Licensee agrees that no property or real estate interest of any kind is conveyed by virtue of this License or by the Licensee's occupancy or use of the Premises under this License Agreement, except as set forth herein.

6. **NO ASSIGNMENT OR SUB-LICENSE.** The Licensee shall not assign this License or make any sub-license under this License Agreement.

7. **INSURANCE.** Subject to the New Mexico Tort Claims Act, the State has coverage for losses and suits as set forth in its State of New Mexico Liability Certificate of Coverage and its State of New Mexico Property Certificate of Coverage, copies of which have been provided to City and which are acceptable to City. The State may obtain and maintain, at its sole expense, including, without limitation, the following:

obtains such a policy or policies of insurance, it is identify the City as an additional insured.

8. **NEW MEXICO TORT CLAIMS ACT**. Any liability incurred by the City and/or the Licensee in connection with this License Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 et.seq., as amended. The City, the State and DCA, and their "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense, and do not waive any limitation of liability pursuant to law. No provision of this License Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

9. **RECORDING**. This License Agreement shall be recorded in the office of the Santa Fe County Clerk in its entirety.

10. **OBLIGATIONS OF LICENSEE**. The Licensee shall comply with the following conditions:

    a. This License is subject to the provisions of the Santa Fe City Code Sections 14-8.4 (Landscape and Site Design), 23-2 (Construction and Maintenance of Curbs, Gutters, and Sidewalks), and other applicable City code requirements.

    b. The approval of this License does not constitute the issuance of a building permit.

    c. The Licensee shall keep the Premises clean and maintained.

    d. The Licensee's right to use the Premises is subject to any and all existing easements, including utility easements, and the rights incident thereto.

APPROVED THIS_____ DAY OF _____, 2020.

CITY OF SANTA FE, A MUNICIPAL CORPORATION

_____
ALAN WEBBER
MAYOR

ATTEST:

_____
YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Andrea Salazar
Andrea Salazar (Oct 20, 2020 15:32 MDT)

ASSISTANT CITY ATTORNEY

APPROVED:

MARY MCCOY, FINANCE DIRECTOR
BUSINESS UNIT/LINE ITEM
21117.460150
MUNIS 2122800

LICENSEE:
DEPARTMENT OF CULTURAL
AFFAIRS FOR THE STATE OF NM

By: _____
NICK SCHIAVO
Deputy Secretary

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

Subscribed and sworn to, or affirmed under penalty of perjury, and acknowledged before me by Nick Schiavo, the Deputy Secretary of the New Mexico Department of Cultural Affairs, personally known to me or identified through satisfactory evidence, on this 24th day of September, 2020, after March 30, 2020 and for an indefinite period of time, pursuant to State of New Mexico Executive Order 2020-015, as amended by State of New Mexico Executive Order 2020-039, in which we engaged in direct interaction using audio-video technology. During such audio-video conference, Nick Schiavo signed this instrument while I observed him/her during the audio-video conference. Nick Schiavo transmitted to me this legible copy by fax or other electronic means, or caused it to be hand-delivered to me, on the same day it was signed.

Jane Elizabeth Egan
Notary Public
Printed Name: Jane Elizabeth Egan

My Commission Expires: November 25, 2023

OFFICIAL SEAL
JANE ELIZABETH EGAN
Notary Public - State of New Mexico
My Commission Expires: 11/25/2023

MICHELLE LUJAN GRISHAM
GOVERNOR

KEN ORTIZ
CABINET SECRETARY

MARK TYNDALL
DIRECTOR
RISK MANAGEMENT

State of New Mexico
General Services Department

ADMINISTRATIVE SERVICES DIVISION
(505) 476-1857

FACILITIES MANAGEMENT DIVISION
(505) 827-2141

PURCHASING DIVISION
(505) 827-0472

RISK MANAGEMENT DIVISION
(505) 827-2036

STATE PRINTING & GRAPHIC SERVICES BUREAU
(505) 476-1950

TRANSPORTATION SERVICES DIVISION
(505) 827-1958

STATE OF NEW MEXICO LIABILITY CERTIFICATE OF COVERAGE

Certificate of Coverage – Effective 07-01-2020

SECTION 1

I. PURPOSE AND NATURE OF THIS CERTIFICATE OF COVERAGE

This Certificate of Coverage must be construed in conformity with the corresponding Letter of Administration. This Certificate of Coverage does not provide insurance, but instead provides an explanation to the covered **Governmental Entities** and **Public Employees** of the State of New Mexico about the intent of the use of funds from the **Public Liability Fund.** This Certificate of Coverage shall be applied giving full effect to the intent of the **New Mexico Tort Claims Act,** NMSA § 41-4-1 et seq., as interpreted and determined in accordance with the Section V of this Certificate of Coverage. As the **Public Liability Fund** is not an insurer, it has no obligation to issue reservation of rights letters, nor does it have an obligation to provide separate counsel to a **covered party** in disputed coverage situations. Finally, failure to provide notice to a **covered party** of any covered dispute **shall not operate to waive any of the provisions of this Certificate of Coverage.**

II. COVERAGE DEFINED

A. The **Public Liability Fund** will pay those sums for **ultimate net loss** that the **covered parties** become legally obligated to pay as damages because of the liabilities and waivers of immunity set forth in the **New Mexico Tort Claims Act,** caused by an **occurrence,** except as otherwise excluded under Section IV, below. The duty to defend under this Certificate of Coverage extends to liabilities and waivers of immunity expressly contained in the **New Mexico Tort Claims Act**. The duty to defend also extends to causes of action arising under the **New Mexico Fair Pay for Women Act**, **New Mexico Inspection of Public Records Act**, **New Mexico Whistleblower Protection Act**, and the **New Mexico Ethics Commission Act**. There is no general duty to defend other claims.

B. The **Director**, acting on behalf of the General Services Department, Risk Management Division, through the **Public Liability Fund,** will have the right and the duty to defend the **covered party** against a claim or suit for damages covered under Section II, paragraph A, above. Such duty, however, shall cease upon final disposition of such claim or order issued by a court of competent jurisdiction.

III. COVERED PARTY

A. **Governmental Entities** are **covered parties** under the Certificate of Coverage. Employees of covered **Governmental Entities,** acting within the scope of their duties, are **covered parties.** Other parties defined by NMSA Section 41-4-3 (F) as **Public Employees** of covered **Governmental Entities** are **covered parties**.

B. Any other entity to which the General Services Department, Risk Management Division has issued a Certificate of Coverage is also a **covered party** under this Certificate of Coverage.

C. Any **Public Employee** using an automobile owned or leased by a covered **Governmental Entity** or other Certificate of Coverage holder is also a **covered party** under this Certificate of Coverage.

IV. EXCLUSIONS

Without limiting the **Director's** power to make a written determination if this Certificate of Coverage applies to any claim. This Certificate of Coverage does not apply to:

A. **Procurement Violations/Bid Specifications/Cost Overruns**

1. Claims arising out of protests, estimates of probable costs or costs estimated being exceeded, faulty preparation of bid specifications, or plans, including architectural plans.

2. Mechanic's lien claims, stop notice claims, change order claims, or similar claims by contractors for the value of services or materials provided.

B. **Contractual Obligations**

Claims arising out of:

1. A failure to perform or breach of a contractual obligation; or

2. A failure to award a contract; or

3. A **covered party's** obligation to pay damages by reason of assumption of liability under contract or agreement. However, this exclusion does not apply to liability for damages the **covered party** would have in the absence of the contract or agreement.

C. **Employee Benefit Plans**

Benefits payable under any employee benefit plan.

D. **Fines, Penalties, and Punitive Damages**

Fines, sanctions, assessments, penalties, restitution, disgorgement, exemplary, or punitive damages. However, pursuant to Section 41-4-4 (C) of the **New Mexico Tort Claims Act**, this exclusion does not apply to exemplary or punitive damages awarded by a jurisdiction other than New Mexico against a Public Employee if such employee was acting within the scope of his employment.

Settlement agreements involving the **New Mexico Inspection of Public Records Act** require a **covered party's** contribution in an amount to be determined by the **Director**.

E. **Injunctive/Declaratory Relief**

Ultimate net loss arising out of relief or redress in any form other than money damages.

F. **Intentional Conduct**

Claims or damages caused by a **covered party's** expected or intentional conduct committed with malice, or willful or conscious disregard of New Mexico statutes or rights or safety of others. This exclusion does not apply to a **covered party** whose liability is based solely on its vicarious liability arising out of its relationship to one acting as described above.

G. **Abuse and Molestation**

Claims arising directly or indirectly, out of:

1. a **covered party's** actual or threatened abuse or molestation of any person while in the care, custody, or control of any **covered party**; or

2. the negligent employment, investigation, supervision, retention, or reporting to the proper authorities, or failure to so report, of a person for whom any **covered party** is or ever was legally responsible and whose conduct would be excluded by subparagraph G1., above.

H. **Land Use**

Claims arising out of or in connection with: land use regulation, land use planning, or the principles of eminent domain or condemnation proceedings.

I. **Pollution Cleanup**

Any loss, cost, or expense, including defense costs, arising out of any:

1. request, demand, or order that a **covered party** or others test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to, or assess the effects of **pollutants**; or

2. claim or suit by or on behalf of a governmental authority for damages because of testing, monitoring, cleaning, removing, containing, detoxifying or neutralizing, or in any way responding to, or assessing the effects of **pollutants.**

J. **Property of a Covered Party**

Property damage to:

1. property owned by or in the care, custody, or control of the **covered party**;

2. property rented to or leased to the **covered party** where it has assumed liability for damage to or destruction of such property; or

3. aircraft, watercraft, or any **vehicle** in the **covered party's** care, custody, or control.

K. **Animals**

Any loss, cost or expense, including defense costs, arising out of any injury or property damage caused by an animal, insect, or plant.

L. **Reasonable Accommodations**

Any expenses or costs incurred by a **covered party** arising from providing a reasonable accommodation to a disabled person, including any modification to premises or workspace to comply with the Human Rights Act or the Americans with Disabilities Act.

M. **Restitution from Officials or Employees**

Claims by a **covered party** against its own past or present elected or appointed officials, employees, or volunteers, where such claim seeks damages or restitution payable to the **covered party.**

N. **Workers' Compensation/Employer's Liability**

Claims for bodily injury to employees arising out of and in the course of employment by the **covered party** that is covered by the **Workers' Compensation Fund** and/or the workers' compensation laws of the State of New Mexico, of any other state, of the federal laws of the United States, or any similar laws.

O. **Wages and Salaries (Compensation Package)**

Damage awards arising out of claims for past or future salary or wage loss, including multipliers, benefits, retirement, insurance or claims for attorney fees by any potential, present, or former employee or official of the **covered party**, arising out of, but not limited to, employment-related practices, policies, acts, or omissions, including termination, coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation, or discrimination directed at that person. This exclusion extends to claims of a spouse, child, parent, grandparent, brother, sister, or any other relative legally recognized in the State of New Mexico to have legal standing to

bring a cause of action, of that person as a consequence of injury to the person at whom any of the employment-related practices, policies, acts, or omissions described above are directed.

Settlement agreements incorporating damages as described above require a **covered party's** contribution in an amount to be determined by the **Director**.

V. CONDITIONS

A. Covered Party's Duties in the Event of an Occurrence

1. The **covered party** will notify the **Director** in writing as soon as practicable of an **occurrence** that is likely to result in a claim under this Certificate of Coverage. Such notice will include particulars sufficient to identify the **covered party** involved and, to the extent possible, information regarding the time, place, and circumstances of the **occurrence**, and the names and addresses of any witnesses.

2. The **covered party** shall provide to the **Director** written notice of any claim received by the **covered party** as soon as possible, but in no event more than (7) seven days from receipt.

3. The **covered party** shall cooperate with the **Director** and, upon request, assist in making settlement, in the conduct of suits, and in enforcing any right of contribution or indemnity against any person or organization who may be liable to **covered party,** and shall attend hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses.

B. Right of the Director to Control Claim

1. The **Director** has the right to control the defense and settlement of a claim covered under this Certificate of Coverage. The **Director** shall have the right to select the attorney or attorneys representing each **covered party** and such attorney or attorneys shall be directed by, and report to, the **Director** with regard to the defenses, procedural decisions, and settlement of a claim.

2. The **Director** shall also have the right to determine if separate legal representation is needed where there is more than one **covered party** involved in a suit.

3. The **Director** shall have the exclusive right to settle a claim for which proceeds are to be paid out or are payable out of the **Public Liability Fund.**

C. Deductible

Pursuant to Risk Management Division rules and procedures, the **Director** may establish a deductible for each **Governmental Entity** that shall apply to each **occurrence** covered under Section II, above, by notifying the **Governmental Entity** in writing. However, in no event shall the deductible apply to an **occurrence** that commenced prior to the establishment of such deductible.

D. **Other Coverage**

The coverage provided by this Certificate of Coverage shall be excess over and not contributed with any insurance or other coverage that is available to the **covered party** whether such insurance or other coverage was purchased by the **covered party** or included such **covered party** as an additional insured or additional **covered party.** In the event of a liability claim arising out of a **Public Employee's** authorized use of a personal **vehicle**, used in the scope of that employee's duties, this certificate provides coverage in excess of the employee's personal liability coverage. The employee's personal liability policy is primary, including applicable personal insurance deductibles to be paid by the employee, and coverage is extended only in an amount to provide secondary coverage for the remaining financial exposure, if any, up to the **New Mexico Tort Claims Act** limit. This certificate does not reimburse an employee for their personal insurance deductibles.

E. **Changes**

Other than its annual issuance, the terms and conditions of this Certificate of Coverage shall not be altered or amended or waived, except by written notice signed by the **Director.** Such notice shall be provided at least (30) thirty days prior to the effective date of the change, in writing to the **Governmental Entities.**

F. **Coverage Disputes**

1. The **Director** shall make a written determination if this Certificate of Coverage applies to any disputed claim. The decision of the **Director** may only be appealed through arbitration. Such arbitration shall be requested by the **covered party** by written request to the **Director** within (30) thirty days of the postmark of the written determination of the **Director.**

2. If such arbitration is requested, the **covered party** and the **Director,** on behalf of the **Public Liability Fund**, shall, within (15) fifteen days from the date the written request is actually received in the office of the **Director**, select one arbitrator each and submit his or her name in writing to the other side. Within (10) ten days after their selections, the two arbitrators shall select a third independent arbitrator. If the two arbitrators cannot agree on the selection of the third arbitrator within those (10) ten days, either side may petition the First Judicial District Court in the county of Santa Fe for the appointment of the third arbitrator. The third arbitrator shall be an attorney and preside as the chairperson of the arbitration panel. No arbitrator shall be employed or affiliated with the **covered party** or the General Services Department, Risk Management Division.

3. The arbitration hearing shall commence within (45) forty-five days from the date of the selection of the chairperson, unless both sides agree to an extension. The **covered party** and the **Public Liability Fund** shall pay the cost of its own selected arbitrator and one-half of the cost of the third selected arbitrator. In addition, each side shall be responsible for its own cost and expense of arbitration.

4. The arbitration panel will endeavor to confine the length of the hearing to (2) two days. A decision of the arbitration panel shall be reported in writing. The written decision of the

arbitration panel shall be given to both sides within (30) thirty days of the close of the hearing.

5. During the course of the arbitration proceedings provided herein, the **Public Liability Fund** will be responsible for all fees and expenses for investigation, defense, or litigation of the claim or lawsuit in question. In the event the arbitration panel determines that coverage does not apply for such defense costs, the **covered party** shall reimburse the **Public Liability Fund** as directed by the arbitration panel.

6. All decisions of the arbitration panel shall be final and binding upon the parties and shall not be subject to any further appeal or court action.

G. **Public Liability Fund Protection**

Notwithstanding the duty of the **Director** to pay claims out of the **Public Liability Fund** under Section II above, the **Director** may withhold payment in any one fiscal year pursuant to Section 41-4-23 (D) of the **New Mexico Tort Claims Act**, if the **Director** believes that the **Public Liability Fund** would be exhausted by payment of all claims allowed during a fiscal year, and if so withheld, the **Director** shall notify all affected **covered parties** in writing as soon as practicable.

VI. DEFINITIONS

A. The phrase "**covered party"** means those persons or entities stated in Section III, above.

B. The phrase "**Governmental Entity**" or "**Governmental Entities**" means the state or any local public body as defined in Section 41-4-3 (B) of the **New Mexico Tort Claims Act** which has paid its allocated contribution to the Public Liability Fund.

C. The term "**occurrence**" means an event, act, failure to act, or any other incident which results, or is likely to result, in a claim under this Certificate of Coverage.

D. The term "**pollutant**" means any solid, liquid, gaseous, thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, petroleum, airborne particles or fibers, molds, asbestos, lead, and waste. Waste includes material to be recycled, reconditioned, or reclaimed. The term **pollutant** as used herein does not mean potable water, agricultural water, water furnished to commercial users, or water used for fire suppression. The term **pollutant** also does not mean police use of mace, oleoresin capsicum (O.C.), pepper gas, or tear gas; or to weed abatement or tree spraying.

E. The phrase "**Public Liability Fund**" means the fund created under Section 41-4-23 of the New Mexico Tort Claims Act.

F. The term "**Director**" means the **Director** of the Risk Management Division of the General Services Department of the State of New Mexico.

G. The phrase "**New Mexico Tort Claims Act**" means NMSA 1978, Section 41-4-1 et seq. (1976), as may be amended.

H. The phrase "**ultimate net loss**" means the total of all defense costs, defense attorney's fees, and all damages for which the **covered party** is liable arising out of an **occurrence** for which coverage under this Certificate of Coverage applies.

I. The phrase "**Workers' Compensation Fund**" means the fund established under the Risk Management Division statute, NMSA 1978, Section 15-7-6 (1977), as may be amended from time to time, to fund the liabilities for injuries to the employees of the State of New Mexico under the Workers' Compensation laws of the State of New Mexico.

J. The term "**vehicle**" means a land, water or air motorized **vehicle**, trailer or semi-trailer, including any machinery or apparatus attached thereto.

SECTION 2

COMMUNITY LAND GRANTS COVERAGE AND LIMITATIONS

I. COVERED COMMUNITY LAND GRANTS

A. The General Services Department, Risk Management Division is authorized under Section 41-4-30 of the **New Mexico Tort Claims Act** to issue a Certificate of Coverage to community land grants that are governed as a political subdivision of the State of New Mexico pursuant to NMSA 1978, Chapter 49, Article 1.

B. Coverage is contingent upon prompt payment by the community land grant of the community land grant's assessment to the **Public Liability Fund** as determined by the **Director** of the Risk Management Division.

II. COVERED ACTIVITIES OF COMMUNITY LAND GRANTS

A. Coverage is provided for the official activities of the covered community land grant, which are those activities explicitly authorized by the board of trustees of the community land grant for the governance and operation of the community land grant as a **Governmental Entity**, and that are the type of activities typically undertaken by the **Governmental Entities** in New Mexico, and that are not excluded by virtue of being business enterprise activities.

B. Coverage is provided for the approved activities of the covered community land grant, which are those activities conducted at a community center that are approved through procedures established by the board of trustees of the community land grant, and that are not excluded by virtue of being business enterprise activities.

III. EXCLUSIONS

A. Coverage for any community land grant does not include coverage for any enterprise or activities undertaken by any of the individual members of the community land grant, whether singly or in association with others.

B. Coverage for any community land grant does not include coverage for any liability attributed to the business enterprise activities of a community land grant. Business enterprise activities include:

1. Any activity undertaken for purposes of earning a monetary profit for the community land grant or for any of its members. The term "monetary profit" as used herein does not include reasonable incidental charges or fees, such as may be made to recoup costs of furnishing meals or refreshments at official activities, or such as a reasonable fee for conducting an approved activity at the community center.

2. Any activity involving the lease or sale of any property of the community land grant.

3. Any activity organized to operate on a non-profit basis, which activity is typically operated on a for-profit basis when conducted by non-governmental entities, such as, but not limited to, the operation of a restaurant or inn, unless the **Director** upon application specifically gives prior approval of coverage for such activity, and only in accordance with such conditions as the **Director** may require.

4. Any activity involving the provision, sale, or consumption of alcoholic beverages.

C. Business enterprise activities are excluded from coverage regardless of whether they are authorized by the board of trustees of the community land grant, and regardless of whether they are undertaken by individual trustees, or by members, individually, as partnerships or as other types of associations, or in any corporate form.

MICHELLE LUJAN GRISHAM
GOVERNOR

KEN ORTIZ
CABINET SECRETARY

MARK TYNDALL
DIRECTOR
RISK MANAGEMENT

State of New Mexico
General Services Department

ADMINISTRATIVE SERVICES DIVISION
(505) 476-1857

FACILITIES MANAGEMENT DIVISION
(505) 827-2141

PURCHASING DIVISION
(505) 827-0472

RISK MANAGEMENT DIVISION
(505) 827-2036

STATE PRINTING & GRAPHIC SERVICES BUREAU
(505) 476-1950

TRANSPORTATION SERVICES DIVISION
(505) 827-1958

STATE OF NEW MEXICO PROPERTY CERTIFICATE OF COVERAGE

Certificate of Coverage – Effective 07-01-2020

SECTION 1

I. PURPOSE AND NATURE OF THIS CERTIFICATE

This Certificate of Coverage ("Certificate") does not provide insurance, but instead provides an understanding among the **Governmental Entities** of the State of New Mexico about the intent of the use of funds from the **Public Property Reserve Fund** established under NMSA 1978, Section 13-5-1. The **Public Property Reserve Fund** is not an insurer but rather is a fund established by the legislature of the State of New Mexico to provide reimbursement for **loss** to public property, as defined by this Certificate, where not otherwise insured as provided by law.

II. PROPERTY COVERED

Except as otherwise excluded or limited herein, the **Pubic Property Reserve Fund** covers all property of an insurable nature, including money, securities, and **vehicles**, now existing or hereafter acquired, owned by the **Governmental Entity**, in the care, custody or control of the **Governmental Entity** for which the **Governmental Entity** is legally liable, or for which the **Governmental Entity** has assumed liability prior to **loss**, wherever situated, not otherwise excluded.

III. PERILS COVERED AGAINST

The **Public Property Reserve Fund** covers against all risks of direct physical **loss** or damage not otherwise excluded occurring during the period of this Certificate to covered property, including the expense of removal of debris of covered property damaged by a covered peril.

IV. COVERAGE LIMITS AND DEDUCTIBLES

A. Subject to specific exclusions, modifications, and conditions hereinafter provided, the liability of the **Public Property Reserve Fund** in any one **loss** regardless of whether one or more of the coverages of this Certificate are involved and regardless of the number of certificates issued to **Governmental Entities** shall not exceed the Limit of Liability stated on declarations for each occurrence regardless of the number of **Governmental Entities** and/or coverages involved.

B. **The Risk Management Division Director** may establish a deductible for each **Governmental Entity** that shall apply to any one **loss** by notifying the **Governmental Entity** in writing. However, in no event shall the deductible apply to occurrences that commenced prior to the establishment of such deductible.

C. Notwithstanding the duty of the General Services Department, Risk Management Division ("GSD/RMD"), through the **Public Property Reserve Fund**, to pay claims under this Certificate, the General Services Department may withhold payment in any one fiscal year upon a belief by the **Risk Management Division Director** that the **Public Property Reserve Fund** would be exhausted by payment of all claims allowed during that fiscal year.

V. EXTENSIONS OF COVERAGE

A. PROPERTY IN COURSE OF CONSTRUCTION

1. In regards to course of construction of a new building or of a new construction project not previously covered by existing property coverage, the Certificate will provide automatic property coverage for the **Governmental Entity** subject to the following conditions:
   a. Project involves only real property on existing locations (excluding dams, piers, roads, tunnels, and bridges); and
   b. Value of the project at the location does not exceed an amount stated on the declarations. Projects that exceed this amount may be covered by the endorsement.
2. In regards to course of construction to, and remodeling of, existing and currently covered projects, this Certificate will provide automatic coverage for the **Governmental Entity** subject to the following conditions:
   a. Project involves only real property on existing locations (excluding dams, piers, roads, tunnels, and bridges); and
   b. Value of the project at the location does not exceed an amount stated on the declarations. Projects that exceed this amount may be covered by the endorsement.
3. Prior written notification must be delivered to the **Risk Management Division Director** identifying the project by name and specific location, the total project cost, and the anticipated date of completion.
4. Coverage under "Property in Course of Construction" is not considered builders risk coverage and does not indemnify any private sector contractor, entity, business, person, or organization. Thus, if any construction contract that contains a provision whereby a **Governmental Entity** agrees to indemnify or provide a contractor with builder's risk insurance coverage it does not modify the Certificate of Coverage.

B. OFF PREMISES SERVICES – Utilities

The coverage provided by the **Public Property Reserve Fund** is extended to include physical damage, business interruption **loss** and/or extra expense incurred and/or sustained by the **Governmental Entity** as a result of damage to, or destruction of, covered property damaged by a covered peril affecting any suppliers furnishing heat, light, power, gas, water, telephone or similar services to a **Governmental Entity's** premises. This coverage is limited to the liability limits stated on the declarations.

C. EXPEDITING EXPENSES

In the event of physical **loss** or damage covered hereunder, the coverage under this Certificate includes the reasonable extra cost of temporary repair and of the expediting the repair of such damaged property of the **Governmental Entity**, including overtime and the extra cost of express or other rapid means of transportation. This extension does not reimburse for administrative overhead or project costs. This coverage is subject to a sublimit per the Declarations.

D. DEBRIS REMOVAL

This Certificate also covers expenses incurred in the removal of debris of the covered property from the premises of the **Governmental Entity** that may be destroyed or damaged by a covered peril(s). This debris removal coverage does not apply to the cost to extract pollutants from land or water, or to remove, restore, or replace polluted land or water. *Note: Tree removal is subject to a $5000.00 per occurrence limit.*

E. DEMOLITION COST

In the event of physical damage to covered property by a covered peril, this Certificate is extended to cover the cost of demolishing any undamaged portion of the covered property, including the cost of clearing the site thereof, caused by **loss** from any covered peril(s) under this Certificate, and resulting from enforcement of any local or state ordinance or law regulating the construction, repair, or demolition of buildings or structures, and in force at the time of **loss** which necessitates such demolition.

F. INCREASED COST OF CONSTRUCTION – Building Laws/Code Requirements

In the event of physical damage to covered property by a covered peril, this Certificate is extended to cover the increased cost of repair or replacement occasioned by the enforcement of any state or local ordinance or law regulating the construction, repair, or demolition of real property, which is in force at the time such a **loss** occurs or which comes into force within (12) twelve months after such a **loss** occurs, which necessitates in repairing or replacing the building covered hereunder which has suffered damage or destruction by the covered peril(s), or which has undergone demolition, limited, however, to the minimum requirements of such ordinance or law. The maximum amount of additional **loss** covered by this Certificate which results from the above referenced (12) twelve month period is not to exceed 20% of the amount of the physical damage **loss** from which this additional **loss** results.

G. ANIMALS

This coverage is extended to cover police dogs, horses, other specially trained animals, livestock, or research animals maintained in the normal course of business of the **Governmental Entity** subject to perils, exclusions, and valuation sections herein. Coverage includes re-training expenses.

H. TRANSIT

This Certificate is extended to cover personal property of the **Governmental Entity** or property held by the **Governmental Entity** in trust while in due course of transit transferred by a licensed, bonded company specializing in transporting valuable goods, worldwide or a non-combat related military transport, against all risks of direct physical **loss** or damage not excluded by this Certificate to covered property occurring during the term of this Certificate.

I. VEHICLES

1. Governmental Entity Vehicles

This Certificate is extended to cover **vehicles** (included rented autos) of the **Governmental Entity** against physical **loss** or damage by a covered peril during the term of this Certificate subject to the applicable deductible per occurrence.

2. Employee Vehicles

This Certificate is extended to cover **vehicles** owned and operated by an employee acting within the scope of their duties for an occurrence to be paid by the **Governmental Entity**. As a condition that must be satisfied prior to extending coverage, the **Governmental Entity** must certify in writing that the employee was acting within the scope of their duties and that the claim was first tendered to the employee's personal **vehicle** insurance carrier. Only upon certification by the **Governmental Entity** can they submit an Employee **Vehicle Loss** claim. Coverage is extended but is reduced in an amount commensurate with the degree of negligence attributable to the employee as determined by the **Risk Management Division Director**. The claim will be subject to the applicable deductible per occurrence to be paid by the **Governmental Entity**.

J. EMPLOYEE PROPERTY

1. Property of Others Owned by Public Employees / Volunteers

This Certificate is extended to cover personal **Property of Others** owned by a public employee acting within the scope of their duties that enhances their job performance, subject to the applicable deductible per occurrence to be paid by the **Governmental Entity**.

K. MITIGATION

In the event of physical damage of covered property as a result of the lack of maintenance, this certificate is extended to mitigate those items shown to have caused the ensuing loss to the structure owned by the **Government Entity**. This coverage shall only apply when conditions necessitate the immediate repair to roofs, windows, etc. to prevent future losses. Mitigation expenses covered by this extension will be subject to a $20,000.00 annual aggregate limit as approved by the Risk Management Advisory Board.

VI. PROPERTY EXCLUDED

This Certificate does not provide coverage for any of the following:

A. Property not identified in the RMD Annual Exposure Survey;

B. Standing timber, bodies of water, growing crops (not including experimental crops maintained in the normal course of business by a **Governmental Entity**);

C. Land and land improvements such as athletic fields, golf courses (including land on which covered property is located), site prep, and land values (except building landscaping);

D. Dams, tunnels, levies, paved/concrete surfaces, sidewalks, guard rails, cable/concrete barriers, bridges, swales, traffic signs/signals including electronic, markers, and curbing;

E. Property in due course of ocean marine transit;

F. Mail or other parcels after delivery to the custody of the United States Post Office, or other commercial mail or parcel carriers;

G. Valuable papers, data, electronic records, subscriptions, software, electronic funds, and wire transfers;

H. Offshore property, oil rigs, underground mines, caverns, and their contents;

I. Road, street equipment and/or attached apparatus owned, rented or controlled by the **Governmental Entity** or any other types of heavy mobile equipment used for road or other types of construction;

J. A **Governmental Entity's** personal property located outside the United States, unless the **Governmental Entity** has, prior to the **loss,** advised the Risk Management Division that such property will be located outside the United States;

K. Personal property of students, and non-employees occupying or storing property in **Governmental Entity** buildings or vehicles.

L. Fine Arts (Risk Management Division purchases a standalone policy with separate terms and conditions).

VII. PERILS EXCLUDED

This Certificate does not provide coverage for:

A. **Loss** or damage caused by, or resulting from, lack of maintenance, moths, vermin, termites or other insects, domestic animals or livestock, subterranean water intrusion, inherent vice, latent defect, faulty materials, error in design, faulty workmanship, wear, tear or gradual deterioration, contamination, pollution, pathogen, rust, corrosion, wet or dry rot, mold, spores and fungus unless physical **loss** or damage not otherwise excluded herein ensues, and then only for such ensuing **loss**;

B. Physical **losses** or damage by normal settling, shrinkage, or expansion in building or foundation;

C. Delay or **loss** of markets (this exclusion shall be inapplicable to the extent inconsistent with any time element coverage provided elsewhere herein);

D. **Loss** or damage to real or personal property caused by, or resulting from, misappropriation, conversion, inventory shortage, unexplained disappearance, theft/infidelity or any dishonest act on the part of the **Governmental Entity**, its employees, agents, or others to whom the property may be entrusted (bailees and carriers for hire excepted) or other party of interest;

E. **Loss** or damage to real or personal property resulting from shrinkage, evaporation, **loss** of weight, leakage, breakage of fragile articles, marring, scratching, exposure to light, or change in color, texture or flavor unless such **loss** is caused directly by fire or the combating thereof, lightning, windstorm, hail, explosion, strike, riot or civil commotion, aircraft, **vehicles**, breakage of pipes or apparatus, sprinkler leakage, vandalism and malicious mischief, theft, attempted theft;

F. **Loss** or shortage disclosed upon taking inventory or mysterious disappearance of property (except property in the custody of carriers or bailees for hire);

G. **Loss** or damage caused by rain, sleet, or snow to personal property in the open (except in the custody of carriers or bailees for hire);

H. **Loss** caused directly, or indirectly, by:

1. Hostile or warlike action in time of peace or war, including action in hindering, combating, or defending against an actual, impending or expected attack by:
   a. any government or sovereign power (de jure or de facto), or by any authority maintaining or using military, naval, or air forces; or
   b. military, naval or air forces; or
   c. an agent of any such government, power, authority, or forces;

2. any weapon of war employing atomic fission or radioactive force whether in time of peace or war; or insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority or hindering, combating or defending against such an occurrence, seizure or destruction under quarantine or customs regulations, confiscation by order of any government or public authority, or risks of contraband or illegal transportation or trade.

I. **Loss** by nuclear reaction, nuclear radiation, or radioactive contamination, all whether controlled or uncontrolled, and whether such **loss** be direct or indirect, proximate or remote, or be in whole or in part caused by, contributed to, or aggravated by the covered peril(s) in this Certificate; however, subject to the foregoing and all provisions of this Certificate, direct **loss** by fire resulting from nuclear reaction or nuclear radiation or radioactive contamination is covered by this Certificate;

J. Failure of borrowers or renters of books, library materials, or other **valuable papers and records** to return them to the **Governmental Entity**;

K. In regards to course of construction to already existing and covered property, the following exclusions shall apply:

1. The cost of making goods, faulty or defective workmanship, material, construction or design, but this exclusion shall not apply to damage by a peril not excluded resulting from such faulty or defective workmanship, material, construction or design;

2. The cost of non-compliance of, or delay in, completion of contract;

3. The cost of non-compliance with contract conditions; and

4. Equipment or tools not owned by a **Governmental Entity** and not a part, or destined to become a part, of the installation.

L. The following additional exclusions apply to **loss** or damage to animals covered under this Certificate:

1. Death of any animal(s) from natural causes;

2. Death of any animal(s) that dies from an unknown cause, unless:

   a. upon the death of such an animal a post-mortem examination is made of such animal by a licensed veterinarian, and
   b. the veterinarian's post-mortem report shows the cause of death to clearly fall within the coverages afforded by this Certificate.

3. Death of any animal(s) as a result of surgical operation, including inoculation, unless the necessity for such arises from an event covered by this Certificate; or

4. The death or destruction of any animal(s) caused by, resulting from, or made necessary by physical injury caused by, or resulting from, the activities of the injured animal or other animals unless such death or destruction is the result of an event otherwise covered by this Certificate.

M. The death of any animal(s) caused directly or indirectly by the neglect or abuse of the **Governmental Entity**, its agents, employees, or bailees (carriers for hire accepted) unless such **loss** is a result of an event otherwise covered by this Certificate;

N. The **loss** by death of any animal(s) as a result of parturition or abortion;

O. **Loss** resulting from depreciation in value caused by any animal(s) covered hereunder becoming unfit for or incapable of filling the function or duties for which it is kept, employed or intended, unless such **loss** is the result of an event otherwise covered by this Certificate;

P. **Loss** by destruction of any animal(s) on the order of the federal or any state government, or otherwise as a result of having contracted or been exposed to any contagious or communicable disease;

Q. The removal or disposal of the remains of any animal(s) or the expense thereof, unless such **loss** is the result of an event otherwise covered by this Certificate except this exclusion does not apply to the safe disposal of those animals infected with highly communicable disease;

R. The **loss** of any animal(s) that has been unnerved (the term "unnerved" to be considered as meaning the operation of neurotomy for lameness);

S. Any claim consequent upon delay, deterioration, or **loss** of use or **loss** of market arising from an event covered by this Certificate; or

T. Cosmetic damage to real property caused by wind/hail resulting in marring or pitting of the exterior surface affecting the appearance but not the functionality or integrity of the materials.

VIII. VALUATION

A. In case of **loss** to property of a **Governmental Entity** covered hereunder, the basis of adjustment shall be as of the time and place of **loss** as follows, subject to applicable deductibles:

1. On all real and personal property, including **Property of Others** in the care of or control of the **Governmental Entity**, at the replacement value (as defined below) at the time of the **loss** without deduction for depreciation. If property is not replaced, or construction procurement begun, within (12) twelve months, then the actual cash value shall apply. No payment shall be provided if the **Governmental Entity** has no intention of replacement or repair of the damaged property or if repairs have not commenced within 18 months from the date of loss.

2. On **improvements and betterments** at the replacement value at the time of **loss** without deduction for depreciation. If property is not repaired or replaced, or construction procurement begun, within (12) twelve months, then the actual cash value shall apply.

3. On antique, restored or historical buildings, the cost of acquisition, relocation to the site and renovation or reconstruction. If property is not replaced, or construction procurement begun, within (24) twenty-four months, then the actual cash value shall apply. In the event of a partial **loss**, normal replacement cost coverage, as set forth in Section 1. Article VIII, Paragraph A (1) above, would apply.

4. On **Property of Others** for which the **Governmental Entity** is liable under a lease agreement. The **Public Property Reserve Fund's** liability on the event of **loss** is limited to the **Governmental Entity's** obligation as defined in said lease agreement, but not to exceed the replacement cost.

5. In regards to covered **vehicles,** and/or mobile equipment/unlicensed **vehicles** on or off premises, the **Public Property Reserve Fund** shall not be liable for more than the actual cash value of the property at the time any **loss** or damage occurs, and the **loss** or damage shall be ascertained or estimated according to such actual cash value as determined utilizing NADA clean retail value as a base price minus 10% for salvage, if vehicle is

retained. However, in no event shall the **loss** exceed what it would then cost to repair or replace, whichever is less, with materials of like, kind and quality, nor the amount for which the **Governmental Entity** may be liable. No payment will be provided if **Governmental Entity** has no intention of replacement or repair of damaged **vehicles**.

6. Unmanned Aerial System (Drones): In regards to covered **unmanned aerial systems** and attached apparatus the **Public Property Reserve Fund** shall not be liable for more than the actual cash value of the property at the time any **loss** or damage occurs, and the **loss** or damage shall be ascertained or estimated according to such actual cash value as determined by an independent appraiser as selected by Risk Management **Director.**

7. Animals: replacement cost with like kind.

8. Landscape: the actual replacement cost of sod, trees, shrubs, and plants; however, the **Public Property Reserve Fund's** liability for replacement of plants and shrubs will be limited to the actual size of the destroyed tree, plant or shrub at the time of **loss,** up to maximum size of 15 gallons per item. The term "landscape" does not include golf course greens, fairways, and bunkers.

B. Wherever the term "actual cash value" is used in regards to real property or **improvements and betterments** in this clause, or else where herein, it shall mean replacement value less depreciation;

C. "Replacement cost" shall mean the cost of repairing, replacing, constructing, or reconstructing (whichever is the least) the property at the time of **loss** on the same site, using new materials of like kind and quality and for like occupancy without the deduction for depreciation, subject to the following:

1. Until the property is actually repaired, replaced or reconstructed, the maximum amount recoverable shall be the actual cash value of the lost or damaged property;

2. Replacement shall be effected by the **Governmental Entity** with due diligence and dispatch; and

3. Replacement need not be on same site or of same or similar construction or occupancy provided that the **Public Property Reserve Fund** shall not be liable for any additional costs that are directly attributable to the inclusion of this provision.

D. In the event that the **Governmental Entity** should fail to comply with any of the foregoing provisions, settlement shall be made at actual cash value.

IX. PAYMENTS TO LOSS PAYEE

It is agreed that if a **loss** payee is added to this Certificate, if ever, then in the event of a covered **loss** hereunder the **Public Property Reserve Fund** will, at the request of such **loss** payee, pay the covered **loss** to the **loss** payee to the extent of its interest in the covered **loss**.

X. DUTIES OF THE GOVERNMENTAL ENTITY AFTER A LOSS

In case of **loss**, the **Governmental Entity** shall:

A. give *immediate* notice after the **loss** to the GSD/RMD via electronic notice. Notification over 30 days after the date of loss is subject to denial. Additional property (in the event of a multiple loss) including both real property and vehicles is to be submitted within 15 days of the initial report date. Additional property submitted after 15 days will be rejected and a new claim will be set up subject to the applicable deductible.

B. protect the covered property from further damage, make reasonable temporary repairs required to protect the covered property, and keep an accurate record of repair expenditures for reimbursement;

C. prepare an inventory of damaged personal property showing in detail, quantity, description, replacement value, and amount of **loss** and attach to the inventory all bills, receipts and related documents that substantiate the figures in the inventory. A lightning affidavit is required for the peril of lightning.

D. provide administrative oversight and project management as needed;

E. retain and exhibit the remains of the damaged property as often as may be reasonably required by the fund and submit to examination under oath;

F. submit to the fund within (60) sixty days after requested a signed, sworn statement of **loss** that sets forth to the best of the **Governmental Entity's** knowledge and belief:

1. the time and cause of **loss**;

2. interest of the **Governmental Entity** and all others in the property involved and all encumbrances on the property;

3. other policies of insurance that may cover the **loss;**

4. changes in title or occupancy of the property during the term of the Certificate;

5. specifications of any damage to the building or other covered property and detail estimates/invoices for repair of the damage; and

6. an inventory of damaged personal property described in Section 1, Article X, Paragraph C, above.

G. give immediate notice of such **loss** to the proper police authority if the **loss** is due to a violation of law;

H. provide **loss** details and documentation that validates the cause of **loss**; and

I. provide complete vendor information as requested by RMD to include name, address, and current substitute W-9 with all final invoice(s) submitted for payment.

XI. COVERAGE DISPUTE

A. The **Risk Management Division Director** shall make a determination if this Certificate applies to a disputed claim. The decision of the **Risk Management Division Director** may only be appealed through arbitration. Such arbitration shall be requested by the **Governmental Entity** written request to the **Risk Management Division Director** within (30) thirty days of receipt of the written decision of the **Risk Management Director**.

B. If such arbitration is requested, the **Governmental Entity** and the **Risk Management Division Director**, on behalf of the **Public Property Reserve Fund**, shall, within (15) fifteen days, select one arbitrator and submit his or her name in writing to the other side. Within (10) ten days after their selection, these two arbitrators shall select a third independent arbitrator. If the two sides cannot agree on the selection of the third arbitrator within (10) ten days, either side may petition the First Judicial District Court in the county of Santa Fe for the appointment of the third arbitrator. The third arbitrator shall be an attorney and preside as the chairperson of the arbitration panel. No arbitrator shall be employed by or affiliated with the **Governmental Entity** or the GSD/RMD.

C. The arbitration hearing shall commence within (45) forty-five days from the date of the selection of the chairperson, unless both sides agree to an extension. The **Governmental Entity** and the **Public Property Reserve Fund** shall pay the cost of its selected arbitrator and one-half of the cost of the third selected arbitrator. In addition, each side shall be responsible for its own cost and expense of arbitration.

D. The panel will endeavor to confine the length of the hearing in (2) two days. A decision of the panel shall be reported in writing. The written decision of the panel shall be given to both sides within (30) thirty days of the closing of the hearing.

E. All decisions of the arbitration panel shall be final and binding upon the parties and shall not be subject to any further appeal or court action.

XII. VALUATION DISPUTE

A. In case the **Governmental Entity** and the **Risk Management Division Director** shall fail to agree as to the amount of **loss**, then, on the written demand of either, each shall select a competent and neutral appraiser and notify the other of the appraiser selected. The appraisers shall proffer their reports to Risk Management Advisory Board for consideration and final determination, which shall be made by at least a majority of the Board.

XIII. OTHER COVERAGES

To the extent there is other coverage available, coverage under this Certificate will not contribute with any other coverage collectible by the **Governmental Entity** or **loss** payee. Coverage under

this Certificate shall be excess of such other coverage and the limits of liability under this Certificate shall be reduced to the extent other coverage is collectible.

XIV. SUBROGATION

A. In the event of any payment under this Certificate, the **Public Property Reserve Fund** shall be subrogated to all the **Governmental Entity's** or **loss** payee's rights of recovery against any person or organization and the **Governmental Entity** or **loss** payee shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The **Governmental Entity** or **loss** payee shall assist and V.do nothing after **loss** to prejudice such rights.

B. The **Public Property Reserve Fund** shall not be bound to pay any **loss** if the **Governmental Entity** or **loss** payee has impaired any right of recovery of **loss**; however, it is agreed that the **Governmental Entity** may, as respects **Governmental Entity's** personal property in transit, accept such bills of lading, receipts or contracts of transportation as are ordinarily issued by carriers containing a limitation as to the value of such goods or merchandise.

C. RMD shall retain all recovery rights and proceeds including deductibles, if applicable.

XV. OTHER CONDITIONS

A. PROTECTION AND PRESERVATION OF PROPERTY

In case of actual or imminent physical **loss** or damage of the type covered against this Certificate, the reasonable expenses incurred by the **Governmental Entity** in taking reasonable and necessary actions for the temporary protection and preservation of property covered hereunder shall be added to the total physical **loss** or damage otherwise recoverable under the Certificate and be subject to the applicable deductible and without increase in the limit provisions contained in the Certificate.

B. BREACH OF CONDITIONS

If any breach of a clause, condition, or warranty of this Certificate shall occur prior to a **loss** affected thereby under this Certificate, such breach shall not void the coverage nor avail the **Governmental Entity** to avoid liability unless such breach shall exist at the time of such **loss** under this Certificate, and be a contributing factor to the **loss** for which claim is presented hereunder, it being understood that such breach of clause or condition is applicable only to the property affected thereby. Notwithstanding the foregoing, if the **Governmental Entity** establishes that the breach, whether contributory or not, occurred without its knowledge or permission or beyond its control, such breach shall not prevent the **Governmental Entity** from recovering under this Certificate.

C. PERMITS AND PRIVILEGES

1. Anything in the conditions of this Certificate to the contrary notwithstanding, permission is hereby granted:

a. to make additions, alterations, extensions, improvements and repairs, to delete or demolish, construct and reconstruct, and also to include all materials, equipment and supplies incidental to the foregoing operations of the property covered hereunder, while in, on and/or about the premises or adjacent thereto;
b. for such use of the premises as usual and/or incidental to the business as conducted therein, and to keep and use all articles and material usual and/or incidental to said business in such quantities as the exigencies of the business require; or
c. to be or become vacant or unoccupied with limit of time.

2. Nor shall this coverage be prejudiced by:

a. Any act or neglect of the owner of the building, if the **Governmental Entity** hereunder is not the owner, or of any occupant of the within described premises other than the **Governmental Entity**, when such act or neglect is not within the control of the **Governmental Entity**, named herein; or
b. By failure of the **Governmental Entity** to comply with any of the warranties or conditions endorsed hereon in any portion of the premises over which the **Governmental Entity** has no control

D. PROTECTIVE SAFEGUARDS

The **Governmental Entity** shall exercise due diligence in maintaining in complete working order all protective safeguard equipment and services.

E. ASSIGNMENT, TRANSFER OR MODIFICATION

Assignment, transfer or modification of this Certificate shall not be valid without prior written consent of the **Risk Management Division Director**.

F. SALVAGE

When, in connection with any **loss** hereunder, any salvage is received prior or subsequent to the payment of such **loss**, the **loss** shall be figured on the basis on which it would have been settled had the amount of salvage been known at the time the **loss** was originally determined. RMD shall retain 100% of salvage rights and recovery proceeds.

G. RIGHT TO REVIEW RECORDS FOLLOWING A CLAIM

The **Governmental Entity**, as often as may be reasonably required, shall submit, and so far as within their power, cause all other persons interested in the property or employees to submit to examination under oath by any person named by the GSD/RMD relative to any and all matters in connection with a claim, and produce for examination all books of account, bills invoiced and other vouchers, or certified copies thereof if originals be lost at such reasonable time and place as may be designated by the GSD/RMD or their representatives and shall permit extracts and copies thereof to be made.

XVI. DEFINITIONS

A. Loss

Each **loss** is defined as an incident or series of incidents not otherwise excluded by this Certificate and arising out of a single event or originating cause and includes all resultant or concomitant covered **losses**. When the term applies to **loss** or **losses** from earthquake shock, flood, hail and/or windstorm, the following provisions shall apply:

1. Windstorm/Hail

    a. Each **loss** by windstorm or hail shall constitute a single claim hereunder; provided, if more than one windstorm shall occur within any period of seventy-two (72) hours, such windstorm shall be deemed to be a single windstorm within the meaning thereof. The GSD/RMD may elect the moment from which each of the aforesaid periods of seventy-two (72) hour periods shall overlap.

2. Flood

    a. Each **loss** by flood shall constitute a single **loss** hereunder if any flood occurs within a period of the continued rising or overflow of any river(s) or stream(s) and the subsidence of same within the banks of such river(s) or stream(s) such flood shall be deemed to a single occurrence within the meaning of this Certificate.
    b. Flood shall mean a general condition of partial or complete inundation of normally dry land area from:
        i. overflow of inland or tidal water,
        ii. unusual and rapid accumulation or runoff of surface waters from any source.
    c. Flood shall also mean mudslide or mudflow, which is a river or flow of liquid mud caused by flooding as defined in Section 1, Article XVI, Paragraphs A (2) (b) (i) or (ii), above.

3. Earthquake Shock

    a. With respect to the peril of earthquake shock, any and all **losses** from this cause within a one hundred sixty-eight (168) hour period shall be deemed to be one **loss**. The GSD/RMD may elect the moment from which each of the aforesaid periods of one hundred sixty-eight (168) hours shall be deemed to have commenced but no two such one hundred sixty-eight (168) hour period shall overlap.

    b. The term earthquake shock is defined as: earth movement, meaning natural faulting of land masses, but not including subsidence, landslide, rock slide, earth rising, earth sinking, earth shifting or settling unless as direct result of such earth movement. The definition of earthquake shock does not include ensuing **loss** or damage not otherwise excluded. Further, “Earthquake Sprinkler Leakage” is covered outside of the “Earthquake Shock” definition and subject to the basic peril deductible.

B. **Property of Others** means any property belonging to others for which a **Governmental Entity** has assumed care, custody, control or bailment.

C. **Improvements and betterments** means additions or changes made by a **Governmental Entity**/lessee at their own expense to a building they are occupying that enhance the building's value.

D. **Valuable papers and records** means written, printed, electronic or otherwise inscribed documents and records, including books, maps, films, drawings, abstracts, deeds, mortgages, and manuscripts, but does not mean money or securities.

1. "Money" means currency, coins, bank notes, bullion, traveler's checks, register checks and money orders held for sale to public. The term "Money" does not mean electronic funds.

2. "Securities" means all negotiable and nonnegotiable instruments or contracts representing either money or other property, and includes revenue, food stamps and other stamps in current use, tokens, and tickets, but does not include money.

E. **Vehicle** means a land, water, or air motorized **vehicle**, trailer or semi-trailer, including any machinery or apparatus attached thereto.

F. **Governmental Entity** means a department, agency, or institution of higher learning of the State of New Mexico.

G. **Risk Management Division Director** means the **Director** of the Risk Management Division, General Services Department of the State of New Mexico.

H. **Public Property Reserve Fund** means the fund established pursuant to NMSA 1978, Section 13-5-1 as may be amended from time to time.

SECTION 2

COMBINED BUSINESS INTERRUPTION, EXTRA EXPENSE, AND TUITION FEES

A. This Certificate is extended to cover against **loss** caused by the perils covered by this Certificate, resulting directly from:

1. Necessary interruption of the **Governmental Entity's** business and the consequent reduction in gross earnings, and **loss** of tuition, caused by damage to or destruction of real or personal property, except finished stock, at any covered location; or

2. Necessary extra expense, as hereinafter defined, incurred by the **Governmental Entity** in order to continue as nearly as practicable the normal operation and normal gross earnings of the **Governmental Entity's** business following damage to or destruction of real or personal property.

B. In the event of a **loss**, the fund shall be liable for additional expenses which occur after 72 hours following the **loss**, including:

1. The actual **loss** sustained by the **Governmental Entity** resulting directly from such interruption of business, but not exceeding the reduction in gross earnings and tuition less charges and expenses which do not necessarily continue during the interruption of business (hereinafter referred to as "**loss** of earnings"), at any covered location; or

2. Such necessary extra expense incurred by the **Governmental Entity** for only such length of time (hereinafter referred to as the "period of restoration") as would be required with the exercise of due diligence and dispatch to rebuild, repair, or replace such part of the property herein described as has been damaged or destroyed, commencing with the date of such damage or destruction.

C. Resumption of operations is:

1. Applicable to **loss** of earnings and tuition; if the **Governmental Entity** could reduce the **loss** by:

   a. complete or partial resumption of operation at the location herein described, whether damaged or not, or elsewhere;
   b. making use of merchandise or other property at the location described herein or elsewhere; or
   c. making use of stock (raw, in process, or finished) at the location herein described or elsewhere, such reduction shall be taken into account in arriving at the amount of **loss** hereunder.

2. Applicable only to extra expense: as soon as practicable, the **Governmental Entity** shall resume normal operations of the business and shall dispense with such extra expense.

D. For the purpose of this coverage, "gross earnings" are defined as the sum of:

1. Total net sales value of production;

2. Total net sales of merchandise;

3. Total net value of permit and license fees; and

4. Other earnings derived from operations of the business, less the cost of:

   a. Raw stock from which such production is derived,
   b. Supplies consisting of materials consumed directly in the conversion of such raw stock into finished stock or in supplying the services sold by the **Governmental Entity,**
   c. Merchandise sold, including packaging materials therefore, and
   d. Services purchased from outsiders (not employees of the **Governmental Entity**) for resale which do not continue under contract.

5. Note:

a. No other costs shall be deducted in determining gross earnings.
b. In determining gross earnings, due consideration shall be given to the experience of the business before the date of damage or destruction and the probable experience thereafter had no **loss** occurred.

E. Extra expense: The term "extra expense", wherever used in this coverage, is defined as the excess, if any, of the costs incurred during the period of restoration, chargeable to the operation of the **Governmental Entity's** business, over and above the costs that would normally have been incurred to conduct the business during the same period had no damage or destruction occurred. Any salvage value of property obtained for temporary use during the period of restoration, which remains after the resumption of normal operations, shall be taken into consideration in the adjustment of any **loss** hereunder. Administrative project costs are not considered extra expense.

F. Tuition: For the purpose of this coverage, "tuition" is defined as that portion of "gross earnings" as defined in Section 2 (Business Interruption), Article IV "Gross earnings", above, which is tuition, fees, and other earnings from students of the **Governmental Entity**. Any claim for reduction in gross earnings shall be reduced by the amount of any claim for **loss** of tuition based on the same damage or destruction of real or personal property, except for that portion of any claim for **loss** of tuition which relates to the extension of the length of time applicable to **loss** of tuition beyond the period of restoration applicable to gross earnings as provided in Section 2, Article III, Paragraph B of this coverage.

G. Finished stock: The fund shall not be liable for any **loss** of earnings resulting from damage or destruction of finished stock nor for the time required to reproduce said finished stock; however, this Certificate covers such expense, in excess of normal, as would necessarily be incurred in replacing any finished stock used by the **Governmental Entity** to reduce **loss** of earnings under this Certificate.

H. Extension of coverage interruption by civil authority, this Certificate is extended to include:

1. The actual **loss** sustained by the **Governmental Entity**, resulting directly from **loss** of earnings as covered hereunder; or

2. Necessary extra expense incurred by the **Governmental Entity** as covered hereunder, during the length of time, not exceeding (4) four consecutive weeks, when access to premises covered by this Certificate is specifically prohibited by order of civil authority:

   a. As a direct result of damage to or destruction of adjacent property by perils covered against; or
   b. As a direct result of a bomb threat to covered premises.

I. Additional exclusions and limitations:

1. Applicable to **loss** of earnings and tuition resulting from damage to or destruction of media for, or programming records pertaining to, electronic data processing or electronically controlled equipment, including data thereon, by the perils covered against: The length of time for which the **Public Property Reserve Fund** shall be liable hereunder is for the lesser of:

a. thirty (30) consecutive calendar days; or
b. the length of time that would be required to rebuild, repair, replace or restore such property herein described as has been damaged or destroyed.

2. Applicable to **loss** of earnings and tuition, the **Public Property Reserve Fund** shall not be liable for any increase of **loss** resulting from the suspension, lapse, or cancellation of any lease, license, contract or order unless such suspension, lapse, or cancellation results directly from the interruption of business, and then the fund shall be liable for only such as affects the **Governmental Entity's** earnings during, and limited to, the period of indemnity covered under this Certificate.

3. Applicable only to any extra expense, the **Public Property Reserve Fund** shall not be liable for the cost of repairing or replacing any of the real or personal property herein described, nor for the cost of research or other expense necessary to replace or restore damaged or destroyed records, including media for, or programming records pertaining to, electronic data processing or electronically controlled equipment, including data thereon, that have been damaged or destroyed by the covered perils, except cost in excess of normal cost of such repair, replacement, or restoration necessarily incurred for the purpose of reducing **loss** under this Certificate. In no event shall such excess cost exceed the amount by which the total extra expense **loss** otherwise payable under this Certificate so thereby reduced.

4. The **Public Property Reserve Fund** shall not be liable for any increase of **loss** of earnings, tuition, nor for any extra expense resulting from interference at the described premises, by strikers or other persons, with rebuilding, repairing or replacing the property or with the resumption or continuation of business, nor shall the fund be liable for any other consequential or remote **loss**.

J. Definitions:

1. "Raw stock" means material in the state in which the **Governmental Entity** receives it for conversion by the **Governmental Entity** into finished stock.

2. "Stock in process" means raw stock which has undergone any aging, seasoning, mechanical, or other process of manufacturing at the location herein described but which has not become finished stock.

3. "Finished stock" means stock manufactured or processed by the **Governmental Entity** which in the ordinary course of the **Governmental Entity's** business is ready for packaging, shipment or sale.

4. "Merchandise" means goods kept for sale by the **Governmental Entity** which are not the product of manufacturing operations conducted by the **Governmental Entity**.

5. "Normal" means the condition that would have existed had no **loss** occurred.

K. Requirements in case **loss** occurs: The **Governmental Entity** shall render to the **Risk Management Division Director** a proof of **loss**, signed and sworn to by an authorized official of the

Governmental Entity as soon as practicable after the **loss** becomes known, stating the knowledge and belief of the **Governmental Entity** as to the following:

1. The time and origin of the property damage or destruction causing the **loss** of earnings, **loss** of tuition, or extra expense;

2. The interest of the **Governmental Entity** and of all others in the business;

3. All other contracts of insurance, whether valid or not, covering in any manner the **loss** covered by this Certificate;

4. Any change in the title, nature, location, encumbrance or possession of said business since the issuing of this Certificate; and

5. By whom and for what purpose any building herein described and the several parts thereof were occupied at the time of damage or destruction, and shall furnish a copy of all the descriptions and schedules in all policies, the actual amount of business interruption value, and **loss** of earnings, **loss** of tuition, or extra expense claimed, accompanied by detail exhibits of all values, costs and estimates upon which such amounts are based.

L. The **Governmental Entity**, as often as may be reasonably required, shall exhibit to any person designated by the **Risk Management Division Director** all that remains of any property herein described, and submit to examination under oath by any person named by the **Risk Management Division Director**, and subscribe the same; and, as often as may be required, shall produce for examination all books of account, bills, invoices and other vouchers, or certified copies thereof if originals are lost, at such reasonable time and place as may be designated by the **Risk Management Division Director** or their representative, and shall permit extracts and copies thereof to be made.

Signature: Andrea Salazar
Andrea Salazar (Oct 20, 2020 12:09 MDT)

Email: asalazar@santafenm.gov

Signature:

Email: rawheeler@santafenm.gov

Signature:

Email: jlapanhill@santafenm.gov

Signature:

Email: ekmcsherry@santafenm.gov

Signature: Regina Wheeler (Oct 20, 2020 17:09 MDT)

Email: rawheeler@santafenm.gov

Signature: Jarel LaPan Hill (Oct 20, 2020 17:12 MDT)

Email: jlapanhill@santafenm.gov

GB PWD-LEGAL BATAAN BLDG-VIADEMN LICENSE 407 GALISTEO ST r1

Final Audit Report 2020-10-20

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"GB PWD-LEGAL BATAAN BLDG-VIADEMN LICENSE 407 GA LISTEO ST r1" History

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2020-10-20 - 11:12:54 PM GMT

ACTION SHEET
ITEM FROM QUALITY OF LIFE COMMITTEE MEETING OF 11/04/2020
FOR CITY COUNCIL MEETING OF 11/10/2020

ISSUE:

Request for Approval on the License Agreement in exchange for obligations of Licensee for an indefinite term between the City of Santa Fe and New Mexico Department of Cultural Affairs. (Sam Burnett, Public Works Project Administrator, jsburnett@santafenm.gov, (505) 955-9533 and Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, (505) 995-6303)

Committee Review:
Quality of Life Committee: 11/04/2020
Public Works & Utilities Committee: 11/09/2020
Governing Body: 11/10/2020

QUALITY OF LIFE COMMITTEE ACTION: Approved on discussion. Councilor Villarreal moved this item from the consent agenda to the discussion agenda.

SPECIAL CONDITIONS OR AMENDMENTS:

SEND TO:
Public Works and Utilities Committee; Governing Body

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR RIVERA	X		
COUNCILOR GARCIA	X		
COUNCILOR CASSUTT-SANCHEZ	X		

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Michael J. Garcia	Councilor JoAnne Vigil Coppler
Councilor Renee Villarreal	Councilor Carol Romero-Wirth
Councilor Jamie Cassutt-Sanchez	Councilor Signe I. Lindell

A RESOLUTION

HOSTING COMMUNITY CONVERSATIONS AND ESTABLISHING A SPECIAL COMMITTEE ON SANTA FE'S CULTURES, HISTORIES, ART, RECONCILIATION, AND TRUTH.

WHEREAS, the City of Santa Fe ("City") recognizes the political and cultural divisions in the United States at this time and has observed the destruction of the Soldier's Monument (the Obelisk) on the Plaza; and

WHEREAS, the City understands there is an urgent call to action to discuss the City's cultural histories and current viewpoints to seek solutions for a future of peace, justice, and reconciliation; and

WHEREAS, the City's leadership recognizes the need for community engagement to encourage people to speak and to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City shall convene listening sessions, for all members of the community, facilitated by a professional trained in cultural competency. The listening sessions will

be compiled into an oral history drawn from all sectors of the population of Santa Fe to aid the community in understanding differing viewpoints of cultures, histories, and art in this uniquely diverse City.

BE IT FURTHER RESOLVED that a special committee is hereby created.

Section 1. NAME: the committee shall be known as the Culture, History, Art, Reconciliation and Truth Committee or "CHART Committee".

Section 2. PURPOSE: the purpose of the CHART Committee is to understand the complete and complex history of Santa Fe, the role of monuments and other remembrances, and the reasons a reckoning of shared history is important to the overall wellbeing of our community; and to use these understandings to inform and advise the community and Governing Body regarding these topics.

Section 3. DUTIES AND RESPONSIBILITIES:

A. Convene, compile, and review initial community listening sessions, facilitated by one or more professionals trained in cultural competency to inform the CHART Committee's discussions and recommendations of ways the City of Santa Fe and the greater Santa Fe community can join together for a culture of equality, equity, and common understanding;

B. Gather options and draft guidelines for existing statues, remembrances, and monuments;

C. Examine existing statues, remembrances, and monuments to develop a shared history and provide historical context;

D. Propose guidelines and make recommendations for monuments, remembrances, or works of art for the Santa Fe Plaza;

E. Identify opportunities for possible new monuments, remembrances, and works of public art;

~~F.~~ Recommend an inclusive historical narrative that reflects the diverse experiences of the community;

G. Articulate ways in which the people of the City of Santa Fe, past and present, can find common ground about shared histories and, most importantly, look forward to a more humane and compassionate community with full participation by and from all;

H. Steward the storytelling of the City's residents' histories that will be documented, stored, and available to future generations, and that will reflect the experiences and multiplicity of the shared history;

I. Recognize that the work in healing our community will not be complete with the conclusion of the duties of the CHART Committee; therefore, the Committee is urged to identify and recommend ongoing opportunities for institutional and policy reforms, new celebrations, social practice and partnerships;

J. Provide regular, monthly written updates to the Governing Body regarding the Committee's progress towards completion of its duties and responsibilities, including, but not limited to, the availability of histories the Committee compiles and the recommendations the Committee makes;

K. Provide a final written report, including a compilation of collected histories and the CHART Committee's interim recommendations and findings.

Section 4. MEMBERSHIP; OFFICERS; TERMS:

A. *Membership.* CHART Committee membership shall include twenty-one members. The members are not required to be residents of the City of Santa Fe. The members shall be nominated by Governing Body members, concerned community groups, and the public at-large. Nominations shall be submitted to the City Clerk within two weeks of the adoption of this Resolution. The Mayor shall recommend a final

list of nominees to the Governing Body for approval no later than a month from the close of nominations. The Mayor shall appoint the chair or co-chairs; the full membership of the CHART Committee shall elect a vice-chair. The CHART Committee shall be comprised of the following members:

1. Three representatives from Hispanic cultural and civic groups that are active in New Mexico;
2. Three representatives from Native American/Pueblos/cultural groups that are present in New Mexico;
3. Two individuals with historical/cultural expertise and credentials, and/or higher education credentials, in New Mexico's history and culture;
4. Two individuals with spiritual/religious leadership roles in Santa Fe;
5. Two individuals from the Santa Fe Arts Commission or the Santa Fe arts and culture community;
6. One individual with national museum or other professional historical interpretation experience;
7. Two former elected City of Santa Fe officials;
8. One representative of the State of New Mexico government involved in art, history, and culture;
9. One individual with a legal background with regard to the City's laws and policies;
10. One individual with mediator/dispute resolution training and experience; and
11. Three at-large members of the Santa Fe community, selected with a particular focus on adding to the diversity of the Committee.

B. *Terms.* Members shall serve until they complete their duties and responsibilities as set above.

C. *Compensation.* Members shall not receive compensation for their service on the Culture and Reconciliation Committee.

D. *Subcommittees.* The CHART Committee may establish subcommittees to address the duties and responsibilities as delineated in Section 3 above, such as community outreach listening and engagement; review of statues, remembrances, and monuments; development of and communication of inclusive narratives, and identification of institutional and policy reforms.

Section 5. VACANCIES: Vacancies on the CHART Committee shall be filled in the same manner as initial appointments.

Section 6. MEETINGS; DURATION: The CHART Committee is urged to complete its duties by the end of December, 2022. The Committee shall conduct all meetings in accordance with adopted City policies and procedures, including the use of *Robert's Rules of Order* in conducting its meetings when no other convention has been adopted. The Committee shall set its own meetings, but shall meet not less than once per month.

Section 6. STAFF LIAISON: The City Manager shall direct staff resources to support the special committee.

Section 7. FACILITATION RESOURCES: The Governing Body shall appropriate the funds for the facilitation of the committee's work.

PASSED, APPROVED, and ADOPTED this _____day of _____, 2020.

_____

ALAN WEBBER, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/Culture, History, Art, Reconciliation and Truth Committee

Culture History Art Reconciliation and Truth Committee (For Review)

Final Audit Report 2020-10-21

Created:	2020-10-21
By:	Jeff Norris (jtnorris@ci.santa-fe.nm.us)
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"Culture History Art Reconciliation and Truth Committee (For Review)" History

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CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2020-__
Culture and Reconciliation Committee

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2020-__:

1. On page 4, line 22 ***strike*** "Three" and ***insert*** in lieu thereof "Two"

2. On page 4, line 24 ***insert*** the following new paragraph:
   "12. One individual to be nominated by the Santa Fe County Board of Commissioners."

Respectfully submitted,

_____
Roman "Tiger" Abeyta, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

10255.4(A)

Culture and Reconciliation Committee (Abeyta Amend)

Final Audit Report 2020-10-28

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"Culture and Reconciliation Committee (Abeyta Amend)" History

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CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2020-__
Culture and Reconciliation Committee

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2020-__:

1. On page 3, line 25 after the period ***insert*** "The three chairs of the City Council Standing Committees and the Mayor shall review and evaluate the nominations."

Respectfully submitted,

_____
Alan Webber, Mayor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Culture and Reconciliation Committee (Webber Amend)

Final Audit Report 2020-10-28

Created:	2020-10-28
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZAi7rjFYCwAZeC9kAHJmqF0GI12Rxug6

"Culture and Reconciliation Committee (Webber Amend)" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
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AMENDED

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2020-__
Culture and Reconciliation Committee

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2020-__:

1. On page 4, line 2, after the period ***insert*** the following new sentence "At least eight members of the committee shall be persons nominated by members of the Governing Body."
2. On page 4, line 6, after "Mexico" ***insert*** ", two of which must be based in Santa Fe County"
3. On page 4, line 21, ***strike*** "One individual with mediator/dispute resolution training and experience" and ***insert*** in lieu thereof "A member of the Mayor's Youth Advisory Board or a nominee selected by the Mayor's Youth Advisory Board."
4. On page 5, line 17, after the period ***insert*** the following new sentence "The appropriation shall include funding for a mediator with dispute resolution <u>and restorative justice</u> training and experience."

Respectfully submitted,

_____
Roman "Tiger" Abeyta, Councilor

_____
JoAnne Vigil Coppler, Councilor

_____
Chris Rivera, Councilor

_____
Michael J. Garcia, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

* **<u>Underlined</u> material denotes added language**
[~~Bracketed~~] material denotes struck languge

10255.4(C)

Culture and Reconciliation Committee (Abeyta Amend 2) (Amended)

Final Audit Report 2020-11-05

Created:	2020-11-05
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAkvSa1QvrMNBtnDai1T58RJWC7X2CfnI4

"Culture and Reconciliation Committee (Abeyta Amend 2) (Amended)" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
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2020-11-05 - 5:52:39 PM GMT

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2020-__
Culture and Reconciliation Committee

Mayor and Members of the City Council:

We propose the following amendment(s) to Resolution No. 2020-__:

1. On page 1, line 17, ***insert*** after "Plaza" ***insert*** ", the removal of the Don Diego de Vargas statute from Cathedral Park, and the boarding up of the Kit Carson memorial"
2. On page 1, line 25, ***strike*** "trained" and ***insert*** "with mediator/dispute resolution training and experience"
3. On page 2, line 19, ***insert*** the following new paragraph:
   "B. Propose guidelines and make recommendations for monuments, remembrances, or works of art for the Santa Fe Plaza beginning with the Soldier's Monument (the Obelisk) within six months of the Committee's first meeting;"

* **Editor's Note: Renumber the succeeding sections accordingly.**

4. On page 2, ***strike*** lines 22-23 in their entirety

* **Editor's Note: Renumber the succeeding sections accordingly.**

5. On page 3, line 14, ***strike*** "regular" and ***insert*** in lieu thereof "at a minimum" and ***strike*** "written updates" and ***insert*** in lieu thereof "public presentations"
6. On page 3, line 21, ***strike*** "twenty-one" and ***insert*** in lieu thereof "nineteen"
7. On page 4, line 14, ***strike*** "national" and ***insert*** in lieu thereof "New Mexico"
8. One page 4, line 16 ***strike*** "Two" and ***insert*** in lieu thereof "One"
9. On page 4, ***strike*** lines 19-21 in their entirety

* **Editor's Note: Renumber the succeeding sections accordingly.**

10. One page 4, line 22, ***strike*** "Three" and ***insert*** in lieu thereof "Four"

Respectfully submitted,

_____ _____
Chris Rivera, Councilor Michael Garcia, Councilor

Approved as to Form:

_____ _____
Erin K. McSherry, City Attorney JoAnne Vigil Coppler, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

10255.4(D)

Culture and Reconciliation Committee (Rivera-Garcia-Vigil Coppler Amend)

Final Audit Report 2020-11-03

Created:	2020-11-03
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAnDfZ0Cq-jIkV3j3m9icopIPD-g9ZzFiK

"Culture and Reconciliation Committee (Rivera-Garcia-Vigil Coppler Amend)" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
2020-11-03 - 4:06:07 PM GMT- IP address: 75.161.147.182

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FIR No. 3287

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Hosting Community Conversations and Establishing the Culture, History, Art, Reconciliation, and Truth (CHART) Committee

Sponsor(s): Mayor Webber, Councilors Garcia, Vigil Coppler, Villarreal, Cassutt-Sanchez, Romero-Wirth, and Lindell.

Reviewing Department(s): Office of Community Engagement, City Attorney's Office, Arts and Culture Department

Staff Completing FIR: Kristine Mihelcic Date: 10/16/20 Phone: 505-955-6846

Reviewed by City Attorney: _____ Date: Oct 26, 2020

Reviewed by Finance Director: Mary McCoy Date: Oct 26, 2020

Summary:
The proposed Resolution calls for Community Conversations and creates a Special Committee on Cultures, History, Art, Reconciliation, and Truth to identify ways Santa Fe can join together in a shared understanding to enhance community commons.

Departments Affected:
Office of Community Engagement; Arts and Culture Department

Consequences of Not Enacting Legislation:
There is an urgent call to action to discuss our cultural histories and current viewpoints to seek solutions for a future of peace, justice, and reconciliation. City leadership recognizes the need for community engagement to encourage people to speak and be heard. By failing to create this committee as a way for people to be heard and to address our cultural histories, the City would invite more conflict and contention to take root, which could result in additional violence and destruction of property.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
None.

Performance and Administrative Implications:
We are currently reviewing to determine the staffing needs, whether it be internal or a contract to manage.

Fiscal Implications:
Some staff time will be required to staff the committee, but we are reviewing to determine if this can be considered absorbed costs and within the current purview of either the Office of Community Engagement or Arts and Culture Department.

Based on previous projects and the investment in our community, approximately $300,000 is required to have a culturally competent facilitator on contract to conduct community listening sessions and compile an oral history report, including design, publication, and outreach.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 2021	FYE 2022	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$ 150,000	$ 150,000	$ 0	Y	NR	TBD	
Operating	$	$	$				$
Total:	$ 150,000	$ 150,000	$				$ 300,000

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

Expenditure Narrative:

Some staff time will be required to staff the committee, but we are reviewing to determine if this can be considered absorbed costs and within the current purview of either the Office of Community Engagement or Arts and Culture Department.

Based on previous projects, the investment in our community of approximately $300,000 is required to have a culturally competent facilitator on contract to conduct community listening sessions and compile oral history report, including design and publication. This will ensure the project will truly reach most segments of the population in partnership with the neighborhoods. The listening sessions will be conducted virtually due to the pandemic and also in person with limited contact per the Public Health Order in place. The funding sources are still being reviewed and we are looking for potential funding sources internally and externally.

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$	$		

Revenue Narrative:

No revenue.

Culture and Reconciliation Committee (FIR)(For Signature)

Final Audit Report 2020-10-26

Created:	2020-10-26
By:	Jeff Norris (jtnorris@ci.santa-fe.nm.us)
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"Culture and Reconciliation Committee (FIR)(For Signature)" History

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ACTION SHEET PUBLIC WORKS AND UTILITES COMMITTEE MEETING OF 10/26/2020
ISSUE NO. 9G Consideration of Resolution 2020-____. A Resolution Hosting Community Conversations and Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. (Mayor Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, and Lindell) (Kristine Mihelcic, Constituent and Council Services Director, kmmihelcic@santafenm.gov, 955-6846) **Committee Review:** Public Works and Utilities Committee: 10/26/2020 Quality of Life: 11/4/2020 Public Works and Utilities Committee: 11/9/20 Special Finance Committee: 11/16/2020 Special Governing Body Meeting: 11/18/20
PUBLIC WORKS AND UTILITES COMMITTEE ACTION: Approved to Postpone till 11/09/2020 PWPU Committee.
SPECIAL CONDITIONS OR AMENDMENTS:
STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

ACTION SHEET
ITEM FROM QUALITY OF LIFE COMMITTEE MEETING OF 11/04/2020
FOR CITY COUNCIL MEETING OF 11/18/2020

ISSUE:

Consideration of Resolution 2020-____. A Resolution Hosting Community Conversations and Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. (Mayor Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, and Lindell) (Kristine Mihelcic, Constituent and Council Services Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:
Public Works and Utilities Committee: 10/26/2020
Quality of Life Committee: 11/4/2020
Public Works and Utilities Committee: 11/9/20
Special Finance Committee: 11/16/2020
Special Governing Body Meeting: 11/18/20

QUALITY OF LIFE COMMITTEE ACTION: The Committee voted to move the resolution forward with no recommendation on discussion. Councilors Villarreal and Cassutt-Sanchez removed this item from the consent agenda to the discussion agenda.

SPECIAL CONDITIONS OR AMENDMENTS:
Rivera, Garcia, Vigil Coppler's Amendment: Motion to move the amendment forward with no recommendation passed on the following vote:
For: unanimous

Mayor Alan Webber's Amendment: Motion to deny the amendment failed on the following vote:
For: Councilor Villarreal, Councilor Garcia
Against: Councilor Romero-Wirth, Councilor Cassutt-Sanchez, Councilor Rivera

The Committee took no action on Councilor Abeyta's two proposed amendments.

SEND TO:
Public Works and Utilities Committee; Finance Committee; Governing Body

VOTE	**FOR**	**AGAINST**	**ABSTAIN**
CHAIRPERSON ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR RIVERA	X		
COUNCILOR GARCIA			X
COUNCILOR CASSUTT-SANCHEZ	X		

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Councilor Carol Romero-Wirth

Councilor Jamie Cassutt-Sanchez

A RESOLUTION

URGING THE LEGISLATURE OF THE STATE OF NEW MEXICO TO REPEAL THE STATUTORY PROVISIONS PREEMPTING STRICTER COUNTY AND MUNICPAL REGULATION OF THE SALE OF CIGARETTES, TOBACCO PRODUCTS, AND ELECTRONIC SMOKING DEVICES.

WHEREAS, tobacco use continues to be a public health problem in New Mexico, as the American Heart Association reports that approximately 2,600 New Mexico residents die from smoking each year, and 40,000 New Mexico children alive today will die prematurely from smoking if nothing is done to reduce tobacco use; and

WHEREAS, in 2015, the New Mexico Legislature passed Senate Bill 433, Tobacco Products, E-Cigarette and Nicotine Liquid Container Act, later signed into law on April 8, 2015, of which Section 10 declares that, "When a municipality or county, including a home rule municipality or urban county, adopts an ordinance or a regulation pertaining to sales of tobacco products, e-cigarettes or nicotine liquid containers, the ordinance or regulation shall be consistent with the provisions of the Tobacco Products, E-Cigarette and Nicotine Liquid Container Act,"

thereby nullifying and voiding all conflicting existing local laws and regulations and restricting the ability of communities to address their own burden of tobacco use and addiction; and

WHEREAS, in 2020, the New Mexico State Legislature passed Senate Bill 131, The Tobacco Products Act, later signed into law on March 4, 2020, part of which Section 24 declares, "when a municipality or county, including a home rule municipality or an urban county, adopts an ordinance, charter amendment or regulation pertaining to the sales of tobacco products, the ordinance, charter amendment or regulation shall be consistent with the provisions of the Tobacco Products Act,"; and

WHEREAS, prior to the enactment of SB 433, the counties had their own smoking and tobacco control ordinances, some of which were more stringent than the state laws regulating the sale or use of tobacco products; and

WHEREAS, one of the top objectives of the federal Office of Disease Prevention and Health Promotion's "Healthy People 2020" campaign is to "eliminate state laws that preempt stronger local tobacco control laws"; and

WHEREAS, the Governing Body of the City of Santa Fe believes that the city should not be prevented from adopting its own tobacco control laws and regulations to address the specific needs of its communities.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Legislature of the State of New Mexico is urged to repeal the statutory provisions preempting stricter local regulation of the sale of cigarettes, tobacco products, and electronic smoking devices.

BE IT FURTHER RESOLVED that copies of this resolution be transmitted to the Governor, the Speaker of the House of Representatives, and the President Pro Temp of the Senate.

PASSED, APPROVED, and ADOPTED this _____day of _____, 2020.

_____

ALAN WEBBER, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

ERIN K. McSHERRY, CITY ATTORNEY

FIR No. 3288

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Preemption of Tobacco Regulations

Sponsor(s): Councilors Romero-Wirth and Cassutt-Sanchez

Reviewing Department(s): Community & Economic Development

Staff Completing FIR: Rich Brown Date: 10/20/20 Phone: 655-6625

Reviewed by City Attorney: _____ Date: Oct 28, 2020

Reviewed by Finance Director: _____ Date: Oct 28, 2020

Summary:
The legislature of the State Of New Mexico is urged to repeal the statutory provisions preempting stricter local regulation of the sale of cigarettes, tobacco products, and electronic smoking devices.

Departments Affected:
Community Development and Community Health and Safety (Residents, Businesses & Tourists)

Consequences of Not Enacting Legislation:
Failure to enact may allow tobacco use to rise in the City's population.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
The Governing Body of the City of Santa Fe believes that the City should not be prevented from adopting its own tobacco control laws and regulations to address the specific needs of its communities.

Performance and Administrative Implications:
None identified

Fiscal Implications:
None identified.

Fiscal Impact

XX____ Check here if no fiscal impact

Adopted: 01/12/05; revised 8/24/05; 4/17/08;

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund
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 __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		

Other	$	$	$	
Total	$	$	$	

Revenue Narrative:

Adopted: 01/12/05; revised 8/24/05; 4/17/08;

Preemption of Tobacco Regulations (For Signature)

Final Audit Report 2020-10-28

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By:	Jeff Norris (jtnorris@ci.santa-fe.nm.us)
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Transaction ID:	CBJCHBCAABAAcG5bnJLyOcl1PvFvDSmnkHL1Dy6Z6QD9

"Preemption of Tobacco Regulations (For Signature)" History

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Agreement completed.
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Adobe Sign

City of Santa Fe New Mexico
Memorandum

Date: October 26, 2020

To: Quality of Life Committee and Governing Body

From: Rich Brown – Director, Community and Economic Development Department

RE: Preemption of Tobacco Regulations

ITEM AND ISSUE:

The proposed Resolution urges the New Mexico Legislature to repeal portions of the Tobacco Products Act that preempt a home rule municipality such as Santa Fe from enacting "an ordinance, charter amendment or regulation pertaining to the sales of tobacco products" that is not consistent with the provisions of the Act.

BACKGROUND AND SUMMARY:

The Tobacco Products Act was signed into law on March 4th of this year. Section 24 includes a provision that "when a municipality or county, including a home rule municipality or an urban county, adopts an ordinance, charter amendment or regulation pertaining to the sales of tobacco products, the ordinance, charter amendment or regulation shall be consistent with the provisions of the Tobacco Products Act." This prevents the City of Santa Fe from adopting regulations regarding the sale of cigarettes, tobacco products, and e-cigarettes that are more stringent than those provided for in State Statute. A repeal would enable the City of Santa Fe, should its Governing Body choose to do so in the future, to enact restrictions on tobacco products in order to protect the health of its residents.

ACTION REQUESTED:

Adopt the Resolution as presented.

ATTACHMENTS:

- Resolutions
- HB 433
- Fiscal Impact Report

ACTION SHEET
ITEM FROM QUALITY OF LIFE COMMITTEE MEETING OF 11/04/2020
FOR CITY COUNCIL MEETING OF 11/10/2020

ISSUE:

Consideration of Resolution No. 2020-__: A Resolution Urging the Legislature of the State of New Mexico to Repeal the Statutory Provisions Preempting Stricter County and Municipal Regulation of the Sale of Cigarettes, Tobacco Products, and Electronic Smoking Devices. (Councilors Romero-Wirth and Cassutt-Sanchez) (Rich Brown, Economic Development Director, rdbrown@santafenm.gov, 955-6625)

Committee Review:
Quality of Life Committee: 11/4/20
Public Works and Utilities Committee: 11/9/20
Governing Body: 11/10/20

QUALITY OF LIFE COMMITTEE ACTION: Approved on consent

SPECIAL CONDITIONS OR AMENDMENTS:

SEND TO:
Public Works and Utilities Committee; Governing Body

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR RIVERA	X		
COUNCILOR GARCIA	X		
COUNCILOR CASSUTT-SANCHEZ	X		

City of Santa Fe New Mexico
Memorandum

Date: November 5, 2020

To: Mayor & City Council

Via: Jarel LaPan Hill, City Manager JLH
Elias Isaacson, Land Use Director ESI

From: Carlos Gemora; CIAC Staff Liaison, Senior Land Use Planner CEG

RE: Impact Fee Capital Improvement Plan 2021-2027 – Resolution Adopting Plan & Bill Amending 14-8.14

ITEM AND ISSUE:
This proposal involves a resolution to adopt the Impact Fee Capital Improvement Plan 2021-2027 (IFCIP) and an ordinance amending impact fees assessed in Section 14-8.14 SFCC 1987. Both items are legally required to continue the collection of impact fees.

BACKGROUND & SUMMARY:
Impact fees are used by local governments to charge new development a proportionate share of the infrastructure costs they impose on the community. In New Mexico, impact fees shall only be collected per a valid capital improvement plan which estimates the cost of providing infrastructure, calculates the maximum amount of impact fees we can charge, and documents the types of projects we can spend impact fees on (New Mexico *Development Fees Act* Sec. 5-8-1, et seq., NMSA).

The City currently charges impact fees for roads, parks, fire, and police facilities per Section 14-8.14 SFCC 1987. Past funds have been used to develop SWAN Park, the Railyard Park, the Southside Library, parks in Las Soleras, expansions to Rufina, Siler, and Cerrillos Road, sidewalk improvements throughout the city, and fire station expansions. Forthcoming projects include new park bathrooms, playground and exercise equipment, roadway improvements, and increased storage for the Fire and Police Departments. The Capital Improvements Advisory Committee (CIAC) provides citizen oversight, reviews fund utilization, and provides recommendations regarding the IFCIP and assessment of fees.

The proposed ordinance initially maintains lower fees but also establishes annually increasing fees ($300-600 for most residential units) to “catch-up” and maintain relevance with escalating infrastructure costs. The resolution and ordinance update the existing IFCIP (2014-2020), provide compliance with state requirements, and allow the City to continue collecting impact fees.

ACTION REQUESTED:
Staff request approval of both the resolution to adopt the IFCIP update (2021-2027) and the ordinance amending the assessment of impact fees (Section 14-8.14 SFCC 1987).

IMPACT FEE CAPITAL IMPROVEMENT PLAN:

The proposed plan has been assembled in compliance with New Mexico state laws via a professional contractor. Most importantly, the plan documents that the calculated cost of providing infrastructure for new development has risen dramatically (in most cases) and provides a legal nexus for assessing increased fees on new development.

The proposed IFCIP also includes land use assumptions which forecast residential growth and it documents the types of projects eligible for impact fee expenditures. Though growth is forecasted and eligible projects are listed in the plan, the document does not analyze where or how growth will occur and does not prioritize which projects are most important to the City nor does it estimate when, how or if projects will be initiated within a particular time frame.

The following tables show the fees adopted in 2014, the maximum fees calculated in 2020, and the percentage of difference between the two. Maximum calculated fees reflect an estimated cost of providing infrastructure to new development, not the proposed assessment of fees.

2014 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached*						
1,500 sq. ft. or less	Dwelling	$1,894	$967	$154	$64	$3,079
1,501-2,000 sq. ft.	Dwelling	$2,064	$1,010	$161	$68	$3,303
2,001-2,500 sq. ft.	Dwelling	$2,141	$1,108	$176	$74	$3,499
2,501-3,000 sq. ft.	Dwelling	$2,245	$1,163	$186	$78	$3,672
More than 3,000 sq. ft.	Dwelling	$2,377	$1,238	$197	$83	$3,895
Accessory Unit	Dwelling	$947	$483	$77	$32	$1,539
Multi-Family	Dwelling	$1,299	$945	$150	$63	$2,457
Retail/Commercial	1,000 sq. ft.	$4,006	$0	$269	$113	$4,388
Office	1,000 sq. ft.	$2,402	$0	$126	$53	$2,581
Industrial	1,000 sq. ft.	$1,856	$0	$55	$23	$1,934
Warehouse	1,000 sq. ft.	$968	$0	$24	$10	$1,002
Mini-Warehouse	1,000 sq. ft.	$375	$0	$22	$9	$406
Public/Institutional	1,000 sq. ft.	$1,460	$0	$113	$48	$1,621

2020 Maximum Calculated Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	$3,403	$2,935	$559	$141	$7,038
1,500 sq. ft. or less	Dwelling	$3,208	$2,700	$514	$130	$6,552
1,501-2,500 sq. ft.	Dwelling	$3,381	$2,906	$554	$140	$6,981
2,501-3,000 sq. ft.	Dwelling	$3,553	$3,111	$592	$150	$7,406
more than 3,000 sq. ft.	Dwelling	$3,748	$3,346	$636	$161	$7,891
Accessory Unit	Dwelling	$1,673	$1,849	$352	$89	$3,963
Multi-Family	Dwelling	$1,961	$2,201	$420	$106	$4,688
Mobile Home Park	Space	$1,802	$4,491	$855	$216	$7,364
Retail/Commercial	1,000 sq. ft.	$4,670	$0	$624	$158	$5,452
Office	1,000 sq. ft.	$3,986	$0	$303	$77	$4,366
Industrial	1,000 sq. ft.	$1,592	$0	$131	$33	$1,756
Warehouse	1,000 sq. ft.	$825	$0	$61	$15	$901
Mini-Warehouse	1,000 sq. ft.	$403	$0	$12	$3	$418
Public/Institutional	1,000 sq. ft.	$1,808	$0	$140	$36	$1,984

INITIAL ASSESSMENT OF IMPACT FEES (2021):

The IFCIP 2021-2027 calculates the maximum amount of impact fees that may be assessed but does not determine at what rate the City should assess fees. The City may assess a lesser amount of fees based on each individual impact fee category (roads, parks, fire, police). Existing fees currently comprise half the calculated cost of new, growth-related infrastructure. The Land Use Department, in consultation with Ordinance Sponsor Mayor Alan Webber, the receiving departments, and per the recommendation of the CIAC, proposes initial fees (2021) which are relatively similar to 2014 fees.

The proposal is to assess Roads fees at 70%, Parks fees at 40%, Fire fees at 40%, and Police fees at 50% of the maximum calculated in the IFCIP. In 2021, fees would increase by $322 for each new single-family detached unit (2,001 and 2,500 square feet), $17 for multi-family units, and would *decrease* retail/commercial fees by $790 per 1,000 square feet. Fees cannot be assessed based on the land use type, thus we cannot decrease residential fees or increase commercial fees independently.

Proposed Impact Fee Schedule (2021)

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		70%	40%	40%	50%	
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	$2,246	$1,080	$206	$65	$3,596
1,501-2,500 sq. ft.	Dwelling	$2,367	$1,162	$222	$70	$3,821
2,501-3,000 sq. ft.	Dwelling	$2,487	$1,244	$237	$75	$4,043
more than 3,000 sq. ft.	Dwelling	$2,624	$1,338	$254	$81	$4,297
Accessory Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Family	Dwelling	$1,373	$880	$168	$53	$2,474
Mobile Home Park	Space	$1,261	$1,796	$342	$108	$3,508
Retail/Commercial	1,000 sq. ft.	$3,269	$0	$250	$79	$3,598
Office	1,000 sq. ft.	$2,790	$0	$121	$39	$2,950
Industrial	1,000 sq. ft.	$1,114	$0	$52	$17	$1,183
Warehouse	1,000 sq. ft.	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq. ft.	$282	$0	$5	$2	$288
Public/Institutional	1,000 sq. ft.	$1,266	$0	$56	$18	$1,340

Change Between 2014 Assessed Fees & Proposed 2020 Proposed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Change for 2,001-2500sf Single-Family		$322		Change for Multi-Family		$17
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	19%	12%	34%	2%	17%
1,501-2,000 sq. ft.	Dwelling	15%	15%	38%	3%	16%
2,001-2,500 sq. ft.	Dwelling	11%	5%	26%	-5%	9%
2,501-3,000 sq. ft.	Dwelling	11%	7%	27%	-4%	10%
more than 3,000 sq. ft.	Dwelling	10%	8%	29%	-3%	10%
Accessory Unit	Dwelling	24%	53%	83%	39%	36%
Multi-Family	Dwelling	6%	-7%	12%	-16%	1%
Mobile Home Park	Space	n/a	n/a	n/a	n/a	n/a
Retail/Commercial	1,000 sq. ft.	-18%	n/a	-7%	-30%	-18%
Office	1,000 sq. ft.	16%	n/a	-4%	-27%	14%
Industrial	1,000 sq. ft.	-40%	n/a	-5%	-28%	-39%
Warehouse	1,000 sq. ft.	-40%	n/a	2%	-25%	-39%
Mini-Warehouse	1,000 sq. ft.	-25%	n/a	-78%	-83%	-29%
Public/Institutional	1,000 sq. ft.	-13%	n/a	-50%	-63%	-17%
Percent Change in Revenue from 2014		5%	0%	15%	-14%	3%

PHASED INCREASE OF IMPACT FEES (2022-2025):
The proposal aims to keep fees in 2021 roughly similar to 2014 but also establishes annually increasing fees starting in 2022. Predictable increases allow the City to "catch up" and maintain relevance with increasing infrastructure costs. Increases would annually raise residential fees approximately $300 to $600 per unit till 2025 and the ordinance directs the CIAC to review and make recommendations regarding impact fee assessments no later than 2023.

Fees currently fund about half the estimated cost of growth-related infrastructure (55%) and naturally escalating costs and inventories could result in 2021 impact fees covering drastically less by 2025 (requiring funding from other sources). Phased increases enable the City to fund a majority of growth-related infrastructure at predictable rates that are relevant to annually increasing costs.

2021 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		70%	40%	40%	50%	
Single-Family Detached (avg.	Dwelling	$2,382	$1,174	$224	$71	$3,850
Accessory Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Family	Dwelling	$1,373	$880	$168	$53	$2,474
Retail/Commercial	1,000 sq. ft.	$3,269	$0	$250	$79	$3,598
Office	1,000 sq. ft.	$2,790	$0	$121	$39	$2,950
Industrial	1,000 sq. ft.	$1,114	$0	$52	$17	$1,183
Warehouse	1,000 sq. ft.	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq. ft.	$282	$0	$5	$2	$288
Public/Institutional	1,000 sq. ft.	$1,266	$0	$56	$18	$1,340

2022 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		78%	45%	45%	56%	
Single-Family Detached (avg.	Dwelling	$2,668	$1,315	$250	$79	$4,312
Accessory Unit	Dwelling	$1,312	$828	$158	$50	$2,348
Multi-Family	Dwelling	$1,537	$986	$188	$59	$2,770
Retail/Commercial	1,000 sq. ft.	$3,661	$0	$280	$88	$4,029
Office	1,000 sq. ft.	$3,125	$0	$136	$43	$3,304
Industrial	1,000 sq. ft.	$1,248	$0	$59	$18	$1,325
Warehouse	1,000 sq. ft.	$647	$0	$27	$8	$682
Mini-Warehouse	1,000 sq. ft.	$316	$0	$5	$2	$323
Public/Institutional	1,000 sq. ft.	$1,417	$0	$63	$20	$1,500

2023 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		88%	50%	50%	63%	
Single-Family Detached (avg.	Dwelling	$2,988	$1,473	$280	$88	$4,829
Accessory Unit	Dwelling	$1,469	$927	$177	$56	$2,629
Multi-Family	Dwelling	$1,721	$1,104	$211	$66	$3,102
Retail/Commercial	1,000 sq. ft.	$4,100	$0	$314	$99	$4,513
Office	1,000 sq. ft.	$3,500	$0	$152	$48	$3,700
Industrial	1,000 sq. ft.	$1,398	$0	$66	$20	$1,484
Warehouse	1,000 sq. ft.	$725	$0	$30	$9	$764
Mini-Warehouse	1,000 sq. ft.	$354	$0	$6	$2	$362
Public/Institutional	1,000 sq. ft.	$1,587	$0	$71	$22	$1,680

ATTACHMENTS:

Materials for Review: The following materials are provided for review and approval by the Governing Body.

1. **Resolution Adopting the Impact Fee Capital Improvement Plan 2021-2027**
2. **Impact Fee Capital Improvement Plan 2021-2027**
3. **Bill Amending Various Subsections of 14-8.14 to Adopt a New Impact Fee Schedule & Clarifying Appropriate Land Use Categories**
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Supplemental Materials: The following materials are provided to supplement and provide context for the primary materials under review.

5. **Fiscal Year 2019/2020 Impact Fee Revenue and Fund Balances**
6. **Memos Regarding Upcoming Usage of Roads, Parks, Fire, and Police Impact Fee Funds**
7. **2015 Impact Fee Reduction Analysis**
8. **Impact Fee Capital Improvement Plan 2014-2020**

City of Santa Fe New Mexico
Memorandum

Date: November 5, 2020

To: Mayor & City Council

Via: Jarel LaPan Hill, City Manager JLH
Elias Isaacson, Land Use Director ESI

From: Carlos Gemora; CIAC Staff Liaison, Senior Land Use Planner CEG

RE: Impact Fee Capital Improvement Plan 2021-2027 – Resolution Adopting Plan & Bill Amending 14-8.14

ITEM AND ISSUE:
This proposal involves a resolution to adopt the Impact Fee Capital Improvement Plan 2021-2027 (IFCIP) and an ordinance amending impact fees assessed in Section 14-8.14 SFCC 1987. Both items are legally required to continue the collection of impact fees.

BACKGROUND & SUMMARY:
Impact fees are used by local governments to charge new development a proportionate share of the infrastructure costs they impose on the community. In New Mexico, impact fees shall only be collected per a valid capital improvement plan which estimates the cost of providing infrastructure, calculates the maximum amount of impact fees we can charge, and documents the types of projects we can spend impact fees on (New Mexico *Development Fees Act* Sec. 5-8-1, et seq., NMSA).

The City currently charges impact fees for roads, parks, fire, and police facilities per Section 14-8.14 SFCC 1987. Past funds have been used to develop SWAN Park, the Railyard Park, the Southside Library, parks in Las Soleras, expansions to Rufina, Siler, and Cerrillos Road, sidewalk improvements throughout the city, and fire station expansions. Forthcoming projects include new park bathrooms, playground and exercise equipment, roadway improvements, and increased storage for the Fire and Police Departments. The Capital Improvements Advisory Committee (CIAC) provides citizen oversight, reviews fund utilization, and provides recommendations regarding the IFCIP and assessment of fees.

The proposed ordinance initially maintains lower fees but also establishes annually increasing fees ($300-600 for most residential units) to “catch-up” and maintain relevance with escalating infrastructure costs. The resolution and ordinance update the existing IFCIP (2014-2020), provide compliance with state requirements, and allow the City to continue collecting impact fees.

ACTION REQUESTED:
Staff request approval of both the resolution to adopt the IFCIP update (2021-2027) and the ordinance amending the assessment of impact fees (Section 14-8.14 SFCC 1987).

IMPACT FEE CAPITAL IMPROVEMENT PLAN:

The proposed plan has been assembled in compliance with New Mexico state laws via a professional contractor. Most importantly, the plan documents that the calculated cost of providing infrastructure for new development has risen dramatically (in most cases) and provides a legal nexus for assessing increased fees on new development.

The proposed IFCIP also includes land use assumptions which forecast residential growth and it documents the types of projects eligible for impact fee expenditures. Though growth is forecasted and eligible projects are listed in the plan, the document does not analyze where or how growth will occur and does not prioritize which projects are most important to the City nor does it estimate when, how or if projects will be initiated within a particular time frame.

The following tables show the fees adopted in 2014, the maximum fees calculated in 2020, and the percentage of difference between the two. Maximum calculated fees reflect an estimated cost of providing infrastructure to new development, not the proposed assessment of fees.

2014 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached*						
1,500 sq. ft. or less	Dwelling	$1,894	$967	$154	$64	$3,079
1,501-2,000 sq. ft.	Dwelling	$2,064	$1,010	$161	$68	$3,303
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Multi-Family	Dwelling	6%	-7%	12%	-16%	1%
Mobile Home Park	Space	n/a	n/a	n/a	n/a	n/a
Retail/Commercial	1,000 sq. ft.	-18%	n/a	-7%	-30%	-18%
Office	1,000 sq. ft.	16%	n/a	-4%	-27%	14%
Industrial	1,000 sq. ft.	-40%	n/a	-5%	-28%	-39%
Warehouse	1,000 sq. ft.	-40%	n/a	2%	-25%	-39%
Mini-Warehouse	1,000 sq. ft.	-25%	n/a	-78%	-83%	-29%
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Retail/Commercial	1,000 sq. ft.	$3,661	$0	$280	$88	$4,029
Office	1,000 sq. ft.	$3,125	$0	$136	$43	$3,304
Industrial	1,000 sq. ft.	$1,248	$0	$59	$18	$1,325
Warehouse	1,000 sq. ft.	$647	$0	$27	$8	$682
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Public/Institutional	1,000 sq. ft.	$1,417	$0	$63	$20	$1,500

2023 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		88%	50%	50%	63%	
Single-Family Detached (avg.	Dwelling	$2,988	$1,473	$280	$88	$4,829
Accessory Unit	Dwelling	$1,469	$927	$177	$56	$2,629
Multi-Family	Dwelling	$1,721	$1,104	$211	$66	$3,102
Retail/Commercial	1,000 sq. ft.	$4,100	$0	$314	$99	$4,513
Office	1,000 sq. ft.	$3,500	$0	$152	$48	$3,700
Industrial	1,000 sq. ft.	$1,398	$0	$66	$20	$1,484
Warehouse	1,000 sq. ft.	$725	$0	$30	$9	$764
Mini-Warehouse	1,000 sq. ft.	$354	$0	$6	$2	$362
Public/Institutional	1,000 sq. ft.	$1,587	$0	$71	$22	$1,680

ATTACHMENTS:

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

AMENDING SECTION 14-8.14(C) SFCC 1987 TO ADD A REFERENCE TO THE IMPACT FEE SERVICE AREA; AMENDING SECTION 14-8.14(E) TO ADOPT A NEW IMPACT FEE SCHEDULE AND CLARIFY APPROPRIATE LAND USE CATEGORIES AS THEY RELATE TO IMPACT FEE COLLECTION; AMENDING SECTION 14-8.14(G) TO ADD A REFERENCE TO THE IMPACT FEE SERVICE AREA; AMENDING SECTION 14-8.14(J) TO ADD A REFERENCE TO THE IMPACT FEE SERVICE AREA; ADDING A SERVICE AREA MAP AS EXHIBIT F IN THE APPENDIX TO THE LAND DEVELOPMENT CODE; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. Subsection 14-8.14(C) of the Land Development Code (being Ord. No. 2011-37, § 11, as amended) is amended to read:

(C) **Fee Assessment and Collection**

(1) [~~The~~] For development within the service area, as defined in subsection

underscored material = new [~~bracketed material~~] = delete

14-8.14(J)(6), the assessment for impact fees occurs on the date a *plat* or *development* plan receives final approval, from the *city* or the *state* construction industries division or, in the absence of a *plat* or plan, the date of the *development permit application*. Impact fees collected within four (4) years of the date of assessment shall be based on the impact fee schedule in effect at the time of assessment. After the expiration of the four (4)-year period, the new *development* shall be subject to the fee schedule in effect at the time of *application* for a construction *permit*. No action on the part of the city is required for assessment to occur. It shall be the responsibility of the applicant for a construction *permit* to present evidence of the date of *plat* or *development* plan approval in order for the fees to be based on the previous impact fee schedule. After the impact fee has been paid, no refunds will be provided based on the differences in the fee schedules. An applicant must pay all fees according to one (1) fee schedule only and may not mix the various fees from the schedules.

(2) [~~The~~] For development within the service area, as defined in Subsection 14-8.14(J)(6), the collection of impact fees shall occur at the time of issuance of a construction *permit* according to the fee schedule in effect for the *development*.

Section 2. Subsection 14-8.14(E) of the Land Development Code (being Ord. No. 2011-37, § 11, as amended) is amended to read:

(E) **Fee Determination**

(1) A person who applies for a construction *permit*, except those exempted or preparing an independent fee calculation study, shall pay impact fees in accordance with the following fee schedule. If a credit is due pursuant to Section 14-8.14(I), the amount of the credit shall be deducted from the amount of the fee to be paid.

(2) Beginning [~~February 27, 2014 and ending February 26, 2016,~~ construction *permits* for *residential developments* ~~shall be charged fifty percent (50%) of the~~

~~scheduled values in the Fee Schedule in Subsection 14-8.14(E)(3). Beginning February 27, 2016, such *residential developments* shall be charged one hundred percent (100%) of the scheduled values in the Fee Schedule~~] January 1, 2021, the city shall assess the scheduled values in the fee schedule set forth in subsection 14-8.14(E)(3). On January 1, 2022, and at the beginning of each subsequent calendar year, the city shall implement phased fee increases by adding an additional twelve percent (12%) to the scheduled values in the fee schedule each year until a new fee schedule is approved or until after the fees are increased in 2025. The capital improvements advisory committee shall review and, if deemed necessary, recommend to the governing body changes to the impact fee schedule no later than September 30, 2023.

(3) The fee schedule in this Subsection 14-8.14(E)(3), as increased each year pursuant to subsection 14-8.14(E)(2), shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or from the *state* construction industries division, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to a prior fee schedule available and on file in the Land Use Department.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

FEE SCHEDULE						
Land Use Type	**Unit**	**Roads**	**Parks**	**Fire**	**Police**	**Total**
Single-Family Detached[~~/~~](Heated) [~~Living Area~~]						
1,500 sq. ft. or less	Dwelling	[~~$1,894~~] $2,246	[~~$967~~] $1,080	[~~$154~~] $206	[~~$64~~] $65	[~~$3,079~~] $3,596
[~~1,501-2,000 sq. ft.~~]	[~~Dwelling~~]	[~~$2,064~~]	[~~$1,010~~]	[~~$161~~]	[~~$68~~]	[~~$3,303~~]
[~~2,001~~]1,501-2,500 sq. ft.	Dwelling	[~~$2,141~~] $2,367	[~~$1,108~~] $1,162	[~~$176~~] $222	[~~$74~~] $70	[~~$3,499~~] $3,821
2,501-3,000 sq. ft.	Dwelling	[~~$2,245~~] $2,487	[~~$1,163~~] $1,244	[~~$186~~] $237	[~~$78~~] $75	[~~$3,672~~] $4,043
3,001 sq. ft. or more	Dwelling	[~~$2,377~~] $2,624	[~~$1,238~~] $1,338	[~~$197~~] $254	[~~$83~~] $81	[~~$3,895~~] $4,297
Accessory Dwelling	Dwelling	[~~$947~~] $1,171	[~~$483~~] $740	[~~$77~~] $141	[~~$32~~] $45	[~~$1,539~~] $2,096
Multi-Family	Dwelling	[~~$1,299~~] $1,373	[~~$945~~] $880	[~~$150~~] $168	[~~$63~~] $53	[~~$2,457~~] $2,474
Mobile Home Park	Space	$1,261	$1,796	$342	$108	$3,508
Nonresidential	**G.F.A.**					
Retail/Commercial	1,000 sq. ft.	[~~$4,006~~] $3,269	$0	[~~$269~~] $250	[~~$113~~] $79	[~~$4,388~~] $3,598
Office	1,000 sq. ft.	[~~$2,402~~] $2,790	$0	[~~$126~~] $121	[~~$53~~] $39	[~~$2,581~~] $2,950
Industrial	1,000 sq. ft.	[~~$1,856~~] $1,114	$0	[~~$55~~] $52	[~~$23~~] $17	[~~$1,934~~] $1,183
Warehouse	1,000 sq. ft.	[~~$968~~] $578	$0	$24	[~~$10~~] $8	[~~$1,002~~] $609
Mini-Warehouse	1,000 sq. ft.	[~~$375~~] $282	$0	[~~$22~~] $5	[~~$9~~] $2	[~~$406~~] $288
Public/Institutional	1,000 sq. ft.	[~~$1,460~~] $1,266	$0	[~~$113~~] $56	[~~$48~~] $18	[~~$1,621~~] $1,340

(4) The *land use director* shall determine the fee to be collected as a condition of construction *permit* approval based on the applicable fee schedule in Subsection 14-8.14(E)(3) above and the provisions of this Subsection 14-8.14(E)(4), or on the basis of an independent fee calculation study pursuant to Subsection 14-8.14(F).

(a) The determination of the appropriate land use category shall be based on the following.

(i) Single-Family Detached means a *single-family dwelling*, which may consist of a *manufactured home* or *mobile home*, and which is detached from other units.

(ii) Accessory Dwelling Unit means a dwelling unit complying with the provisions of Subsection 14-6.3(D)(1).

([~~ii~~]iii) Multi-Family means a *multiple-family dwelling* which, for the calculation of impact fees, includes duplexes, triplexes, and any other structures which are not considered to be detached from other residential dwellings.

([~~iii~~]iv) Retail/Commercial means an establishment engaged in the selling or rental of goods, services, lodging or entertainment to the general public. Such uses include, but are not limited to, shopping center or mall, *alcoholic beverage sales activities , antique shop , bed and breakfast inn , boarding house , commercial recreational use or structure, drive-in, equipment rental or leasing, filling station, flea market, florist, garden center, gift shop, grocery store, hotel, laundromat, motel, nightclub, personal service establishment, pet service establishment, pharmacy, repair garage, residential suite hotel or motel*, or *retail establishment*.

([~~iv~~]v) Office means a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office

workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Such uses include, but are not limited to, real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. Specific examples include *business services* (excluding equipment rental and leasing), *arts and crafts studio*, *clinic*, *funeral home*, *veterinary establishment* and *vocational school*.

([~~v~~]vi) Industrial/Manufacturing means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, commercial laundries, commercial greenhouses, food and drug manufacturing, dry cleaning plants, and bottling works. Specific uses include *light assembly and manufacturing* and *manufacturing*.

([~~vi~~]vii)Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Such uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations, and major mail processing centers. Specific uses include *commercial stable, junkyard, outdoor storage, salvage yard, warehouse, and wholesale operations.*

([~~vii~~]viii) Mini-Warehouse means *mini-storage units*.

([~~viii~~]ix) Public/Institutional means a governmental, quasi-public, or institutional use, or a non-profit recreational use, not located in a shopping

center. Such uses include, but are not limited to, elementary, secondary, or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, courthouses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and parks and recreational buildings. Specific examples include *child day-care facility*, *club*, *college or university*, *community residential corrections program*, *continuing care community*, *electric facilities*, *extended care facility*, *group residential care facility*, *hospital*, *human services establishment*, *institutional building*, *museum*, *personal care facility for the elderly*, *private club or lodge*, *public utility*, *recreational facility*, *religious assembly*, *sheltered care facility*, and *transportation terminal*.

(b) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *land use director* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

(c) The impact fees for development of land outside of *buildings* that increases the demand for capital facilities is determined by application of the fee for the corresponding type of *building*. In particular, the *building* square footage for a retail/commercial use shall include indoor or outdoor sales areas or inventory storage areas, growing area for a garden center/nursery, and any drive-through kiosk and associated queuing lane with or without a roof. If the *land use director* determines that *development* of land outside of *buildings* is intended for seasonal usage that reduces the increased demand for capital facilities, the *land use director* may reduce impact fees charged for the *development* of land outside of *buildings* by up to seventy-five percent (75%) of the original assessment.

(d) Impact fees shall be assessed and collected based on the primary use of the *building* as determined by the *land use director*. Uses that are distinct and

separate from the primary use, which are not merely ancillary to the primary use and are one thousand (1,000) square feet or greater, will be charged the impact fee category based on the distinct and separate use.

(e) Where a permit is to be issued for a *building* "shell" and the *land use director* is unable to determine the intended use of the *building*, the *land use director* shall assess and collect impact fees according to the zoning district in which the *building* is to be located as follows:

(i) C-2 and all SC zones - "Retail/Commercial";

(ii) HZ zone - "Office";

(iii) C-1 and C-4 - "Office"; and

(iv) I-1 and I-2 - "Industrial/Manufacturing".

(f) If there is an increase in the amount of the impact fee calculation once a tenant improvement *permit* is submitted, the difference from what was paid at the time of the shell *permit* and the tenant improvement fee calculation shall be paid prior to issuance of the construction *permit*. If the fee schedule determination for the square footage of the use identified in the tenant improvement construction *permit* results in a net decrease from what was paid at the time of the shell *permit*, there shall be no refund of impact fees previously paid.

(g) Live/work *developments* containing *dwelling units* in combination with *nonresidential* floor area in a common *building* shall pay impact fees for each *dwelling unit* according to the *residential* fee rate for "Multi-Family" and for the *gross floor area* intended for *nonresidential* use according to the "*Office*" fee rate. If the initial Live/Work construction *permit* application is for a shell construction *permit*, the *land use director* shall collect impact fees at the "Office" fee rate. If *dwelling units* are added as a use within the *building* after the *building* has been charged impact fees at a *nonresidential* fee

rate, and there is no increase in *gross floor area*, the *land use director* shall collect only the required park impact fees for the *dwelling units* at the fee rate for "Multi-Family" at the time of the *dwelling unit permit application*.

(h) If a construction *permit application* changes or intensifies the use of an existing *building*, increases the *gross floor area* of an existing *building*, or replaces an existing *building* with a new *building* and new use, the fee shall be based on the net increase in the fee for the new use or increase as compared to what the current fee would be for the previous use or floor area. If the proposed change results in a net decrease in the fee there shall be no refund of impact fees previously paid.

(i) "G.F.A." in the fee schedule refers to *gross floor area*.

Section 3. Subsection 14-8.14(G) of the Land Development Code (being Ord. No. 2011-37, § 11, as amended) is amended to read:

(G) **Use of Fees**

(1) An "impact fee fund" that is distinct from the general fund of the *city* is created, and the impact fees received shall be deposited in the following interest-bearing accounts of the impact fee fund:

(a) fire impact fee account;

(b) police impact fee account;

(c) parks impact fee account; and

(d) roads impact fee account.

(2) The impact fee accounts shall contain only those impact fees collected pursuant to this Section 14-8.14 for the type of facilities reflected in the title of the account, plus accrued interest.

(3) The money in each impact fee account shall be used only for the following:

(a) to acquire or construct *capital improvements* or *facility expansions*

of the type reflected in the title of the account, located within the service area, as defined in Subsection 14-8.14(J)(6), and identified in the *capital improvements plan*;

(b) to pay debt service on the portion of any current or future general obligation bond or revenue bond used to finance *capital improvements* or *facility expansions* of the type reflected in the title of the account and identified in the *capital improvements plan*;

(c) planning, surveying, and engineering fees paid to an independent qualified professional who is not an *employee* of the *city* or *county* for services provided for and directly related to the construction of *capital improvements* or *facility expansions*;

(d) fees actually paid or contracted to be paid to an independent qualified professional, who is not an *employee* of the *city*, for the preparation or updating of a *capital improvements plan*;

(e) up to three percent (3%) of total impact fees collected for administrative costs for *city* personnel, for professional services related to impact fee assignment/distribution, or for reporting to the capital improvements advisory board;

(f) refunds as provided in Subsection 14-8.14(H); and

(g) credits as provided in Subsection 14-8.14(I).

Section 4. Subsection 14-8.14(J) of the Land Development Code (being Ord. No. 2011-37, § 11, as amended) is amended to read:

(J) **Miscellaneous Provisions**

(1) Nothing in this Section 14-8.14 shall restrict the *city* from requiring the construction of reasonable project improvements required to serve the *new development* project, whether or not the improvements are of a type for which credits are available under Subsection 14-8.14(I).

(2) The *land use director* shall maintain accurate records of the impact fees paid, including the name of the *person* paying the fees, the project for which the fees were paid,

the date of payment of each fee, the amounts received in payment for each fee, the amount of any credits provided against the fees or refunds paid and any other information the *city* deems appropriate or necessary for the accurate accounting of the fees. Records shall be available for review by the public during normal *business* hours and with reasonable advance notice.

(3) If an impact fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated and paid as follows:

(a) the amount overpaid by an *applicant* shall be refunded by the *land use director* to the *applicant* within thirty (30) days after the approval of the recalculated amount;

(b) the amount underpaid by the *applicant* shall be paid to the *land use director* within thirty (30) days after the acceptance of the recalculated amount; and

(c) in the case of an underpayment or nonpayment of impact fees, the *city* shall not issue any additional *permits* or approvals for the project for which the impact fee was previously underpaid until such underpayment is corrected and, if amounts owed to the *city* are not paid within the thirty (30)-day period, the *city* may also issue a stop work order or rescind any *permits* issued in reliance on the previous payment of the impact fee.

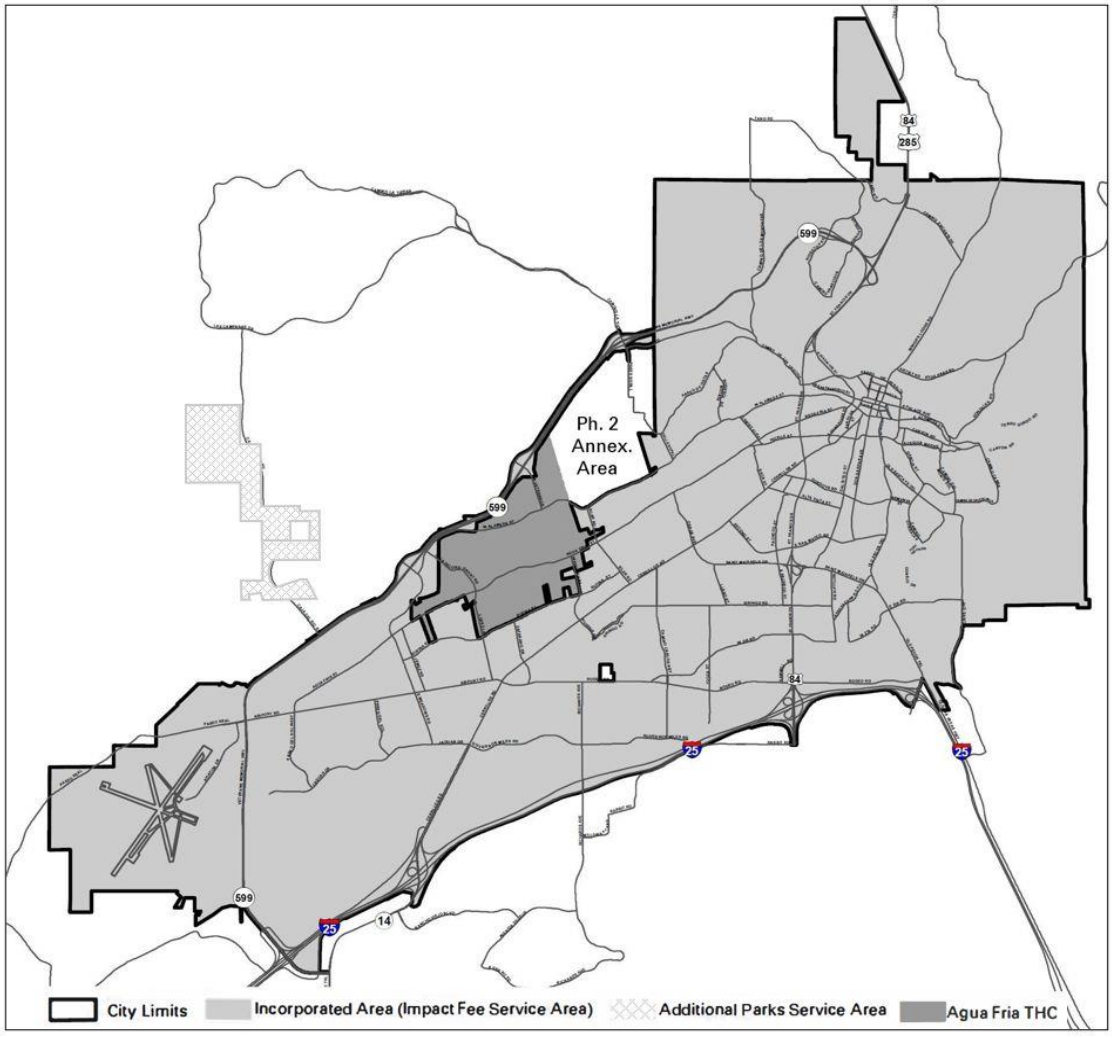
(4) A determination made by the *land use director* may be appealed to the city manager within thirty (30) days from the date of the determination. The city manager's decision is final.

(5) Furnishing false information on any matter relating to the administration of this Section 14-8.14, including the furnishing of false information regarding the expected size, use, or impacts from a proposed *new development*, is a violation of this Section 14-8.14. The *city* may issue a stop work order or rescind any *permits* issued in reliance on the previous payment of such impact fee.

(6) The service area for the road, fire, and police impact fees is the incorporated area of the city, as may change over time with annexation. The service area for the

parks impact fee is the incorporated area plus the city-owned land in the unincorporated area known as the municipal recreation complex and the Marty Sanchez golf course.

Section 5. A new Exhibit F in the Appendix to the Land Development Code is ordained to read:



Section 6. Effective Date. This ordinance shall become effective on January 1, 2021.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Impact Fee Schedule Update

Impact Fee Schedule Update

Final Audit Report 2020-11-05

Created:	2020-11-05
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAABY6d-u8vGoPNHTHqs9aj3XwFL-TxiQRK

"Impact Fee Schedule Update" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
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Signature Date: 2020-11-05 - 10:57:08 PM GMT - Time Source: server- IP address: 174.62.11.171

Agreement completed.
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FIR No. 3290

FISCAL IMPACT REPORT

General Information:

(Check) Bill: x Resolution: x

Short Title(s): Impact Fee Schedule Update and 2021-2027 Plan Adoption

Sponsor(s): Mayor Webber

Reviewing Department(s): Planning and Land Use Department

Staff Completing FIR: Carlos Gemora Date: 10/19/20 Phone: 955-6670

Reviewed by City Attorney: Date: Oct 28, 2020

Reviewed by Finance Director: Mary McCoy Date: Oct 28, 2020

Summary:
The Impact Fee Capital Improvement Plan 2021-2027 (IFCIP) is required per the Development Fees Act (§§ 5-8-1 to 5-8-43, NMSA 1978) for the City to continue the assessment and utilization of impact fees. A Resolution is required to adopt the Impact Fee Capital Improvement Plan and an Ordinance is required to assess the fees in the Land Development Code.

Departments Affected:
Community Health and Safety (Police and Fire), Public Works (Roads and Parks), Community Development (Planning and Land Use).

Consequences of Not Enacting Legislation:
Without the IFCIP, the City cannot assess nor use collected impact fees and may be required to refund all impact fees to past payors.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
The IFCIP process involves both a Resolution and a Bill.

Performance and Administrative Implications:
Without the IFCIP, the City can not assess or use collected impact fees, which would affect the City's ability to provide infrastructure improvements and address impacts related to growth.

Fiscal Implications:
The IFCIP collects impact fees, but impact fees are independent from other City funds and may only be used as specified by the IFCIP and the State's Development Fees Act.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 20	FYE 21	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 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$2,500,000	$2,500,000	$2,500,000	R	Impact Fees – 232 (Roads, Parks, Police, Fire)
Total	$2,500,000	$2,500,000	$2,500,000		

Revenue Narrative:

Assessed impact fees collect revenue is independent from other City funds and may only be used as specified in the IFCIP and the State's Development Fees Act. Projected revenue is variable and based on estimated future rates of new development. Revenues may decrease if the City experiences less new development and may increase if the City experiences more development or if the fees are raised through regularly scheduled assessment rate increases.

Signature: Jarel LaPan Hill
Jarel LaPan Hill (Oct 28, 2020 20:51 MDT)

Email: jlapanhill@santafenm.gov

Signature: Elias Isaacson
Elias Isaacson (Oct 29, 2020 08:42 MDT)

Email: esisaacson@santafenm.gov

Signature: Carlos Gemora
Carlos Gemora (Oct 29, 2020 08:48 MDT)

Email: cegemora@santafenm.gov

SUPPLEMENTAL MATERIALS

City of Santa Fe
Quarterly Report for Impact Fees FY 19/20

Impact Fee Fund Revenue & Expense Accounts	Total Impact Fees	Roads 232 2320471 2320471	Parks 232 2324150 2324150	Police 232 2325001 2325001	Fire 232 2322001 2322001
Beginning Fund Balance at 7/1/19	**(5,266,859.00)**	**(3,576,876.00)**	**(1,155,929.00)**	**(257,018.00)**	**(277,036.00)**
1st Quarter FY 19-20					
Impact Fee Revenue	$ (108,076.00)	$ (78,621.00)	$ (21,209.00)	$ (2,340.00)	$ (5,906.00)
Obligated Projects	-	-	-	-	-
Ending Quarterly Balance	**$ (5,374,935.00)**	**$ (3,655,497.00)**	**$ (1,177,138.00)**	**$ (259,358.00)**	**$ (282,942.00)**
2nd Quarter FY 19-20					
Impact Fee Revenue	$ (825,730.42)	$ (515,564.69)	$ (237,056.00)	$ (21,599.27)	$ (51,510.46)
Obligated Projects	-	-	-	-	-
Ending Quarterly Balance	**$ (6,200,665.42)**	**$ (4,171,061.69)**	**$ (1,414,194.00)**	**$ (280,957.27)**	**$ (334,452.46)**
3th Quarter FY 19-20					
Impact Fee Revenue	$ (788,986.61)	$ (582,761.19)	$ (120,075.00)	$ (25,478.24)	$ (60,672.18)
Obligated Projects	-	-	-	-	-
Ending Quarterly Balance	**$ (6,989,652.03)**	**$ (4,753,822.88)**	**$ (1,534,269.00)**	**$ (306,435.51)**	**$ (395,124.64)**
4th Quarter FY 19-20					
Impact Fee Revenue	$ (310,945.53)	$ (199,357.57)	$ (85,181.00)	$ (7,810.36)	$ (18,596.60)
Obligated Projects	-	-	-	-	-
Gain on Sale-Investment	-	-	-	-	-
Interest on Investment	-	-	-	-	-
Unrealized Gain/Losses	-	-	-	-	-
Interest Receivable	-	-	-	-	-
3% Administrative Fee	-	-	-	-	-
Ending Quarterly Balance	**$ (7,300,597.56)**	**$ (4,953,180.45)**	**$ (1,619,450.00)**	**$ (314,245.87)**	**$ (413,721.24)**
FY19/20 Revenue	**(2,033,738.56)**	**(1,376,304.45)**	**(463,521.00)**	**(57,227.87)**	**(136,685.24)**
FY19/20 Obligated Projects	**-**	**-**	**-**	**-**	**-**
FY19/20 Ending Fund Balance (6/30/20)	**(7,300,597.56)**	**(4,953,180.45)**	**(1,619,450.00)**	**(314,245.87)**	**(413,721.24)**

City of Santa Fe, New Mexico

memo

DATE: October 19, 2020

TO: Capital Improvement Advisory Committee

Via: Carlos Gemora, Land Use Senior Planner

FROM: Regina Wheeler, Public Works Director RW

RE: Plans for Roads and Parks Expansion Projects

The City of Santa Fe Public Works Department plans to use impact fees to complete a number of capacity expansion road and parks projects that are currently underway. Details are provided below.

Roads

Guadalupe Street Reconstruction. The 60% design estimate for the project was $8,201,000 including construction, ROW acquisition, construction management, contingency and GRT. The project has $4,500,000 of funding leaving a need (based on 60% design) for $3,683,000 from impact fees. The 90% design and final construction estimate will be completed and forwarded to NMDOT for approval by November 1, 2020. The project is scheduled to be bid in Spring 2021 and begin construction in Summer 2021.

Southside Transit Center (Camino Entrada) This project was allocated $1,144,585 of impact fees via Resolution 2016-47 and leverages federal funding for the new transit center which includes improvements to Camino Entrada for ADA accessibility and safety. The project is nearing 90% design and expects to require an additional $500,000 of impact fees to complete the project.

Agua Fria South Meadows Intersection improvements at Agua Fria Street and South Meadows Road to relieve congestion and reduce delays caused by construction of El Camino Real Academy and anticipated future growth in the area. The construction cost is currently estimated at $1,658,386. Legislative appropriations and MAP funding secured for design and a portion of construction leave $1,055,635 to be funded with impact fees. Construction is scheduled to begin in Spring 2021.

Agua Fria Cottonwood This project will add a roundabout at the intersection of Agua Fria and Cottonwood Drive. Design funding of $362,000 secured from NMDOT Highway Safety

Improvement Program. Based on the 60% design, NMDOT funded construction at $1,594,000 from Highway Safety Improvement Program (NMDOT). Right-of-way acquisition and required project certifications (environmental, right-of-way, utility, railroad and intelligent transportation systems) are underway. Construction is scheduled to begin in March 2021.

Sandoval Montezuma Design is funded by a legislative appropriation for $100,000. Design alternatives were submitted in January 2020. ENN Meeting was held in September 2020. Design 65% drawings submitted October 2020. Construction estimate pending 90% design. Additional funding will be sought from NMDOT, legislative appropriation and impact fees.

Parks

Downtown Restrooms at Cerletti Park The project is estimated to cost $900,000 and is currently funded at $550,000 with a legislative appropriation. A design build contract has been awarded and with approval from CIAC as an eligible project for $350,000 of funding, construction would be scheduled to begin in Summer 2021.

SWAN Park Phase II This project has $550,000 of funding from the 2018 GRT Bond. Improvements will include a dog park, tournament rated horseshoe pits, a BMX park and other landscaping enhancements. A road extension, which is included in the SWAN Park Master Plan is needed to provide access to these new amenities. The estimate for the road extension is $900,000 and is sought from Impact Fees. Once funded, the project manager expects to award a design build contract within 90 days.

Dawson Park Play Equipment Quotes for the play equipment, a shade structure, tables, irrigation upgrades, and other capacity improvements are being gathered. Anticipated estimated cost is $80,000. Impact fees will be used for these improvements. Construction is scheduled for completion in March 2021.

Acequia Trail South Meadows to San Felipe This project received $256,320 of funding from NMDOT. The project is scheduled to construct in 2022. Impact fees will used for the City project match of $43,680.

City of Santa Fe Fire Department
P.O. Box 909, 200 Murales Road – Santa Fe, New Mexico 87504
(505) 955-3110 – FAX (505) 955-3115

Date: October 18, 2020

To : Capital Improvement Advisory Committee

Via : Carlos Gemora

Subject: Santa Fe Fire Department's Impact Fees

From: Paul Babcock, Fire Chief

This memo serves to update the CIAC of the intended use of fire impact fees. The Santa Fe Fire Department previously planned on using fire impact fees to help fund the build of Fire Station 2 (South Meadows and 599). The fire department build project was stopped when the bids to build the station exceeded funding availability; additionally, the financial burden the City has been facing during Covid-19 has seen an economic down turn.

The fire department still has many means of utilizing the impact fees within the criteria that must be met:

- Larger projects involving much needed repairs, updates and remodeling at the fire stations currently on the approved by CIAC list; and
- Smaller projects that the fire department respectfully requests your consideration for approval:
    - Firefighter turnout gear to expand current inventory;
    - Large storage containers to store equipment that is not currently properly stored in one central location;
    - Expansion of apparatus storage, as many pieces of equipment are stored outdoors;
    - Purchase fire hose to allow the department to have additional apparatus response ready for larger emergencies / incidents.

With the approval of the additional projects, the fire department's ability to serve the community and expand services throughout the City will be beneficial. Thank you for your consideration. Please do not hesitate to call me with any questions.

City of Santa Fe New Mexico

Memo

Date: October 19, 2020

To: Capital Improvement Advisory Committee

Via: Carlos Gemora, Senior Planner / Land Use Department
Andrew Padilla, Chief of Police

From: Ben Valdez, Deputy Chief of Police

ITEM AND ISSUE:
Continue allocation of Capital Improvement Impact Fees to increase capacity for services provided to the City of Santa Fe by the Police Department.

BACKGROUND AND SUMMARY:
The Santa Fe Police Department has been updated on the availability of Capital Improvement Impact Fees that are made available to expand services for the City through fees collected on developments. The funding stream provides the ability for the Department to expand capacity to serve the community and the additional growth as a result of the development. Without the availability of the impact fees, the funding source will need to be found within the budget of the City.

The Department inquired on the availability of capital improvement funding when we began the planning process to modernize and expand the capacity of our Evidence Room. At the time we were informed funding was unavailable. After we had secured funding within the City's budget to accomplish the evidence project we learned about the funding available through impact fees. Although the current amount would have not been sufficient to accomplish what was needed, many needs currently exist.

The following needs exists that would meet the criteria and benefit from the use of impact fees:

- Large Projects
  - Improvements to Professional Standards Unit Building
  - Improvements to Police Support Operations Office
  - Police Fleet Vehicle and Equipment Lot Building
  - (2) Community Substations

- Small Projects
    - Mobile Mini Connex Boxes to provide secured storage solutions for storage of police records, equipment, motorcycles, and all-terrain vehicles
    - SWAT BearCat Rescue Truck to supplement current BearCat vehicle
    - EOD BearCat Command Vehicle to supplement current EOD Command Vehicle
    - Firearms Training Simulator System

ACTION RECOMMENDED:

The Santa Fe Police Department respectfully requests your review and approval of the additional projects to support the ability of our personnel to provide professional services to the City of Santa Fe.

Residential Impact Fee Reduction Analysis for the City of Santa Fe, New Mexico

Background

This analysis focuses on the City of Santa Fe's impact fees for roads, parks, fire and police facilities,[1] and evaluates the effect, if any, the reduction of these fees has had on the amount of residential development.

The recent history of the City's impact fees is briefly summarized as follows.

- **2003** – The City's impact fees for roads, parks, fire and police facilities were established in 2003. The fees were adopted at 85.6% of the maximum allowable amounts calculated in the 2003 study.[2] The total adopted fee for a typical single-family unit was $2,860.

- **2008** – The fees were updated in 2008 based on a consultant study.[3] Updated fees were adopted by the City Council at 60% of the maximum allowable amounts on January 9, 2008. The total adopted impact fee in 2008 for a typical-size single-family unit was $3,714.

- **2012** – The City Council subsequently suspended impact fees for residential uses for two years, effective January 23, 2012 through January 22, 2014. No fees were collected from residential construction during this period.

- **2014** – The fees reverted back to 2008 level for about a month, but since February 27, 2014, residential impact fees have been collected at 50% of the 2008 adopted amounts. When the 50% assessment rate went into effect, the typical single-family fee was $1,857.

- **August 2014** – The City Council adopted a new impact fee ordinance and revised fee schedule, based on a new study,[4] on August 27, 2014. The updated fees were adopted at 70% of the calculated maximum allowable amounts, resulting in decreases in fees for residential units. At the 50% assessment rate, the total fee for a typical single-family unit is currently $1,750.

Total impact fee amounts charged by the City of Santa Fe over the last 12 years for a typical 2,000-2,500 square foot single-family unit are illustrated in Figure 1 on the following page. The Council will decide in its scheduled review prior to February 26, 2016 whether or not the 50% rate should be continued beyond the initial two years.

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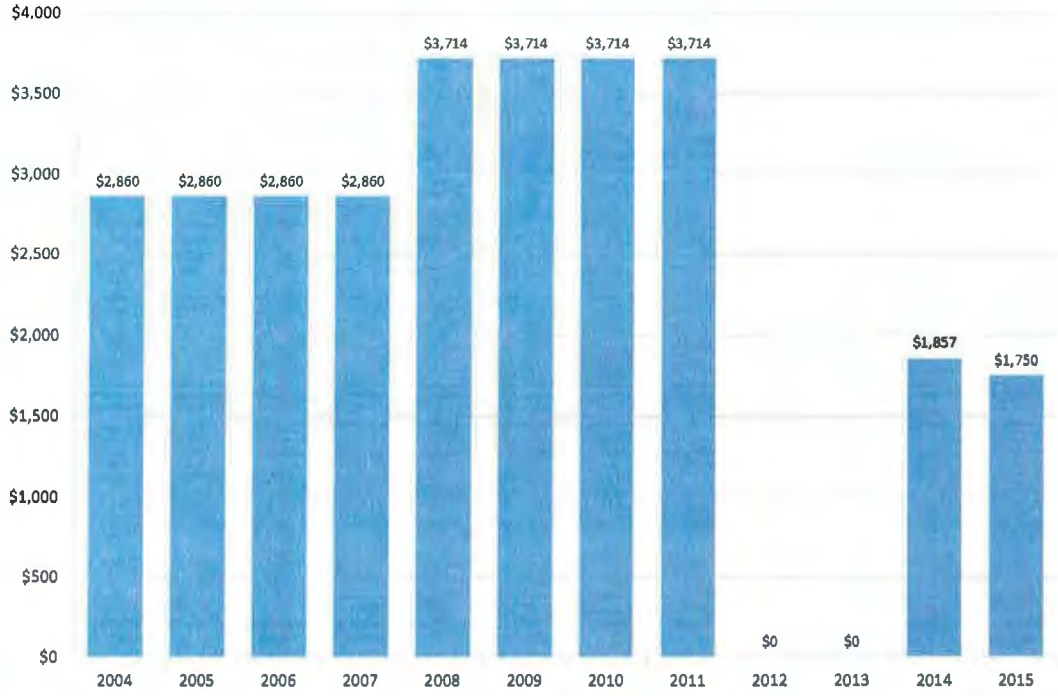
[1] The City also charges new development water and wastewater utility expansion charges, but while these are a cost to development, so are the alternatives of private wells and septic tanks.

[2] Duncan Associates, *Impact Fees Capital Improvements Plan for Water, Wastewater, Roads, Parks, Fire and Police*, approved by the Santa Fe City Council on August 13, 2003.

[3] Duncan Associates, *Impact Fee Capital Improvements Plan and Land Use Assumptions for Roads, Parks, Fire and Police*, approved by the Santa Fe City Council on January 9, 2008.

[4] Duncan Associates, *Impact Fee Capital Improvements Plan for Roads, Parks, Fire/EMS and Police, City of Santa Fe, New Mexico*, April 2014.

Figure 1. Total Impact Fee per Single-Family Unit, Santa Fe, 2004-2015



Impact Fees in Context

It is difficult to gauge the effect of impact fees, or the lack thereof, on a particular local housing market. The performance of the local homebuilding market depends on many factors besides impact fees. Like any market, the homebuilding market is subject to the laws of supply and demand. However, single-family housing is a very complex commodity. Unlike most other goods and services, it is extremely location-specific, because it cannot be moved. Its location determines the taxing jurisdiction, the public school district, the nearby public and commercial amenities, the commuting range of possible job opportunities, etc.

Impact fees have an effect on this market by imposing an additional cost on development. The extent to which that cost is passed on to the homebuyer in the form of higher prices is the subject of extensive economic literature, with the general conclusion that, at least for lower-priced housing, most of it is, although some of it may be absorbed by landowners accepting less for their land. Higher home prices, in turn, are likely to reduce demand for new homes, as some potential buyers seek lower-cost alternatives in the resale market or in rental housing.

On the other hand, impact fees fund public facilities that can either increase demand for housing (e.g., funding the construction of a new park in a developing area) or lower costs (e.g., funding a new fire station that results in reducing insurance costs). Impact fees can also reduce land costs by providing the infrastructure needed to increase the supply of buildable lots.[5]

[5] Arthur C. Nelson and Mitch Moody, *Paying for Prosperity: Impact Fees and Job Growth*, Brookings Institution, Center on Urban and Metropolitan Policy, 2003

Just focusing on development costs, other significant factors besides impact fee amounts include land costs, subdivision improvement standards, landscaping standards, developer exactions for right-of-way and frontage improvements, construction sales tax rates, and development review fees, among others. All of these can vary substantially from one jurisdiction to the next, but are not as easily quantified as impact fees.

While developers and builders might prefer lowest-cost locations, they must follow market demand and build where people want to live and where companies want to locate. People's location decisions do include housing costs (of which impact fees are a small component), but they also include climate, availability of jobs, shopping opportunities, quality of schools and parks, proximity to medical facilities, adequacy of transportation infrastructure, and a host of other factors.

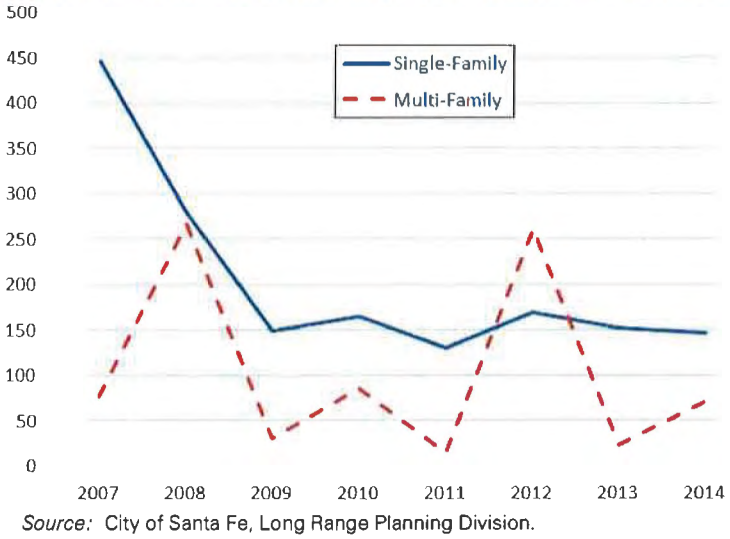
Approach

It is not possible to know with certainty what amount of local residential construction would have occurred in the absence of the fee reductions. Anecdotal accounts regarding whether specific projects would have been built or not built based solely on the impact fee amounts are impossible to verify and of limited utility. However, it is possible to compare local building permit issuance with broader trends at the state and national levels.

Analyses that look at a single jurisdiction that reduced impact fees and try to measure the effect on local construction have inherent limitations. Studies that incorporate a number of jurisdictions provide a stronger basis for evaluating the effects of fee reductions. Two recent multi-jurisdictional studies will be summarized.

The two major residential housing types are single-family detached and multi-family. As can be seen in Figure 2 below, multi-family permits are much more volatile than single-family permits, due to the large number of units permitted at one time when a new apartment building is constructed. Given the episodic nature of multi-family construction, this analysis will focus on single-family permit issuance.

Figure 2. Permits by Housing Type, Santa Fe, 2007-2014



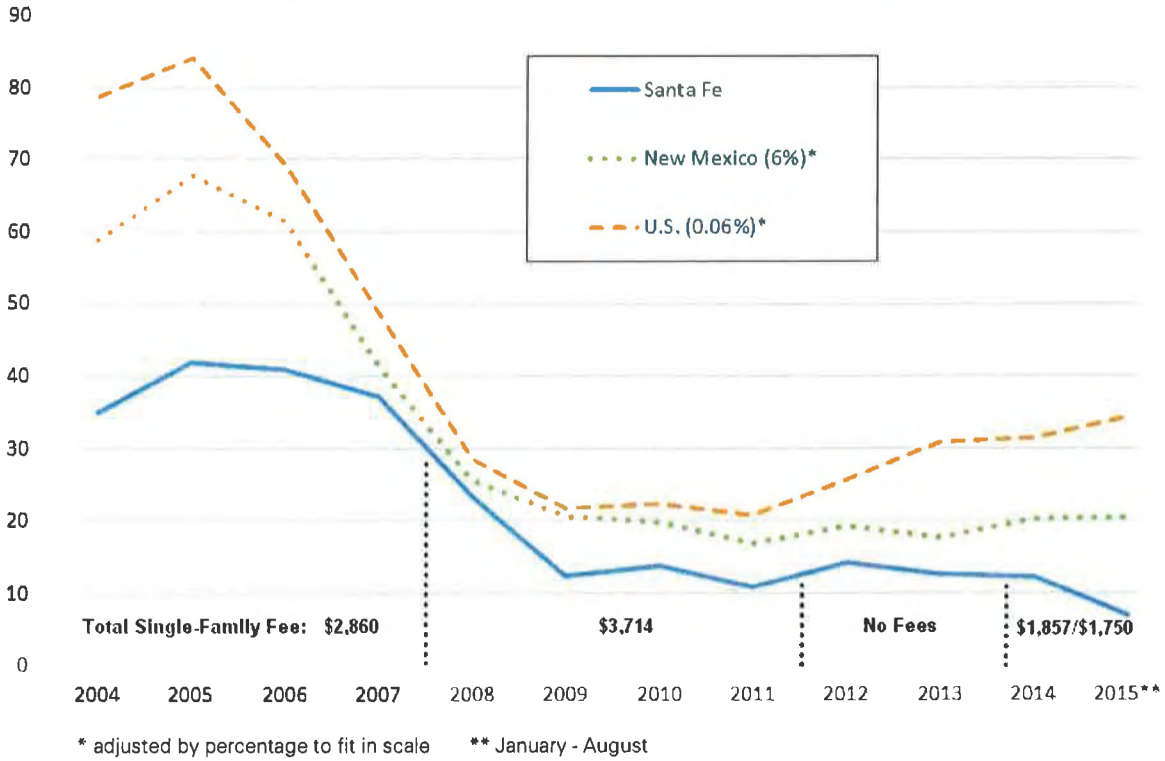
Source: City of Santa Fe, Long Range Planning Division.

Housing Market Context, 2004-2015

In attempting to gauge the effect of the City's recent fee reductions on the local homebuilding market, it is important to recognize that some change in building permit activity is to be expected immediately before and after a change in fees, as builders delay applying for permits if they know fees are likely to go down soon, or apply earlier than they might otherwise have if they anticipate fees will be going up. Consequently, assuming nothing else changes, one would expect that impact fee reductions would produce a temporary uptick in building permit issuance, and that impact fee increases would result in a drop in permit issuance, simply by causing some applicants to "game the system."

Santa Fe's single-family construction generally tracked with state and national trends from the beginning of the housing market crash in 2006 to the depths of the recession in 2009-2011, as shown in Figure 3 (state-wide and national permits are adjusted by a percentage to fit on the chart). However, while the national housing market has been recovering since 2011, New Mexico's improvement has been only modest, and Santa Fe's single-family permits have been stuck at recession levels. The City's suspension of residential impact fees at the beginning of 2012 accompanied an increase in permits for that year (although this may have been partly due to applicants "gaming the system" as described above), and also tracked state and national trends of an improving housing market from 2011-2012. From 2012-2013, with residential fees still suspended, the number of City single-family permits declined, contrary to the national recovery, but consistent with the state-wide trend. City permit issuance was relatively stable from 2013 to 2014, when residential fees were reinstated at 50%, but dropped in the first eight months of 2015, at a time when state and national permitting rates have been stable or increasing.

Figure 3. Average Monthly Single-Family Permits, 2004-2015



City of Santa Fe, 2007-2015

For the purposes of this first analysis, it may be useful to break the last 8-plus years (January 2007 – August 2015) into four periods: the end of the housing crash (2 years), the recession (3 years), the City's suspension of residential fees (2 years), and the period of 50% fees (18 months). During the first two periods, the end of the housing crash and recession, the City charged relatively high fees (although those fees were only 60% of the calculated amounts for most of the period). The third period was two years of complete suspension of residential fees as the national housing market began to recover. The fourth period is the last year and a half, during which the national housing recovery continued and fees were reinstated at 50% of the adopted amounts. These four periods are described as follows.

- **End of the Housing Crash** (January 2007 – December 2008): 24 months at the tail end of the housing crash (the typical single-family fee increased from $2,860 to $3,714 in January 2008)

- **Recession Period** (January 2009 – January 2012): 37 months of recession-related permit levels (typical single-family fee of $3,714)

- **100% Suspension Period** (February 2012 – January 2014): 24 months at the beginning of the national housing market recovery with 100% residential impact fee suspension

- **50% Reduction Period** (March 2014 – August 2015): latest 18 months with 50% residential impact fee reduction (typical single-family fee lowered from $1,857 to $1,750 in August 2014)

Table 1 below compares the change in average monthly single-family building permits in Santa Fe during the last 8-plus years with changes in permit issuance at the state and national levels. The City's single-family permitting rates have generally decreased during this period, with a very slight uptick during the two-year fee suspension. Monthly permits issued state-wide and nationally also declined during the housing crash, with state permits being pretty flat and national permits increasing in the suspension/reduction periods. Overall, the City's decline in monthly single-family permits from the 5-year pre-suspension period during which it charged relatively high fees to the last 3-plus years during which no or reduced fees were charged has been greater in percentage terms than the state-wide decline.

Table 1. Change in Average Monthly Single-Family Permits, 2007-2015

	Santa Fe	New Mexico	United States
End of Housing Crash Period (24 months)	30.3	548	64,099
Recession Period (37 months)	12.3	316	35,736
Suspension Period (24 months)	13.3	314	47,522
50% Reduction Period (18 months)*	10.1	331	56,079
Pre-Suspension Period (61 months)	19.3	408	46,895
Suspension/Reduction Period (42 months)*	11.9	321	51,189
Percent Change	-38%	-21%	9%

* all data exclude February 2014 (Santa Fe's fees were at 100% for that month)
Source: Based on monthly building permit data from Table 4 in the Appendix.

Santa Fe, Rio Rancho and Las Cruces, 2009-2015

In this section, the analysis focuses on the last 6-plus years (January 2009 through August 2015), and looks at Santa Fe, Rio Rancho and Las Cruces. The other two cities are of comparable size, and also charge impact fees that were changed during this time period. Rio Rancho is still somewhat of a bedroom community for Albuquerque, although it has been aggressive in recruiting industry and corporate headquarters. Las Cruces is more of a university town. A profile of the three cities is provided in Table 2 below, showing population, impact fees per single-family unit, and average monthly single-family permits issued from 2009-2015.

Table 2. Profile of Selected Cities

	Santa Fe	Rio Rancho	Las Cruces	New Mexico	United States
2010 Population	81,000	87,521	97,618		
Typical Single-Family Fee in:					
2009	$3,714	$4,320	$800	n/a	n/a
2010	$3,714	$4,320	$800	n/a	n/a
2011	$3,714	$4,320	$800	n/a	n/a
2012	$0	$4,320	$1,439	n/a	n/a
2013	$0	$2,160	$3,239	n/a	n/a
2014	$1,857	$2,160	$3,239	n/a	n/a
2015	$1,750	$4,320	$3,239	n/a	n/a
Avg. Monthly Single-Family Permits in:					
2009	12	57	52	346	36,258
2010	14	38	47	332	37,221
2011	11	25	36	283	34,465
2012	14	35	33	320	42,850
2013	13	40	29	296	51,458
2014	12	37	24	338	52,525
2015*	8	38	30	347	58,362
Percent change, 2009-2015	-37%	-34%	-43%	1%	61%

* January through August

Source: 2010 population from U.S. Census (Santa Fe's adjusted for 2013 annexation); typical single-family impact fees, excluding water and wastewater, from the respective cities (Santa Fe's are for a mid-sized 2,000-2,500 sq. ft. unit),; monthly single-family permits for cities of Rio Ranch and Las Cruces from the respective cities, monthly permits for Santa Fe, New Mexico and U.S. from Table 4 in the Appendix.

The three years from 2009-2011 were the bottom of the homebuilding industry recession nationally, and nation-wide permits are up 61% from 2009 levels. State-wide permits, however, have not yet experienced a recovery.

The impact fee policies of the three cities varied considerably over this period. The City of Santa Fe charges road, park, fire and police impact fees, which totaled $3,714 from 2009-2012. All four fees were suspended for residential uses in 2012 and 2013, and were reinstated at 50% in 2014. Santa Fe currently charges $1,750 per typical single-family unit, less than half of what it was in 2009. Rio Rancho also charges road, park and public safety fees, which totaled $4,320 in 2009. After a two-year 50% reduction, the fees are back to 2009 levels. Las Cruces started the period with only an $800 park fee, but added public safety fees in 2012 and increased the park fee in 2013. Las Cruces now charges $3,239 per single-family unit.

Despite varying impact fee policies, all three cities now have monthly single-family permitting levels that are well below what they were in 2009. Rio Rancho, which charged higher fees than the other two during most of this period, has seen its permit levels decrease least over the last 6-plus years.

Multi-Jurisdictional Studies

As noted earlier, looking at individual cities that changed their impact fee rates and attempting to evaluate how those changes affected local construction activity has inherent limitations. One cannot infer a causal relationship between changes in fees and changes in construction, because each jurisdiction's housing market is unique and responds to many other changing factors. Changes in permitting rates immediately before or after a change in fees are more likely to reflect applicants anticipating the fee change than to any lasting effect of a fee reduction or increase. Longer-term changes may reflect broader economic factors rather than the change in fees. The best that can be done is to compare local changes in construction to changes in broader markets, in order to see the extent to which changes in permitting at the local level may be a reflection of larger economic trends.

Studies that compare changes in fees and permitting for a large number of jurisdictions offer more promise of establishing a connection between fees and permitting levels. There have been two recent studies that looked at multiple jurisdictions that reduced impact fees, and compared their building permit changes with those of a number of comparable jurisdictions that did not reduce their fees. Both studies found no significant difference in single-family building permit issuance between fee-reducing jurisdictions and comparable non-fee-reducing jurisdictions.

An analysis of 20 counties in Florida was conducted in 2010. The consultant, in collaboration with Dr. James C. Nicholas of the University of Florida, identified a 19-month period (January 2008 – July 2009) during which a number of Florida counties reduced their impact fees in an attempt to stimulate growth. Nine fee-reduction counties were compared to 11 comparable non-fee-reduction counties. [6] The analysis compared the change in building permit issuance for single-family detached units from the year before the 19-month period to the year after. No statistically significant difference was found between counties that had reduced fees and the counties that had not.

A regional transportation impact fee system in California allowed participating jurisdictions to reduce fees for up to three years (2010-2012), creating a unique opportunity to measure changes in building activity between jurisdictions that opted for the reduction and jurisdictions that did not. The Western Riverside Council of Governments (WRCOG) represents the western third of Riverside County, California. Riverside County is the 11th most populous county in the country, and extends from about 40 miles east of Los Angeles to the Arizona state line. WRCOG administers a regional transportation impact fee program that applies to 16 cities and the unincorporated area in the western third of the county. The fee is about $9,000 per single-family unit. WRCOG provided an option for participating jurisdictions to reduce the fee by 50%. Riverside County and nine of the 16 cities opted to reduce the fees, while the other seven cities continued to collect the fees at 100%.

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[6] Clancy Mullen and Dr. James C. Nicholas, Professor Emeritus of the University of Florida, "Impact Fee Reductions and Development Activity: A Quantitative Analysis of Florida Counties," paper presented at the conference of the Growth and Infrastructure Consortium, Tampa, Florida, November 4, 2010 (http://growthandinfrastructure.org/proceedings/2010_proceedings/reductions_paper.pdf

WRCOG performed an analysis of single-family building permit issuance for the fee-reduction jurisdictions compared to the non-reduction jurisdictions during the three years that the reduction was in effect. The analysis found that the non-reduction jurisdictions experienced a greater increase in single-family permits than did the fee-reduction jurisdictions.[7]

Fiscal Effects of Reductions

Measuring the fiscal effects of the residential reduction of impact fees raises some issues. Some amount of the residential development that occurred during this period might not have occurred without the reduction. However, additional property and sales tax revenue generated by new development does not fully cover the capital costs of the additional roads, parks, and public safety facilities required to accommodate that development, which is what the impact fees are designed to recover. Even if the reduction did generate some additional development, that development imposed obligations for capital costs that were not recovered through the full payment of impact fees during this period. Consequently, the uncollected impact fees during this period represent an additional fiscal cost, because the residential development imposed future capital costs for which impact fee revenue was not collected to pay.

The amount of impact fees collected and not collected during the 24 months of the suspension and the first 18 months of the reduction are summarized in Table 3. The City has not collected about $2.1 million in impact fees during the first 42 months of the suspension/reduction of fees. It should be noted that the suspension or reduction of residential impact fees most severely affected the parks fund, because park fees, unlike road and public safety fees, are collected only from residential development.

Table 3. Impact Fees Collected during Reduction Period

Time Period	Collected	Not Collected	Total w/o Reduction
Suspension Perid (1/23/12 - 1/22/14)	$798,156	$1,656,707	$2,454,863
50% Reduction Period (2/27/14 - 8/31/15)	$1,518,550	$452,620	$1,971,170
Total, Suspension/Reduction Period	$2,316,706	$2,109,327	$4,426,033

Source: City of Santa Fe, Long Range Planning Division

Conclusion

To briefly summarize, there is no way to know with absolute certainty what effect Santa Fe's suspension and subsequent 50% reduction of residential impact fees has had on the local housing market. Santa Fe's single-family building permit issuance before and after the suspension/reduction does not clearly indicate any long-term positive effect of the fee changes, relative to state-wide and national trends. Similar analysis of two New Mexico cities of comparable size that also charge impact fees – Rio Rancho and Las Cruces – also failed to reveal any clear correlation between fee changes and permitting levels. Finally, two recent multi-jurisdictional studies, one for Florida counties and the other for California cities in the same county, failed to find any evidence of a significant statistical difference between jurisdictions that reduced fees and comparable jurisdictions that did not.

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[7] Western Riverside Council of Governments and Parsons Brinckerhoff, "The Effects of Reducing Impact Fees," presentation at the annual conference of the Growth and Infrastructure Consortium, Bradenton, Florida, November 14, 2014 (http://growthandinfrastructure.org/proceedings/2014_proceedings/henderson-reductions.pdf)

Appendix: Monthly Permit Data

Table 4. Monthly Single-Family Permits, 2007-2015

Year	Month	City of Santa Fe	New Mexico	United States
2007	January	37	616	79,552
2007	February	11	707	78,382
2007	March	29	880	103,185
2007	April	32	841	97,691
2007	May	42	903	105,295
2007	June	54	1,041	96,083
2007	July	40	767	88,995
2007	August	55	788	86,451
2007	September	79	454	66,219
2007	October	23	547	69,444
2007	November	24	383	54,267
2007	December	20	322	43,932
2008	January	38	402	47,533
2008	February	17	453	47,530
2008	March	15	499	53,567
2008	April	59	503	62,732
2008	May	8	540	61,147
2008	June	26	542	58,704
2008	July	27	413	55,025
2008	August	21	437	47,409
2008	September	16	342	45,298
2008	October	13	337	39,833
2008	November	9	199	25,866
2008	December	31	238	24,245
2009	January	19	279	21,824
2009	February	14	216	25,942
2009	March	5	274	32,254
2009	April	25	433	37,269
2009	May	11	332	38,841
2009	June	13	381	46,231
2009	July	10	456	46,112
2009	August	6	402	42201
2009	September	23	346	40,042
2009	October	8	335	37,899
2009	November	12	280	31,376
2009	December	3	312	34,152
2010	January	3	264	30,806
2010	February	8	331	34,970
2010	March	11	427	49,871
2010	April	22	414	46,276
2010	May	7	370	40,099
2010	June	9	424	43,008
2010	July	16	352	37,509
2010	August	27	319	37,212
2010	September	21	310	34,473
2010	October	15	273	31,778
2010	November	12	255	29,391
2010	December	14	259	30,212

Table continued on following page

Table 4. Monthly Single-Family Permits, 2007-2015 (cont'd)

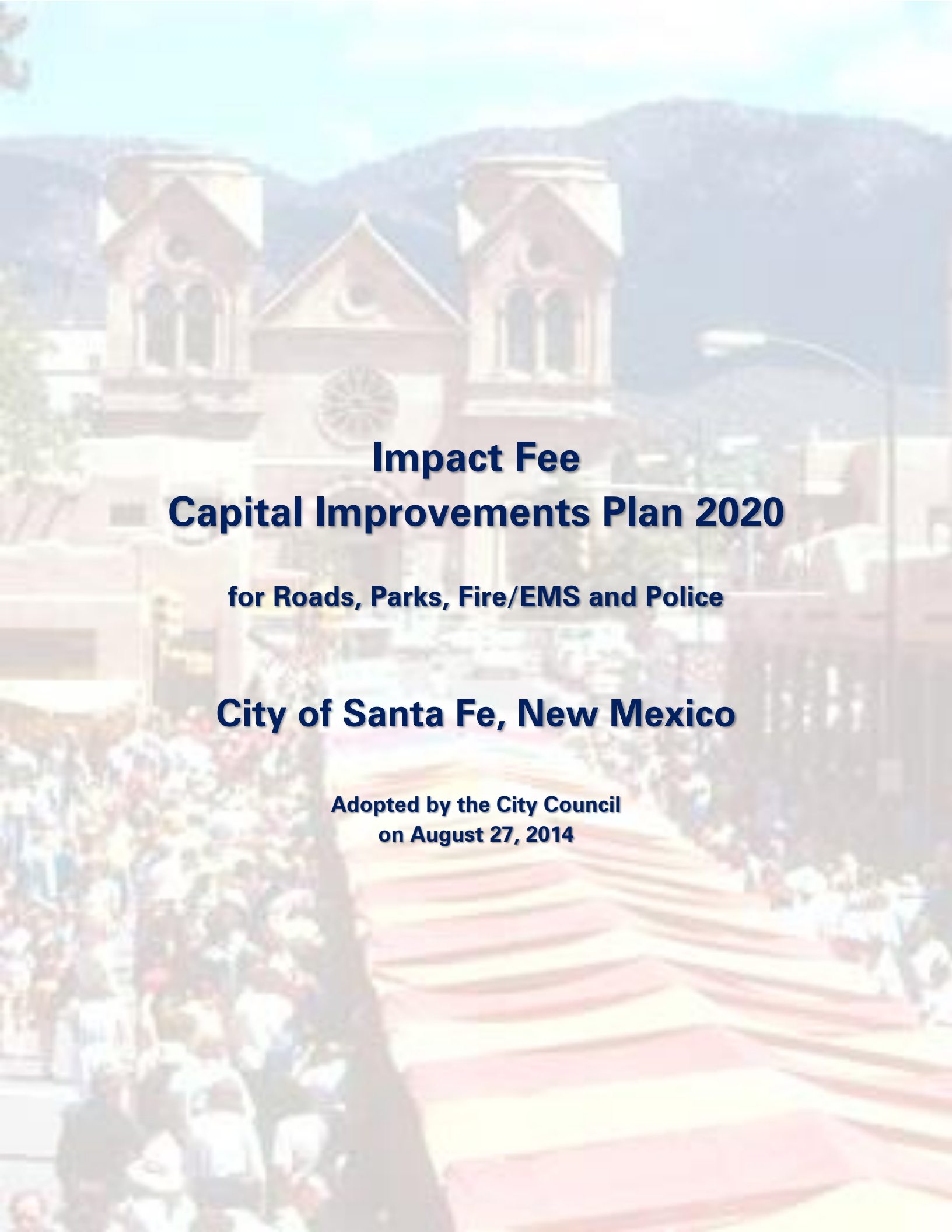
Year	Month	City of Santa Fe	New Mexico	United States
2011	January	8	223	26,267
2011	February	13	201	26,469
2011	March	14	292	37,592
2011	April	12	337	36,910
2011	May	14	356	39,215
2011	June	10	371	40,870
2011	July	4	295	35,250
2011	August	17	360	40,778
2011	September	14	269	35,579
2011	October	7	252	33,623
2011	November	4	216	30,912
2011	December	13	227	29,136
2012	January	10	266	29,885
2012	February	17	275	35,086
2012	March	14	325	42,217
2012	April	16	315	43,897
2012	May	13	390	49,621
2012	June	19	333	47,553
2012	July	14	389	46,842
2012	August	13	368	49,357
2012	September	4	343	42,971
2012	October	19	332	49,198
2012	November	20	296	40,110
2012	December	11	256	36,101
2013	January	9	317	40,468
2013	February	10	314	42,032
2013	March	18	326	51,395
2013	April	18	314	59,745
2013	May	14	337	62,413
2013	June	13	317	57,026
2013	July	20	333	58,322
2013	August	8	297	57,588
2013	September	16	324	50,160
2013	October	5	288	54,003
2013	November	18	245	43,469
2013	December	3	250	39,881
2014	January	6	241	41,079
2014	February	21	272	41,237
2014	March	6	322	51,351
2014	April	9	333	57,580
2014	May	20	345	59,144
2014	June	18	329	61,084
2014	July	15	293	60,168
2014	August	12	391	55,038
2014	September	7	292	54,305
2014	October	11	369	56,857
2014	November	14	234	41,072
2014	December	7	269	45,932

Table continued on following page

Table 4. Monthly Single-Family Permits, 2007-2015 (cont'd)

Year	Month	City of Santa Fe	New Mexico	United States
2015	January	6	264	43,481
2015	February	10	242	43,505
2015	March	4	350	57,474
2015	April	4	369	64,154
2015	May	8	406	62,282
2015	June	10	427	69,967
2015	July	11	375	64,931
2015	August	10	346	61,099

Source: Building permit data for Santa Fe from City of Santa Fe, Long Range Planning Division (single-family includes single-family, affordable single-family, and manufactured home); building permit data for New Mexico and the United States are U.S. Census Bureau building permit estimates (http://censtats.census.gov/bldg/bldgprmt.shtml and http://www.census.gov/construction/bps/statemonthly.html).



Impact Fee
Capital Improvements Plan 2020

for Roads, Parks, Fire/EMS and Police

City of Santa Fe, New Mexico

Adopted by the City Council
on August 27, 2014

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EXECUTIVE SUMMARY

Duncan Associates has been retained by the City of Santa Fe to update the City's capital improvements plans, land use assumptions and impact fees for roads, parks/trails, fire/EMS and police facilities. This study calculates maximum impact fees that Santa Fe can charge based on the existing levels of service.

Report Layout

The report begins with five chapters that have general applicability to all four fee types: legal framework, service areas, land use assumptions, methodologies and land use categories. The last four chapters address the four facility types: roads, parks/trails, fire/EMS and police. Appendices provide more detailed data and analysis to support the individual fee calculations. The final appendix contains the list of planned improvements, which may be amended prior to the next comprehensive impact fee update.

Background

The last comprehensive update of the City's impact fees was based on a 2008 study that was adopted by the City Council on January 9, 2008.[1] The fees were adopted at 60% of the calculated amounts.

Impact fees for residential uses were suspended for two years, effective January 22, 2012. Beginning February 27, 2014, residential impact fees are being collected at 50% of adopted amounts for the next two years.

The current adopted fees are summarized in Table 1 on the following page. The temporary 50% residential fee reduction is not reflected in the table.

In addition to impact fees, the City assesses Utility Expansion Charges (UECs) for water and wastewater. UECs are similar to impact fees, but are adopted under authority provided in state law to assess charges for water and wastewater facilities, rather than under the authority of the *Development Fees Act* that regulates impact fees. The City's UECs are addressed in a separate analysis.

Land Use Categories

It is recommended that the current 20 nonresidential land use categories in the impact fee schedules be reduced to six: retail/commercial, office, industrial, warehouse, mini-warehouse and public/institutional. This approach recognizes that commercial land uses often change, avoids extremely high fees for a small number of land uses (e.g., restaurants, convenience stores, medical offices), eliminates most impact fee charges for change of use, thereby encouraging reuse of existing buildings, and simplifies impact fee administration. This change, however, would result in impact fee revenues about 5% lower than under the more detailed land use categories (see page 16).

[1] Duncan Associates, *Impact Fee Capital Improvements Plan and Land Use Assumptions for Roads, Parks, Fire and Police*, approved by the Santa Fe City Council on January 9, 2008.

Table 1. Adopted Impact Fee Schedule

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single Family Detached Units (heated living area):						
(0 to 1,500 sq. ft.)	Dwelling	$1,850	$1,111	$125	$44	$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	$2,100	$1,214	$136	$48	$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	$2,183	$1,328	$150	$53	$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	$2,248	$1,379	$155	$55	$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	$2,309	$1,418	$159	$56	$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	$2,359	$1,444	$163	$58	$4,024
(more than 4,000 sq. ft.)	Dwelling	$2,424	$1,495	$169	$59	$4,147
Accessory Units (attached or detached)						
(0 to 500 sq. ft.)	Dwelling	$518	$324	$37	$13	$892
(501 to 1,000 sq. ft.)	Dwelling	$1,036	$647	$73	$26	$1,782
(1,000 to 1,500 sq. ft.)	Dwelling	$1,554	$971	$110	$39	$2,674
Other (Apts., Condos, S.F. Attached)	Dwelling	$1,554	$971	$110	$39	$2,674
Hotel/Motel	Room	$1,203	$0	$82	$29	$1,314
Retail/Commercial (gross floor area)						
Shopping Center/General Retail	1000 sq. ft.	$4,597	$0	$221	$78	$4,896
Auto Sales/Service	1000 sq. ft.	$2,180	$0	$221	$78	$2,479
Bank	1000 sq. ft.	$4,948	$0	$221	$78	$5,247
Convenience Store w/Gas Sales	1000 sq. ft.	$8,778	$0	$221	$78	$9,077
Health Club, Recreational	1000 sq. ft.	$4,394	$0	$221	$78	$4,693
Movie Theater	1000 sq. ft.	$10,412	$0	$221	$78	$10,711
Restaurant, Packaged Food	1000 sq. ft.	$4,597	$0	$221	$78	$4,896
Restaurant, Sit-Down	1000 sq. ft.	$5,083	$0	$221	$78	$5,382
Restaurant, Fast Food	1000 sq. ft.	$11,064	$0	$221	$78	$11,363
Office/Institutional (gross floor area)						
Office, General	1000 sq. ft.	$2,429	$0	$124	$44	$2,597
Medical Building	1000 sq. ft.	$3,903	$0	$124	$44	$4,071
Nursing Home	1000 sq. ft.	$1,354	$0	$124	$44	$1,522
Church	1000 sq. ft.	$1,521	$0	$124	$44	$1,689
Day Care Center	1000 sq. ft.	$3,202	$0	$124	$44	$3,370
Educational Facility	1000 sq. ft.	$586	$0	$124	$44	$754
Educational Facility Dorm Room	1000 sq. ft.	$1,203	$0	$82	$29	$1,314
Industrial/Warehousing (gross floor area)						
Industrial, Manufacturing	1000 sq. ft.	$1,610	$0	$74	$26	$1,710
Warehouse	1000 sq. ft.	$1,147	$0	$47	$16	$1,210
Mini-Warehouse	1000 sq. ft.	$417	$0	$47	$16	$480

Source: Santa Fe City Code, Sec. 14-8.14/E(a), as amended by Ordinance 2013-44 adopted February 27, 2014.

Updated Fees

While the updated fees are generally lower than those calculated in the 2008 study, the 2008 fees were adopted at only 60% of the full proportionate-share amounts. Consequently, the updated fees are higher than the current adopted fees for most land uses, as shown in Table 2. Note that a 67% increase from current levels would be necessary to bring the fees up to the levels calculated in 2008 (while it may not be intuitive, if fees are adopted with a 40% reduction, it takes a 67% increase to get back to 100%). Because the updated fees are generally lower than those calculated in 2008, the maximum percentage increases from current adopted fees are generally significantly below 67%.

Table 2. Updated Fees Compared to 2008 Calculated/Adopted Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	$3,009	$1,552	$247	$104	$4,912
1,500 sq. ft. or less	Dwelling	$2,706	$1,381	$220	$92	$4,399
1,501-2,000 sq. ft.	Dwelling	$2,949	$1,443	$230	$97	$4,719
2,001-2,500 sq. ft.	Dwelling	$3,059	$1,583	$252	$106	$5,000
2,501-3,000 sq. ft.	Dwelling	$3,207	$1,661	$265	$111	$5,244
3,001 sq. ft. or more	Dwelling	$3,395	$1,769	$282	$119	$5,565
Multi-Family	Dwelling	$1,855	$1,350	$214	$90	$3,509
Retail/Commercial	1,000 sq. ft	$5,723	$0	$384	$161	$6,268
Office	1,000 sq. ft	$3,431	$0	$180	$76	$3,687
Industrial	1,000 sq. ft	$2,651	$0	$78	$33	$2,762
Warehouse	1,000 sq. ft	$1,383	$0	$34	$14	$1,431
Mini-Warehouse	1,000 sq. ft	$535	$0	$31	$13	$579
Public/Institutional	1,000 sq. ft	$2,086	$0	$162	$68	$2,316
Percent Change from 2008 Calculated Fees						
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	-12%	-25%	5%	24%	-16%
1,501-2,000 sq. ft.	Dwelling	-16%	-29%	1%	21%	-19%
2,001-2,500 sq. ft.	Dwelling	-16%	-29%	1%	19%	-19%
2,501-3,000 sq. ft.	Dwelling	-14%	-28%	3%	22%	-18%
3,001 sq. ft. or more	Dwelling	-12%	-25%	6%	27%	-15%
Multi-Family	Dwelling	-28%	-17%	17%	38%	-21%
Retail/Commercial	1,000 sq. ft	-25%	n/a	4%	24%	-23%
Office	1,000 sq. ft	-15%	n/a	-13%	4%	-15%
Industrial	1,000 sq. ft	-1%	n/a	-37%	-25%	-3%
Warehouse	1,000 sq. ft	-28%	n/a	-56%	-48%	-29%
Mini-Warehouse	1,000 sq. ft	-23%	n/a	-60%	-52%	-28%
Public/Institutional	1,000 sq. ft	-8%	n/a	-22%	-7%	-9%
Percent Change from Adopted Fees						
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	46%	24%	76%	109%	41%
1,501-2,000 sq. ft.	Dwelling	40%	19%	69%	102%	35%
2,001-2,500 sq. ft.	Dwelling	40%	19%	68%	100%	35%
2,501-3,000 sq. ft.	Dwelling	43%	20%	71%	102%	37%
3,001 sq. ft. or more	Dwelling	47%	25%	77%	113%	41%
Multi-Family	Dwelling	19%	39%	95%	131%	31%
Retail/Commercial	1,000 sq. ft	24%	n/a	74%	106%	28%
Office	1,000 sq. ft	41%	n/a	45%	73%	42%
Industrial	1,000 sq. ft	65%	n/a	5%	27%	62%
Warehouse	1,000 sq. ft	21%	n/a	-28%	-13%	18%
Mini-Warehouse	1,000 sq. ft	28%	n/a	-34%	-19%	21%
Public/Institutional	1,000 sq. ft	54%	n/a	31%	55%	52%

Source: Updated fees from Table 24 (roads), Table 36 (parks), Table 47 (fire/EMS) and Table 58 (police); percentage comparison to 2008 fees based on fees calculated in Duncan Associates, *Impact Fee Capital Improvements Plan and Land Use Assumptions for Roads, Parks, Fire and Police*, approved by the Santa Fe City Council on January 9, 2008 and adopted fees from Table 1 (comparison uses shopping center for retail/commercial, general office for office and nursing home for public/institutional).

Adoption of the updated fees at a 70% implementation rate would essentially be revenue-neutral (see Table 4). The updated total impact fees are very similar to current adopted fees for most land uses, as illustrated in Table 3. The Impact Fee Capital Improvements Advisory Committee (CIAC) recommends adoption of the updated fees at this percentage.

Table 3. Updated Fees at 70% Compared to Adopted Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	$2,106	$1,086	$173	$73	$3,438
1,500 sq. ft. or less	Dwelling	$1,894	$967	$154	$64	$3,079
1,501-2,000 sq. ft.	Dwelling	$2,064	$1,010	$161	$68	$3,303
2,001-2,500 sq. ft.	Dwelling	$2,141	$1,108	$176	$74	$3,499
2,501-3,000 sq. ft.	Dwelling	$2,245	$1,163	$186	$78	$3,672
3,001 sq. ft. or more	Dwelling	$2,377	$1,238	$197	$83	$3,895
Multi-Family	Dwelling	$1,299	$945	$150	$63	$2,457
Retail/Commercial	1,000 sq. ft	$4,006	$0	$269	$113	$4,388
Office	1,000 sq. ft	$2,402	$0	$126	$53	$2,581
Industrial	1,000 sq. ft	$1,856	$0	$55	$23	$1,934
Warehouse	1,000 sq. ft	$968	$0	$24	$10	$1,002
Mini-Warehouse	1,000 sq. ft	$375	$0	$22	$9	$406
Public/Institutional	1,000 sq. ft	$1,460	$0	$113	$48	$1,621
Percent Change from Adopted Fees						
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	2%	-13%	23%	45%	-2%
1,501-2,000 sq. ft.	Dwelling	-2%	-17%	18%	42%	-6%
2,001-2,500 sq. ft.	Dwelling	-2%	-17%	17%	40%	-6%
2,501-3,000 sq. ft.	Dwelling	0%	-16%	20%	42%	-4%
3,001 sq. ft. or more	Dwelling	3%	-13%	24%	48%	-1%
Multi-Family	Dwelling	-16%	-3%	36%	62%	-8%
Retail/Commercial	1,000 sq. ft	-13%	n/a	22%	45%	-10%
Office	1,000 sq. ft	-1%	n/a	2%	20%	-1%
Industrial	1,000 sq. ft	15%	n/a	-26%	-12%	13%
Warehouse	1,000 sq. ft	-16%	n/a	-49%	-38%	-17%
Mini-Warehouse	1,000 sq. ft	-10%	n/a	-53%	-44%	-15%
Public/Institutional	1,000 sq. ft	8%	n/a	-9%	9%	7%

Source: 70% of updated fees from Table 2; percentage comparison to adopted fees from Table 1 (comparison uses shopping center for retail/commercial, general office for office and nursing home for public/institutional).

Potential Revenue

If the updated fees are adopted at 100% of the proportionate fair-share costs identified in this study, total impact fee revenues over the next seven years would be about $14 million, assuming no residential fee waivers or reductions, other than for affordable housing. The revenue effects of 100%, 70% and 60% adoption rates are summarized in Table 4, based on the growth projections contained in the updated Land Use Assumptions, and compared to revenue from current fees.

Table 4. Potential Impact Fee Revenue, 2014-2020

	Adoption Rates (No Waivers)			Current
Fee Type	100%	70%	60%	Fees
Roads	$10,352,347	$7,246,643	$6,211,408	$8,140,027
Parks/Trails	$2,674,647	$1,872,253	$1,604,788	$2,192,480
Fire/EMS	$774,244	$541,971	$464,546	$455,399
Police	$325,566	$227,896	$195,340	$162,915
Total	$14,126,804	$9,888,763	$8,476,082	$10,950,821

Source: Revenue for updated fees at 100% from Table 26 (roads), Table 38 (parks), Table 49 (fire/EMS) and Table 60 (police); revenue from current fees assumes single-family fee for 2,001-2,500 sq. ft. unit; 95% shopping center rate plus 5% fast-food restaurant rate (fast-food restaurant was actually 9% of retail square footage over the last two years) for retail, general office for office, average of industrial/warehouse for industrial/warehouse and nursing home for institutional.

Recommendations

The consultant offers the following recommendations relating to the impact fee update:

1. **Consolidate/Reduce Number of Nonresidential Land Use Categories**. The City should consolidate the nonresidential land use categories as reflected in the updated fee schedules. Even though this is likely to result in slightly less revenue than would be received if the current detailed categories were retained, such consolidation will recognize that commercial land uses often change, avoid extremely high fees for a small number of land uses, eliminate most impact fee charges for change of use, thereby encouraging reuse of existing buildings, and simplify impact fee administration.

2. **Consider Single-Family Flat Rate**. The City could also consider adopting flat rate for single-family detached units in place of the current differentiated fees by dwelling unit size. Both options have been calculated in this study, and both options would generate about the same amount of revenue. This would result in somewhat higher fees for smaller units and lower fees for larger units. However, the difference between fees for the smallest and largest single-family size categories has gone down from a theoretical maximum of $3,089 when the differential fees were first calculated in 2003 to only $1,166 in this update,[2] due to switch to more reliable regional data. The City may well decide that this relatively small differential is no longer worth the additional complexity.

3. **Adopt Fees at the Same Percentage for All Land Uses.** The updated fees may be adopted at a percentage less than the proportionate fair-share amounts documented in this study. Different adoption percentages could be applied to the different types of fees (e.g., roads or parks), but the percentage for each fee type should be applied uniformly to all land use types in order to retain the proportionality of the fees to the impact of various types of development. Adoption of all fees at 70% would produce about the same revenue as current fees.

[2] Sum of road, park, fire and police fees, if adopted at 100% with no residential fee waivers.

LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional "negotiated" developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Impact fees require each new development project to pay its pro-rata share of the cost of new capital facilities required to serve that development.

Impact fees were pioneered by local governments in the absence of explicit state enabling legislation. Consequently, such fees were originally defended as an exercise of local government's broad "police power" to protect the health, safety and welfare of the community. The courts gradually developed guidelines for constitutionally-valid impact fees, based on a "rational nexus" that must exist between the regulatory fee or exaction and the activity that is being regulated. To date, 28 states have adopted impact fee enabling legislation. These acts have tended to embody the constitutional standards that have been developed by the courts. Impact fees in New Mexico are governed by the New Mexico *Development Fees Act* (Sec. 5-8-1, et. seq., New Mexico Revised Statutes).

Service Area

The New Mexico *Development Fees Act* requires that Land Use Assumptions and Capital Improvements Plans must be prepared for each "service area." A service area is a geographic area within which a set of capital facilities provides roughly equivalent benefit to all development located within the area. In general, impact fees collected within a service area will be spent within the same service area, although there may be instances where the facility that serves development in the service area is actually physically located outside the service area.

Land Use Assumptions

An impact fee update must include land use assumptions (growth projections) for each service area. The *Development Fees Act* defines land use assumptions as "projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period." Because the Capital Improvements Plan that must be prepared for each service area must identify improvement needs for a period not to exceed ten years, a 5-to-10-year time-frame is appropriate for an impact fee study. A seven-year time frame is used for the land use assumptions and capital improvements plans in this study. The land use assumptions are provided in Appendix F.

Capital Improvements Plan

According to the *Development Fees Act*, impact fees can only be spent on improvements identified in the Capital Improvements Plan. The Capital Improvements Plan required by the *Development Fees Act* is somewhat different from the traditional capital improvements program. Like a traditional capital improvements program, the Capital Improvements Plan required by the *Development Fees Act* must include a list of capital projects, their costs and anticipated sources of funding. However, the similarity stops there. Elements required in the Capital Improvements Plan but not found in a typical capital improvements program include an inventory of existing facilities, including an analysis of current usage and capacity of such facilities; a determination of the portion of the cost of planned improvements, as well as existing improvements with remaining excess capacity, that is attributable to growth; an equivalency table that estimates the service demand generated by different

land use types; and the projected growth in service demand based on the recommended Land Use Assumptions over a period not to exceed ten years. In essence, the impact fee Capital Improvements Plan is the impact fee study.

Capital Facilities Plans

While the Capital Improvements Plan includes much more than a list of planned projects, the project list has special relevance. Impact fees can only be spent on projects that are listed in the adopted Capital Improvements Plan. In addition, credits against the impact fees in return for dedications of land or improvements made by developers are only allowed if the dedication or improvement is listed in the Capital Improvements Plan. In order to distinguish between the full Capital Improvements Plan and the list of projects, the list of projects will be referred to as the Capital Facilities Plan. The Capital Facility Plans for each of the four fee types are provided in Appendix G.

Level of Service

The Act requires "an analysis of the total capacity [and] the level of current usage" of existing facilities, a relationship that is often referred to as "level of service" (although this term does not appear in the Act). The impact fee principle that is being referred to here is that new development should not be charged for a higher level of service than is being provided to existing development. If facilities are currently deficient with respect to the capacity standard that is being used to calculate the impact fees, a credit should be provided to new development to acknowledge tax or rate payments that will be made by new development and used to remedy the deficiency. In general, the necessity of providing a deficiency credit is avoided by basing the impact fees on the current level of service.

Service Unit

Both demand and capacity need to be expressed in terms of the same "service units" – defined by the Act as "a standardized measure of consumption, use, generation or discharge." The service unit for parks, for example, might be acres of park land. In order to translate land use projections into additional demands for service, the Capital Improvements Plan must include "an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial." Such a table, which relates various land use categories and the service demands associated with them, is the basis for the fee schedule. The equivalency table for road impact fees, for example, would specify the typical travel demand generated by a single-family unit, 1,000 square feet of office space, etc.

Fee Schedule

The fee schedule brings together all of the fee calculation components. These include the land use categories, service demands associated with a unit of development, cost per service unit and revenue credits. Although the Act does not specifically mention credits for other revenue contributions (e.g., gross receipts taxes used to pay debt service on the same facility), established case law clearly indicates that double-charging must be avoided and that such contributions must be credited in the impact fee formulation.

Updates

The *Development Fees Act* requires that the land use assumptions and capital improvements plan be updated within five years from the date that the last capital improvements plan was adopted.

SERVICE AREAS

The New Mexico *Development Fees Act* defines "service area" as

> *the area within the corporate boundaries or extraterritorial jurisdiction of a municipality or the boundaries of a county to be served by the capital improvements or facility expansions specified in the capital improvements plan designated on the basis of sound planning and engineering standards.*

The service area for the City's current impact fees is the Santa Fe Urban Area (see Figure 1). The Urban Area is the geographic area that includes the City's incorporated area as well as some additional unincorporated area that is likely to be annexed into the city at some time in the future. In the future, comparisons between the "city" and "urban area" may be unnecessary as the city annexes most of the urban area. However, the Agua Fria Traditional Historic Community, containing 2,800 residents and 1,134 housing units according to the 2010 Census, is located within the urban area and is expected to remain unincorporated. City impact fees are charged only within the corporate limits and unincorporated areas within the Urban Area where the City has building permit authority.

The City currently has a single service area for all of the fees. In general, multiple service areas should be avoided where possible. Each service area requires the preparation of separate land use assumptions, facility inventories, impact fee calculations and capital improvements plans. In addition, multiple service areas limit the City's ability to accumulate sufficient funds to make improvements.

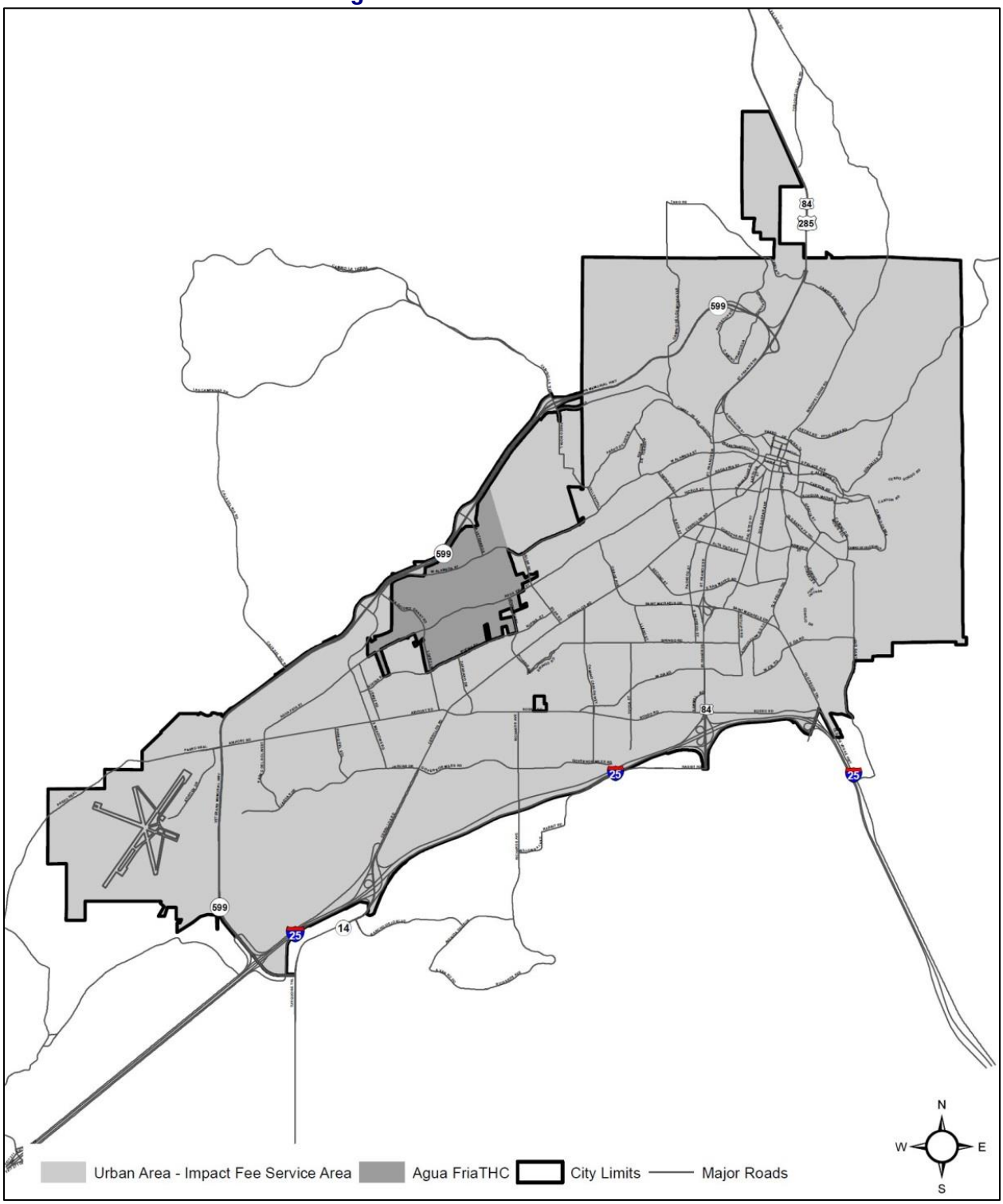
Multiple service areas are sometimes used to create fee differentials as an incentive to steer development to desired locations. Impact fee differentials by area, however, are unlikely to be large enough to have any significant effect on the location of development.

Benefit District Option. While multiple service areas are to be avoided, the City could consider the division of the service area (for one or more impact fee types) into two or more "benefit districts." Benefit districts are not described in the State's impact fee enabling act, but they are used in many impact fee systems around the country. A benefit district is simply a requirement that impact fees collected in a defined area be spent in the same area. Benefit districts use a requirement of geographic proximity to help ensure that the fees are spent on improvements that benefit the developments generating the fees.

Multiple benefit districts put the same restrictions on the expenditure of funds as multiple service areas would, but the preparation of separate land use assumptions, capital improvements plans and impact fee calculations for each benefit district is not required. Multiple benefit districts generally make the most sense for road and park impact fees. Fire and police facilities tend to be either more centralized (police) or more integrated (fire), and are generally not appropriate for multiple benefit districts.

The City has been experiencing significant growth in its recently-annexed southwest portion of the Urban Area, and some interest has been expressed in implementing two benefit districts (southwest/non-southwest) for road and park/trail impact fees.

Figure 1. Santa Fe Urban Area



Roads

The City's road impact fees fund improvements to the major roadway system, defined as arterial and collector roadways, excluding I-25 and NM 599. Because the major roadway system facilitates travel throughout the community, a single service area continues to be appropriate for road impact fees.

Parks/Trails

The City's park/trail impact fees fund improvements to the system of recreational facilities, including regional parks, neighborhood parks and trails. Regional parks and trails tend to serve relatively large areas, while neighborhood parks have more localized benefit. As long as the City makes a good faith effort to use park/trail impact fees to fund neighborhood park improvements in areas that are experiencing residential development, a single service area will continue to be appropriate for park/trail impact fees.

Fire and Police

A single service area continues to be appropriate for fire and police facilities. Police facilities tend to be centralized, and police protection is provided throughout the city from roving patrol cars. While fire facilities are by necessity more decentralized, responding units are not always located at the nearest station, and units respond to major incidents from all over the city. The City's fire and police facilities and equipment thus form integrated systems, and single service areas are appropriate.

LAND USE ASSUMPTIONS

Land Use Assumptions for the impact fees are provided in Appendix F. The land use assumption report provides growth projections for the Santa Fe Urban Area, a unified service area within which the city may expend impact fee monies for eligible capital improvement projects. The New Mexico Development Fees Act (§§ 5-8-1 through 5-8-43, NMSA 1978), specifies that land use assumptions must be adopted for a period of at least five years. The land use assumptions cover a period of seven calendar years from the beginning of 2014 through the end of 2020. Over this period, the land use assumptions anticipate that the service area will gain 2,100 new dwelling units with approximately 3,500 new residents and approximately 1.23 million square feet of new nonresidential development. The growth projections for housing, population and nonresidential floor area from 2014 through 2020 are summarized in Table 5.

Table 5. Land Use Assumptions Summary, 2014-2020

	2014	2020	Increase
Populaton	86,500	90,000	3,500
Single-Family Detached*	25,075	26,563	1,488
Multi-Family**	14,125	14,737	612
Moble Home	5,200	5,200	0
Total Housing Units	44,400	46,500	2,100
Retail (1,000 sf)	10,198	10,898	700
Office (1,000 sf)	8,972	9,322	350
Industrial (1,000 sf)	4,360	4,465	105
Institutional (1,000 sf)	2,960	3,030	70
Total Nonresidential (1,000 sf)	26,490	27,715	1,225

* 85% of combined single-family detached and attached provided in the *Land Use Assumptions* (percentage from U.S. Census, American Community Survey, 2008-2012 for City of Santa Fe)

** adjusted from *Land Use Assumptions* to include single-family attached, per note above

Source: City of Santa Fe Long Range Planning Division, *Santa Fe Urban Area, Impact Fee Land Use Assumptions 2014-2020*, August 2013 (see Appendix F).

METHODOLOGIES

This section reviews the existing methodologies for all four facility types, identifies potential alternatives and makes recommendations for changes.

There are a variety of methodologies that can be employed to calculate impact fees. Any methodology, however, must comply with the fundamental principle of impact fees, which is that new development should not be charged for a higher level of service than existing development. Impact fees can be based on a higher level of service than currently exists, but if they are based on a higher level of service a funding plan must be put in place to remedy the existing deficiencies and a credit must be provided for the portion of the funding used to remedy the deficiencies that will be generated by new development.

Alternative Methodologies

There are two basic types of impact fee methodologies: "standards-based" and "plan-based." Standards-based methodologies use a generalized, system-wide level of service measure, such as the number of park acres per 1,000 residents. With such a standard, appropriate impact fees can be calculated based on the cost of maintaining the existing level of service without a master plan specifying specific improvements to be constructed. This approach gives the City flexibility to modify its Capital Improvements Plan to respond to changing conditions without triggering the need for an impact fee update.

A plan-based methodology relies on a list of planned capital improvements, and is basically calculated by dividing the cost of needed improvements over a period of time by the anticipated new service units over the same time period. The essential requirement for a plan-based fee is that it must demonstrate the nexus between the cost of the planned improvements and the amount of anticipated development. Some plan-based fees use a master plan to establish this nexus. The master plan approach is generally based on an improvement-specific or geographically-based level of service standard, such as "all major roadways shall operate at LOS D or better," and often results in the identification of existing deficiencies. Other plan-based fees are based on a build-out plan or list of capital improvements that are not based on a master plan. These non-master plan approaches must generally be combined with a standards-based analysis that demonstrates that the plan-based fee does not exceed the existing level of service, in order to establish the nexus between the planned improvements and the amount of development to be served by those improvements.

Current Methodologies

The City's current impact fees are all based on a standards-based methodology, as described below. No changes from the basic methodologies are proposed.

Roads

The standards-based methodology for road impact fees is generally referred to as a "consumption-based" approach. In the standard consumption-based approach, the total cost of a representative set of improvements is divided by the capacity added by those improvements in order to determine an average cost per vehicle-mile of capacity (VMC). This cost per VMC is then multiplied by the

vehicle-miles of travel (VMT) generated by a unit of development of a particular land use type to determine the gross impact fee (i.e., before credits). A variant is the modified consumption-based approach, which uses a system-wide VMC/VMT ratio higher than the 1:1 ratio implicit in the standard approach.

The City's current road impact fees are based on the standard consumption-based methodology. This is a relatively conservative approach, because most roadway systems require a VMC/VMT ratio greater than one to operate effectively, due to the fact that vehicular travel does not always go where excess road capacity is located. Nevertheless, it is a widely-used, reliable approach to the calculation of road impact fees.

Parks

The standards-based methodology is sometimes referred to as "incremental expansion," because it uses the existing level of service to determine the cost required to serve future development. It is based on the reasonable assumption that facilities will need to be expanded proportional to the amount of growth that occurs. This approach is appropriate for facilities that do not have a significant amount of excess capacity to serve future development.

Park impact fees are typically only assessed on residential development, because the need for parks is related to the number of people residing in the community. Some park impact fees use the ratio of park acres to population as the level-of-service measure. However, rather than using population as the service unit for parks, the current fees use Equivalent Dwelling Units (EDUs). A typical single-family home is 1.00 EDU, while the EDUs for other housing types are based on the average household size relative to a typical single-family unit. Using EDUs rather than population has the advantage of taking volatile occupancy rates out of the equation.

While a ratio of acres to population may be a useful level-of-service measure for park planning purposes, it is less appropriate as the basis for impact fee calculation. An acre developed with ball fields represents a much lower capital investment than an acre developed with a community center or a swimming pool. The current park methodology uses the inventory of actual improvements and current replacement costs to quantify the capital investment in existing facilities. The existing LOS is defined in terms of capital investment per EDU.

Fire and Police

The current fire and police impact fees are also based on the incremental expansion approach, based on the existing city-wide level of service. The level of service is quantified in terms of the capital investment per service unit. The service unit for fire and police fees is "functional population." A functional person is similar to the concept of a full-time equivalent worker, and represents the equivalent of a person being present at the land use for 24 hours a day. The functional population approach is appropriate for fire and police services, since the demand for such services is strongly related to the number of people present at a land use.

LAND USE CATEGORIES

This section contains the consultant's recommendations relating to the land use categories to be included in the updated impact fee schedule.

Single-Family Fees by Unit Size

The analysis provided in Appendix B indicates that average household size does not increase for single-family detached units over about 3,000 square feet. Consequently, this update recommends collapsing the 3,001-3,500 square feet, 3,501-4,000 square feet, and over 4,000 square foot categories. Alternatively, the City Council could choose to charge single-family fees based on the average fee per dwelling unit.

Nonresidential Land Use Categories

The consultant recommends reducing the number of nonresidential land use categories in the impact fee schedule. In hindsight, the categories we initially prepared for the City in 2003, and updated in 2008, are probably too detailed. In recent years, we have been encouraging clients to simplify their impact fee systems, including reducing the land uses in their fee schedules to fewer, more general, categories. Fewer, broader land use categories are just as defensible from a legal standpoint and offer several advantages, including avoiding extremely high fees for a small number of land uses (e.g., restaurants, convenience stores, medical offices), eliminating most impact fee charges for change of use, thereby encouraging reuse of existing buildings, and simplifying impact fee administration. We most recently applied this approach in our 2012 update of Albuquerque's impact fees.[3]

The major suggested change is to simplify and reduce the number of nonresidential land use categories included in the impact fee schedule. Including many land use categories seems on the face of it to be more accurate and to make it easier to classify proposed uses. After all, if a use is specifically listed, that should make it easier to assess fees when that particular use is proposed. The problem is that it is impossible to list all potential uses, and including many land use categories does not necessarily improve accuracy. For example, while the Institute of Transportation Engineers (ITE) *Trip Generation* manual provides trip rates for many categories, the land uses are often not well defined, many of the rates are based on very small samples, and data on pass-by rates and average trip lengths for most of those uses are not readily available. In addition, short-term accuracy can end up overcharging for long-term impacts, because commercial uses change frequently and impact fees are not refunded when a use is changed to one that generates less impact.

The alternative approach of listing fewer, broader categories in the fee schedule is becoming increasing popular as a way to encourage the reuse of existing buildings and simplify impact fee administration. Such fee schedules list a few very general nonresidential categories, such as retail/commercial, office, public/institutional, industrial, warehouse and mini-warehouse. This approach may not generate as much revenue as the more detailed approach, but it is legally

[3] Duncan Associates, *Impact Fee Land Use Assumptions and Capital Improvements Plan, 2012-2022, prepared for the City of Albuquerque, New Mexico*, September 2012 (https://www.cabq.gov/council/documents/OC127.pdf).

defensible, reasonable and simpler to administer. It recognizes that the use of buildings often changes over time, and it focuses on average long-term impacts. Short-term impacts in the immediate vicinity of a use are a legitimate focus for traffic impact analyses designed to determine impacts on nearby intersections, but are not necessarily the most appropriate for road impact fees. Most commercial uses tend to be located in shopping centers, and the ITE trip generation rates for shopping centers are based on a broad mix of land uses. Shopping centers often include high-traffic uses such as movie theaters, banks, medical offices and restaurants, and the ITE manual notes that some of the studies of shopping centers include trips generated from outparcels, which tend to be occupied by the highest-traffic uses, such as convenience stores, gas stations and fast food restaurants. This approach recognizes that commercial land uses often change, avoids extremely high fees for a small number of land uses (e.g., restaurants, convenience stores), eliminates most impact fee charges for change of use, thereby encouraging reuse of existing buildings, and simplifies impact fee administration.

The proposed land use categories are compared to the current categories in Figure 2. In addition, this update calculates an average impact fee for single-family detached units, which would allow the City to update the current single-family fees by size category or use a single, average fee.

Figure 2. Current and Proposed Land Use Categories

Proposed Land Use Categories	Current Land Use Categories	
Single Family Detached	Single Family Detached	
Up to 1,500 sq. ft.	Up to 1,500 sq. ft.	
1,501 - 2,000 sq. ft.	1,501 - 2,000 sq. ft.	
2,001 - 2,500 sq. ft.	2,001 - 2,500 sq. ft.	
2,501 - 3,000 sq. ft.	2,501 - 3,000 sq. ft.	
More than 3,000 sq. ft.	3,001 - 3,500 sq. ft. More than 4,000 sq. ft.	3,501 - 4,000 sq. ft.
Guest Unit, 750 sf or less	Guest Unit, 500 sf or less	Guest Unit, 501-750 sf
Multi-Family/Guest Unit >750 sf	Multi-Family/Other	Guest Unit, > 750 sf
Retail/Commercial	Shopping Center/Gen. Retail Auto Sales/Service Bank Conv. Store w/Gas Sales Health Club	Hotel/Motel Movie Theater Restaurant, Packaged Food Restaurant, Sit-Down Restaurant, Fast Food
Office	Office, General	Medical Building
Public/Institutional	Nursing Home Church	Day Care Center Educational Facility/Dorm
Industrial	Industrial	
Warehouse	Warehouse	
Mini-Warehouse	Mini-Warehouse	

To estimate the potential revenue loss from moving to the more generalized nonresidential categories, permit data were reviewed for the last two years. Table 6 below shows the difference between the impact fees that would have been collected under the current adopted fee schedule (with no reduction or waiver of residential fees) versus under the proposed more general land use categories. Industrial and warehouse categories are not shown, because the City did not permit any developments of these types over the last two years. This comparison suggests that the more general land use categories would result in total impact fee revenue about 5% lower than under the more detailed categories.

Table 6. Impact Fee Revenue, Detailed vs. General Nonresidential Categories

Land Use Categories	Unit	No. of Units Permitted	Impact Fee Revenue				
			Roads	Parks	Fire	Police	Total
Residential (all)	Dwelling	455	$836,527	$505,610	$56,983	$20,143	$1,419,263
Shopping Center/Gen. Retail	1,000 sq. ft.	89.319	$410,599	$0	$19,740	$6,967	$437,306
Auto Sales	1,000 sq. ft.	8.852	$19,297	$0	$1,956	$690	$21,943
Bank	1,000 sq. ft.	6.267	$31,009	$0	$1,385	$489	$32,883
Restaurant, Sit-Down	1,000 sq. ft.	22.321	$113,458	$0	$4,933	$1,741	$120,132
Restaurant, Fast Food	1,000 sq. ft.	13.096	$144,894	$0	$2,894	$1,021	$148,809
Health Club	1,000 sq. ft.	2.740	$12,040	$0	$606	$214	$12,860
Office, General	1,000 sq. ft.	31.501	$76,516	$0	$3,906	$1,386	$81,808
Office, Medical	1,000 sq. ft.	3.328	$12,989	$0	$413	$146	$13,548
Nursing Home	1,000 sq. ft.	17.068	$23,110	$0	$2,116	$751	$25,977
Church	1,000 sq. ft.	32.897	$50,036	$0	$4,079	$1,447	$55,562
Mini-Warehouse	1,000 sq. ft.	3.106	$1,295	$0	$146	$50	$1,491
Total, Detailed Categories			$1,731,770	$505,610	$99,157	$35,045	$2,371,582
Residential (all)	Dwelling	455	$836,527	$505,610	$56,983	$20,143	$1,419,263
Retail/Commercial	1,000 sq. ft.	142.595	$655,509	$0	$31,513	$11,122	$698,144
Office	1,000 sq. ft.	34.829	$84,600	$0	$4,319	$1,532	$90,451
Public/Institutional	1,000 sq. ft.	49.965	$29,279	$0	$6,196	$2,198	$37,673
Mini-Warehouse	1,000 sq. ft.	3.106	$1,295	$0	$146	$50	$1,491
Total, General Categories			$1,607,210	$505,610	$99,157	$35,045	$2,247,022
Percentage Revenue Change			-7.2%	0.0%	0.0%	0.0%	-5.3%

Note: Approximate two-year revenue, based on 22 months of residential permits (1/23/12-11/23/13) and nonresidential permits for 2012-2013 calendar years

Source: Residential permits and revenue from Table 7; nonresidential permits for calendar years 2012 and 2013 from City of Santa Fe Long Range Planning Division, February 21, 2014; impact fee revenue based on current fees for detailed land use categories from Table 1 and general categories based on shopping center for retail, general office for office, and education for public/institutional.

Most of the reduced revenue is attributable to fast food restaurants, which would pay significantly less under the more generalized retail/commercial category. However, this may be a function of the fact that the City experienced a lot of fast food restaurant development over the last two years, but not any development in some other high-fee categories, such as convenience store/gas sales and movie theaters. While the distribution of land use types developed may change, the percentage shown in the above table is a reasonable estimate of the relative amounts of revenue likely to be received under the detailed versus general nonresidential land use categories.

While only modest changes are proposed to the residential categories, the City also has the option of charging a flat rate for single-family detached, rather than the tiered rates by dwelling size. The 2008 study did not calculate an average single-family fee, but the current fee for the 1,501-2,000 square feet category is a reasonable approximation (the City has been issuing an equal number of permits for smaller and larger units). Accessory units are treated as multi-family in the general categories, because fees for accessory units were not calculated in the 2008 study. The analysis suggests that collapsing the residential categories would have very little revenue impact, as shown in Table 7 below.

Table 7. Impact Fee Revenue, Detailed vs. General Residential Categories

Land Use Categories	Unit	No. of Units Permitted	Impact Fee Revenue				
			Roads	Parks	Fire	Police	Total
Single Family Detached							
(0 to 1,500 sq. ft.)	Dwelling	75	$138,750	$83,325	$9,375	$3,300	$234,750
(1,501 to 2,000 sq. ft.)	Dwelling	115	$241,500	$139,610	$15,640	$5,520	$402,270
(2,001 to 2,500 sq. ft.)	Dwelling	47	$102,601	$62,416	$7,050	$2,491	$174,558
(2,501 to 3,000 sq. ft.)	Dwelling	20	$44,960	$27,580	$3,100	$1,100	$76,740
(3,001 to 3,500 sq. ft.)	Dwelling	4	$9,236	$5,672	$636	$224	$15,768
(3,501 to 4,000 sq. ft.)	Dwelling	2	$4,718	$2,888	$326	$116	$8,048
(more than 4,000 sq. ft.)	Dwelling	3	$7,272	$4,485	$507	$177	$12,441
Accessory Units (attached or det.)							
(0 to 500 sq. ft.)	Dwelling	3	$1,554	$972	$111	$39	$2,676
(501 to 1,000 sq. ft.)	Dwelling	6	$6,216	$3,882	$438	$156	$10,692
(1,000 to 1,500 sq. ft.)	Dwelling	4	$6,216	$3,884	$440	$156	$10,696
Multi-Family	Dwelling	176	$273,504	$170,896	$19,360	$6,864	$470,624
Nonresidential (all)	1,000 sq. ft.	230.495	$895,243	$0	$42,174	$14,902	$952,319
Total, Detailed Categories			$1,731,770	$505,610	$99,157	$35,045	$2,371,582
Single-Family Detached	Dwelling	266	$558,600	$322,924	$36,176	$12,768	$930,468
Multi-Family/Accessory	Dwelling	189	$293,706	$183,519	$20,790	$7,371	$505,386
Nonresidential (all)	1,000 sq. ft.	230.495	$895,243	$0	$42,174	$14,902	$952,319
Total, General Categories			$1,747,549	$506,443	$99,140	$35,041	$2,388,173
Percentage Revenue Change			0.9%	0.2%	0.0%	0.0%	0.7%

Note: Approximate two-year revenue, based on 22 months of residential permits (1/23/12-11/23/13) and nonresidential permits for 2012-2013 calendar years

Source: Nonresidential permits and revenue from Table 6; residential permits for the 22-month period from 1/23/12-11/23/13 from City of Santa Fe Land Use Department, November 27, 2013 memorandum; impact fee revenue based on current fees for detailed residential land use categories from Table 1 and general categories based on single-family detached (1,501-2,000 sq. ft.) and multi-family.

ROADS

The New Mexico Development Fees Act authorizes local governments to impose impact fees for "roadway facilities," including traffic signals. In the 2008 update, the arterial impact fee was expanded to include collector roads and was combined with the traffic signal impact fee into comprehensive road impact fee.

Service Area

Road impact fees will be calculated in this section for the City's Urban Area, which includes the incorporated area of the City of Santa Fe and unincorporated areas around the city that will likely be provided with City service and may ultimately be annexed by the City. The road impact fees will be collected by the City only within the city limits and unincorporated areas within the Urban Area where the City has building permit authority, and will be limited to being spent within the Urban Area.

Service Unit

In impact fee analysis, capital costs, revenue credits and net costs are calculated on the basis of a "service unit," which is a common unit of measurement of facility demand and capacity. An appropriate service unit for roadway capital cost analysis is vehicle-miles of travel (VMT). Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that these vehicles travel. The two time periods most often used in traffic analysis are the 24-hour day (average daily trips or ADT) and the single hour of the day with the highest traffic volume (peak hour trips or PHT). Since available traffic counts are in the form of daily volumes, the impact fees will continue to be based on ADT.

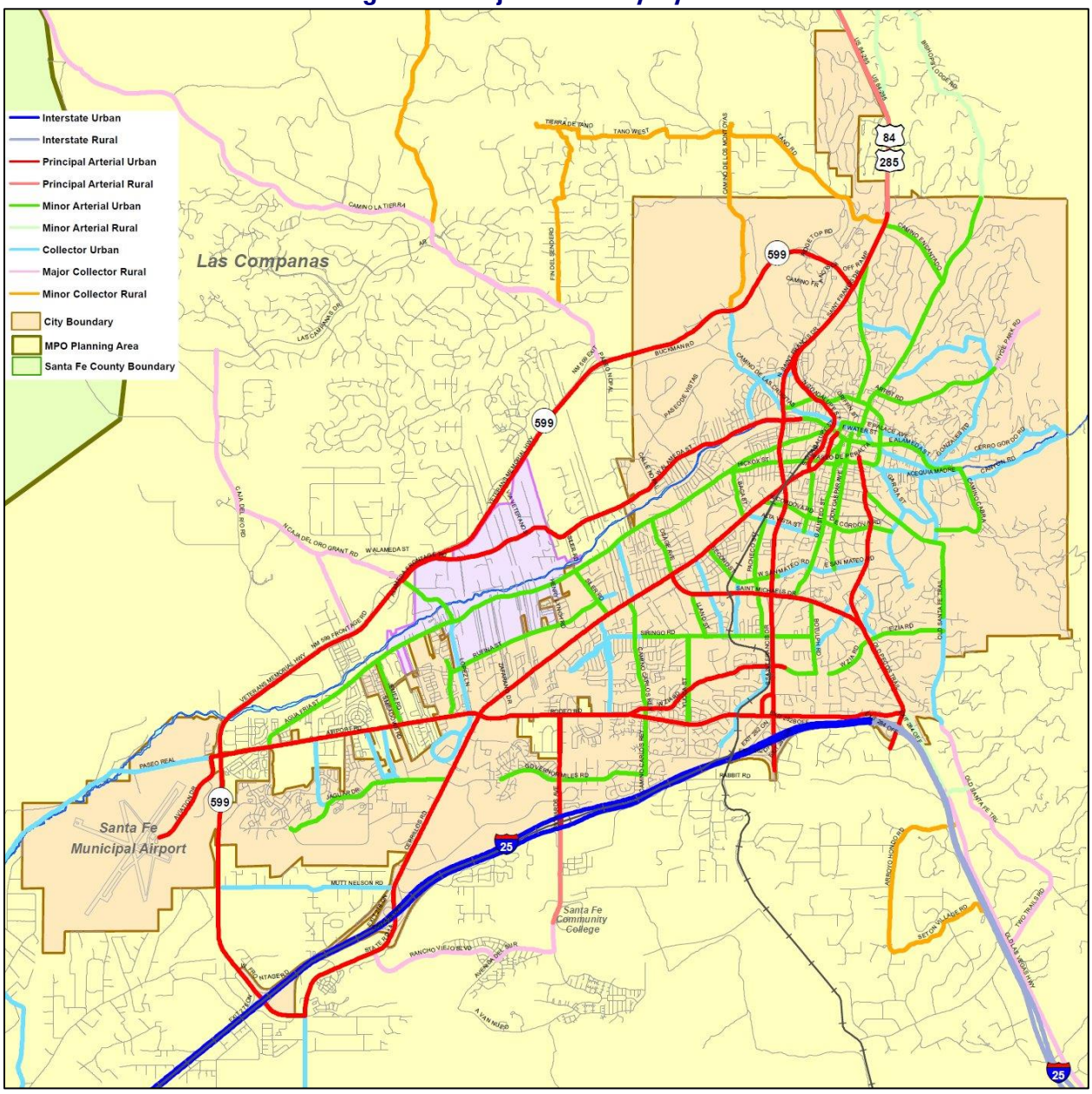
Major Road System

The New Mexico Development Fees Act limits the use of transportation impact fees to "roadway facilities," which are defined as:

> *…arterial or collector streets or roads th*
> *municipality or county, including bridges, bike and pedestrian trails, bus bays, rights of way, traffic signals, landscaping and any local components of state or federal highways.*

The City's road impact fee ordinance defines the major road system as all collector and arterial roads. The major road system excludes I-25, because this facility serves long-distance travel and it is unlikely that the City will make any contributions toward expanding its capacity. In this update, NM 599 is also excluded, because it is a State-maintained expressway that is on the border of its incorporated boundary. The City's major roadway system is illustrated in Figure 3. Traffic signals and intersection improvements that are associated with the major road system can be funded with the road impact fee.

Figure 3. Major Roadway System



An inventory of the major roadway system was prepared as part of this update and presented in Table 61 in Appendix A. The major purpose of the inventory is to determine the total amount of travel on the major road system, expressed in vehicle-miles of travel (VMT), and system-wide capacity, expressed as vehicle-miles of capacity (VMC). The system-wide VMT is used to calibrate national travel demand factors to local conditions.

Road impact fees will only be allowed to be spent to make improvements to the major road system. By the same token, no credit should be given unless the developer is required to improve the major road system being funded by the fee.

Methodology

As with the previous road impact fee calculation, the methodology for determining the road segment component of the road impact fee is based on a "consumption-based" model, which basically charges a new development the cost of replacing the capacity that it consumes on the major road system. That is, for every vehicle-mile of travel (VMT) generated by the development, the road impact fee charges the net cost to construct an additional vehicle-mile of capacity (VMC).

Since travel is never evenly distributed throughout a road system, actual road systems require more than one unit of capacity for every unit of demand in order for the system to function at an acceptable level of service. Suppose, for example, that the City completes a major arterial widening project. The completed arterial is likely to have a significant amount of excess capacity for some period of time. If the entire system has just enough capacity to accommodate all of the vehicle-miles of travel, then the excess capacity on this segment must be balanced by another segment being over-capacity. Clearly, road systems in the real world need more total aggregate capacity than the total aggregate demand, because the traffic does not always precisely match the available capacity. Consequently, the standard consumption-based model generally underestimates the full cost of accommodating new development at the existing level of service.

In most rapidly growing communities, some roads will be experiencing an unacceptable level of congestion at any given point in time. One of the principles of impact fees is that new development should not be charged for a higher level of service than is provided to existing development. In the context of road impact fees, this has sometimes been interpreted to mean that impact fees should not be spent on roads that are already over-capacity. However, it is not necessary to address existing deficiencies in a consumption-based system, which, unlike an improvements-driven system, is not designed to recover the full costs to maintain the desired LOS on all road segments. Instead, it is only designed to maintain a minimum one-to-one overall ratio between system demand and system capacity. Virtually all major road systems have more capacity (VMC) than demand (VMT) on a system-wide basis. Consequently, under a consumption-based system, the level of service standard is really a system-wide VMC/VMT ratio of one.

The existing system-wide VMC/VMT ratio is considerably higher than one, as shown in Table 8. Because the City's major road system currently operates at better than a one-to-one ratio, there are no existing deficiencies on a system-wide basis.

Table 8. System-Wide Ratio of Road Capacity to Demand

Daily Vehicle-Miles of Capacity (VMC)	2,813,450
÷ Daily Vehicle-Miles of Travel (VMT)	1,324,631
System-Wide Capacity/Demand Ratio	2.12

Source: Table 61 in Appendix A.

The road impact fee formula is presented in Figure 4.

Figure 4. Road Impact Fee Formula

FEE	=	VMT X NET COST/VMT
Where:		
VMT	=	TRIPS x % NEW x LENGTH x ADJUST
TRIPS	=	1/2 average daily trip ends during weekday
% NEW	=	Percent of trips that are primary trips
LENGTH	=	Average length of a trip
ADJUST	=	Local travel demand adjustment factor
NET COST/VMT	=	COST/VMT - CREDIT/VMT
COST/VMT	=	COST/VMC X VMC/VMT
COST/VMC	=	Average cost per new VMC
VMC/VMT	=	Ratio of vehicle-miles of capacity to vehicle-miles of travel
CREDIT/VMT	=	Credit per VMT based on revenues generated

The traffic signal portion of the road impact fee is based on the ratio of existing traffic demand to existing signals. The current traffic signal level of service is shown in Table 9.

Table 9. Traffic Signal Level Of Service

Existing Vehicle-Miles of Travel (VMT)	1,324,631
÷ Existing Traffic Signals	119
Existing VMT per Signal	11,131

Source: Existing Urban Area VMT from Table 8; existing signals from City of Santa Fe Long Range Planning Division, October 25, 2013.

Travel Demand

The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent new trips and 3) trip length. The first two factors are well documented in the professional literature, and the average trip generation characteristics identified in studies of communities around the nation should be reasonably representative of trip generation characteristics in Santa Fe. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major street system.

Trip Generation

Trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation manual. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single one-way trip from home to work counts as one trip end for the residence and one trip end for the work place, for a total of two trip ends. To avoid over-counting, all trip rates have been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double-charging for any particular trip.

As with the current impact fee schedule, the road impact fees calculated in this report will vary by the size of the dwelling unit for single-family detached units. The average household size of single-family detached units by unit size is available from the 2008-2012 American Community Survey

conducted by the U.S. Census Bureau for Santa Fe. This information is combined with the trip rate data by household size provided by the National Cooperative Highway Research Program to derive daily trip generation rates, as shown in Table 10.

Table 10. Single-Family Trip Generation Rates

Single-Family Unit Size (Heated Living Area)	Average HH Size	Daily Trips
1,500 sq. ft. or less	1.95	8.56
1,501-2,000 sq. ft.	2.04	9.33
2,001-2,500 sq. ft.	2.23	9.68
2,501-3,000 sq. ft.	2.35	10.15
3,001 sq. ft. or more	2.50	10.74
All Single-Family Detached Units	2.19	9.52
Guest Unit, 750 sq. ft. or less	1.66	5.80

Source: Average household sizes from Table 65; daily trips derived from Transportation Research Board, NCHRP Report 365, "Travel Estimation Techniques for Urban Planning," Washington, D.C.: National Academy Press, Table 9 (for urban areas with populations of 50,000 to 199,999), 1998.

New Trip Factor

Trip rates also need to be adjusted by a "new trip factor" to exclude pass-by and diverted-link trips. This adjustment avoids over-counting by only including primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a particular development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-link trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass-by and diverted-link trips was drawn from ITE and other published information.

Average Trip Length

In the context of a road impact fee based on a consumption-based methodology, it is important to determine the average length of a trip on the local major road system. The point of departure in developing local trip lengths is to utilize national data. The U.S Department of Transportation's 2009 National Household Travel Survey identifies average trip lengths for specific land uses and trip purposes. However, these trip lengths are unlikely to be representative of travel on the major road system utilized in this study for Santa Fe, since the major road system does not include local roads or the interstate highway system. An adjustment factor for local trip lengths can be derived by dividing the VMT that is actually observed on the major road system by the VMT that would be expected using national average trip lengths and trip generation rates.

The first step in developing the adjustment factor for local travel demand is to estimate the total daily vehicle-miles of travel (VMT) that would be expected on Santa Fe's major road system based on national travel demand characteristics. Existing land use data from the Land Use Assumptions are multiplied by average daily trip generation rates, percent of primary trips and national average trip lengths and summed to estimate total city-wide VMT. As shown in Table 11, existing service area land uses, using national trip generation and trip length data, would be expected to generate approximately 2.9 million VMT every day.

Table 11. Expected Vehicle-Miles of Travel

Land Use Type	Unit	Existing Units	Trip Rate	New Trips	Trip Length	Expected VMT
Single-Family Detached	Dwelling	25,075	9.52	100%	9.75	1,163,731
Multi-Family	Dwelling	14,125	6.65	100%	8.62	404,844
Mobile Home/RV Park	Space	5,200	4.99	100%	6.03	78,233
Retail/Commercial	1,000 sf	10,198	42.70	42%	6.27	573,363
Office	1,000 sf	8,972	11.03	100%	9.61	475,508
Industrial/Warehouse*	1,000 sf	4,360	5.20	100%	11.98	135,805
Public/Institutional	1,000 sf	2,960	7.60	100%	8.47	95,271
Total Expected VMT						2,926,755

* Trip rate is average of industrial and warehouse from Table 14

Source: Existing units from Table 5; trip rates and percent new trips from Table 14; national average trip lengths from Table 13.

The next step in developing the local trip length adjustment factor is to determine actual service area VMT on the City of Santa Fe's major road system. Road segment lengths and recent traffic counts from Table 61 in Appendix A are used to determine actual daily VMT.

Annualized average daily traffic (AADT) volumes were obtained from the Santa Fe Metropolitan Planning Organization. Traffic volumes from 2008 and 2011 were available, with the most recent segment volume utilized in the analysis of system-wide volume. Lack of traffic counts for some road segments required use of estimated volumes; arterial road volume estimates were based on 75 percent of the volume for roads with counts, while collector road volume estimates were based on 50 percent of the volume for roads with counts. Where this occurred, it has been noted in the road inventory in Table 61 in Appendix A.

An adjustment of total VMT is sometimes necessary to take into account trips that travel on the major road system without an origin or destination in the urban area. However, since this study excludes I-25 and NM 599, which carry the vast majority of through trips, an adjustment is not deemed necessary.

The expected system-wide VMT based on existing land use data and national travel demand characteristics over-estimates VMT actually observed on the major road system. This is not surprising, given that the major road system excludes all local roads, I-25 and NM 599. Consequently, it is necessary to develop an adjustment factor to account for this variation. The local trip length adjustment factor is the ratio of actual to projected VMT on the major road system. As shown in Table 12, the average trip length for each land use should be multiplied by a local adjustment factor of 0.453.

Table 12. Local Trip Length Adjustment Factor

Actual Daily VMT on Major Road System	1,324,631
÷ Expected Daily VMT on Major Road System	2,926,755
Ratio of Expected to Actual VMT	0.453

Source: Actual daily VMT from Table 8; expected VMT from Table 11.

The U.S. Department of Transportation's 2009 National Household Travel Survey identifies average trips lengths for residential housing types and for specific trip purposes, including home-to-work trips, doctor/dentist, school/church and shopping trips. The national average trip lengths by trip

purpose have been adjusted by the local adjustment factor calculated in the preceding table to derive local trip lengths, as shown in Table 13.

Table 13. Average Trip Length by Trip Purpose

Land Use Type	Trip Type	National (miles)	Ratio of Local/National	Local (miles)
Single-Family Detached	Single-Family Detached	9.75	0.453	4.42
Multi-Family	Multi-Family	8.62	0.453	3.90
Mobile Home	Mobile Home	6.03	0.453	2.73
Retail/Commercial	Shopping	6.27	0.453	2.84
Office	Medical/Dental	9.61	0.453	4.35
Industrial	To or From Work	11.98	0.453	5.43
Warehouse	To or From Work	11.98	0.453	5.43
Mini-Warehouse	Family/Personal	6.61	0.453	2.99
Public/Institutional	School/Church	8.47	0.453	3.84

Source: National average trip lengths from US. Department of Transportation, National Household Travel Survey, 2009; local adjustment factor from Table 12.

Travel Demand Schedule

The result of combining trip generation rates, primary trip factors and average trip lengths is a travel demand schedule that establishes the VMT during the average weekday generated by various land use types per unit of development for Santa Fe. The recommended travel demand schedule is presented in Table 14.

Table 14. Travel Demand Schedule

Land Use Type	Unit	ITE Code	Trip Rate	New Trips	Trip Length	VMT/ Unit
Single-Family Detached (avg.)	Dwelling	210	9.52	100%	4.42	21.04
1,500 sq. ft. or less	Dwelling	210	8.56	100%	4.42	18.92
1,501-2,000 sq. ft.	Dwelling	210	9.33	100%	4.42	20.62
2,001-2,500 sq. ft.	Dwelling	210	9.68	100%	4.42	21.39
2,501-3,000 sq. ft.	Dwelling	210	10.15	100%	4.42	22.43
3,001 sq. ft. or more	Dwelling	210	10.74	100%	4.42	23.74
Guest Unit, 750 sf or less	Dwelling	n/a	5.80	100%	3.90	11.31
Multi-Family	Dwelling	220	6.65	100%	3.90	12.97
Mobile Home/RV Park	Space	240	4.99	100%	2.73	6.81
Retail/Commercial	1,000 sq. ft.	820	42.70	66%	2.84	40.02
Office	1,000 sq. ft.	710	11.03	100%	4.35	23.99
Industrial	1,000 sq. ft.	130	6.83	100%	5.43	18.54
Warehousing	1,000 sq. ft.	150	3.56	100%	5.43	9.67
Mini-Warehouse	1,000 sq. ft.	151	2.50	100%	2.99	3.74
Public/Institutional	1,000 sq. ft.	620	7.60	100%	3.84	14.59

Source: Trip rate is average daily trip ends during a weekday from Institute of Transportation Engineers (ITE), *Trip Generation*, 9th ed., 2012; trip rates for single-family by unit size from Table 10; new trip factor for shopping center from ITE, *Trip Generation Handbook*, 2004; average trip lengths from Table 13 (small guest unit uses multi-family trip length).

Cost per Service Unit

The road impact fee is designed to cover the cost of adding capacity to the road system and major intersections. All of the normal components of a road expansion or intersection improvement project are eligible for impact fee funding, including construction of new lanes, reconstruction of

existing lanes and relocation of utilities where necessary as part of a widening project, traffic signals and installation of sidewalks, street lighting, and landscaping along new roads and at intersections. However, transportation impact fees should not be used for ancillary components of an expansion project when not part of a capacity-expanding improvement. For example, installing sidewalks along an existing road, landscaping an existing median or reconstructing an existing road would not be eligible improvements.

The road segment component of the impact fee calculation is based on the cost of new capacity added by recent and planned road widening and extension projects. The road improvement costs exclude the cost of traffic signals, which are addressed in the calculation of the traffic signal component of the transportation impact fee calculation. Recent and planned road improvements are summarized in Table 15. The average cost of the capacity added by these projects, without the two Cerrillos Road projects, is $345 per vehicle-mile of capacity (VMC). This is double the cost per VMC identified in the 2008 study. The increase may be due in part to the fact that the projects are relatively short (all under one mile), and consequently lack economies of scale. In consideration of this, a more conservative estimate of $200 per VMC will be used in the impact fee calculations. Under the standard consumption-based methodology, the cost per VMC does not need to be adjusted by the actual VMC/VMT ratio to determine the cost per VMT, because a ratio of one-to-one is assumed.

Table 15. Road Segment Cost per Service Unit

			Capacity		New		Cost/
Road Improvement	Miles	Lanes	Before	After	VMC	Cost	VMC
Siler Rd, Agua Fria-W Alameda St (2010)	0.68	0-2	0	14,800	10,064	$4,000,000	$397
S Meadows, Agua Fria-NM 599 (2012)	0.91	0-2	0	14,800	13,468	$3,925,000	$291
Cerrillos, Cielo Ct-Camino Carlos Rey (2012)	0.57	6-8	50,000	67,300	9,861	$6,906,677	$700
Cerrillos, Camino Carlos Rey-St. Michaels	0.57	6-8	50,000	67,300	9,861	$10,300,000	$1,045
Calle P'o Ae Pi, Airport Rd-Rufina St	0.09	0-2	0	14,800	1,332	$500,000	$375
Rufina St, Harrison-Camino Carlos Rey	0.07	0-2	0	14,800	1,036	$500,000	$483
Total	2.89				45,622	$26,131,677	$573
Total without Cerrillos	1.75				25,900	$8,925,000	$345
Assumed in Fee Calculations							$200

Source: City of Santa Fe Long Range Planning Division, February 13, 2014; generalized daily capacity estimates from Florida Department of Transportation, *2011 Quality/Level of Service Handbook*, Table 1.

The traffic signal improvement component of the road impact fee calculation is based on the average cost of traffic signals, which is estimated to be $350,000. The cost per service unit is calculated by dividing the average cost of a traffic signal by the existing level of service, which is expressed as the ratio of existing traffic to existing traffic signals. As shown in Table 16, the traffic signal cost per service unit is $31 per VMT.

Table 16. Traffic Signal Cost per Service Unit

Average Cost per Traffic Signal	$350,000
÷ Existing Vehicle-Miles of Travel per Signal	11,131
Traffic Signal Cost per VMT	$31

Source: Cost per signal from City of Santa Fe Public Works Department, October 25, 2013; VMT per signal from Table 9.

The combined cost for the road segment and traffic signal components of the impact fee is $231 per VMT, as shown in Table 17.

Table 17. Total Road Cost per Service Unit

Road Segment Cost per Vehicle-Mile of Travel (VMT)	$200
Traffic Signal Cost per VMT	$31
Total Road Cost per VMT	$231

Source: Road segment cost per VMT from Table 15; traffic signal cost per VMT from Table 16.

Capital Facilities Plan

Projected growth from the Land Use Assumptions can be translated into projected impact on the major road system by multiplying existing and projected development in each major land use category by daily vehicle-miles of travel (VMT) associated with each land use. In Table 18, existing and future land uses within Santa Fe's Urban Area have been multiplied by VMT rates and summed to determine reasonable estimates of new daily travel demand that will be generated by anticipated new development within the Urban Area. As can be seen, new development is expected to increase travel demand by 78,160 daily VMT in the service area over the next seven years.

Table 18. Total Daily Travel Demand, 2014-2020

		Projected Units		VMT/	Projected VMT		
Land Use Type	Unit	2014	2020	Unit	2014	2020	New
Single-Family Detached	Dwelling	25,075	26,563	21.04	527,578	558,886	31,308
Multi-Family	Dwelling	14,125	14,737	12.97	183,201	191,139	7,938
Mobile Home	Dwelling	5,200	5,200	6.81	35,412	35,412	0
Retail/Commercial	1,000 sq. ft.	10,198	10,898	40.02	408,124	436,138	28,014
Office	1,000 sq. ft.	8,972	9,322	23.99	215,238	223,635	8,397
Industrial/Warehouse*	1,000 sq. ft.	4,360	4,465	14.11	61,520	63,001	1,481
Public/Institutional	1,000 sq. ft.	2,960	3,030	14.59	43,186	44,208	1,022
Total					1,474,259	1,552,419	78,160

Source: Projected development units from Table 5; VMT per unit from Table 14 (industrial/warehouse is average).

A conservative method of estimating growth-related capital needs uses an approach that is consistent with the consumption-based methodology used to calculate road impact fees in this study. This approach is to multiply new VMT by the capital cost per VMT to get an estimate of the cost of expanding the capacity of the major road system to accommodate projected growth. This technique is applied in Table 19, and it results in estimated capital road needs in the Urban Area of $18.1 million over the next seven years.

Table 19. Major Road Capital Needs, 2014-2020

New Vehicle-Miles of Travel, 2014-2020	78,160
x Capital Cost per VMT	$231
Road Capital Needs, 2014-2020	$18,054,960

Source: New VMT from Table 18; road and signal cost per VMT from Table 17.

The planned road, intersection and traffic signal improvements over the next seven years are summarized in Table 80 in Appendix G. The cost of the planned improvements ($24.8 million)

exceeds the anticipated capital cost attributed to growth. The actual pace of development may be faster or slower than anticipated by the Land Use Assumptions, resulting in greater or lesser growth-related capital needs. In addition, the planned capital projects and estimated costs may change over time, and some of the costs may be funded from other sources.

Net Cost per Service Unit

In the calculation of the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past major road improvements.

Over the 2011-2014 fiscal year period, approximately $30.2 million in State and Federal highway funding was available to help pay for capacity-expanding improvements to the major road system in the urban area, as summarized in Table 20.

Table 20. Federal and State Transportation Funding, FY 2011-2014

Project Name	Fed/State
Design and Construction of the NM599/County Road 62 Interchange 1	$7,304,000
NM475/Washington Ave Intersection Reconstruction 1	$2,731,456
Cerrillos Road Reconstruction Phase IIC - Camino Carlos Rey to St Michaels Dr	$11,000,000
Design and Construction of improvements to the I-25/Cerrillos Rd Interchange 2	$9,060,683
Design of Guadalupe St & Defouri St Bridge Improvements	$150,000
Total, Road Funding	$30,246,139

Source: City of Santa Fe Public Works Department, October 22, 2013.

Based on recent trends, the projected annual State and Federal funding for capacity-expanding road projects is approximately $7.6 million. Dividing the anticipated annual State and Federal funding by existing travel on the major road system yields the annual State and Federal capital funding per VMT. Multiplying annual capacity funding per service unit by the appropriate present value factor provides the equivalent current value of the future stream of funding over the next 25 years, a period that generally corresponds to the period used for long-term debt repayment. The result is a Federal/State funding credit of $84 per VMT, as shown in Table 21.

Table 21. Federal/State Funding Credit per Service Unit

Federal and State Funding for Capacity, FY 2011-2014	$30,246,139
÷ Years in Funding Period	4
Annual Federal/State Capacity Funding	$7,561,535
÷ Existing VMT	1,324,631
Annual Federal/State Capacity Funding per VMT	$5.71
x Net Present Value Factor (25 years)	14.68
Federal/State Funding Credit per VMT	$84

Source: Federal/State capacity funding from Table 20; existing road VMT from Table 8; discount rate for present value factor is the average interest rate on state and local bonds for November 2013 from the Federal Reserve at http://www.federalreserve.gov/releases/h15/data/Monthly.

The City of Santa Fe has some outstanding debt for past street improvements. The principal and interest payments on the outstanding debt are funded with revenues from the City's one-half cent gross receipts tax dedicated for capital improvements. Dividing the City's outstanding debt by existing travel demand on the major road system results in a debt credit of $4 per service unit, as

shown in Table 22. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 22. Road Debt Credit

Total Outstanding Eligible Debt	$5,100,580
÷ Existing Major Road System Vehicle-Mies of Travel (VMT)	1,324,631
Road Debt Credit per VMT	$4

Source: Outstanding debt principal from Table 74; total VMT from Table 8.

Deducting the Federal/State funding credit per VMT and the debt credit per VMT from the capital cost per VMT yields the net cost per service unit, as summarized in Table 23.

Table 23. Road Net Cost per Service Unit

Road Cost per Vehicle-Mile of Travel (VMT)	$231
– Federal/State Funding Credit per VMT	-$84
– Debt Credit per VMT	-$4
Road Net Cost per VMT	$143

Source: Road cost per VMT from Table 17; federal/state funding credit per VMT from Table 21; debt credit per VMT from Table 22.

Potential Fee Schedule

The maximum road impact fees that could be charged by the City, based on the data, methodology and assumptions utilized in this report, are presented in Table 24. The updated fees are calculated by multiplying the daily vehicle-miles of travel (VMT) generated by the development by the net cost per VMT calculated above.

Table 24. Road Net Cost Schedule

Land Use Type	Unit	VMT/ Unit	Net Cost/ VMT	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	21.04	$143	$3,009
1,500 sq. ft. or less	Dwelling	18.92	$143	$2,706
1,501-2,000 sq. ft.	Dwelling	20.62	$143	$2,949
2,001-2,500 sq. ft.	Dwelling	21.39	$143	$3,059
2,501-3,000 sq. ft.	Dwelling	22.43	$143	$3,207
3,001 sq. ft. or more	Dwelling	23.74	$143	$3,395
Guest Unit, 750 sf or less	Dwelling	11.31	$143	$1,617
Multi-Family	Dwelling	12.97	$143	$1,855
Mobile Home/RV Park	Space	6.81	$143	$974
Retail/Commercial	1,000 sq. ft.	40.02	$143	$5,723
Office	1,000 sq. ft.	23.99	$143	$3,431
Industrial	1,000 sq. ft.	18.54	$143	$2,651
Warehousing	1,000 sq. ft.	9.67	$143	$1,383
Mini-Warehouse	1,000 sq. ft.	3.74	$143	$535
Public/Institutional	1,000 sq. ft.	14.59	$143	$2,086

Source: Daily VMT per unit from Table 14; net cost per VMT from Table 23.

Comparative Road Fees

The updated road impact fees calculated in this report are compared with the City's current fees in Table 25. In general, the updated fees are lower than the fees calculated in the 2008 study. However, because the current fees were adopted at only 60% of the proportionate fair-share costs identified in the 2008 study, the updated fees are higher than the current adopted fees for most land uses. The comparison to adopted fees does not include the temporary 50% fee reduction for residential uses.

Table 25. Road Impact Fee Comparisons

Land Use Type	Unit	2008 Net Cost/Unit	Adopted Fee (60%)	Updated Fee/Unit	% Change From 2008 Net Cost/Unit	% Change From Adopted Fee (60%)
Single Family Detached						
Up to 1,500 sq. ft.	Dwelling	$3,084	$1,850	$2,706	-12%	46%
1,501 - 2,000 sq. ft.	Dwelling	$3,500	$2,100	$2,949	-16%	40%
2,001 - 2,500 sq. ft.	Dwelling	$3,639	$2,183	$3,059	-16%	40%
2,501 - 3,000 sq. ft.	Dwelling	$3,746	$2,248	$3,207	-14%	43%
3,001 - 3,500 sq. ft.	Dwelling	$3,848	$2,309	$3,395	-12%	47%
3,501 - 4,000 sq. ft.	Dwelling	$3,932	$2,359	$3,395	-14%	44%
More than 4,000 sq. ft.	Dwelling	$4,040	$2,424	$3,395	-16%	40%
Multi-Family	Dwelling	$2,590	$1,554	$1,855	-28%	19%
Retail/Commercial						
Shopping Center/General Retail	1,000 sq. ft.	$7,661	$4,597	$5,723	-25%	24%
Auto Sales/Service	1,000 sq. ft.	$3,634	$2,180	$5,723	57%	163%
Bank	1,000 sq. ft.	$8,246	$4,948	$5,723	-31%	16%
Convenience Store w/Gas Sales	1,000 sq. ft.	$14,630	$8,778	$5,723	-61%	-35%
Health Club	1,000 sq. ft.	$7,324	$4,394	$5,723	-22%	30%
Movie Theater	1,000 sq. ft.	$17,354	$10,412	$5,723	-67%	-45%
Restaurant, Sit-Down	1,000 sq. ft.	$8,471	$5,083	$5,723	-32%	13%
Restaurant, Fast Food	1,000 sq. ft.	$18,440	$11,064	$5,723	-69%	-48%
Office						
Office, General	1,000 sq. ft.	$4,049	$2,429	$3,431	-15%	41%
Medical Office	1,000 sq. ft.	$6,505	$3,903	$3,431	-47%	-12%
Industrial/Warehouse						
Industrial	1,000 sq. ft.	$2,683	$1,610	$2,651	-1%	65%
Warehouse	1,000 sq. ft.	$1,912	$1,147	$1,383	-28%	21%
Mini-Warehouse	1,000 sq. ft.	$695	$417	$535	-23%	28%
Public/Institutional						
Nursing Home	1,000 sq. ft.	$2,256	$1,354	$2,086	-8%	54%
Church	1,000 sq. ft.	$2,535	$1,521	$2,086	-18%	37%
Day Care Center	1,000 sq. ft.	$5,336	$3,202	$2,086	-61%	-35%
Elementary/Sec. School	1,000 sq. ft.	$976	$586	$2,086	114%	256%

Source: 2008 net cost per unit is 1.67 times adopted fees from Table 1; updated fees from Table 24.

Potential Revenue

Based on forecast residential and nonresidential construction, the City might expect the road impact fee revenue adopted at the full rate calculated in this report to generate $10.4 million over the next seven years, as shown in Table 26. These revenue projections assume that the fees are adopted at 100% and that there are no residential waivers or fee reductions, other than for affordable housing.

Table 26. Potential Road Impact Fee Revenue, 2014-2020

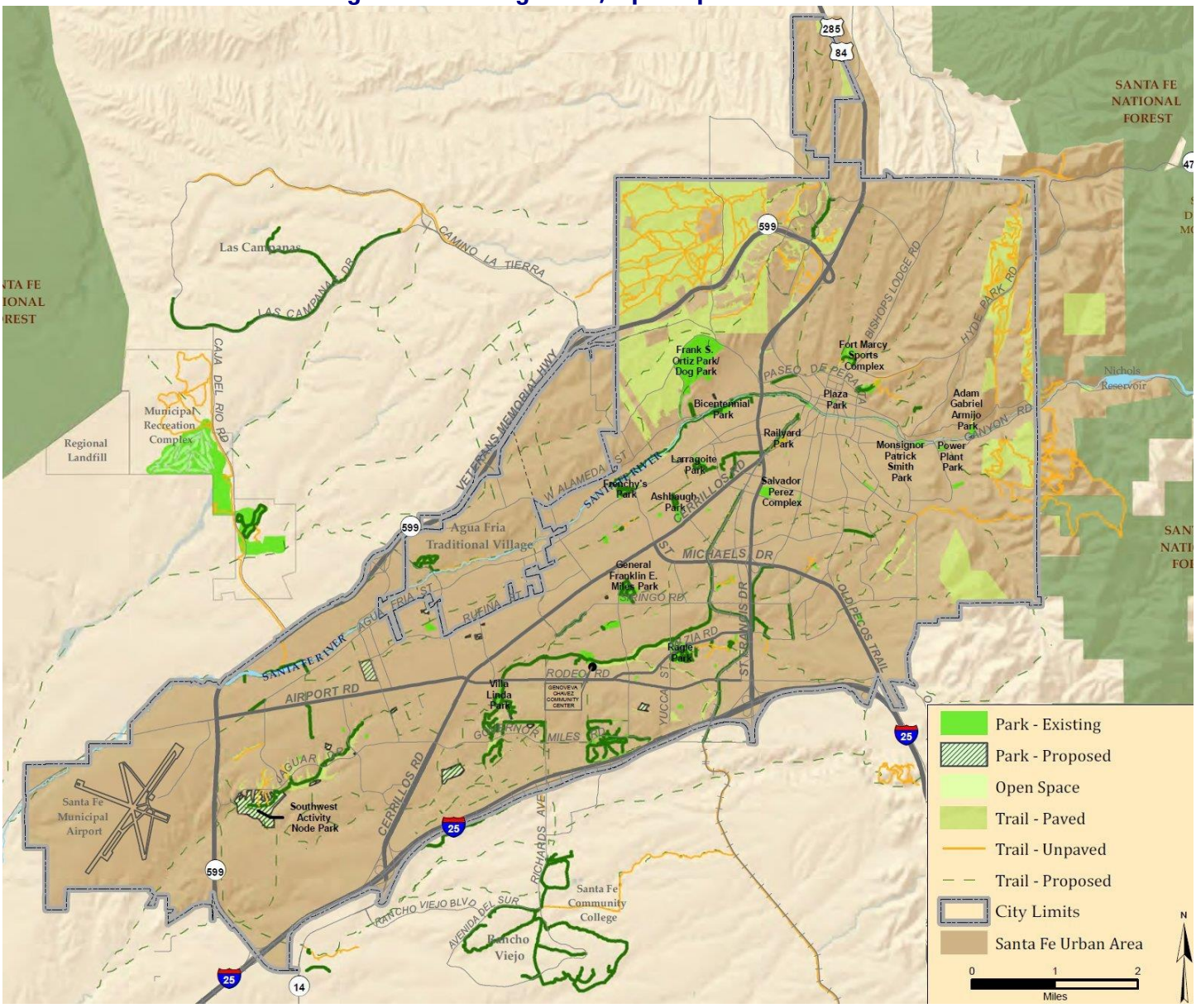
Land Use Type	Unit	New Units	Fee/ Unit	Potential Revenue
Single-Family Detached	Dwelling	1,488	$3,009	$3,819,215
Multi-Family	Dwelling	612	$1,855	$968,377
Subtotal, Residential				$4,787,592
Retail/Commercial	1,000 sq. ft.	700	$5,723	$4,006,100
Office	1,000 sq. ft.	350	$3,431	$1,200,850
Industrial/Warehouse	1,000 sq. ft.	105	$2,017	$211,785
Public/Institutional	1,000 sq. ft.	70	$2,086	$146,020
Subtotal, Nonresidential				$5,564,755
Total				$10,352,347

Source: New units from Table 5; fee per unit from Table 24 (industrial/warehouse is average of the two); potential revenue is units times fee per unit, except that residential revenue is reduced by 14.7%, which is the percentage of residential units from 2008-2013 that were exempted as affordable housing from City of Santa Fe Long Range Planning Division, March 11, 2014.

PARKS/TRAILS

This section of the study updates the City's park/trail impact fee. The primary purpose of this study is to update the fees to reflect the current level of service and current costs to provide park facilities. As is currently the practice, this study recommends that the entire Urban Area be included in the service area. The locations of the City's existing parks, open space and trails are illustrated in Figure 5.

Figure 5. Existing Parks, Open Space and Trails



Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for park facilities. This unit of measurement is called a "service unit." The most common service unit used in park impact fee analysis is population. Population estimates are based on three factors: the number of dwelling units, average household sizes for various types of units and occupancy rates. The number of dwelling units can be estimated with some degree of precision, and average household size has been declining somewhat predictably but has been stabilizing in recent years. Occupancy rates, on the other hand, tend to vary significantly over time, and not in predictable directions. Consequently, this report recommends the use of a service unit that avoids the need to make assumptions about occupancy rates. This service unit is the "equivalent dwelling unit" or EDU, which represents the impact of a typical single-family dwelling. By definition, a typical single-family unit represents, on average, one EDU. Other types of units each represent a fraction of an EDU, based on their relative average household sizes.

Because the level of service for park facilities is measured in terms of population, demand for park facilities is proportional to the number of people in a dwelling unit. Consequently, data on average household size for various types of units is a critical component of a park impact fee. These data are presented and analyzed in Appendix B.

As described earlier, the service unit for Santa Fe's park/trail impact fees is defined as an equivalent dwelling unit, or EDU. An EDU is a unit that has an average household size equivalent to a typical single-family unit in Santa Fe. The EDUs associated with each housing type and unit size category are shown in Table 27.

Table 27. Park/Trail Equivalent Dwelling Unit Multipliers

Housing Type	Avg. HH Size	EDUs/ Unit
Single-Family Detached (avg.)	2.19	1.00
1,500 sq. ft. or less	1.95	0.89
1,501-2,000 sq. ft.	2.04	0.93
2,001-2,500 sq. ft.	2.23	1.02
2,501-3,000 sq. ft.	2.35	1.07
3,001 sq. ft. or more	2.50	1.14
Guest Unit, 750 sq. ft. or less	1.66	0.76
Multi-Family	1.90	0.87
Mobile Home	3.04	1.39

Source: Average household size for single–family detached (average), multi-family and mobile home from Table 63; average household sizes by square feet for single-family units from Table 65.

The number of existing and future park/trail service units, as well as the growth in service units, based on the Land Use Assumptions can be determined by multiplying the number of dwelling units by housing type by the park/trail service units per dwelling unit for each housing type. As shown in Table 28, a total of 2,020 new park/trail service units is projected to be added in the Santa Fe Urban Area between 2014 and 2020.

Table 28. Park/Trail Service Units, 2014-2020

Housing Type	Dwelling Units 2014	Dwelling Units 2020	EDUs/ Unit	Park Service Units (EDUs) 2014	Park Service Units (EDUs) 2020	Park Service Units (EDUs) New
Single-Family Detached	25,075	26,563	1.00	25,075	26,563	1,488
Multi-Family	14,125	14,737	0.87	12,289	12,821	532
Mobile Home	5,200	5,200	1.39	7,228	7,228	0
Total	44,400	46,500		44,592	46,612	2,020

Source: Dwelling units from Table 5; EDUs/unit from Table 27.

Cost per Service Unit

This study bases the park/trail impact fees on the existing level of service for parks, open space and trails. The level of service is measured in terms of the ratio of the replacement value of existing facilities to the number of existing service units, or park EDUs. The level of service used in calculating the park/trail impact fee relies on the replacement value of existing park land and improvements, rather than on acres, since, for example, an acre of intensively-developed park land is not equivalent to an acre of open space or passive recreation land.

An initial step in determining the current level of service is to identify the current inventory of parks, open space and trails currently provided by the City. A detailed inventory of existing City parks, trails and opens space is presented in Appendix D. Based on current unit costs provided by the City, the total replacement cost of existing park land and facilities is about $128 million, as summarized in Table 29.

Table 29. Park/Trail Replacement Cost

Type of Park Capital Facility	Units	Unit Cost	Total Cost
Park Land and Open Space (acres)	3,073.26	$16,260	$49,971,208
Playground	32	$60,300	$1,929,600
Picnic Area	41	$54,300	$2,226,300
Activity Area	12	$24,100	$289,200
Tennis Court	25	$72,400	$1,810,000
Soccer Field	9	$241,200	$2,170,800
Basketball Court	22	$48,200	$1,060,400
Baseball Field	15	$253,300	$3,799,500
Softball Field	8	$253,300	$2,026,400
Trails - Paved (per mile)	26.09	$800,000	$20,872,000
Trails - Soft Surface (per mile)	69.36	$10,000	$693,600
Handball Court	1	$36,200	$36,200
Volleyball Court	5	$42,200	$211,000
Skateboard Park	2	$313,600	$627,200
Bicentenniel Pool	1	$1,929,600	$1,929,600
Salvador Perez Pool and Fitness Center	1	$3,376,800	$3,376,800
Genoveva Chavez Community Center	1	$30,150,000	$30,150,000
Fort Marcy Recreation Center	1	$5,065,200	$5,065,200
Total Replacement Cost			$128,245,008

Source: Acres and number of facilities from Appendix D, Table 70; miles of trail from Table 71; unit costs from City of Santa Fe Parks Department, January 7, 2014 (pools and community/recreation center costs are estimated replacement costs).

The cost to maintain the existing park level of service is the ratio of the total replacement cost of existing park land and improvements divided by the existing service units. The park cost per service unit is summarized in Table 30.

Table 30. Park/Trail Cost Per Service Unit

Total Replacement Cost	$128,245,008
÷ Existing Park Service Units (EDUs)	44,592
Park Cost per EDU	$2,876

Source: Cost from Table 29; existing EDUs from Table 28.

Capital Facilities Plan

A reasonable method of estimating growth-related capital needs is one that is consistent with the methodology used to calculate park/trail impact fees in this study. This approach is to multiply the projected new park EDUs by the capital cost per EDU to get an estimate of the cost of expanding the capacity of the park system to accommodate projected growth. As shown in Table 31, this results in estimated growth-related park capital improvement need over the next seven years of $5.8 million.

Table 31. Park/Trail Capital Needs, 2014-2020

New Park Service Units (EDUs), 2014-2020	2,020
x Park Cost per EDU	$2,876
Park Capital Needs, 2014-2020	$5,809,520

Source: New park EDUs from Table 28; cost per EDU from Table 30.

Park improvements currently planned over the next seven years are summarized in Table 81 in Appendix G. The cost of the planned improvements ($37.1 million) far exceeds the projected capital cost attributable to growth over the next seven years. The actual pace of development may be faster or slower than anticipated by the Land Use Assumptions, resulting in greater or lesser growth-related capital needs. In addition, the planned capital projects and estimated costs may change over time, and some of the costs may be funded from other sources.

Net Cost per Service Unit

As noted earlier, to avoid double-charging, credit against impact fees should be provided to account for debt service payments by new development that will be used to retire outstanding debt on existing facilities and for outside funding sources available to pay a portion of the capital costs of growth.

The City's primary funding source for park-related capital improvements is revenue bonds repaid primarily with revenues from the City's half-cent capital improvement gross receipts tax (GRT). An analysis of the City's outstanding debt indicates that the debt attributable to past park-related improvements equals 32% of the total estimated replacement cost of all of the City's parks, open space and recreational facilities. In order to account for the outstanding debt, the impact fees must be reduced to ensure that new development is placed on the same footing as existing development in terms of the portion of park costs funded through debt. As shown in Table 32, the debt credit is $917 per service unit.

Table 32. Park/Trail Debt Credit

Total Outstanding Debt Principal	$40,885,335
÷ Existing Park Service Units (EDUs)	44,592
Park Debt Credit per EDU	$917

Source: Outstanding debt from Table 73; EDUs from Table 28.

Although future grant funding is difficult to predict, it is reasonable to assume that the level of funding received over the next seven years will continue to the extent that growth rates are constant. Actual funding received over the last six fiscal years is shown in Table 35 on the following page.

As noted above, it is reasonable to assume that the grant funding received per park/trail service unit in the recent past will continue in the future. Based on this assumption, the City should receive the current present value equivalent of $407 in grant funding for parks, open space and trails for each new single-family home or park/trail service unit equivalent over the next 25 years, as shown in Table 33.

Table 33. Park/Trail Grant Funding Credit

State/County Funding for Capacity, FY 2008-2013	$7,411,295
÷ Years in Funding Period	6
Annual State/County Capacity Funding	$1,235,216
÷ Existing Park Service Units (EDUs)	44,592
Annual State/County Capacity Funding per EDU	$27.70
x Net Present Value Factor (25 years)	14.68
State/County Funding Credit per EDU	$407

Source: Capacity funding from Table 35; existing park EDUs from Table 28; discount rate for present value factor is the average interest rate on state and local bonds for November 2013 from the Federal Reserve at http://www.federalreserve.gov/releases/h15/data/Monthly.

The City does not have any additional dedicated funding for park capital improvements. As shown in Table 34, deducting the credits for outstanding debt and park grants results in a net park cost of $1,552 per service unit.

Table 34. Park/Trail Net Cost Per Service Unit

Park Cost per Service Unit (EDU)	$2,876
– Debt Credit per EDU	-$917
– Grant Funding Credit per EDU	-$407
Park Net Cost per EDU	$1,552

Source: Park cost per EDU from Table 30; debt credit from Table 32; grant credit from Table 33.

Table 35. Park/Trail Grant Funding, FY 2008-2013

Fiscal Year	Funding Source	Project Description	Amount
2011	County	Acequia Trails	$94,322
2008	State	Alto Park	$50,000
2010	State	Arroyo Chamiso Trail	$80,000
2011	County	Arroyo Chamiso Trail	$75,868
2012	State	Arroyo Chamiso Trail	$122,811
2013	State	Arroyo Chamiso Trail	$6,321
2008	State	Bikeways/Horse Trails, Grant	$489,640
2009	State	Bikeways/Horse Trails, Grant	$1,570,592
2010	State	Bikeways/Horse Trails, Grant	$1,119,244
2011	State	Bikeways/Horse Trails, Grant	$310,164
2008	State	Cathedral Park	$40,013
2008	State	Fort Marcy	$150,000
2008	State	Franklin Miles Park Improvements	$40,000
2009	State	Franklin Miles Park Improvements	$25,000
2008	State	Genoveva Chavez Center	$144,606
2009	State	Genoveva Chavez Center	$286,548
2010	State	Genoveva Chavez Center	$17,029
2013	State	Gonzales Road Pedestrian Trail	$258,330
2008	State	La Tierra Trails	$20,468
2008	State	Larragoite Park	$105,000
2010	State	Old Pecos Trail Design	$160,000
2011	State	Old Pecos Trail Design	$150,000
2009	State	Ortiz Park	$15,493
2009	State	Ragle Park Expansion	$67,714
2008	State	Santa Fe River and Rail Trails	$36,594
2008	County	Santa Fe River and Rail Trails	$226,066
2009	County	Santa Fe River and Rail Trails	$54,035
2010	State	Santa Fe River and Rail Trails	$610,840
2011	State	Santa Fe River and Rail Trails	$89,160
2012	State	Santa Fe River and Rail Trails	$4,899
2009	State	Santa Fe River Trail	$224,070
2010	State	Santa Fe River Trail	$192,757
2011	State	Santa Fe River Trail	$331,928
2008	State	Tierra Contenta Spine Trail	$94,130
2008	County	Trails and Bike Paths	$1,975
2010	State	Trails	$30,000
2011	County	Trails and Bike Paths	$102,282
2013	State	Trails and Bike Paths	$11,634
2013	State	Trails and Bike Paths	$1,762
Total Funding, FY 2008-2013			$7,411,295

Source: City of Santa Fe Finance Department, February 20, 2014.

Potential Fee Schedule

The maximum park fees that can be adopted by the City based on this study are derived by multiplying the number of equivalent dwelling units (EDUs) represented by each dwelling unit by the net cost per EDU, as shown in Table 36.

Table 36. Park/Trail Net Cost Schedule

Land Use Type	Unit	EDU/ Unit	Net Cost/ EDU	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.00	$1,552	$1,552
1,500 sq. ft. or less	Dwelling	0.89	$1,552	$1,381
1,501-2,000 sq. ft.	Dwelling	0.93	$1,552	$1,443
2,001-2,500 sq. ft.	Dwelling	1.02	$1,552	$1,583
2,501-3,000 sq. ft.	Dwelling	1.07	$1,552	$1,661
3,001 sq. ft. or more	Dwelling	1.14	$1,552	$1,769
Guest Unit, 750 sf or less	Dwelling	0.76	$1,552	$1,180
Multi-Family	Dwelling	0.87	$1,552	$1,350

Source: EDUs per unit from Table 27; net cost per EDU from Table 34.

Comparative Fees

The updated park/trail impact fees calculated in this report are compared with the City's current fees in Table 37. In general, the updated fees are significantly lower than the fees calculated in the 2008 study, due to higher credits for outstanding debt and grant funding. Because the 2008 fees were adopted at only 60% of the proportionate fair-share costs identified in the 2008 study, the updated fees are higher than the current adopted fees. The comparison to adopted fees does not include the temporary 50% fee reduction for residential uses.

Table 37. Park/Trail Impact Fee Comparisons

Land Use Type	Unit	2008 Net Cost/Unit	Adopted Fee (60%)	Updated Fee/Unit	% Change From 2008 Net Cost/Unit	% Change From Adopted Fee (60%)
Single Family Detached						
Up to 1,500 sq. ft.	Dwelling	$1,852	$1,111	$1,381	-25%	24%
1,501 - 2,000 sq. ft.	Dwelling	$2,023	$1,214	$1,443	-29%	19%
2,001 - 2,500 sq. ft.	Dwelling	$2,214	$1,328	$1,583	-29%	19%
2,501 - 3,000 sq. ft.	Dwelling	$2,299	$1,379	$1,661	-28%	20%
3,001 - 3,500 sq. ft.	Dwelling	$2,363	$1,418	$1,769	-25%	25%
3,501 - 4,000 sq. ft.	Dwelling	$2,406	$1,444	$1,769	-26%	23%
More than 4,000 sq. ft.	Dwelling	$2,491	$1,495	$1,769	-29%	18%
Multi-Family	Dwelling	$1,618	$971	$1,350	-17%	39%

Source: 2008 net cost per unit is 1.67 times adopted fees from Table 1; updated fees from Table 36.

Potential Revenue

Under the updated fee structure, the City would expect to receive about $2.7 million in park/trail impact fees over the next seven years. This estimate assumes that the updated fees are adopted at the full net cost, that development occurs as anticipated in the Land Use Assumptions, that all new residential development in the Urban Area falls under the City's building permit authority, and that there are no residential fee waivers or reductions, other than for affordable housing.

Table 38. Potential Park/Trail Impact Fee Revenue, 2014-2020

Housing Type	Unit	New Units	Fee/ Unit	Potential Revenue
Single-Family Detached	Dwelling	1,488	$1,552	$1,969,898
Multi-Family	Dwelling	612	$1,350	$704,749
Total				$2,674,647

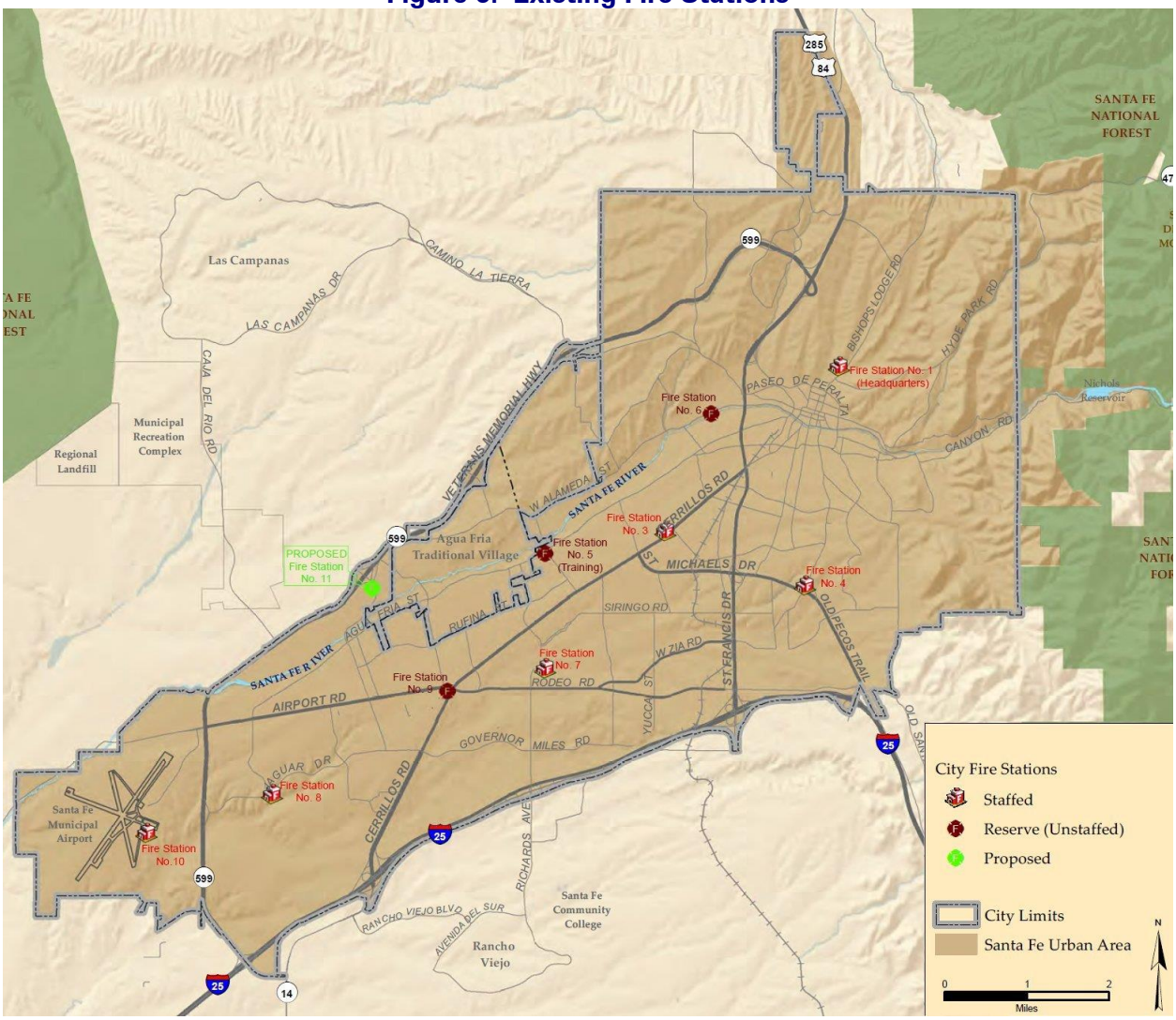
Source: New units from Table 28; fee per unit from Table 34; potential revenue is units times fee per unit, except that residential revenue is reduced by 14.7%, which is the percentage of residential units from 2008-2013 that were exempted as affordable housing from City of Santa Fe Long Range Planning Division, March 11, 2014.

FIRE/EMS

This section updates the City of Santa Fe fire/EMS impact fee. The scope of this update incorporates all eligible firefighting equipment as defined in the New Mexico Development Fees Act, which authorizes cities to establish impact fees for "buildings for fire, police and rescue, and essential equipment costing $10,000 or more and having a ten-year life expectancy."

The City of Santa Fe Fire Department operates five primary fire stations, one airport station that houses the aircraft rescue and firefighting apparatus, two supplemental facilities and a repair service center/ training facility. The existing fire/EMS facilities are shown in Figure 6.

Figure 6. Existing Fire Stations



Supplemental facilities provide back-up for the primary facilities. One of the supplemental facilities, located on West Alameda Street, is primarily a Police Department substation; the Fire Department uses it for the staging of an additional fire truck that can be used in the event of a major fire. The

other supplemental facility, located on Camino Entrada, was originally a primary fire station, but became a supplemental facility upon completion of the new Station #8 on Jaguar Drive. Fire Station #10 is located at the airport, and consists of one fire truck located in aircraft hangar space that is provided to the Fire Department.

In addition to fire suppression, the Fire Department provides emergency medical services (EMS), enforces City fire codes, reviews building plans, investigates fires and provides fire safety and injury prevention education. The Department is also responsible for response to and initial mitigation of reported hazardous materials incidents, technical rescues that include high angle rescue, trench rescue, swift-water rescue and building collapse and Wildland Urban Interface Fires to initiate incident command and initial fire attack.

Service Area

While fire and rescue units and ambulances may be dispatched from a station primarily to calls within that station's fire district, which is the station's primary response area, these units also respond to calls in neighboring districts when needed. In addition, the headquarters and training facilities are centralized. Consequently, fire/EMS facilities constitute an interrelated system that provides service throughout the City's jurisdiction, which is appropriately defined as a single service area.

Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for fire/EMS service. This common unit of measurement is referred to as a "service unit." Service units create the link between the supply of fire capital facilities and the demand for such facilities generated by new development.

The two most common methodologies used in calculating fire/EMS impact fees are the "calls-for-service" approach and the "functional population" approach. While annual call data are available for fire/EMS calls, this study continues to use functional population. Typically, the majority of fire calls are responses to emergencies, which are associated with the presence of people, rather than structural fires. In addition, almost 40 percent of calls in Santa Fe's Fire Department are not directly attributed to a land use; such calls are likely responses to motor-vehicle accidents, which are related to movement between land uses.

The functional population approach is a more generalized approach than calls-for-service, and it presumes that the demand for fire services is strongly related to the presence of people at the site of a land use. Functional population is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for fire facilities. For residential development, functional population is simply average household size times the percent of time people are assumed to spend at home. For nonresidential development, functional population is based on a formula that factors trip generation rates, average vehicle occupancy and average number of hours spent by visitors at a land use. Functional population multipliers by land use type and total existing and projected functional population for the Urban Area are presented in Appendix C.

Cost per Service Unit

Fire/EMS impact fees are designed to charge new development the cost of providing the same level of service that is provided to existing development. The existing level of service for fire/EMS facilities is based on the replacement cost of existing facilities. The replacement cost of the existing Fire Department facilities can be determined based on the most recent construction costs related to the construction of Station No. 3. Based on the actual construction cost, this station cost $294 per square foot. However, because this station required a significant amount of site work, the Department estimates that the two new stations will cost somewhat less, about $238 per square foot. The total building and land replacement cost for the Fire Department's existing City-owned facilities is $19.4 million, as shown in Table 39.

Table 39. Fire/EMS Facility Replacement Cost

Station No.	Address	Building Sq. Feet	Land Acres	Building Value	Land Value	Total Value
1	200 Murales Road	11,440	1.20	$2,718,373	$204,000	$2,922,373
3A	1751 Cerrillos Road	3,124	1.00	$742,325	n/a	$742,325
3	1751 Cerrillos Road	10,605	1.00	$2,519,960	$189,600	$2,709,560
4	1130 Arroyo Chamiso	8,242	1.00	$1,958,464	$169,600	$2,128,064
5	1130 Siler Road	10,156	5.00	$2,413,269	$749,000	$3,162,269
6	1030 W. Alameda	470	0.20	$111,681	$34,000	$145,681
7	2391 Richards Ave	14,440	2.25	$3,431,233	$382,500	$3,813,733
8	6796 Jaguar Drive	10,241	2.52	$2,433,466	$342,000	$2,775,466
9	2501 Camino Entrada	2,100	3.00	$499,002	$540,000	$1,039,002
10	121 Aviation Drive (leased)	n/a	n/a	n/a	n/a	n/a
Total		70,818	17.17	$16,827,773	$2,610,700	$19,438,473

Source: Building square feet from City of Santa Fe Fire Department, November 4, 2013; land and land value from City of Santa Fe Fire Department, March 13, 2014; building value based on $237.62 per square foot from City of Santa Fe Fire Department, November 4, 2013.

The New Mexico Development Fees Act authorizes the use of impact fees for all essential fire-fighting and EMS equipment costing $10,000 or more and having a life expectancy of at least ten years. Table 40 lists the current capital equipment that is eligible for impact fee funding under the New Mexico Development Fees Act. The total replacement cost for eligible equipment is $8.3 million.

Table 40. Fire/EMS Equipment Replacement Cost

Apparatus/Equipment	Units	Cost per Unit	Total Cost
Pumper	8	$450,000	$1,500,000
Quint	3	$750,000	$1,400,000
Ambulance	10	$175,000	$175,000
Rescue Vehicle	1	$750,000	$175,000
Brush Truck	3	$160,000	$2,800,000
Haz. Mat. Truck & Trailer	1	$550,000	$1,100,000
Pump Simulator	1	$90,000	$750,000
Tire Machine	1	$10,000	$280,000
Posi-Check	1	$15,000	$90,000
Service Truck	1	$65,000	$10,000
Total Replacement Cost			$8,280,000

Source: Fire/EMS equipment, number of units and cost per unit from City of Santa Fe Fire Department, November 4, 2013.

The fire/EMS impact fee is based on the replacement value of existing capital facilities divided by the total number of service units associated with the City's functional population. As shown in Table 41, the replacement cost for fire and EMS facilities and equipment is $299 per service unit.

Table 41. Fire/EMS Cost Per Service Unit

Fire/EMS Facility Replacement Cost	$19,438,473
Fire/EMS Equipment Replacement Cost	$8,280,000
Total Fire/EMS Replacement Cost	$27,718,473
÷ Existing Functional Population	92,577
Fire/EMS Cost per Functional Population	$299

Source: Fire/EMS facility replacement cost from Table 39; fire/EMS equipment replacement cost from Table 40; existing functional population from Table 69.

Capital Facilities Plan

The magnitude of growth-related fire/EMS capital needs can be estimated by multiplying the anticipated growth in service units associated by the existing level of service cost per unit. As shown in Table 42, this results in estimated fire/EMS capital improvement needs over the next seven years of about $1.4 million.

Table 42. Fire/EMS Capital Needs, 2014-2020

New Functional Population, 2014-2020	4,557
x Fire/EMS Cost per Functional Population	$299
Fire/EMS Capital Needs, 2014-2020	$1,362,543

Source: New functional population Table 69, Appendix C; cost per functional population from Table 41.

According to the Fire Department, existing fire/EMS facilities and equipment are only marginally adequate based on the population served, travel distance, and call volume. Current plans call for the construction of one or two additional fire stations over the next seven years to better serve the expanding southern and southwestern areas, and to remodel and expand Station No. 5. New fire-fighting apparatus will be needed to equip the proposed stations.

As summarized in Table 82 in Appendix G, planned fire/EMS improvements identified and eligible to receive impact fee funding over the next seven years total about $7.4 million. All of the identified improvements would be eligible for funding with fire/EMS impact fees. However, only about 18% of the planned project costs can be attributed to projected growth over the next seven years, based on the Land Use Assumptions and the existing level of service.

Net Cost per Service Unit

In the calculation of the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past fire/EMS facility improvements.

The City of Santa Fe has some outstanding debt for past fire/EMS capital improvements, including construction of a fire station and purchase of fire apparatus. As shown in Table 43, dividing the outstanding debt by existing service units results in the debt credit per service unit. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 43. Fire/EMS Debt Credit

Total Outstanding Eligible Debt	$3,895,495
÷ Existing Functional Population	92,577
Fire/EMS Debt Credit per Functional Population	$42

Source: Outstanding fire-related debt from Table 74 in Appendix E; existing functional population from Table 69, Appendix C.

The City has received some grants for fire protection, EMS and related services in recent years. However, some of these grants were for operating costs, or for equipment that is not eligible for impact fee funding under the Development Fees Act. Deducting the amounts for operational costs or minor equipment, the eligible grant amounts received over last six years for impact fee-eligible capital totaled $2.6 million, as shown in Table 44.

Table 44. Fire/EMS Grant Funding, FY 2008-2013

Fiscal Year	Funding Source	Project Description	Amount
2008	Federal	Assistance to Firefighters Grant	$137,167
2008	State	Fire Protection	$471,847
2009	State	Fire Protection	$461,076
2010	State	Fire Protection	$398,504
2011	State	Fire Protection	$616,322
2009	State	Fire Station #3	$138,600
2009	State	Fire Station #3	$346,500
2009	State	Emergency Medical Service	$20,000
2010	State	Emergency Medical Service	$29,000
Total Funding, FY 2008-2013			$2,619,016

Source: City of Santa Fe Finance Department, February 20, 2014.

Assuming that the grant funding received over the last six years for impact fee-eligible fire/EMS capital improvements will continue to increase proportional to the amount of development in Santa Fe, the City will receive the present value equivalent of $69 per service unit over the next 25 years, as shown in Table 45.

Table 45. Fire/EMS Grant Funding Credit Per Service Unit

Federal and State Funding for Capacity, FY 2008-2013	$2,619,016
÷ Years in Funding Period	6
Annual Federal/State Capacity Funding	$436,503
÷ Existing Functional Population	92,577
Annual Federal/State Funding per Functional Population	$4.72
x Net Present Value Factor (25 years)	14.68
Federal/State Funding Credit per Functional Population	$69

Source: Grant funding from Table 44; existing functional population from Table 69 in Appendix C; discount rate for present value factor is the average interest rate on state and local bonds for November 2013 from the Federal Reserve at http://www.federalreserve.gov/releases/h15/data/Monthly.

Deducting the credits for outstanding debt and grants from the capital cost yields the net fire/EMS cost per service unit, as summarized in Table 46.

Table 46. Fire/EMS Net Cost Per Service Unit

Fire/EMS Cost per Functional Population	$299
– Debt Credit per Functional Population	-$42
– Grant Funding Credit per Functional Population	-$69
Fire/EMS Net Cost per Functional Population	$188

Source: Cost from Table 41; debt credit from Table 43; grant credit from Table 44.

Potential Fee Schedule

The maximum fire/EMS impact fees that may be charged by the City of Santa Fe based on the data, assumptions and methodology used in this report are shown in Table 47.

Table 47. Fire/EMS Net Cost Schedule

Land Use Type	Unit	Func. Pop/ Unit	Net Cost/ Func. Pop.	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.314	$188	$247
1,500 sq. ft. or less	Dwelling	1.170	$188	$220
1,501-2,000 sq. ft.	Dwelling	1.224	$188	$230
2,001-2,500 sq. ft.	Dwelling	1.338	$188	$252
2,501-3,000 sq. ft.	Dwelling	1.410	$188	$265
3,001 sq. ft. or more	Dwelling	1.500	$188	$282
Guest Unit, 750 sf or less	Dwelling	0.996	$188	$187
Multi-Family	Dwelling	1.140	$188	$214
Mobile Home/RV Park	Space	1.824	$188	$343
Retail/Commercial	1,000 sq. ft.	2.041	$188	$384
Office	1,000 sq. ft.	0.959	$188	$180
Industrial	1,000 sq. ft.	0.416	$188	$78
Warehousing	1,000 sq. ft.	0.180	$188	$34
Mini-Warehouse	1,000 sq. ft.	0.167	$188	$31
Public/Institutional	1,000 sq. ft.	0.863	$188	$162

Source: Functional population per unit from Table 68 in Appendix C; net cost per functional population from Table 46.

Comparative Fees

The updated fire/EMS impact fees calculated in this report are compared with the City's current fees in in Table 48. In general, the updated fees are slightly higher than the fees calculated in the 2008 study for residential and retail uses and lower for other nonresidential uses. Because the 2008 fees were adopted at only 60% of the proportionate fair-share costs identified in the 2008 study, the updated fees are significantly higher than the current adopted fees most land uses other than warehouse and mini-warehouse. The comparison to adopted fees does not include the temporary 50% fee reduction for residential uses.

Table 48. Fire/EMS Impact Fee Comparisons

Land Use Type	Unit	2008 Net Cost/Unit	Adopted Fee (60%)	Updated Fee/Unit	% Change From 2008 Net Cost/Unit	% Change From Adopted Fee (60%)
Single Family Detached						
Up to 1,500 sq. ft.	Dwelling	$209	$125	$220	5%	76%
1,501 - 2,000 sq. ft.	Dwelling	$227	$136	$230	1%	69%
2,001 - 2,500 sq. ft.	Dwelling	$250	$150	$252	1%	68%
2,501 - 3,000 sq. ft.	Dwelling	$258	$155	$265	3%	71%
3,001 - 3,500 sq. ft.	Dwelling	$265	$159	$282	6%	77%
3,501 - 4,000 sq. ft.	Dwelling	$271	$163	$282	4%	73%
More than 4,000 sq. ft.	Dwelling	$281	$169	$282	0%	67%
Multi-Family	Dwelling	$183	$110	$214	17%	95%
Retail/Commercial	1,000 sq. ft.	$368	$221	$384	4%	74%
Office	1,000 sq. ft.	$207	$124	$180	-13%	45%
Industrial	1,000 sq. ft.	$124	$74	$78	-37%	5%
Warehouse	1,000 sq. ft.	$78	$47	$34	-56%	-28%
Mini-Warehouse	1,000 sq. ft.	$78	$47	$31	-60%	-34%
Public/Institutional	1,000 sq. ft.	$207	$124	$162	-22%	31%

Source: 2008 net cost per unit is 1.67 times adopted fees from Table 1; updated fees from Table 47.

Potential Revenue

If adopted at the full updated amounts, the fire/EMS impact fees could generate $0.77 million over the next seven years, based on the development projected in the Land Use Assumptions, as shown in Table 49. These revenue projections assume no residential waivers or fee reductions, other than for affordable housing.

Table 49. Potential Fire/EMS Impact Fee Revenue, 2014-2020

Land Use Type	Unit	New Units	Fee/ Unit	Potential Revenue
Single-Family Detached	Dwelling	1,488	$247	$313,508
Multi-Family	Dwelling	612	$214	$111,716
Subtotal, Residential				$425,224
Retail/Commercial	1,000 sq. ft.	700	$384	$268,800
Office	1,000 sq. ft.	350	$180	$63,000
Industrial/Warehouse	1,000 sq. ft.	105	$56	$5,880
Public/Institutional	1,000 sq. ft.	70	$162	$11,340
Subtotal, Nonresidential				$349,020
Total				$774,244

Source: New units from Table 5; fee/unit from Table 47; potential revenue is units times fee per unit, except that residential revenue is reduced by 14.7%, which is the percentage of residential units from 2008-2013 that were exempted as affordable housing from City of Santa Fe Long Range Planning Division, March 11, 2014..

POLICE

This section updates the City of Santa Fe police impact fee. The Santa Fe Police Department was originally founded in 1851, and is responsible for upholding the law within the jurisdictional boundaries of the City of Santa Fe. The Police Department utilizes the "community policing" concept by operating two neighborhood community substations. Current substations include the Administrative Complex at Siringo Road and the West Alameda station. The West Alameda substation is a shared facility; the Fire Department stages a fire truck at this facility for use in cases of emergencies. In addition to utilizing community substations, the Police Department maintains two other facilities, the main headquarters and the professional standards/internal affairs building.

Service Area

While police substations do have a primary response area, officers respond to calls on a community-wide basis. In addition, the headquarters and training facilities are centralized. Consequently, police facilities constitute an interrelated system that provides service throughout the City's jurisdiction, which, combined with the City's Urban Area, is appropriately defined as a single service area.

Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for police protection. This common unit of measurement is referred to as a "service unit." Service units create the link between the supply of capital facilities and the demand for such facilities generated by new development.

The two most common methodologies used in calculating police impact fees are the "calls-for-service" approach and the "functional population" approach. While annual call data are available for police calls, this study uses functional population in order to allocate police capital costs among more specific land-use categories. The functional population approach is a more generalized approach than calls-for-service, and it presumes that the demand for police services is strongly related to the presence of people at the site of a land use. Functional population is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for police facilities. For residential development, functional population is simply average household size times the percent of time people are assumed to spend at home. For nonresidential development, functional population is based on a formula that factors trip generation rates, average vehicle occupancy and average number of hours spent by visitors at a land use. Functional population multipliers by land use type and total existing and projected functional population for the Urban Area are presented in Appendix C.

Cost per Service Unit

Police impact fees are designed to charge new development the cost of providing the same level of service that is provided to existing development. The existing level of service for police facilities is based on the replacement cost of existing facilities. The total building and land replacement cost for the Police Department's existing facilities is $10.45 million, as shown in Table 50.

Table 50. Police Facility Replacement Cost

Station	Location	Building (sq. ft.)	Land (acres)	Building Value	Land Value	Total Value
Police Records	2651 Siringo Rd.	2,610	1.00	$430,650	$212,500	$643,150
Alameda Substation	1030 West Alameda St	760	0.90	$125,400	$191,250	$316,650
Frenchy's Park Substation	2011 Agua Fria St.	558	0.20	$78,120	$40,000	$118,120
Internal Affairs	2509 Camino Entrada	1680	0.60	$277,200	$112,500	$389,700
Police Headquarters	2515 Camino Entrada	25,560	2.30	$4,734,900	$2,761,875	$7,496,775
Police Evidence Impound Lot	4201 Huey Road	3,684	1.18	$1,300,000	$184,994	$1,484,994
Total		34,852	6.18	$6,946,270	$3,503,119	$10,449,389

Source: City of Santa Fe Facility Division, November 4, 2013.

The New Mexico Development Fees Act authorizes the use of impact fees for all essential police equipment costing $10,000 or more and having a life expectancy of at least ten years. The table below lists the current capital equipment that is eligible for impact fee funding under the New Mexico Development Fees Act. As shown in Table 51, the total replacement cost for eligible equipment is $2.02 million.

Table 51. Police Equipment Replacement Cost

Major Equipment	Total Cost
Firearms Training System	$91,000
Firearms Moving Target System	$14,000
SWAT Rescue Truck	$55,000
SWAT Equipment	$390,000
EOD Equipment	$663,000
FARBER Mobile Command Post	$600,000
Mobile Crime Scene Truck	$202,674
Total	$2,015,674

Source: City of Santa Fe Police Department, November 4, 2013.

The police protection impact fee is based on the replacement value of existing capital facilities divided by the total number of service units associated with the City's functional population. As shown in Table 52, the replacement cost for police facilities and equipment is $135 per service unit.

Table 52. Police Cost Per Service Unit

Police Facility Replacement Cost	$10,449,389
Police Equipment Replacement Cost	$2,015,674
Total Police Replacement Cost	$12,465,063
÷ Existing Functional Population	92,577
Police Cost per Functional Population	$135

Source: Police facility replacement cost from Table 50; police equipment replacement cost from Table 51; existing functional population from Table 69 in Appendix C.

Capital Facilities Plan

The magnitude of growth-related police protection capital needs can be estimated by multiplying the anticipated growth in service units by the existing level of service cost per unit. As shown in Table 53, this results in estimated police protection capital improvement needs over the next seven years of about $0.6 million.

Table 53. Police Capital Needs, 2014-2020

New Functional Population, 2014-2020	4,557
x Police Cost per Functional Population	$135
Police Capital Needs, 2014-2020	$615,195

Source: New functional population Table 69, Appendix C; cost per functional population from Table 52.

According to the Police Department, existing police facilities and equipment are only marginally adequate based on the population served and call volume. Current plans call for the construction of a new substation, expansion of professional standards and records facilities, and Phase III of the addition to the main police facility over the next seven years.

As summarized in Table 83 in Appendix G, planned police improvements identified and eligible to receive impact fee funding over the next seven years total about $0.65 million. All of the identified improvements would be eligible for funding with police impact fees. However, only about 95% of the planned project costs can be attributed to projected growth over the next seven years, based on the Land Use Assumptions and the existing level of service.

Net Cost per Service Unit

In the calculation of the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past police facility improvements.

The City of Santa Fe has some outstanding debt for past police protection capital improvements. As shown in Table 54, dividing the outstanding debt by existing service units results in the debt credit per service unit. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 54. Police Debt Credit

Total Outstanding Eligible Debt	$2,465,460
÷ Existing Functional Population	92,577
Police Debt Credit per Functional Population	$27

Source: Outstanding police-related debt from Table 74 in Appendix E; existing functional population from Table 69, Appendix C.

The City has received some grants for police protection in recent years. However, some of these grants were for operating costs, or for equipment that is not eligible for impact fee funding under the Development Fees Act. Deducting the amounts for operational costs or minor equipment, the eligible grant amounts received over last six years for impact fee-eligible capital totaled $1.1 million, as shown in Table 55.

Table 55. Police Grant Funding, FY 2008-2013

Fiscal Year	Funding Source	Project Description	Amount
2008	State	Public Safety Building (Police Main Facility)	$691,502
2009	State	Public Safety Building (Police Main Facility)	$298,498
2013	State	Santa Fe Police Station	$107,766
Total Funding, FY 2008-2013			$1,097,766

Source: City of Santa Fe Finance Department, February 20, 2014.

Assuming that the grant funding received over the last six years for impact fee-eligible police protection capital improvements will continue to increase proportional to the amount of development in Santa Fe, the City will receive the present value equivalent of $29 per service unit over the next 25 years, as shown in Table 56.

Table 56. Police Grant Funding Credit Per Service Unit

Federal and State Funding for Capacity, FY 2008-2013	$1,097,766
÷ Years in Funding Period	6
Annual Federal/State Capacity Funding	$182,961
÷ Existing Functional Population	92,577
Annual Federal/State Funding per Functional Population	$1.98
x Net Present Value Factor (25 years)	14.68
Federal/State Funding Credit per Functional Population	$29

Source: Grant funding from Table 55; existing functional population from Table 69 in Appendix C; discount rate for present value factor is the average interest rate on state and local bonds for November 2013 from the Federal Reserve at http://www.federalreserve.gov/releases/h15/data/Monthly.

Deducting the credits for outstanding debt and grants from the capital cost yields the net police cost per service unit, as summarized in Table 57.

Table 57. Police Net Cost Per Service Unit

Police Cost per Functional Population	$135
– Debt Credit per Functional Population	-$27
– Grant Funding Credit per Functional Population	-$29
Police Net Cost per Functional Population	$79

Source: Cost from Table 52; debt credit from Table 54; grant credit from Table 55.

Potential Fee Schedule

The maximum police impact fees that may be charged by the City of Santa Fe based on the data, assumptions and methodology used in this report are shown in Table 58.

Table 58. Police Net Cost Schedule

Land Use Type	Unit	Func. Pop/ Unit	Net Cost/ Func. Pop.	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.314	$79	$104
1,500 sq. ft. or less	Dwelling	1.170	$79	$92
1,501-2,000 sq. ft.	Dwelling	1.224	$79	$97
2,001-2,500 sq. ft.	Dwelling	1.338	$79	$106
2,501-3,000 sq. ft.	Dwelling	1.410	$79	$111
3,001 sq. ft. or more	Dwelling	1.500	$79	$119
Guest Unit, 750 sf or less	Dwelling	0.996	$79	$79
Multi-Family	Dwelling	1.140	$79	$90
Mobile Home/RV Park	Space	1.824	$79	$144
Retail/Commercial	1,000 sq. ft.	2.041	$79	$161
Office	1,000 sq. ft.	0.959	$79	$76
Industrial	1,000 sq. ft.	0.416	$79	$33
Warehousing	1,000 sq. ft.	0.180	$79	$14
Mini-Warehouse	1,000 sq. ft.	0.167	$79	$13
Public/Institutional	1,000 sq. ft.	0.863	$79	$68

Source: Functional population per unit from Table 68 in Appendix C; net cost per functional population from Table 57.

Comparative Fees

The updated police impact fees calculated in this report are compared with the City's current fees in in Table 59. In general, the updated fees are higher than the fees calculated in the 2008 study for residential and retail uses and the same or lower for other nonresidential uses. Because the 2008 fees were adopted at only 60% of the proportionate fair-share costs identified in the 2008 study, the updated fees are significantly higher than the current adopted fees for all land uses other than warehouse and mini-warehouse.

Table 59. Police Impact Fee Comparisons

					% Change From	
Land Use Type	Unit	2008 Net Cost/Unit	Adopted Fee (60%)	Updated Fee/Unit	2008 Net Cost/Unit	Adopted Fee (60%)
Single Family Detached						
Up to 1,500 sq. ft.	Dwelling	$74	$44	$92	24%	109%
1,501 - 2,000 sq. ft.	Dwelling	$80	$48	$97	21%	102%
2,001 - 2,500 sq. ft.	Dwelling	$89	$53	$106	19%	100%
2,501 - 3,000 sq. ft.	Dwelling	$91	$55	$111	22%	102%
3,001 - 3,500 sq. ft.	Dwelling	$94	$56	$119	27%	113%
3,501 - 4,000 sq. ft.	Dwelling	$96	$58	$119	24%	105%
More than 4,000 sq. ft.	Dwelling	$99	$59	$119	20%	102%
Multi-Family	Dwelling	$65	$39	$90	38%	131%
Retail/Commercial	1,000 sq. ft.	$130	$78	$161	24%	106%
Office	1,000 sq. ft.	$73	$44	$76	4%	73%
Industrial	1,000 sq. ft.	$44	$26	$33	-25%	27%
Warehouse	1,000 sq. ft.	$27	$16	$14	-48%	-13%
Mini-Warehouse	1,000 sq. ft.	$27	$16	$13	-52%	-19%
Public/Institutional	1,000 sq. ft.	$73	$44	$68	-7%	55%

Source: 2008 net cost per unit is 1.67 times adopted fees from Table 1; updated fees from Table 58.

Potential Revenue

If adopted at the full updated amounts, police impact fees could generate $0.33 million over the next seven years, based on the development projected in the Land Use Assumptions, as shown in Table 60. These revenue projections assume no residential waivers or fee reductions, other than for affordable housing.

Table 60. Potential Police Impact Fee Revenue, 2014-2020

Land Use Type	Unit	New Units	Fee/ Unit	Potential Revenue
Single-Family Detached	Dwelling	1,488	$104	$132,003
Multi-Family	Dwelling	612	$90	$46,983
Subtotal, Residential				$178,986
Retail/Commercial	1,000 sq. ft.	700	$161	$112,700
Office	1,000 sq. ft.	350	$76	$26,600
Industrial/Warehouse	1,000 sq. ft.	105	$24	$2,520
Public/Institutional	1,000 sq. ft.	70	$68	$4,760
Subtotal, Nonresidential				$146,580
Total				$325,566

Source: New units from Table 5; fee/unit from Table 58; potential revenue is units times fee per unit, except that residential revenue is reduced by 14.7%, which is the percentage of residential units from 2008-2013 that were exempted as affordable housing from City of Santa Fe Long Range Planning Division, March 11, 2014..

APPENDIX A: ROAD INVENTORY

Table 61. Major Roadway Inventory

Street Name	Street Segment	Lns	Mi.	Cap.	AADT	VMC	VMT
Agua Fria	Airport-Jemez	2	1.61	14,800	6,125	23,828	9,861
Agua Fria	Jemez-Lopez	2	0.98	14,800	3,257	14,504	3,192
Agua Fria	Lopez-Henry Lynch	2	1.23	14,800	11,900	18,204	14,637
Agua Fria	Henry Lynch-Siler	2	0.38	14,800	11,900	5,624	4,522
Agua Fria	Siler-Osage	2	1.08	14,800	13,033	15,984	14,076
Agua Fria	Osage-Cam. Alire	2	1.17	14,800	12,003	17,316	14,044
Agua Fria	Cam. Alire-St Francis	2	0.57	14,800	10,225	8,436	5,828
Agua Fria	St Francis-Guadalupe	2	0.57	14,800	6,100	8,436	3,477
Airport Rd	NM 599-Agua Fria Rd	4	0.52	32,400	10,800	16,848	5,616
Airport Rd	Agua Fria Rd-Country Club	4	0.50	32,400	17,200	16,200	8,600
Airport Rd	Country Club-S Meadows Rd	4	1.00	32,400	17,200	32,400	17,200
Airport Rd	S Meadows-Jemez Rd	4	0.12	32,400	28,012	3,888	3,361
Airport Rd	Jemez Rd-Cerrillos	4	0.91	32,400	28,012	29,484	25,491
Alameda	NM 599-Chicoma Vista	2	0.95	14,800	1,050	14,060	998
Alameda	Chicoma Vista-Calle Nopal	2	1.42	14,800	5,300	21,016	7,526
Alameda	Calle Nopal-Cam. Alire	2	0.95	14,800	6,400	14,060	6,080
Alameda	Cam. Alire-St Francis	2	0.85	14,800	11,404	12,580	9,693
Alameda	St Francis-Guadalupe	2	0.57	14,800	8,050	8,436	4,589
Alameda	Guadalupe-Paseo de Peralta	2	0.66	14,800	3,800	9,768	2,508
Alameda	Paseo de Peralta-Canyon Rd	2	0.95	14,800	3,800	14,060	3,610
Alta Vista	Cerrillos-St Francis	2	0.38	14,800	3,056	5,624	1,161
Alta Vista	St Francis-Galisteo	2	0.51	14,800	3,056	7,548	1,559
Armenta	Old Pecos Trail-Cam. Corrales	2	0.25	14,800	2,592	3,700	648
Baca Street	Hickox-Cerrillos	2	0.57	14,800	6,865	8,436	3,913
Bishop's Lodge Rd	Paseo Peralta-Cam. Encantado	2	1.70	14,800	2,169	25,160	3,687
Bishop's Lodge Rd	Cam. Encantado-City Limits	2	1.04	14,800	2,430	15,392	2,527
Botulph Rd	Siringo Rd-Zia St	2	0.40	14,800	4,200	5,920	1,680
Botulph Rd	Zia-St Michael's	2	0.85	14,800	4,200	12,580	3,570
Camino Carlos Rey	Gov. Miles-Rodeo	2	0.76	14,800	3,900	11,248	2,964
Camino Carlos Rey	Rodeo-Zia	4	0.09	32,400	4,200	2,916	378
Camino Carlos Rey	Zia-Siringo	2	0.85	14,800	5,600	12,580	4,760
Camino Carlos Rey	Siringo-Cerrillos	2	0.47	14,800	11,300	6,956	5,311
Camino Alire	Alameda-Agua Fria	2	0.38	14,800	7,137	5,624	2,712
Camino Cabra	Cam. Cruz Blanca-Canyon	2	0.66	14,800	*3,000*	9,768	1,980
Camino Cruz Blanca	Cam. Monte Sol-Cam. Cabra	2	0.38	14,800	*3,000*	5,624	1,140
Camino del Monte Sol	Cam. Cruz Blanca-Old Santa Fe	2	0.15	14,800	4,337	2,220	651
Cerrillos Rd	Beckner-Jaguar	6	1.14	50,000	25,650	57,000	29,241
Cerrillos Rd	Jaguar-Airport	6	0.85	50,000	26,458	42,500	22,489
Cerrillos Rd	Airport-Richards	6	1.17	50,000	45,991	58,500	53,809
Cerrillos Rd	Richards-St Michael's	6	1.65	50,000	46,375	82,500	76,519
Cerrillos Rd	St Michael's-2nd St	4	0.50	32,400	35,100	16,200	17,550
Cerrillos Rd	2nd St-Alta Vista	4	0.60	32,400	33,700	19,440	20,220
Cerrillos Rd	Alta Vista-St Francis	4	0.54	32,400	28,903	17,496	15,608
Cerrillos Rd	St Francis-Galisteo	4	0.76	32,400	9,250	24,624	7,030

Table 61. Continued

Street Name	Street Segment	Lns	Mi.	Cap.	AADT	VMC	VMT
Cordova	Cerrillos-St Francis	4	0.27	32,400	19,356	8,748	5,226
Cordova	St Francis-Don Diego	4	0.28	32,400	9,017	9,072	2,525
Cordova	Don Diego-Old Pecos Trail	4	0.80	32,400	9,017	25,920	7,214
Country Club	Airport-Jaguar	2	0.76	14,800	5,400	11,248	4,104
Galisteo	St Michael's-Cordova	2	0.95	14,800	9,350	14,060	8,883
Galisteo	Cordova-Alameda	2	0.95	14,800	3,216	14,060	3,055
Galisteo	Zia-Rodeo	2	0.73	14,800	3,306	10,804	2,413
Governor Miles	Cerrillos-Walking Sky	2	1.00	14,800	2,829	14,800	2,829
Governor Miles	Walking Sky-Richards	2	0.74	14,800	1,900	10,952	1,406
Governor Miles	Richards-Cliff Palace	2	0.57	14,800	11,250	8,436	6,413
Governor Miles	Cliff Palace-Cam. Carlos Rey	2	0.38	14,800	11,250	5,624	4,275
Guadalupe	Cerrillos-Alameda	2	0.57	14,800	10,661	8,436	6,077
Guadalupe	Alameda-Paseo de Peralta	4	0.38	32,400	14,709	12,312	5,589
Guadalupe	Paseo de Peralta-84/285	4	0.38	32,400	14,709	12,312	5,589
Henry Lynch Rd	Rufina-Agua Fria	2	0.47	14,800	3,700	6,956	1,739
Hickox St	Agua Fria-St Francis	2	0.57	14,800	8,800	8,436	5,016
Hyde Park Rd	Bishop's Lodge-Gonzales	2	1.38	14,800	4,050	20,424	5,589
Hyde Park Rd	Gonzales-City Limits	2	1.70	14,800	3,150	25,160	5,355
Jaguar Dr	NM599-Country Club	2	1.33	14,800	*3,000*	19,684	3,990
Jaguar Dr	Country Club-S Meadows	2	1.14	14,800	5,942	16,872	6,774
Jaguar Dr	S Meadows-Cerrillos	2	0.38	14,800	*3,000*	5,624	1,140
Jemez Rd	Agua Fria-Airport	2	0.80	14,800	3,477	11,840	2,782
Llano	Siringo-St Michaels	2	0.53	14,800	4,876	7,844	2,584
Lopez Ln.	Agua Fria-Airport	2	1.10	14,800	5,300	16,280	5,830
Old Pecos Trail	Rodeo Rd-Arroyo Chamiso	4	1.52	32,400	11,040	49,248	16,781
Old Pecos Trail	Arroyo Chamiso-Cordova	2	0.95	14,800	14,125	14,060	13,419
Old Pecos Trail	Cordova-Old Santa Fe Trail	2	0.42	14,800	7,382	6,216	3,100
Old Santa Fe Trail	City Limits-Zia Rd	2	1.14	14,800	2,746	16,872	3,130
Old Santa Fe Trail	Zia-Cam. del Monte Sol	2	1.08	14,800	2,550	15,984	2,754
Old Santa Fe Trail	Cam. del Monte Sol-Paseo Peralta	2	1.42	14,800	12,939	21,016	18,373
Osage	Agua Fria-Cerrillos	2	0.66	14,800	5,373	9,768	3,546
Pacheco St	Siringo-St Michael's	2	0.51	14,800	9,318	7,548	4,752
Pacheco St	St Michael's-Cam. Monte Rey	2	0.47	14,800	4,705	6,956	2,211
Pacheco St	Cam. de Monte Rey-Alta Vista	2	0.41	14,800	4,705	6,068	1,929
Paseo de Peralta	St Francis-Cerrillos	4	0.47	32,400	8,825	15,228	4,148
Paseo de Peralta	Cerrillos-Acequia Madre	4	0.63	32,400	16,350	20,412	10,301
Paseo de Peralta	Acequia Madre-Alameda	4	0.25	32,400	8,667	8,100	2,167
Paseo de Peralta	Alameda-Palace	2	0.15	14,800	9,200	2,220	1,380
Paseo de Peralta	Palace-Washington	2	0.32	14,800	8,050	4,736	2,576
Paseo de Peralta	Washington-St Francis	4	1.04	32,400	13,350	33,696	13,884
Paseo del Sol	Airport-Jaguar	2	0.75	14,800	11,200	11,100	8,400
Paseo del Sol	Jaguar-Herrera	2	0.25	14,800	*3,000*	3,700	750
Richards Ave	Rodeo-I-25	2	1.14	14,800	8,834	16,872	10,071
Richards Ave	Cerrillos-Rufina	4	0.32	32,400	8,090	10,368	2,589
Rodeo Rd	Cerillos-Richards	4	0.95	32,400	29,004	30,780	27,554
Rodeo Rd	Richards-Camino Carlos Rey	4	1.00	32,400	29,004	32,400	29,004
Rodeo Rd	Camino Carlos Rey-Galisteo	2	1.04	14,800	12,650	15,392	13,156
Rodeo Rd	Galisteo-Sawmill	4	0.28	32,400	8,025	9,072	2,247
Rodeo Rd	Sawmill-Old Pecos Trail	2	1.70	14,800	4,323	25,160	7,349

Table 61. Continued

Street Name	Street Segment	Lns	Mi.	Cap.	AADT	VMC	VMT
Rufina St	S Meadows Rd-Jemez	2	0.20	14,800	9,800	2,960	1,960
Rufina St	Jemez-Lopez	2	0.91	14,800	11,482	13,468	10,449
Rufina St	Lopez-Richards	2	1.40	14,800	5,850	20,720	8,190
Rufina St	Richards-Siler	2	0.55	14,800	5,016	8,140	2,759
Rufina St	Siler-Jorgensen Rd	2	0.25	14,800	9,800	3,700	2,450
San Mateo Rd	Calle Lorca-St Francis	2	0.42	14,800	3,200	6,216	1,344
San Mateo Rd	St Francis-Galisteo	2	0.47	14,800	4,450	6,956	2,092
San Mateo Rd	Galisteo-Old Pecos Trail	2	0.66	14,800	9,900	9,768	6,534
Second Street	Cerrillos-Calle Lorca	2	0.57	14,800	3,200	8,436	1,824
Siler Rd	Agua Fria-Cerrillos	4	0.64	32,400	15,250	20,736	9,760
Siler Rd	Agua Fria-West Alameda	2	0.40	14,800	*3,000*	5,920	1,200
Siringo Rd	Richards-Camino Carlos	2	0.91	14,800	7,700	13,468	7,007
Siringo Rd	Cam. Carlos Rey-Llano	2	0.63	14,800	12,504	9,324	7,878
Siringo Rd	Llano-St Francis	2	0.98	14,800	13,700	14,504	13,426
Siringo Rd	St Francis-Botulph	2	0.47	14,800	3,500	6,956	1,645
South Meadows	Jaguar-Airport	2	0.66	14,800	3,925	9,768	2,591
South Meadows	Airport-Agua Fria	2	0.80	14,800	3,800	11,840	3,040
South Meadows	Agua Fria-NM 599	2	1.00	14,800	*3,000*	14,800	3,000
St Francis	Rodeo-Siringo	4	0.95	32,400	45,212	30,780	42,951
St Francis	Siringo-San Mateo	4	0.70	32,400	43,687	22,680	30,581
St Francis	San Mateo-Cerrillos	6	0.98	50,000	42,162	49,000	41,319
St Francis	Cerrillos-Paseo de Peralta	6	0.28	50,000	44,850	14,000	12,558
St Francis	Paseo de Peralta-Agua Fria	6	0.20	50,000	37,300	10,000	7,460
St Francis	Agua Fria-Alameda	6	0.31	50,000	36,500	15,500	11,315
St Francis	Alameda-Alamo	6	0.57	50,000	20,450	28,500	11,657
St Francis	Alamo-NM599	6	1.33	50,000	33,450	66,500	44,489
St Francis	NM599-Tano Rd	4	0.76	32,400	37,800	24,624	28,728
St Francis	Tano Rd-1st Tesuque Exit	4	1.33	32,400	36,400	43,092	48,412
St Michael's Dr	Cerillos-St Francis	6	1.29	50,000	25,472	64,500	32,859
St Michael's Dr	St Francis-Old Pecos Trail	4	1.04	32,400	23,150	33,696	24,076
Yucca	Rodeo-Zia	2	0.40	14,800	5,000	5,920	2,000
Yucca	Zia-Siringo	2	0.63	14,800	5,322	9,324	3,353
Zafrano	Cerrillos-Rodeo	4	0.27	32,400	11,250	8,748	3,038
Zia Rd	Rodeo- St Francis	4	1.70	32,400	14,635	55,080	24,880
Zia Rd	St Francis-Botulph	2	0.51	14,800	3,674	7,548	1,874
Subtotal, Arterial Roads			95.84			2,140,736	1,216,683
2nd St	Cerrillos Rd-W San Mateo Rd	2	0.43	13,300	*1,700*	5,719	731
5th St	Cerrillos Rd-Saint Michaels Dr	2	0.43	13,300	3,711	5,719	1,596
5th St	Saint Michaels Dr-Siringo Rd	2	0.52	13,300	*1,700*	6,916	884
Acequia Madre	Paseo de Peralta-Garcia St	2	0.14	13,300	*1,700*	1,862	238
Acequia Madre	Garcia St-Camino del Monte Sol	2	0.48	13,300	*1,700*	6,384	816
Acequia Madre	Camino del Monte Sol-Canyon Rd	2	0.25	13,300	*1,700*	3,325	425
Alamo Dr	Camino de las Crucitas-Rio Vista St	2	0.47	13,300	*1,700*	6,251	799
Alamo Dr	Camino de las Crucitas-Rio Vista St	2	0.23	13,300	*1,700*	3,059	391
Alamo Dr	Rio Vista St-N St Francis Dr	2	0.07	13,300	*1,700*	931	119
Alamo Dr	N Saint Francis Dr-N Guadalupe St	2	0.13	13,300	*1,700*	1,729	221
Alto St	Camino Alire-N Saint Francis	2	0.72	13,300	*1,700*	9,576	1,224
Arroyo Chamiso Rd	Botulph Rd-Old Arroyo Chamiso Rd	2	0.28	13,300	*1,700*	3,724	476
Arroyo Chamiso Rd	Old Arroyo Chamiso Rd-St Michaels	2	0.30	13,300	*1,700*	3,990	510

Table 61. Continued

Street Name	Street Segment	Lns	Mi.	Cap.	AADT	VMC	VMT
Arroyo Chamiso Rd	Saint Michaels Dr-Old Pecos Trail	2	0.15	13,300	*1,700*	1,995	255
Ave de las Campanas	Siringo Rd-Rodeo Rd	2	0.84	13,300	*1,700*	11,172	1,428
Avenida Rincon	N Ridgetop Rd-NM 599	2	0.41	13,300	*1,700*	5,453	697
Avenida Rincon	NM 599-Calle David	2	0.63	13,300	*1,700*	8,379	1,071
Buckman Rd	Paseo Nopal-Camino de los Montoyas	2	1.60	13,300	*1,700*	21,280	2,720
Buckman Rd	Cam Los Montoyas-Cam Las Crucitas	2	0.12	13,300	*1,700*	1,596	204
Caja del Oro Grant Rd	Agua Fria St-Alameda Frontage Rd	2	0.81	13,300	4,550	10,773	3,686
Calle de Leon	Calle de Sebastian-Conejo Dr	2	0.20	13,300	*1,700*	2,660	340
Calle de Sebastian	Old Pecos Trail-Calle de Leon	2	0.40	13,300	*1,700*	5,320	680
Calle de Sebastian	Calle de Leon-E Zia Rd	2	0.37	13,300	*1,700*	4,921	629
Calle del Cielo	Siringo Rd-Cerrillos	2	0.26	13,300	2,499	3,458	650
Calle Estado	Bishops Lodge Rd-Old Taos Hwy	2	0.68	13,300	*1,700*	9,044	1,156
Calle Nopal	W Alameda St-Paseo de Vistas	2	0.34	13,300	*1,700*	4,522	578
Camino Carlos Real	Agua Fria St-W Alameda St	2	0.42	13,300	*1,700*	5,586	714
Camino Corrales	Fort Union Dr-Armenta St	2	0.57	13,300	*1,700*	7,581	969
Camino Corrales	Armenta St-Old Santa Fe Trail	2	0.15	13,300	*1,700*	1,995	255
Camino Corrales	Old Santa Fe Trail-Garcia St	2	0.18	13,300	*1,700*	2,394	306
Cam de las Crucitas	Buckman-Alamo Dr	2	2.03	13,300	*1,700*	26,999	3,451
Cam de las Crucitas	Alamo Dr-Rio Vista St	2	2.00	13,300	*1,700*	26,600	3,400
Cam de las Crucitas	Vista St-N Saint Francis Dr	2	0.13	13,300	*1,700*	1,729	221
Cam de los Arroyos	Zafarano Dr-Vegas Verde Dr	2	0.22	13,300	*1,700*	2,926	374
Cam de los Montoyas	Buckman-NM 599	2	0.53	13,300	*1,700*	7,049	901
Cam de los Montoyas	NM 599-Avenida de Sevilla	2	1.70	13,300	*1,700*	22,610	2,890
Camino Encantado	Circle Dr-Bishops Lodge Rd	2	0.97	13,300	1,781	12,901	1,728
Camino La Canada	Paseo de La Conquist.-Ave Chris. Colon	2	0.54	13,300	*1,700*	7,182	918
Canyon Rd	Garcia St-Camino del Monte Sol	2	0.48	13,300	2,106	6,384	1,011
Canyon Rd	Camino del Monte Sol-E Palace Ave	2	0.09	13,300	*1,700*	1,197	153
Canyon Rd	E Palace Ave-Acequia Madre	2	0.14	13,300	*1,700*	1,862	238
Canyon Rd	Acequia Madre-E Palace Ave	2	0.24	13,300	*1,700*	3,192	408
Canyon Rd	E Alameda St-Camino Cabra	2	0.10	13,300	*1,700*	1,330	170
Canyon Rd	Camino Cabra-Cerro Gordo Rd	2	1.30	13,300	3,800	17,290	4,940
Cerro Gordo Rd	Canyon Rd-Gonzales Rd	2	1.73	13,300	1,723	23,009	2,981
Cerro Gordo Rd	Gonzales Rd- E Palace Ave	2	0.11	13,300	*1,700*	1,463	187
Conejo Dr	E Zia Rd-Calle de Leon	2	0.33	13,300	*1,700*	4,389	561
Conejo Dr	Calle de Leon-Fort Union Dr	2	0.39	13,300	*1,700*	5,187	663
Don Diego Ave	Cordova Rd-Cam. de los Marquez	2	0.08	13,300	7,793	1,064	623
Don Diego Ave	Camino de los Marquez-Cerrillos	2	0.50	13,300	7,793	6,650	3,897
Don Gaspar Ave	E San Mateo Rd-Cordova Rd	2	0.50	13,300	*1,700*	6,650	850
Don Gaspar Ave	Cordova Rd-Paseo de Peralta	2	0.80	13,300	1,801	10,640	1,441
Don Gaspar Ave	Paseo de Peralta-W Alameda St	2	0.23	13,300	3,425	3,059	788
Don Gaspar Ave	W Alameda St-E Water St	2	0.10	13,300	4,250	1,330	425
Don Gaspar Ave	E Water St-W San Francisco St	2	0.05	13,300	*1,700*	665	85
E de Vargas Rd	Paseo de Peralta-Garcia St	2	0.07	13,300	*1,700*	931	119
E Palace Ave	Washington Ave Cathedral Pl	2	0.06	13,300	*1,700*	798	102
E Palace Ave	Cathedral Pl-Paseo de Peralta	2	0.17	13,300	5,000	2,261	850
E Palace Ave	Paseo de Peralta-Cerro Gordo	2	0.71	13,300	3,026	9,443	2,148
E Palace Ave	Cerro Gordo Rd-E Alameda St	2	0.07	13,300	3,026	931	212
E Palace Ave	E Alameda St-Canyon Rd	2	0.04	13,300	3,026	532	121
E Zia Rd	Old Pecos Tr-Calle de Sebastian	2	0.09	13,300	*1,700*	1,197	153
E Zia Rd	Calle de Sebastian-Conejo Dr	2	0.28	13,300	*1,700*	3,724	476

Table 61. Continued

Street Name	Street Segment	Lns	Mi.	Cap.	AADT	VMC	VMT
E Zia Rd	Conejo Dr-Old Santa Fe Trail	2	0.52	13,300	*1,700*	6,916	884
Fort Union Dr	Conejo Dr-Camino Corrales	2	0.18	13,300	*1,700*	2,394	306
Garcia St	Cam. del Monte Sol-Cam. Corrales	2	0.41	13,300	*1,700*	5,453	697
Garcia St	Camino Corrales-Acequia Madre	2	0.53	13,300	3,182	7,049	1,686
Garcia St	Acequia Madre-Canyon Rd	2	0.20	13,300	*1,700*	2,660	340
Gonzales Rd	Vallecita Dr-Hyde Park Rd	2	0.61	13,300	1,168	8,113	712
Gonzales Rd	Hyde Park Rd-Cerro Gordo Rd	2	1.26	13,300	*1,700*	16,758	2,142
Gonzales Rd	Cerro Gordo Rd-E Alameda St	2	0.07	13,300	*1,700*	931	119
Harrison Rd	Cerrillos Rd-Agua Fria Rd	2	0.65	13,300	2,650	8,645	1,723
Herrera Drive	Cerrillos Road-Paseo del Sol	2	0.50	13,300	*1,700*	6,650	850
Maez Rd	Cerrillos Rd-Agua Fria Rd	2	0.69	13,300	*1,700*	9,177	1,173
Murales Rd	Bishops Lodge Rd-Old Taos Hwy	2	0.29	13,300	*1,700*	3,857	493
Ocate Rd	Cerrillos Rd-Calle Caridad	2	0.43	13,300	*1,700*	5,719	731
Old Arroyo Chamiso	Arroyo Chamiso Rd-W Zia Rd	2	0.48	13,300	*1,700*	6,384	816
Old Taos Hwy	Paseo de Peralta-Murales Rd	2	0.39	13,300	1,684	5,187	657
Old Taos Hwy	Murales Rd-Calle Estado	2	0.55	13,300	1,684	7,315	926
Old Taos Hwy	Calle Estado-Calle Largo	2	0.47	13,300	1,684	6,251	791
Paseo Conquistadora	Camino Alire-Camino La Canada	2	0.63	13,300	*1,700*	8,379	1,071
Paseo Conquistadora	Camino La Canada-Alejandro St	2	0.20	13,300	*1,700*	2,660	340
Paseo de Vistas	Calle Nopal-Rincon de Torreon	2	1.02	13,300	4,700	13,566	4,794
Paseo de Vistas	Rincon de Torreon-Cam. de las Crucitas	2	0.74	13,300	4,700	9,842	3,478
Paseo Nopal	Paseo de Vistas-NM 599	2	1.40	13,300	3,084	18,620	4,318
Ridgetop Rd	NM 599-Avenida Rincon	2	0.45	13,300	*1,700*	5,985	765
Ridgetop Rd	Avenida Rincon-Tano Rd	2	0.49	13,300	*1,700*	6,517	833
Rincon de Torreon	W Alameda St-Paseo de Vistas	2	0.74	13,300	*1,700*	9,842	1,258
Rio Vista St	Solana Dr-Alamo Dr	2	0.05	13,300	*1,700*	665	85
Rio Vista St	Alamo Dr-Camino de las Crucitas	2	0.37	13,300	*1,700*	4,921	629
Rio Vista St	Camino de las Crucitas-Alamo	2	0.30	13,300	*1,700*	3,990	510
S Meadows Rd	Agua Fria St-Rufina St	2	2.27	13,300	*1,700*	30,191	3,859
S Ridgetop Rd	Camino Francisca-NM 599	2	0.38	13,300	*1,700*	5,054	646
Sawmill Rd	Rodeo Rd-S Saint Francis Dr	2	0.32	13,300	4,286	4,256	1,372
Sawmill Rd	S Saint Francis Dr-Rodeo Rd	2	0.68	13,300	*1,700*	9,044	1,156
Solana Dr	W Alameda St-Rio Vista St	2	0.08	13,300	*1,700*	1,064	136
Tano Rd	N Ridgetop Rd-Opera Dr	2	0.69	13,300	*1,700*	9,177	1,173
Vallecita Dr	Valley Dr-Gonzales Rd	2	0.76	13,300	*1,700*	10,108	1,292
Valley Dr	Bishops Lodge Rd-Vallecita Dr	2	0.38	13,300	*1,700*	5,054	646
Vegas Verde Dr	Camino de los Arroyos-Cerrillos	2	0.22	13,300	*1,700*	2,926	374
W Palace Ave	Grant Ave-Lincoln Ave	2	0.11	13,300	*1,700*	1,463	187
W Palace Ave	Lincoln Ave-Old Santa Fe Trail	2	0.05	13,300	*1,700*	665	85
W Palace Ave	Old Santa Fe Trail-Washington Ave	2	0.01	13,300	*1,700*	133	17
W Zia Rd	Old Arroyo Chamiso Rd-Old Pecos Tr	2	0.65	13,300	2,500	8,645	1,625
Subtotal, Collectors			50.58			672,714	107,948
Total			146.42			2,813,450	1,324,631

Source: City of Santa Fe Long Range Planning Division, November 25, 2013; generalized daily capacity estimates from Florida Department of Transportation, *2013 Quality/Level of Service Handbook*, Table 1: Generalized Annual Average Daily Volumes for Florida's Urbanized Areas; AADT is annualized averaged daily traffic from Santa Fe Metropolitan Planning Organization, *Santa Fe Traffic Counts*, 2011 (2008 if 2011 count not available); volume in italics are estimated based on 75% of the average AADT for 2, 4 and 6-lane arterials with counts and 50% of the average AADT for 2-lane collector roads.

APPENDIX B: AVERAGE HOUSEHOLD SIZE

The 2000 U.S. Census provided data on average household sizes by housing types based on a robust sample consisting of one in six dwelling units. The 2000 household sizes for the City of Santa Fe are shown in Table 62.

Table 62. Average Household Size by Housing Type, 2000

Housing Type	Household Population	Occupied Units	Average HH Size
Single-Family Detached	38,868	16,410	2.37
Single-Family Attached	5,177	2,913	1.78
Multi-Family	13,047	7,131	1.83
Mobile Home	3,239	1,065	3.04
Total	60,331	27,519	2.19

Source: 2000 U.S. Census SF-3 data (1-in-6 sample) for the City of Santa Fe.

The Census Bureau has since replaced the sample data collected during the decennial census with the annual American Housing Survey, which conducts a sample of 1% of dwelling units each year. The most current data from the American Housing Survey are provided in a 5% sample dataset, consisting of 1% samples collected in 2008 through 2012. These data do not provide household population for single-family detached units separately from single-family attached units (i.e., townhouses). However, the 2000 Census data presented in the preceding table shows that single-family attached units in Santa Fe have an average household size that is very similar to other types of multi-family units, such as apartments and condominiums. Using this knowledge, updated average household sizes by housing type for Santa Fe can be derived from the American Community Survey data, as shown in Table 63.

Table 63. Average Household Size by Housing Type, 2008-2012

Housing Type	Household Population	Occupied Units	Average HH Size
Single-Family Detached	n/a	18,618	2.19
Single-Family Attached	n/a	2,980	1.90
Single-Family Detached/Attached	46,361	21,598	2.15
Other Multi-Family	15,417	8,102	1.90
Mobile Home	4,707	1,546	3.04
Total	66,485	31,246	2.13

Source: U.S. Census, American Community Survey, 2008-2012 for City of Santa Fe (single-family attached assigned same average household size as other multi-family).

In the 2008 study, average household sizes by square footage ranges for single-family units were estimated using (1) census micro data for Santa Fe County and Los Alamos County to determine average household size by bedrooms (normalized for the City of Santa Fe overall average household size), and (2) realtor listings of homes for sale to determine average dwelling unit size by bedrooms. The two data sets were combined by taking the realtor data set and assuming the average household size for the number of bedrooms in the unit (e.g., each 3-bedroom unit was assumed to have the average number of residents for all 3-bedroom units). Finally, linear regression analysis was performed to develop an equation relating average household size to unit square feet, and the midpoints of the size categories was used as the average household size for each size range.

While the approach used in the 2008 study was reasonable and had the advantage of relying solely on local data, its weakness is that neither data set contains both of the key variables – the census data lack information on the size of the unit, and the realtor data lack information on the number of persons in the unit. Consequently, the 2008 analysis had to utilize an intervening variable – the number of bedrooms in the unit.

A simpler and more direct approach is to utilize regional or national data from the American Housing Survey, sponsored by the U.S. Department of Housing and Urban Development and conducted by the U.S. Census Bureau. The most recent survey was done in 2011. This survey provides data on the number of residents and the square footage of a sample of individual housing units. Regional data for the Western Census Region, which includes New Mexico, can also be used and shows a very similar pattern. Average household sizes by dwelling unit size can be converted to Equivalent Dwelling Units (EDUs), with one EDU representing the average number of persons residing in an occupied single-family detached unit. These national and regional EDU multipliers are compared to those used in the 2008 study in Table 64.

Table 64. Equivalent Dwelling Unit Multipliers

Single-Family Unit Size (Heated Living Area)	2008 Study	Amer. Housing Survey Western Region	Amer. Housing Survey Entire U.S.
1,500 sq. ft. or less	0.87	0.89	0.88
1,501-2,000 sq. ft.	0.95	0.93	0.94
2,001-2,500 sq. ft.	1.04	1.02	1.01
2,501-3,000 sq. ft.	1.08	1.07	1.07
3,001-3,500 sq. ft.	1.11	1.16	1.12
3,501-4,000 sq. ft.	1.13	1.13	1.11
4,001 sq. ft. or more	1.17	1.13	1.11
Average, All Units	1.00	1.00	1.00
3,001 sq. ft. or more	n/a	1.14	1.11

Note: EDU multipliers by unit size are ratios of average household size to overall average household size for all single-family detached units.
Source: 2008 study data from Duncan Associates, *Impact Fee Capital Improvements Plan and Land Use Assumptions for the City of Santa Fe*, 2008; American Housing Survey data for units built 1990 or later from the *2011 American Housing Survey*.

The national and regional data are consistent with the 2008 study results for units up to 3,500 square feet. However, the national and regional data clearly show that household size plateaus at about 3,000 square feet. It is recommended that updated average household sizes by unit size categories be based on American Housing Survey data and that the upper size category include all units larger than 3,000 square feet, as shown in Table 65.

A similar approach is used to determine average household sizes for accessory or guest units built as attached or detached additions to single-family units. The current ordinance provides for fees that vary by the size of the guest unit, but the basis for these fees is unclear. In general, the multi-family fee would be reasonable to use for guest units, but consideration could be made for smaller guest units. Analysis of American Housing Survey data indicates that guest units of 750 square feet or less would have somewhat fewer residents than the average of all multi-family units, as shown in Table 65.

Table 65. Single-Family Average Household Size by Unit Size

Single-Family Unit Size (Heated Living Area)	EDU Multiplier	Avg. HH Size
1,500 sq. ft. or less	0.89	1.95
1,501-2,000 sq. ft.	0.93	2.04
2,001-2,500 sq. ft.	1.02	2.23
2,501-3,000 sq. ft.	1.07	2.35
3,001 sq. ft. or more	1.14	2.50
All Single-Family Detached	1.00	2.19
Guest Unit, 750 sq. ft. or less	0.76	1.66

Source: EDU multipliers for western U.S. from Table 64 (EDU multiplier for guest house of 750 sq. ft. or less derived from American Housing Survey data for multi-family units built in the Western Region in 1990 or later from the *2011 American Housing Survey*); average household size for all single-family detached units in Santa Fe from Table 63; household sizes by unit size for Santa Fe based on EDU multipliers.

APPENDIX C: FUNCTIONAL POPULATION

As previously mentioned, this study modifies the approach for determining service demand for fire/EMS and police impact fee calculations from a service call basis to a "functional population" approach. Under this approach, functional population is calculated for each major land use and then converted into "equivalent dwelling units." The equivalent dwelling unit, or EDU, represents the impact of a typical single-family dwelling on the demand for police and fire/EMS services.

To a large extent, the demand for police and fire/EMS functions are proportional to the presence of people. The functional population concept is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use.

The residential functional population is considerably simpler than the nonresidential component. It is assumed that people spend 12 hours per day at home during week days and 20 hours per day during weekends. In total, people are assumed to spend 100 hours per week, or 60 percent of their time, at home. The other 40 percent of their time spent away from home accounts for working, shopping and other away-from-home activities. For residential uses, then, equivalent dwelling units are calculated by first multiplying average household size by 60 percent to determine functional population per unit. The functional population per unit multipliers for residential uses are shown in Table 66.

Table 66. Residential Functional Population per Unit

Housing Type	Unit	Average HH Size	Occupancy	Func. Pop./Unit
Single-Family, Detached (All)	Dwelling	2.19	0.60	1.314
Less than 1,500 sf	Dwelling	1.95	0.60	1.170
1,500 to 1,999 sf	Dwelling	2.04	0.60	1.224
2,000 to 2,499 sf	Dwelling	2.23	0.60	1.338
2,500 to 2,999 sf	Dwelling	2.35	0.60	1.410
3,000 sf or greater	Dwelling	2.50	0.60	1.500
Guest Unit, 750 sf or less	Dwelling	1.66	0.60	0.996
Multi-Family	Dwelling	1.90	0.60	1.140
Mobile Home/RV Park	Pad/Space	3.04	0.60	1.824

Source: Overall single-family, multi-family and mobile home average household size from Table 63; single-family average household size by housing size from Table 65; occupancy factor estimated (see text above).

Nonresidential Functional Population

The functional population methodology for nonresidential uses is based on trip generation data utilized in developing the transportation demand schedule prepared for the updated transportation impact fee update. Functional population per 1,000 square feet is derived by dividing the total number of hours spent by employees and visitors during a weekday by 24 hours. Employees are estimated to spend eight hours per day at their place of employment, and visitors are estimated to spend one-half to one hour per visit depending on land use. The formula used to derive the nonresidential functional population estimates is summarized in Figure 7.

Figure 7. Nonresidential Functional Population Formula

Functional population/1000 sf = (employee hours/1000 sf + visitor hours/1000 sf) ÷ 24 hours/day

Where:

Employee hours/1000 sf = employees/1000 sf x 8 hours/day

Visitor hours/1000 sf (retail/office/public) = visitors/1000 sf x 1 hour/visit

Visitors hours/1000 sf (industrial/warehouse) = visitors/1000 sf x 1/2 hour/visit

Visitors/1000 sf = ADT/1000 sf x avg. vehicle occupancy - employees/1000 sf

ADT/1000 sf = average daily trips (1/2 trip ends) on a weekday per 1000 sf

Using this formula and information on trip generation rates used in this study for the transportation impact fee update, vehicle occupancy rates from the *National Household Travel Survey* and other sources and assumptions, nonresidential functional population estimates per 1,000 square feet of gross floor area are calculated. Table 67 presents the results of these calculations for a number of nonresidential land use categories.

Table 67. Nonresidential Functional Population per Unit

Land Use	Unit	Trip Rate	Persons/ Trip	Employee/ Unit	Visitors/ Unit	Functional Pop./Unit
Retail/Commercial	1,000 sq. ft.	21.35	1.96	1.02	40.83	2.041
Office	1,000 sq. ft.	5.52	1.24	2.31	4.53	0.959
Industrial	1,000 sq. ft.	3.42	1.24	1.05	3.19	0.416
Warehouse	1,000 sq. ft.	1.78	1.24	0.43	1.78	0.180
Mini Warehouse	1,000 sq. ft.	1.25	1.24	0.43	1.12	0.167
Public/Institutional	1,000 sq. ft.	3.80	1.86	1.95	5.11	0.863

Source: Trip rates are one-half trip ends from Table 14; persons/trip is average vehicle occupancy from Federal Highway Administration, *Nationwide Household Travel Survey*, 2009; employees/unit from U.S. Department of Energy, *Commercial Buildings Energy Consumption Survey*, 2003; visitors/unit is trips times persons/trip minus employees/unit; functional population/unit calculated based on formula from Figure 7.

Functional Population Summary

The functional population multipliers for the residential and nonresidential land use categories are summarized in Table 68.

Table 68. Functional Population Multipliers

Land Use	Unit	Functional Pop./Unit
Single-Family, Detached (All)	Dwelling	1.314
Less than 1,500 sf	Dwelling	1.170
1,500 to 1,999 sf	Dwelling	1.224
2,000 to 2,499 sf	Dwelling	1.338
2,500 to 2,999 sf	Dwelling	1.410
3,000 sf or greater	Dwelling	1.500
Guest Unit, 750 sf or less	Dwelling	0.996
Multi-Family	Dwelling	1.140
Mobile Home/RV Park	Pad/Space	1.824
Retail/Commercial	1,000 sq. ft.	2.041
Office	1,000 sq. ft.	0.959
Industrial	1,000 sq. ft.	0.416
Warehouse	1,000 sq. ft.	0.180
Mini Warehouse	1,000 sq. ft.	0.167
Public/Institutional	1,000 sq. ft.	0.863

Source: Residential dwelling unit functional population per unit from Table 66; nonresidential functional population per unit from Table 67.

Existing and projected total functional population for the Urban Area are derived based on existing and projected land uses from the Land Use Assumptions and functional population per unit multipliers summarized above. The results are displayed in Table 69.

Table 69. Total Functional Population, 2014-2020

Land Use	Unit	No. of Units	Functional Pop. per Unit	Functional Pop. Total
Existing (2014)				
Single-Family Detached	Dwelling	29,500	1.314	38,763
Multi-Family	Dwelling	9,700	1.140	11,058
Mobile Home	Dwelling	5,200	1.824	9,485
Retail/Commercial	1,000 sq. ft.	10,198	2.041	20,814
Office	1,000 sq. ft.	8,972	0.959	8,604
Industrial/Warehouse	1,000 sq. ft.	4,360	0.298	1,299
Public/Institutional	1,000 sq. ft.	2,960	0.863	2,554
Total Functional Population, 2014				92,577
Projected (2020)				
Single-Family Detached	Dwelling	31,250	1.314	41,063
Multi-Family	Dwelling	10,050	1.140	11,457
Mobile Home	Dwelling	5,200	1.824	9,485
Retail/Commercial	1,000 sq. ft.	10,898	2.041	22,243
Office	1,000 sq. ft.	9,322	0.959	8,940
Industrial/Warehouse	1,000 sq. ft.	4,465	0.298	1,331
Public/Institutional	1,000 sq. ft.	3,030	0.863	2,615
Total Functional Population, 2020				97,134
New Functional Population, 2014-2020				4,557

Source: Existing and projected land uses from Table 5; functional population per unit from Table 68; total functional population is product of units and functional population per unit.

APPENDIX D: PARK/TRAIL INVENTORY

Table 70. Inventory of Existing Parks and Open Space

Park Facility	Acres	Play-grnd	Picnic	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board	Swim Pool
Arroyo Sonrisa Park	0.26												
Cielo Vista	1.20												
Canada Gardens	0.89												
City Hall Park	0.68												
Don Diego Entrada Park	0.31												
Espinacitas Park	0.16												
Gregory Lopez Park	1.87	1	1										
Guadalupe Neighborhood Parcel	0.17												
John F. Griego Park (Vietnam Vets)	0.92	1	1					1					
Kiva Center	0.72												
La Farge Library	1.20												
La Vllla Serena Park	1.28												
Los Milagros Park	1.16												
Maclovia Park	1.19												
Main Library	0.93												
Maloof Park	2.62												
Melendez Park	0.45												
Monica Roybal Center	0.81	2	1	1				2					
Dancing Ground Community Park	1.66	1	1	1									
Orlando Fernandez Park	0.46		1										
Peralta Park	0.78			1									
Plaza Entrada	0.22												
Rancho Del Sol Phase II Park	0.48												
Rancho Siringo Park	0.31	1	1					1					
Resolana Park	1.58	1	1										
Santa Fe Riverside Park	0.72		1	1									
South Meadows	1.64												
Sunnyslope Meadows	0.41												
Thomas Macaione Park	0.40		1										
Valentine Park	0.67	1	1										
Young Park	0.91	1	1					1					
Subtotal, Pocket Parks	27.06	9	9	3	0	0	0	5	0	0	0	0	0
Adam Gabriel Armijo Park	5.68	1	1										
Alvarado Park	4.85	1	1										
Amelia E White Park	2.97		1										
Calle Lorca Park	6.94	1	1					2					
Candelero Park	6.60	1	1		2			1					
Frank S. Ortiz Park Playground	6.19	1	1										
Herb Martinez Park	7.64		1		6			2	1				
Las Acequias Park	5.59	2	1	1				2					
Las Acequias Park - Phase 4	2.47												
Las Estanclas #1	2.07												
Los Hermanos Rodriguez Park	3.76	1	1					1					
Martin Luther King Park	1.21	1	1	1									
Mark Brandt Park	5.27		1										
Monica Lucero Park	10.75	1	1							1			
Monsignor Patrick Smith Park	4.63	1	1				1	2					
Parque Del Rio	4.00												
Pueblos del Sol	5.30												
Santa Fe Estates	6.33												
Torreon Park	3.44	2	1					2					
Vllla Caballero Park	4.83												
Subtotal, Neighborhood Parks	100.52	13	14	2	8	0	1	12	1	1	0	0	0
Ashbaugh Park	16.12		1				1				1		
Bicentennial Park	15.92	1	1		4			1	3				
Fort Marcy Complex	25.32	1	1	1	2		2		1				
General Franklin E. Miles Park	28.60	2	1					2	7		2	1	
Larragoite Park	11.52	1	1		2			1		1	1		
Ragle Park	38.41	1	1			1				4			
Salvador Perez Park / Patio Park	15.12	2	1	1	4		1		3	2	1		
Villa Linda Park	16.12	1	1				1						
Subtotal, Community Parks	167.13	9	8	2	12	1	4	4	14	7	5	1	0

Table 70. Continued

Park Facility	Acres	Play-grnd	Picnic	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board	Swim Pool
Municipal Recreation Complex	428.38						4						
Subtotal, Regional Parks	428.38	0	0	0	0	0	4	0	0	0	0	0	0
Boys and Girls Club	1.59												
Cathedral Park	0.62		1	1									
Cornell Park (Rose Garden)	2.06		1										
Cross of the Martyrs	2.35		1										
De Vargas Park (East/West)	2.93		1	1								1	
Dr Richard Engle Tennis Courts	0.72				3								
Frank S. Ortiz Park	134.29												
Plaza Park	1.07			1									
Prince Park	10.13		1	1									
Power Plant Park	3.40	1											
Railyard Park	10.54												
Santa Fe River Park	6.91												
Santa Fe River Park Downtown East	2.29		1										
Santa Fe River Park Downtown West	1.06		1										
Santa Fe River Park East	9.98		1										
Santa Fe River Park West	11.21		1										
Subtotal, Special Use Parks	201.15	0	9	4	3	0	0	0	0	0	0	1	0
Baca Street Cristobal Colon Parcels	1.27												
Bicentennial Pool	0.80												1
Boys and Girls Club	0.70												
Fort Marcy Rec. Center*	2.67												
Galisteo Tennis Courts	0.66				2								
Genoveva Chavez Community Center*	3.74												
Monica Roybal Center	0.40							1					
Salvador Perez Pool	1.33												1
Senior Citizens Center	1.15												
Subtotal, Recreation Facilities*	12.72	0	0	0	2	0	0	1	0	0	0	0	2
Airport Rd Open Space (Lot 9 Sec 7)	1.69												
Cerro Gordo O.s.	2.41												
Frenchy's Field Park & Commons	16.53	1		1									
Genoveva Chavez Park Land	17.29												
La Paz Open Space	3.82												
Mountain View Apartments Dedication	0.03												
Mountain View Apartments Dedication	0.11												
Municipal Recreation Center	1,291.94												
N Tract W Portion of Ne Quad. Of Sf	141.58												
Nava Ade	8.46												
Parque Escudero	0.65												
Pueblos Del Sol	64.30												
Rlo Vlsta	4.86												
Santa Fe Estates Open Space	25.63												
Sierra Del Norte	58.96												
Tierra Contenta	452.18												
Tierra Escondida Drainage Pond	0.47		1										
Tract A; E of Almeda Public Housing	0.12												
Vista De La Sierra Drainage and Rec	1.16												
Vista Del Prado Openspace	2.07												
Vista Del Sol	28.79												
Vistas De Santa Fe	0.90												
Wuest Parcel	0.83												
Yucca Park	2.07												
Zia Vista	9.45												
Subtotal, Open Space	2,136.30	1	1	1	0	0	0	0	0	0	0	0	0
Total, Neighborhood & Pocket Parks	127.58	22	23	5	8	0	1	17	1	1	0	0	0
Total, Community/Reg./Rec./Sp. Use	809.38	9	17	6	17	1	8	5	14	7	5	2	2
Total, Open Space	2,136.30	1	1	1	0	0	0	0	0	0	0	0	0
Grand Total, All Parks	3,073.26	32	41	12	25	1	9	22	15	8	5	2	2

* recreational facilities subtotal includes land but excludes facilities for Fort Marcy and Genoveva Chavez Community Center

Source: City of Santa Fe Long Range Planning, December 17, 2013.

Table 71. Existing Trail Inventory

Trails	Miles
Acequia Trail	3.60
Arroyo Chamisos Trail	5.68
Botulph Rd. Trail	0.25
Gonzales Road Trail	1.00
Marc Brandt Park - Siringo Rd	0.50
Museum Hill Trail	0.50
Nava Ade Trails	2.25
Old Pecos Trail ROW Trail	1.00
Pueblos del Sol Trails	1.60
Rail Trail	4.00
Santa Fe River Trail	3.21
St. Francis Drive Trail	1.00
Tierra Contenta	1.50
Subtotal, Paved Trails	26.09
Arroyo Mascaras Trail	0.33
Arroyo Mora (Polai) Trail	1.63
Atalaya Wilderness Trail	5.16
Dale Ball Trails	22.22
De Vargas Heights Bridle Paths	n/a
Dorothy Stewart Trail	1.45
Fullerton Legacy	0.27
La Tierra Trail System	25.00
Las Estrellas Trails - Santa Fe Estates	3.00
MRC Trails	7.00
MRC to Agua Fria	2.00
Prince Park Trail	1.00
Visto Del Prado	n/a
Zocalo	0.30
Subtotal, Soft Surface Trails	69.36
Total All Trails	95.45

Source: City of Santa Fe Long Range Planning, December 17, 2013.

APPENDIX E: OUTSTANDING DEBT

The City of Santa Fe's outstanding gross receipts tax (GRT) and general obligation (GO) bonds are summarized in Table 72. The 2013 GO bonds and the portion of the 2012A GRT bonds not used for refunding are not included, because none of the projects funded by these bond issues have been included in the existing facility inventories for the road, park, fire and police impact fee analyses. The debt for land acquisition for general government purposes, convention center, solid waste, wastewater and the Railyard are unrelated to the impact fee facilities and are excluded from the remainder of this analysis.

Table 72. Outstanding Non-Utility Debt Summary

Bond Issue	Purpose	Original	Outstanding
GRT Rev. Bonds 2006A	CIP	$17,710,000	$3,045,000
GRT Rev. Bonds 2008	CIP	$20,135,000	$19,840,000
GRT Refunding Bonds 2010A	Refund 2002	$15,005,000	$9,415,000
GRT Refunding Bonds 2012A*	Refund 2004A	$14,390,000	$14,390,000
GRT Rev. Bonds 2012A*	CIP	$18,335,000	$18,335,000
GRT Refunding Bonds 2013A	Refund 2006A	$10,880,000	$10,880,000
MRC 2005 Refunding Bonds	Parks	$15,315,000	$9,165,000
NMFA - Land Acquisition	Land Purch.	$3,610,000	$2,965,784
Total from 1/2% GRT		$115,380,000	$88,035,784
General Obligation 2008	Parks	$20,000,000	$17,070,000
General Obligation 2010	Parks	$10,300,000	$9,440,000
Total from Property Tax		$30,300,000	$26,510,000
GRT Rev. Bonds 2008-Con. Ctr	Conv. Ctr.	$8,570,000	$7,725,000
NMFA - Conv. Center (+ fees)	Conv. Ctr.	$42,220,000	$37,625,000
Total from Lodger's Tax		$50,790,000	$45,350,000
GRT Refunding Bonds 2006B	Solid Waste	$15,160,000	$10,190,000
Total from MGRT Infrastructure		$15,160,000	$10,190,000
GRT Rev. Ref. Bonds 2012B	WW	$14,280,000	$12,540,000
GRT/WW Bonds 2006C	WW	$9,780,000	$6,070,000
Total from MGRT Env & WW Rev		$24,060,000	$18,610,000
GRT Refunding Bonds 2010B	Railyard	$10,490,000	$9,785,000
GRT Refunding Bonds 2013B	Parking Garage	$13,780,000	$13,780,000
GRT Rev Bonds 2012C	Market Station	$4,685,000	$4,685,000
Total from Railyard GRT		$28,955,000	$28,250,000

* $32,725,000 bond split between refunding and new capital projects

Source: City of Santa Fe Finance Department, October 15, 2013.

The outstanding debt amounts attributable to refunding issues, as well as to original issues that funded a variety of improvement types, are allocated among facility types based on the original planned project costs for each bond issue. Only debt that was incurred for capacity-expanding improvements is included. The analysis of the individual bond issues is provided at the end of this appendix. The resulting distributions by facility type are summarized in Table 73.

Table 73. Distribution of Debt by Facility Type

Bond Issue	Streets	Parks	Police	Fire	Other	Total
Planned Project Costs						
GRT Revenue Bonds 2002	$250,000	$0	$0	$150,000	$17,595,000	$17,995,000
GRT Revenue Bonds 2004 A	$2,200,000	$3,960,000	$0	$1,700,000	$10,800,000	$18,660,000
GRT Revenue Bonds 2006 A	$1,740,000	$3,900,000	$670,000	$460,000	$11,730,000	$18,500,000
MRC 2005 Refunding	$0	$6,126,000	$0	$0	$9,189,000	$15,315,000
GRT Rev. Bonds 2008	$1,200,000	$2,450,000	$2,000,000	$2,200,000	$12,285,000	$20,135,000
GRT Rev. Bonds 2012A	$430,000	$2,300,000	$0	$0	$19,270,000	$22,000,000
Percentage of Bond Project Cost						
GRT Revenue Bonds 2002	1.4%	0.0%	0.0%	0.8%	97.8%	100.0%
GRT Revenue Bonds 2004 A	11.8%	21.2%	0.0%	9.1%	57.9%	100.0%
GRT Revenue Bonds 2006 A	9.4%	21.1%	3.6%	2.5%	63.4%	100.0%
MRC 2005 Refunding	0.0%	40.0%	0.0%	0.0%	60.0%	100.0%
GRT Rev. Bonds 2008 - CIP	6.0%	12.2%	9.9%	10.9%	61.0%	100.0%
GRT Rev. Bonds 2012A (CIP)	2.0%	10.5%	0.0%	0.0%	87.6%	100.0%

Source: Original planned project costs from the following tables: GRT 2002 (Table 75), GRT 2004A (Table 76), GRT 2006A (Table 77), GRT 2008 (Table 78) and GRT 2012A (CIP portion, Table 79); MRC 2005 refunding bond issued to refund the 1996C and 1998 MRC bonds that were used for parks (60% attributed to golf courses per City of Santa Fe Finance Department, August 15, 2002 – classified as "other").

The distributions from the table above are multiplied by the total outstanding debt for those mixed-facility bond issues to determine outstanding debt for each impact fee facility type.

Table 74. Outstanding Debt by Facility Type

Bond Issue (Refunded Issue)	Streets	Parks	Police	Fire	Total
GRT Refunding 2010A (2002)	$131,810	$0	$0	$75,320	$9,415,000
GRT Refunding 2012A (2004A)	$1,698,020	$3,050,680	$0	$1,309,490	$14,390,000
GRT Refunding 2013A (2006A)	$1,022,720	$2,295,680	$391,680	$272,000	$10,880,000
GRT 2006A	$286,230	$642,495	$109,620	$76,125	$3,045,000
GRT 2008	$1,190,400	$2,420,480	$1,964,160	$2,162,560	$19,840,000
GRT 2012A	$430,000	$2,300,000	$0	$0	$18,335,000
MRC 2005 Refunding	$0	$3,666,000	$0	$0	$9,165,000
General Obligation 2008	$341,400	$17,070,000	$0	$0	$17,070,000
General Obligation 2010	$0	$9,440,000	$0	$0	$9,440,000
Total	$5,100,580	$40,885,335	$2,465,460	$3,895,495	$111,580,000

Source: Total outstanding principal from Table 72; outstanding amount by facility for mixed-facility issues based on percent of original debt from Table 73.

Table 75. 2002 Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Traffic Calming	$1,500,000	$0
Intersection Safety	$250,000	$250,000
Repaving	$1,000,000	$0
Unpaved Streets Rehabilitation	$150,000	$0
Small Sidewalks	$100,000	$0
Bridge Rehabilitation	$50,000	$0
Recycled Asphalt	$50,000	$0
Preventative Asphalt	$100,000	$0
Subtotal, Streets	$3,200,000	$250,000
Fire Station #8 Design	$150,000	$150,000
Subtotal, Fire	$150,000	$150,000
Water Management/ Conservation	$700,000	$0
Turf Rehabilitation	$870,000	$0
Subtotal, Parks	$1,570,000	$0
Maez Road Drainage	$500,000	n/a
Municipal Repairs	$600,000	n/a
Building Infrastructure Technology	$500,000	n/a
ITS Infrastructure	$200,000	n/a
Small Drainage	$100,000	n/a
Affordable Housing	$500,000	n/a
Arts	$180,000	n/a
Social Services Facility	$500,000	n/a
Water System Improvements	$10,500,000	n/a
Total	$18,500,000	$400,000

Source: City of Santa Fe Finance Department, June 15, 2002.

Table 76. 2004A Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Parks and Median Maint.	$400,000	$0
Water Management	$500,000	$0
Artificial Turf	$500,000	$0
Tennis Court Rehab	$200,000	$0
Alto Park, Phase II	$700,000	$700,000
Trails	$1,500,000	$1,500,000
Railyard Infrastructure	$350,000	$350,000
Tierra Contenta Park	$200,000	$200,000
La Cieneguita Park	$200,000	$200,000
Plaza Improvements	$500,000	$500,000
State Game and Fish Property	$450,000	$450,000
Amelia White Park	$60,000	$60,000
Subtotal, Parks	$5,560,000	$3,960,000
Traffic Safety Improvements	$300,000	$300,000
Re-paving	$1,250,000	$0
Unpaved Rehab.	$150,000	$0
Small Sidewalks	$100,000	$0
Bridge Rehab.	$200,000	$0
Recycled Asphalt Paving Program	$250,000	$0
Siler Road Extension Design	$400,000	$400,000
Alire Bridge Rehab.	$400,000	$0
Traffic Calming	$1,500,000	$1,500,000
Subtotal, Streets	$4,550,000	$2,200,000
Fire Station #8	$1,700,000	$1,700,000
Subtotal, Fire	$1,700,000	$1,700,000
ADA Improvements	$300,000	n/a
Municipal Facility Repair	$600,000	n/a
Cerrillos Road IT Conduit	$100,000	n/a
Airport Matching Funds	$285,000	n/a
Small Drainage	$100,000	n/a
Ortiz Landfill Re-mediation	$200,000	n/a
South Side Library	$4,800,000	n/a
Affordable Housing	$500,000	n/a
Arts	$180,000	n/a
Total	$18,875,000	$7,860,000

Source: City of Santa Fe Finance Department, March 8, 2007.

Table 77. 2006A Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Parks and Median Maint.	$400,000	$0
Water Management	$300,000	$0
Turf Rehabilitation	$300,000	$0
Tennis Court Rehab	$200,000	$0
Alto Park	$500,000	$500,000
Sports Facilities Improvements	$600,000	$600,000
Railyard Park Offsite Improvements	$800,000	$800,000
Santa Fe River Trail	$750,000	$750,000
Santa Fe Railyard Park	$250,000	$250,000
Amelia White Park	$100,000	$100,000
Dog Parks	$150,000	$150,000
Trails (Citywide)	$500,000	$500,000
Franklin Miles Park Improvements	$250,000	$250,000
Subtotal, Parks	$5,100,000	$3,900,000
Intersection/Signal Improvements	$350,000	$350,000
Traffic Safety Improvements	$300,000	$300,000
Signal Maint.	$200,000	$0
Sign and Striping Maint.	$200,000	$0
Paved Street Rehab.	$3,905,000	$0
Unpaved Rehab.	$150,000	$0
Small Sidewalks	$300,000	$0
Bridge Rehab.	$500,000	$0
Recycled Asphalt Paving Program	$100,000	$0
Camino Alire Bridge	$700,000	$700,000
Carson St. Bridge	$40,000	$40,000
Area Traffic Plan on Galisteo St.	$100,000	$100,000
Traffic Calming	$250,000	$250,000
Subtotal, Streets	$7,095,000	$1,740,000
Main Station Improvements	$600,000	$600,000
Alameda Substation Parking	$70,000	$70,000
Subtotal, Police	$670,000	$670,000
Fire Vehicle Access, Station #8	$300,000	$300,000
Fire Station #3 Design	$160,000	$160,000
Fleet Mechanic	$200,000	$0
Subtotal, Fire	$660,000	$460,000
ADA Improvements	$1,000,000	n/a
Municipal Facility Repair	$600,000	n/a
Telecommunications Improvements	$1,000,000	n/a
Airport Matching Funds	$100,000	n/a
Small Drainage	$300,000	n/a
Property Control–City Hall	$250,000	n/a
Fleet Expansion	$300,000	n/a
Night Sky Implementation	$200,000	n/a
Solid Waste Landfill Closure	$200,000	n/a
Community Services	$400,000	n/a
Warehouse 21	$200,000	n/a
La Familia	$100,000	n/a
PLUD Software	$25,000	n/a
Women's Health Services	$100,000	n/a
Arts	$200,000	n/a
Total	$18,500,000	$7,900,000

Source: City of Santa Fe Finance Department, February 26, 2007.

Table 78. 2008 Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Intersection Safety	$350,000	$0
Safety Misc. Projects	$300,000	$0
Signal Maintenance	$200,000	$0
Sight, Paint & Signal	$200,000	$0
Municipal Facilities Repair	$600,000	$0
Paved Street Rehab.	$3,230,000	$0
Unpaved Street Rehab.	$150,000	$0
Small Sidewalks	$150,000	$0
Small Drainage	$300,000	$0
Bridge Rehab.	$500,000	$0
Cerrillos Road	$1,000,000	$1,000,000
Airport Road Safety Project	$100,000	$0
Paseo de Vista Prelim Design	$200,000	$200,000
Subtotal, Streets	$7,280,000	$1,200,000
Park Maintenance	$400,000	$0
Parks/Water Mgt.	$300,000	$0
Turf Rehab.	$300,000	$0
Bicentennial Pool	$300,000	$300,000
Santa Fe Railyard Park & Plaza	$1,000,000	$1,000,000
Trails City Wide (incl. Santa Fe Trail)	$1,000,000	$1,000,000
Old Power Plant Building & Park	$150,000	$150,000
Subtotal, Parks	$3,450,000	$2,450,000
Fire Station #3	$2,000,000	$2,000,000
Fire Station #4 (#9 Design NWQ)	$200,000	$200,000
Subtotal, Fire	$2,200,000	$2,200,000
Police Facility Design (Main Station)	$2,000,000	$2,000,000
Subtotal, Police	$2,000,000	$2,000,000
Effluent Line for SW Sector	$500,000	n/a
CIP for the Arts	$370,000	n/a
ADA Improvements	$300,000	n/a
Telecomm Imp City Wide	$500,000	n/a
Airport Matching Funds	$100,000	n/a
Court Rehab.	$200,000	n/a
GCCC-CIP Bond	$250,000	n/a
City Hall Renovations	$600,000	n/a
Warehouse 21 (Youth Center)	$1,000,000	n/a
Tino Griego Teen Ctr (La Farge Lib.)	$500,000	n/a
Farmers Market	$200,000	n/a
Affordable Housing	$500,000	n/a
Zona del Sol (Youth Consortium)	$750,000	n/a
ITT	$300,000	n/a
Total	$21,000,000	$7,850,000

Source: City of Santa Fe Finance Department, February 7, 2014.

Table 79. 2012A Gross Receipts Tax Bond Projects

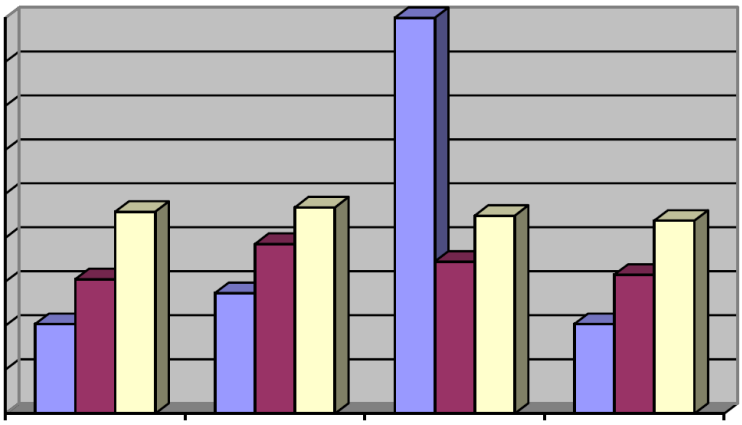
Project	Amount	Eligible
Intersection Safety	$350,000	$0
Traffic Miscellaneous Safety	$300,000	$0
Paved Street Rehabilitation	$4,000,000	$0
Unpaved Street Rehabilitation	$2,000,000	$0
Small Sidewalks	$500,000	$0
Small Drainage	$300,000	$0
Bridge Rehabilitation	$500,000	$0
Signal Replacement/Repair	$340,000	$0
Signing and Striping	$260,000	$0
Paseo de Peralta/Washington Intersection	$230,000	$230,000
Road Sharrows	$250,000	$0
Airport Road Landscaping	$200,000	$200,000
Butulph Rd Shoulders/Pedestrian Safety	$250,000	$0
LED Streetlights at Traffic Signals	$120,000	$0
Total, Streets	$9,600,000	$430,000
Parks and Medians	$2,000,000	$2,000,000
Poof Roof/HVAC Renovations	$300,000	$0
Gonzales Road Pedestrian Trail	$300,000	$300,000
Total, Parks	$2,600,000	$2,300,000
Municipal Facilities	$600,000	n/a
City Roofs	$200,000	n/a
GCCC	$500,000	n/a
Airport Matching Funds	$200,000	n/a
Transit Matching Funds	$500,000	n/a
Rodeo de SF Arena & Ag Disaster Relief	$100,000	n/a
Effluent Line SW Sector	$1,000,000	n/a
ITT Citywide	$1,000,000	n/a
Court ITT Improvements	$300,000	n/a
Zona del Sol	$100,000	n/a
ADA Improvements	$300,000	n/a
Bus Replacement	$2,000,000	n/a
Santa Fe Railyard	$600,000	n/a
2% for Arts	$400,000	n/a
Solar Loan Program	$200,000	n/a
Affordable Housing	$800,000	n/a
Broadband Infrastructure	$1,000,000	n/a
Total	$22,000,000	$2,730,000

Source: City of Santa Fe Finance Department, February 10, 2014.

APPENDIX F: LAND USE ASSUMPTIONS

Santa Fe Urban Area

Impact Fee Land Use Assumptions
2014–2020



City of Santa Fe
Housing & Community Development Department
Long Range Planning Division

August, 2013

INTRODUCTION

This report provides land use assumptions (growth projections) for the Santa Fe Urban Area, a unified service area, within which the city is planning to annex land and therefore expend impact fee monies for eligible capital improvement projects (see map). The New Mexico *Development Fees Act (§§ 5-8-1 through 5-8-43, NMSA 1978),* specifies that land use assumptions must be adopted for a period of at least five years. These land use assumptions cover a period of seven years from the beginning of 2014 through the end of 2020.

The projections assume that urban area growth through 2020 will generally reflect slower growth than occurred during the last decade (2000-2010), due to the slow recovery from the depth of the Great Recession and slower population growth.

Residential and Non-Residential Development, 2014–2020

The following table summarizes anticipated growth from the beginning of 2014 through 2020.

Table 1. Residential & Non-Residential Development, 2014–2020

Housing Units

	2014	Added	2020	(Annual Avg.)
City/Urban Area Total	**44,400**	**2,100**	**46,500**	**300**

Population

	2014	Added	2020	(Annual Avg.)
City/Urban Area Total	**86,500**	**3,500**	**90,000**	**500**

Housing Units, By Type

	2014	Added	2020	(Annual Avg.)
Single-Family (Detached; Attached)	29,500	1,750	31,250	250
Multi-Family	9,700	350	10,050	50
Mobile Homes	5,200	0	5,200	0
City/Urban Area Total	**44,400**	**2,100**	**46,500**	**300**

Commercial Development (square feet of gross floor area)

Land Use Category	2014	Added	2020	(Annual Avg.)
Retail	10,198,000	700,000	10,898,000	100,000
Office	8,972,000	350,000	9,322,000	50,000
Industrial	4,360,000	105,000	4,465,000	15,000
Institutional	2,960,000	70,000	3,030,000	10,000
Commercial Total	**26,490,000**	**1,225,000**	**27,715,000**	**175,000**

Source: *Santa Fe Trends, 2013*; city and county building permit data through July, 2013.

1.

Housing & Population Assumptions

Housing in the city/urban area will continue to grow slowly based on continued lower demand for new housing both from within the community and from those moving here from other places. Larger master-planned developments in the city will continue to account for much of the new housing. Projections of population growth are based on assumptions about the average number of new housing units built each year and the number of occupants in each new unit. The overall average number of occupants in each new housing unit is projected to be 1.67.

Commercial Assumptions

Commercial construction, which for these purposes includes all non-residential construction, is projected to continue at a modest, but healthy, annual average of 175,000 square feet. This represents the annual average of new commercial development from 2006-2012. Though much of this period includes the Great Recession, it is anticipated that an oversupply of commercial floor area leading up to the recession and the increase of computer-based retail sales will keep the annual levels of construction of commercial space moderate through the rest of the decade.

Historical Housing and Population Growth, 2000-2010

From 2000–2010, city population growth represented nearly all of the urban area growth, a dramatic change from the 1990s when the city accounted for less than half of the total urban area population growth. Meanwhile, city housing growth represented 97% of total urban area housing growth from 2000–2010 (compared to only 73% during the 1990s). When comparing the 2000 and 2010 Census, the city and urban area experienced the following population and housing growth:

Note: In the future, comparisons between the "city" and "urban area" may be unnecessary as the city annexes most of the urban area. The Agua Fria Traditional Historic Community (2,800 residents and 1,134 housing units; 2010 Census) located within the urban area is expected to remain part of county jurisdiction.

Table 2. Population & Housing Growth, 2000-2010

	Total Population 2000	Total Population 2010	2000-2010 Growth	Annual Average	Urban Area Growth
City of Santa Fe	62,203	67,947	+5,744	574	99%
Outside the City	16,897	16,930	+ 33	3	1%
Urban Area Total	79,100	84,877	+5,777	577	100%

	Total Housing Units 2000	Total Housing Units 2010	2000-2010 Growth	Annual Average	Urban Area Growth
City of Santa Fe	30,533	37,200	+6,667	667	97%
Outside the City	6,046	6,205	+ 159	16	3%
Urban Area Total	36,579	43,405	+6,826	683	100%

	Persons per Housing Unit 2000	Persons per Housing Unit 2010
City of Santa Fe	2.04	1.82
Outside the City	2.79	2.73
Urban Area Total	2.16	1.95

(not Persons-per-Household)

Source: U.S. Census

2.

APPENDIX G: CAPITAL FACILITY PLANS

Table 80. Planned Major Road Improvements, 2014-2020

Project Name	Location	Cost Estimate
Cerrillos Rd, Phase IIC	Camino Carlos Rey to St. Michaels Dr.	$10,300,000
Calle P'o Ae Pi	Airport Road to Rufina St.	$500,000
Bike Lanes/Sidewalks	Reconstruction / Expansion	$4,000,000
Rufina St.	Harrison Rd. to Camino Carlos Rey	$500,000
West Alameda St.	La Joya Road to Siler Road	$3,000,000
Zia Station Infrastructure	Zia Road Rail Station	$300,000
Total, Road Improvements		$18,600,000
Agua Fria / South Meadows		$1,000,000
Agua Fria / Cottonwood		$1,000,000
Airport Road / Ca P'o Ae Pi		$350,000
Airport Road / Jemez		$100,000
Cerrillos / Sandoval / Manhattan		$1,000,000
Galisteo / St. Michaels		$350,000
Galisteo / Rodeo		$350,000
Galisteo / San Mateo		$350,000
Paseo de Peralta / Marcy		$350,000
Rufina / Ca P'o Ae Pi		$350,000
Rufina / Lopez		$500,000
Sandoval / Montezuma		$500,000
Total, Intersection/Signalization Improvements		$6,200,000
Total, All Road Projects		$24,800,000

Source: Planned improvements and costs from City of Santa Fe Long Range Planning Division, November 5, 2013 and April 1, 2014.

Table 81. Planned Park/Trail Improvements, 2014-2020

Project Name	Cost Estimate
Colonia Prisma Park	$50,000
Las Acequias Park Phase 2	$89,000
Los Soleras Park	$7,250,000
Nava Ade Park Development (Phase 2- South Park)	$2,115,000
San Isidro Park	$20,000
Southwest Activity Node (SWAN - Tierra Contenta) Ph 2-4	$18,670,000
Small Parks (new)	$500,000
Play Equipment (new)	$200,000
Neighborhood & Community Park, Subtotal	$28,894,000
Acequia Trail - Underpass at St. Francis/Cerrillos	$3,500,000
Acequia Trail - Otowi Rd. to Harrison Rd.	$535,000
Arroyo Chamiso Trail - Villa Linda Park to Governor Miles Road	$610,000
Cañada Rincon Trail - Calle Mejia to Cam. Francisca/Ave. Rincon	$250,000
Dale Ball Trail Improvements and Extensions	$50,000
La Tierra Trail - Connections to Camino de las Crucitas & Montoyas	$800,000
MRC Trail Improvements and Extension	$225,000
Rail Trail - Pen Road to Alta Vista	$660,000
River Trail & Parkway - St. Francis Drive to Canyon Road	$1,000,000
Tierra Contenta Trail - Buffalo Grass Road to Camino Entrada	$600,000
Trails, Subtotal	$8,230,000
Parks & Trails, Total	$37,124,000

Source: City of Santa Fe Long Range Planning Division, November 15, 2013.

Table 82. Planned Fire/EMS Improvements, 2014-2020

	Building Sq. Feet		Building	Equipment	Total
Improvement	Existing	Proposed	Cost	Cost	Eligible Cost
New Southwest (Agua Fria) Station	0	10,605	$2,520,000	$673,000	$3,193,000
Fire Station No. 5 Remodel*	10,156	15,000	$1,151,050	$0	$1,151,050
New Las Soleras Station	0	10605	$2,520,000	$525,000	$3,045,000
Total	10156	36,210	$6,191,050	$1,198,000	$7,389,050

* Construction cost represents share of expansion only.

Source: City of Santa Fe Fire Department, November 4, 2013 and February 17, 2014.

Table 83. Planned Police Improvements, 2014-2020

Improvement	Cost
Professional Standards-Camino Entrada	$125,000
Police Records	$220,000
Police Main Facility/Evidence Room	$300,000
Total	$645,000

Source: City of Santa Fe Police Department, November 4, 2013 and April 10, 2014.

City of Santa Fe New Mexico
Memorandum

Date: November 5, 2020

To: Mayor & City Council

Via: Jarel LaPan Hill, City Manager JLH
Elias Isaacson, Land Use Director ESI

From: Carlos Gemora; CIAC Staff Liaison, Senior Land Use Planner CEG

RE: Impact Fee Capital Improvement Plan 2021-2027 – Resolution Adopting Plan & Bill Amending 14-8.14

ITEM AND ISSUE:
This proposal involves a resolution to adopt the Impact Fee Capital Improvement Plan 2021-2027 (IFCIP) and an ordinance amending impact fees assessed in Section 14-8.14 SFCC 1987. Both items are legally required to continue the collection of impact fees.

BACKGROUND & SUMMARY:
Impact fees are used by local governments to charge new development a proportionate share of the infrastructure costs they impose on the community. In New Mexico, impact fees shall only be collected per a valid capital improvement plan which estimates the cost of providing infrastructure, calculates the maximum amount of impact fees we can charge, and documents the types of projects we can spend impact fees on (New Mexico *Development Fees Act* Sec. 5-8-1, et seq., NMSA).

The City currently charges impact fees for roads, parks, fire, and police facilities per Section 14-8.14 SFCC 1987. Past funds have been used to develop SWAN Park, the Railyard Park, the Southside Library, parks in Las Soleras, expansions to Rufina, Siler, and Cerrillos Road, sidewalk improvements throughout the city, and fire station expansions. Forthcoming projects include new park bathrooms, playground and exercise equipment, roadway improvements, and increased storage for the Fire and Police Departments. The Capital Improvements Advisory Committee (CIAC) provides citizen oversight, reviews fund utilization, and provides recommendations regarding the IFCIP and assessment of fees.

The proposed ordinance initially maintains lower fees but also establishes annually increasing fees ($300-600 for most residential units) to “catch-up” and maintain relevance with escalating infrastructure costs. The resolution and ordinance update the existing IFCIP (2014-2020), provide compliance with state requirements, and allow the City to continue collecting impact fees.

ACTION REQUESTED:
Staff request approval of both the resolution to adopt the IFCIP update (2021-2027) and the ordinance amending the assessment of impact fees (Section 14-8.14 SFCC 1987).

IMPACT FEE CAPITAL IMPROVEMENT PLAN:

The proposed plan has been assembled in compliance with New Mexico state laws via a professional contractor. Most importantly, the plan documents that the calculated cost of providing infrastructure for new development has risen dramatically (in most cases) and provides a legal nexus for assessing increased fees on new development.

The proposed IFCIP also includes land use assumptions which forecast residential growth and it documents the types of projects eligible for impact fee expenditures. Though growth is forecasted and eligible projects are listed in the plan, the document does not analyze where or how growth will occur and does not prioritize which projects are most important to the City nor does it estimate when, how or if projects will be initiated within a particular time frame.

The following tables show the fees adopted in 2014, the maximum fees calculated in 2020, and the percentage of difference between the two. Maximum calculated fees reflect an estimated cost of providing infrastructure to new development, not the proposed assessment of fees.

2014 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached*						
1,500 sq. ft. or less	Dwelling	$1,894	$967	$154	$64	$3,079
1,501-2,000 sq. ft.	Dwelling	$2,064	$1,010	$161	$68	$3,303
2,001-2,500 sq. ft.	Dwelling	$2,141	$1,108	$176	$74	$3,499
2,501-3,000 sq. ft.	Dwelling	$2,245	$1,163	$186	$78	$3,672
More than 3,000 sq. ft.	Dwelling	$2,377	$1,238	$197	$83	$3,895
Accessory Unit	Dwelling	$947	$483	$77	$32	$1,539
Multi-Family	Dwelling	$1,299	$945	$150	$63	$2,457
Retail/Commercial	1,000 sq. ft.	$4,006	$0	$269	$113	$4,388
Office	1,000 sq. ft.	$2,402	$0	$126	$53	$2,581
Industrial	1,000 sq. ft.	$1,856	$0	$55	$23	$1,934
Warehouse	1,000 sq. ft.	$968	$0	$24	$10	$1,002
Mini-Warehouse	1,000 sq. ft.	$375	$0	$22	$9	$406
Public/Institutional	1,000 sq. ft.	$1,460	$0	$113	$48	$1,621

2020 Maximum Calculated Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	$3,403	$2,935	$559	$141	$7,038
1,500 sq. ft. or less	Dwelling	$3,208	$2,700	$514	$130	$6,552
1,501-2,500 sq. ft.	Dwelling	$3,381	$2,906	$554	$140	$6,981
2,501-3,000 sq. ft.	Dwelling	$3,553	$3,111	$592	$150	$7,406
more than 3,000 sq. ft.	Dwelling	$3,748	$3,346	$636	$161	$7,891
Accessory Unit	Dwelling	$1,673	$1,849	$352	$89	$3,963
Multi-Family	Dwelling	$1,961	$2,201	$420	$106	$4,688
Mobile Home Park	Space	$1,802	$4,491	$855	$216	$7,364
Retail/Commercial	1,000 sq. ft.	$4,670	$0	$624	$158	$5,452
Office	1,000 sq. ft.	$3,986	$0	$303	$77	$4,366
Industrial	1,000 sq. ft.	$1,592	$0	$131	$33	$1,756
Warehouse	1,000 sq. ft.	$825	$0	$61	$15	$901
Mini-Warehouse	1,000 sq. ft.	$403	$0	$12	$3	$418
Public/Institutional	1,000 sq. ft.	$1,808	$0	$140	$36	$1,984

INITIAL ASSESSMENT OF IMPACT FEES (2021):

The IFCIP 2021-2027 calculates the maximum amount of impact fees that may be assessed but does not determine at what rate the City should assess fees. The City may assess a lesser amount of fees based on each individual impact fee category (roads, parks, fire, police). Existing fees currently comprise half the calculated cost of new, growth-related infrastructure. The Land Use Department, in consultation with Ordinance Sponsor Mayor Alan Webber, the receiving departments, and per the recommendation of the CIAC, proposes initial fees (2021) which are relatively similar to 2014 fees.

The proposal is to assess Roads fees at 70%, Parks fees at 40%, Fire fees at 40%, and Police fees at 50% of the maximum calculated in the IFCIP. In 2021, fees would increase by $322 for each new single-family detached unit (2,001 and 2,500 square feet), $17 for multi-family units, and would *decrease* retail/commercial fees by $790 per 1,000 square feet. Fees cannot be assessed based on the land use type, thus we cannot decrease residential fees or increase commercial fees independently.

Proposed Impact Fee Schedule (2021)

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		70%	40%	40%	50%	
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	$2,246	$1,080	$206	$65	$3,596
1,501-2,500 sq. ft.	Dwelling	$2,367	$1,162	$222	$70	$3,821
2,501-3,000 sq. ft.	Dwelling	$2,487	$1,244	$237	$75	$4,043
more than 3,000 sq. ft.	Dwelling	$2,624	$1,338	$254	$81	$4,297
Accessory Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Family	Dwelling	$1,373	$880	$168	$53	$2,474
Mobile Home Park	Space	$1,261	$1,796	$342	$108	$3,508
Retail/Commercial	1,000 sq. ft.	$3,269	$0	$250	$79	$3,598
Office	1,000 sq. ft.	$2,790	$0	$121	$39	$2,950
Industrial	1,000 sq. ft.	$1,114	$0	$52	$17	$1,183
Warehouse	1,000 sq. ft.	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq. ft.	$282	$0	$5	$2	$288
Public/Institutional	1,000 sq. ft.	$1,266	$0	$56	$18	$1,340

Change Between 2014 Assessed Fees & Proposed 2020 Proposed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Change for 2,001-2500sf Single-Family		$322		Change for Multi-Family		$17
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	19%	12%	34%	2%	17%
1,501-2,000 sq. ft.	Dwelling	15%	15%	38%	3%	16%
2,001-2,500 sq. ft.	Dwelling	11%	5%	26%	-5%	9%
2,501-3,000 sq. ft.	Dwelling	11%	7%	27%	-4%	10%
more than 3,000 sq. ft.	Dwelling	10%	8%	29%	-3%	10%
Accessory Unit	Dwelling	24%	53%	83%	39%	36%
Multi-Family	Dwelling	6%	-7%	12%	-16%	1%
Mobile Home Park	Space	n/a	n/a	n/a	n/a	n/a
Retail/Commercial	1,000 sq. ft.	-18%	n/a	-7%	-30%	-18%
Office	1,000 sq. ft.	16%	n/a	-4%	-27%	14%
Industrial	1,000 sq. ft.	-40%	n/a	-5%	-28%	-39%
Warehouse	1,000 sq. ft.	-40%	n/a	2%	-25%	-39%
Mini-Warehouse	1,000 sq. ft.	-25%	n/a	-78%	-83%	-29%
Public/Institutional	1,000 sq. ft.	-13%	n/a	-50%	-63%	-17%
Percent Change in Revenue from 2014		5%	0%	15%	-14%	3%

PHASED INCREASE OF IMPACT FEES (2022-2025):
The proposal aims to keep fees in 2021 roughly similar to 2014 but also establishes annually increasing fees starting in 2022. Predictable increases allow the City to "catch up" and maintain relevance with increasing infrastructure costs. Increases would annually raise residential fees approximately $300 to $600 per unit till 2025 and the ordinance directs the CIAC to review and make recommendations regarding impact fee assessments no later than 2023.

Fees currently fund about half the estimated cost of growth-related infrastructure (55%) and naturally escalating costs and inventories could result in 2021 impact fees covering drastically less by 2025 (requiring funding from other sources). Phased increases enable the City to fund a majority of growth-related infrastructure at predictable rates that are relevant to annually increasing costs.

2021 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		70%	40%	40%	50%	
Single-Family Detached (avg.	Dwelling	$2,382	$1,174	$224	$71	$3,850
Accessory Unit	Dwelling	$1,171	$740	$141	$45	$2,096
Multi-Family	Dwelling	$1,373	$880	$168	$53	$2,474
Retail/Commercial	1,000 sq. ft.	$3,269	$0	$250	$79	$3,598
Office	1,000 sq. ft.	$2,790	$0	$121	$39	$2,950
Industrial	1,000 sq. ft.	$1,114	$0	$52	$17	$1,183
Warehouse	1,000 sq. ft.	$578	$0	$24	$8	$609
Mini-Warehouse	1,000 sq. ft.	$282	$0	$5	$2	$288
Public/Institutional	1,000 sq. ft.	$1,266	$0	$56	$18	$1,340

2022 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		78%	45%	45%	56%	
Single-Family Detached (avg.	Dwelling	$2,668	$1,315	$250	$79	$4,312
Accessory Unit	Dwelling	$1,312	$828	$158	$50	$2,348
Multi-Family	Dwelling	$1,537	$986	$188	$59	$2,770
Retail/Commercial	1,000 sq. ft.	$3,661	$0	$280	$88	$4,029
Office	1,000 sq. ft.	$3,125	$0	$136	$43	$3,304
Industrial	1,000 sq. ft.	$1,248	$0	$59	$18	$1,325
Warehouse	1,000 sq. ft.	$647	$0	$27	$8	$682
Mini-Warehouse	1,000 sq. ft.	$316	$0	$5	$2	$323
Public/Institutional	1,000 sq. ft.	$1,417	$0	$63	$20	$1,500

2023 Assessed Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Adoption Percentage of Maximum:		88%	50%	50%	63%	
Single-Family Detached (avg.	Dwelling	$2,988	$1,473	$280	$88	$4,829
Accessory Unit	Dwelling	$1,469	$927	$177	$56	$2,629
Multi-Family	Dwelling	$1,721	$1,104	$211	$66	$3,102
Retail/Commercial	1,000 sq. ft.	$4,100	$0	$314	$99	$4,513
Office	1,000 sq. ft.	$3,500	$0	$152	$48	$3,700
Industrial	1,000 sq. ft.	$1,398	$0	$66	$20	$1,484
Warehouse	1,000 sq. ft.	$725	$0	$30	$9	$764
Mini-Warehouse	1,000 sq. ft.	$354	$0	$6	$2	$362
Public/Institutional	1,000 sq. ft.	$1,587	$0	$71	$22	$1,680

ATTACHMENTS:

Materials for Review: The following materials are provided for review and approval by the Governing Body.

1. **Resolution Adopting the Impact Fee Capital Improvement Plan 2021-2027**
2. **Impact Fee Capital Improvement Plan 2021-2027**
3. **Bill Amending Various Subsections of 14-8.14 to Adopt a New Impact Fee Schedule & Clarifying Appropriate Land Use Categories**
4. **Fiscal Impact Report**

Supplemental Materials: The following materials are provided to supplement and provide context for the primary materials under review.

5. **Fiscal Year 2019/2020 Impact Fee Revenue and Fund Balances**
6. **Memos Regarding Upcoming Usage of Roads, Parks, Fire, and Police Impact Fee Funds**
7. **2015 Impact Fee Reduction Analysis**
8. **Impact Fee Capital Improvement Plan 2014-2020**

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

ADOPTING THE "IMPACT FEE CAPITAL IMPROVEMENTS PLAN 2021-2027 FOR ROADS, PARKS, FIRE/EMS AND POLICE" TO UPDATE THE CITY'S IMPACT FEE CAPITAL IMPROVEMENT PLAN, LAND USE ASSUMPTIONS, AND IMPACT FEES, AS REQUIRED BY THE STATE DEVELOPMENT FEES ACT, NMSA 1978, SECTION 5-8-30.

WHEREAS, the State of New Mexico enacted the Development Fees Act, NMSA 1978, §§ 5-8-1 to -43 ("Act"), to enable local governments to adopt local development impact fees; and

WHEREAS, the Act requires periodic updates of the impact fee land use assumptions and capital improvement plan at least every five (5) years, *see* NMSA 1978, § 5-8-30; and

WHEREAS, on August 27, 2014, in accordance with the Act, the City adopted Resolution 2014-71, which approved the "Impact Fee Capital Improvements Plan 2020 for Roads, Parks, Fire/EMS and Police," and Ordinance 2014-28, which amended the Impact Fee Ordinance in SFCC 1987, Section 14-8.14; and

WHEREAS, the City has added capital improvements to its roads, parks, fire/EMS, and

police amenities and it has experienced inflated costs of providing capital improvements since 2014; and

WHEREAS, the "Impact Fee Capital Improvements Plan, 2021-2027" calculates the expected cost of providing additional capital improvements related to future growth in the City; and

WHEREAS, the "Impact Fee Capital Improvements Plan, 2021-2027" provides the background and basis for approving new projects eligible for impact fee funds and adopting an Ordinance to amend the impact fee schedule set forth in SFCC 1987, Subsection 14-8.14(E).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby adopts the "Impact Fee Capital Improvements Plan and Land Use Assumptions 2021-2027", attached as "Exhibit A."

PASSED, APPROVED, and ADOPTED this _____day of _____, 2020.

_____

ALAN WEBBER, MAYOR

ATTEST:

_____

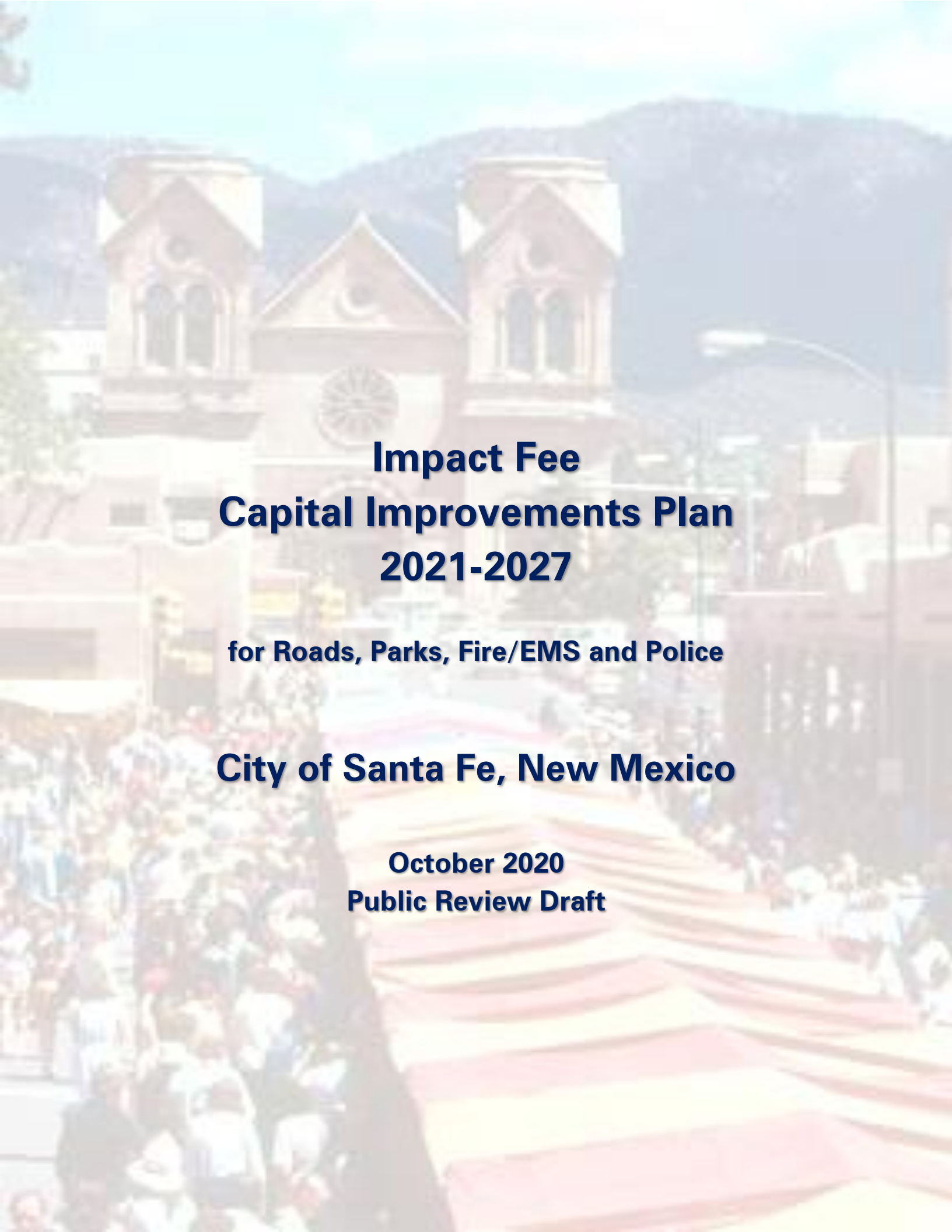
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/IFCIP 2021-2027



Impact Fee
Capital Improvements Plan
2021-2027

for Roads, Parks, Fire/EMS and Police

City of Santa Fe, New Mexico

October 2020
Public Review Draft

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EXECUTIVE SUMMARY

Duncan Associates has been retained by the City of Santa Fe to update the City's capital improvements plans, land use assumptions and impact fees for roads, parks/trails, fire/EMS and police facilities. This study calculates maximum impact fees that Santa Fe can charge based on the existing levels of service.

Report Layout

The report begins with four chapters that have general applicability to all impact fees: legal framework, service areas, land use assumptions, and methodologies. The last four chapters address the four types of facilities: roads, parks/trails, fire/EMS and police. Appendices provide more detailed data and analysis to support the individual fee calculations. The final appendix contains the list of planned improvements, which may be amended between comprehensive impact fee updates. To make the calculations easier to follow, number that are inputs into another table are highlighted in red.

Current Fees

The last comprehensive update of the City's impact fees was based on a study that was adopted by the City Council in 2014. The maximum fees calculated in the current Impact Fee Capital Improvements Plan are summarized in Table 1.

Table 1. Maximum Impact Fees Calculated in 2014 Study

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)*	Dwelling	$3,009	$1,552	$247	$104	$4,912
1,500 sq. ft. or less	Dwelling	$2,706	$1,381	$220	$92	$4,399
1,501-2,000 sq. ft.	Dwelling	$2,949	$1,443	$230	$97	$4,719
2,001-2,500 sq. ft.	Dwelling	$3,059	$1,583	$252	$106	$5,000
2,501-3,000 sq. ft.	Dwelling	$3,207	$1,661	$265	$111	$5,244
More than 3,000 sq. ft.	Dwelling	$3,395	$1,769	$282	$119	$5,565
Accessory Unit	Dwelling	$1,617	$1,180	$187	$79	$3,063
Multi-Family	Dwelling	$1,855	$1,350	$214	$90	$3,509
Mobile Home Park	Space	$974	$2,154	$343	$144	$3,615
Retail/Commercial	1,000 sq. ft	$5,723	$0	$384	$161	$6,268
Office	1,000 sq. ft	$3,431	$0	$180	$76	$3,687
Industrial	1,000 sq. ft	$2,651	$0	$78	$33	$2,762
Warehouse	1,000 sq. ft	$1,383	$0	$34	$14	$1,431
Mini-Warehouse	1,000 sq. ft	$535	$0	$31	$13	$579
Public/Institutional	1,000 sq. ft	$2,086	$0	$162	$68	$2,316

* square feet is heated living area; includes mobile home not in mobile home park
Source: Impact Fee Capital Improvement Plan 2020, adopted by Santa Fe City Council, August 27, 2014.

The City Council adopted fees at 70% of the calculated maximum amounts, except for accessory units (adopted fee is one-half the adopted fee at 70% for a 1,500 sq. ft. or smaller single-family detached unit) and mobile home park (that fee was not adopted). The current impact fee schedule is summarized in Table 2.

Table 2. Adopted Impact Fee Schedule

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached*						
1,500 sq. ft. or less	Dwelling	$1,894	$967	$154	$64	$3,079
1,501-2,000 sq. ft.	Dwelling	$2,064	$1,010	$161	$68	$3,303
2,001-2,500 sq. ft.	Dwelling	$2,141	$1,108	$176	$74	$3,499
2,501-3,000 sq. ft.	Dwelling	$2,245	$1,163	$186	$78	$3,672
More than 3,000 sq. ft.	Dwelling	$2,377	$1,238	$197	$83	$3,895
Accessory Unit	Dwelling	$947	$483	$77	$32	$1,539
Multi-Family	Dwelling	$1,299	$945	$150	$63	$2,457
Retail/Commercial	1,000 sq. ft	$4,006	$0	$269	$113	$4,388
Office	1,000 sq. ft	$2,402	$0	$126	$53	$2,581
Industrial	1,000 sq. ft	$1,856	$0	$55	$23	$1,934
Warehouse	1,000 sq. ft	$968	$0	$24	$10	$1,002
Mini-Warehouse	1,000 sq. ft	$375	$0	$22	$9	$406
Public/Institutional	1,000 sq. ft	$1,460	$0	$113	$48	$1,621

* square footage ranges refer to heated living area; includes mobile home not in mobile home park
Source: Santa Fe City Code, Sec. 14-8.14/E(a).

Updated Fees

The maximum fees calculated in this update of the Santa Fe Impact Fee Capital Improvements Plan are summarized in Table 3.

Table 3. Updated Maximum Impact Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	$3,403	$2,935	$559	$141	$7,038
1,500 sq. ft. or less	Dwelling	$3,208	$2,700	$514	$130	$6,552
1,501-2,500 sq. ft.	Dwelling	$3,381	$2,906	$554	$140	$6,981
2,501-3,000 sq. ft.	Dwelling	$3,553	$3,111	$592	$150	$7,406
more than 3,000 sq. ft.	Dwelling	$3,748	$3,346	$636	$161	$7,891
Accessory Unit	Dwelling	$1,673	$1,849	$352	$89	$3,963
Multi-Family	Dwelling	$1,961	$2,201	$420	$106	$4,688
Mobile Home Park	Space	$1,802	$4,491	$855	$216	$7,364
Retail/Commercial	1,000 sq. ft.	$4,670	$0	$624	$158	$5,452
Office	1,000 sq. ft.	$3,986	$0	$303	$77	$4,366
Industrial	1,000 sq. ft.	$1,592	$0	$131	$33	$1,756
Warehouse	1,000 sq. ft.	$825	$0	$61	$15	$901
Mini-Warehouse	1,000 sq. ft.	$403	$0	$12	$3	$418
Public/Institutional	1,000 sq. ft.	$1,808	$0	$140	$36	$1,984

Source: Updated fees from Table 26 (roads), Table 38 (parks), Table 46 (fire/EMS) and Table 56 (police).

The changes in fees by land use and facility type are summarized in Table 4. The major increase in residential fees is from the park fees, which account for 65%, of the $2,126 increase for an average single-family unit from the previous maximum fees. Fire fees are increasing by a higher percentage, but are much smaller fees.

The picture is mixed for nonresidential uses, with an increase in total fees for office uses and a decline for other uses. Road fees are the dominant fee for nonresidential uses, and the change in the road fee largely determines the change in the total fee. The differential changes between nonresidential land uses largely reflect changes in trip generation rates from the updated *Trip Generation Manual*.

Table 4. Percentage Change from 2014 Study Fees

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached (avg.)	Dwelling	13%	89%	126%	36%	43%
1,500 sq. ft. or less	Dwelling	19%	96%	134%	41%	49%
1,501-2,000 sq. ft.	Dwelling	15%	101%	141%	44%	48%
2,001-2,500 sq. ft.	Dwelling	11%	84%	120%	32%	40%
2,501-3,000 sq. ft.	Dwelling	11%	87%	123%	35%	41%
more than 3,000 sq. ft.	Dwelling	10%	89%	126%	35%	42%
Accessory Unit	Dwelling	3%	57%	88%	13%	29%
Multi-Family	Dwelling	6%	63%	96%	18%	34%
Mobile Home Park	Space	85%	108%	149%	50%	104%
Retail/Commercial	1,000 sq. ft.	-18%	n/a	63%	-2%	-13%
Office	1,000 sq. ft.	16%	n/a	68%	1%	18%
Industrial	1,000 sq. ft.	-40%	n/a	68%	0%	-36%
Warehouse	1,000 sq. ft.	-40%	n/a	79%	7%	-37%
Mini-Warehouse	1,000 sq. ft.	-25%	n/a	-61%	-77%	-28%
Public/Institutional	1,000 sq. ft.	-13%	n/a	-14%	-47%	-14%
Weighted Avg. Increase	n/a	4%	73%	99%	20%	31%

Source: Percentages represent changes from 2014 study fee in Table 1 to updated fee in Table 3; weighted average increase is change from projected 7-year revenue under current maximum fees from Table 5 below.

The reasons for the significant increase in park fees, which as noted is primarily driving the residential fee increases, warrant some explanation. Overall, the total replacement value of existing park facilities increased by about 20%, which is the same as the increase in the *Engineering News Record* Construction Cost Index since the previous study estimates were made. However, a significant increase in average household size, the exclusion of unincorporated area housing units (including in the Agua Fria Traditional Community), and a major reduction in outstanding park debt resulted in the park fees increases ranging from 57% to double what was calculated in the 2014 study depending on the housing type and unit size.

Based on the land use assumptions, the adopted current fees at 70% would generate about $17.1 million in total impact fee revenue over the next seven years. If the current fees had been adopted at 100%, they would generate $24.7 million. If the updated fees are adopted at 100%, they would be expected to generate about $32.2 million over the next seven years. Most of the revenue increase over current fees would come from the updated road and park impact fees.

Table 5. Potential Impact Fee Revenue, 2021-2027

Fee Type	Current Fees (70%)	2014 Max. Fees (100%)	2020 Max. Fees (100%)	% Change 2020 to: Current	% Change 2020 to: 2014 Max.
Roads	$10,634,926	$15,300,859	$15,884,699	49.4%	3.8%
Parks/Trails	$5,138,111	$7,419,050	$12,832,988	149.8%	73.0%
Fire/EMS	$968,446	$1,395,997	$2,777,060	186.8%	98.9%
Police	$407,363	$587,229	$703,392	72.7%	19.8%
Total	$17,148,846	$24,703,135	$32,198,139	87.8%	30.3%

Source: 2014 and 2020 maximum fee revenue projections from Table 28 (roads), Table 40 (parks), Table 48 (fire/EMS) and Table 58 (police); revenue from current fees is 2014 maximum fee revenue divided by 70%; the percentage changes are from the current and 2014 maximum fee revenues to the 2020 maximum fee revenue.

Implementation Options

Adoption Rates. The adoption rate for the current fees is set at 70% for all four fees. Setting the implementation rates differently by land use type (e.g., residential versus nonresidential) is to be avoided, because it breaks the nexus between the impact of the development and the amount of the fee. A key requirement of impact fee case law is that the fee needs to be proportional to the impact of the development. If the City desires to assess a lower fee for a specific development or for a specific land use type, it should instead use City funds to buy down the fees shown in the fee schedule for qualifying developments.

However, the City could set different adoption rates for roads, parks, fire and police fees. An example of adoption rates that would keep single-family fees from increasing too dramatically, while ensuring that total revenues for all four types of facilities increase somewhat compared to current fees, is shown in Table 6 and Table 7 on the following page. Accessory dwelling units have largest percentage increase in the total fee. The amount of the increase for an accessory unit would be $652, compared to a $906 increase for a typical 2,001-2,500 square foot single-family unit.

Interim Fee Increases. Ways to mitigate large fee changes between 5-year comprehensive impact fee updates include annual incremental increases to the adoption rates or annual adjustments for construction cost inflation. These fee adjustments can be made by the City Council amending the ordinance each year, or by amending the ordinance when the updated fees are adopted to either (1) set out a phased schedule of adoption rates for the next four years or (2) include a provision for staff to follow to adjust the fees annually by a specified construction cost index.

Table 6. Example of Different Adoption Rates by Fee Type

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Updated Fees by Adoption Rate:		72%	43%	38%	64%	
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	$2,310	$1,161	$195	$83	$3,749
1,501-2,500 sq. ft.	Dwelling	$2,434	$1,250	$211	$90	$3,985
2,501-3,000 sq. ft.	Dwelling	$2,558	$1,338	$225	$96	$4,217
more than 3,000 sq. ft.	Dwelling	$2,699	$1,439	$242	$103	$4,483
Accessory Unit	Dwelling	$1,205	$795	$134	$57	$2,191
Multi-Family	Dwelling	$1,412	$946	$160	$68	$2,586
Mobile Home Park	Space	$1,297	$1,931	$325	$138	$3,691
Retail/Commercial	1,000 sq. ft.	$3,362	n/a	$237	$101	$3,700
Office	1,000 sq. ft.	$2,870	n/a	$115	$49	$3,034
Industrial	1,000 sq. ft.	$1,146	n/a	$50	$21	$1,217
Warehouse	1,000 sq. ft.	$594	n/a	$23	$10	$627
Mini-Warehouse	1,000 sq. ft.	$290	n/a	$5	$2	$297
Public/Institutional	1,000 sq. ft.	$1,302	n/a	$53	$23	$1,378
Change from Current Fees						
Single-Family Detached						
1,500 sq. ft. or less	Dwelling	22%	20%	27%	30%	22%
1,501-2,000 sq. ft.	Dwelling	18%	24%	31%	32%	21%
2,001-2,500 sq. ft.	Dwelling	14%	13%	20%	22%	14%
2,501-3,000 sq. ft.	Dwelling	14%	15%	21%	23%	15%
more than 3,000 sq. ft.	Dwelling	14%	16%	23%	24%	15%
Accessory Unit	Dwelling	27%	65%	74%	78%	42%
Multi-Family	Dwelling	9%	0%	7%	8%	5%
Mobile Home Park	Space	n/a	n/a	n/a	n/a	n/a
Retail/Commercial	1,000 sq. ft.	-16%	n/a	-12%	-11%	-16%
Office	1,000 sq. ft.	19%	n/a	-9%	-8%	18%
Industrial	1,000 sq. ft.	-38%	n/a	-9%	-9%	-37%
Warehouse	1,000 sq. ft.	-39%	n/a	-4%	0%	-37%
Mini-Warehouse	1,000 sq. ft.	-23%	n/a	-77%	-78%	-27%
Public/Institutional	1,000 sq. ft.	-11%	n/a	-53%	-52%	-15%

Source: Updated fees are maximum fees from Table 3 times adoption rate; percentage changes are from current fees in Table 2.

Table 7. Projected Revenue for Adoption Rate Example, 2021-2027

	Roads	Parks	Fire	Police	Total
Adoption Rate for Updated Fees	72%	43%	38%	64%	
Projected Revenue from Updated Fees	$11,436,983	$5,518,185	$1,055,283	$450,171	$18,460,622
Projected Revenue from Current Fees	$10,634,926	$5,138,111	$968,446	$407,363	$17,148,846
Total Revenue Change, 2021-2027	8%	7%	9%	11%	8%

Source: Projected revenue from updated fees by adoption rates are 2020 (100%) revenue projections from Table 5 times adoption rate; projected revenue from current fees from Table 5.

LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional "negotiated" developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Impact fees require each new development project to pay its pro-rata share of the cost of new capital facilities required to serve that development.

Impact fees were pioneered by local governments in the absence of explicit state enabling legislation. Consequently, such fees were originally defended as an exercise of local government's broad "police power" to protect the health, safety and welfare of the community. The courts gradually developed guidelines for constitutionally-valid impact fees, based on a "rational nexus" that must exist between the regulatory fee or exaction and the activity that is being regulated. To date, 28 states have adopted impact fee enabling legislation. These acts have tended to embody the constitutional standards that have been developed by the courts. Impact fees in New Mexico are governed by the New Mexico *Development Fees Act* (Sec. 5-8-1, et. seq., New Mexico Revised Statutes).

Service Area

The New Mexico *Development Fees Act* requires that Land Use Assumptions and Capital Improvements Plans must be prepared for each "service area." A service area is a geographic area within which a set of capital facilities provides roughly equivalent benefit to all development located within the area. In general, impact fees collected within a service area will be spent within the same service area, although there may be instances where the facility that serves development in the service area is actually physically located outside the service area.

Land Use Assumptions

An impact fee update must include land use assumptions (growth projections) for each service area. The *Development Fees Act* defines land use assumptions as "projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period." Because the Capital Improvements Plan that must be prepared for each service area must identify improvement needs for a period not to exceed ten years, a 5-to-10-year time-frame is appropriate for an impact fee study. A seven-year time frame is used for the land use assumptions and capital improvements plans in this study. The Land Use Assumptions prepared by the City are provided in Appendix F.

Capital Improvements Plan

According to the *Development Fees Act*, impact fees can only be spent on improvements identified in the Capital Improvements Plan. The Capital Improvements Plan required by the *Development Fees Act* is somewhat different from the traditional capital improvements program. Like a traditional capital improvements program, the Capital Improvements Plan required by the *Development Fees Act* must include a list of capital projects, their costs and anticipated sources of funding. However, the similarity stops there. Elements required in the Capital Improvements Plan but not found in a typical capital improvements program include an inventory of existing facilities, including an analysis of current usage and capacity of such facilities; a determination of the portion of the cost of planned improvements, as well as existing improvements with remaining excess capacity, that is attributable to growth; an equivalency table that estimates the service demand generated by different land use types;

and the projected growth in service demand based on the recommended Land Use Assumptions over a period not to exceed ten years. In essence, the impact fee Capital Improvements Plan is the impact fee study.

Capital Facilities Plans

While the Capital Improvements Plan includes much more than a list of planned projects, the project list has special relevance. Impact fees can only be spent on projects that are listed in the adopted Capital Improvements Plan. In addition, credits against the impact fees in return for dedications of land or improvements made by developers are only allowed if the dedication or improvement is listed in the Capital Improvements Plan. In order to distinguish between the full Capital Improvements Plan and the list of projects, the list of projects will be referred to as the Capital Facilities Plan. The Capital Facility Plans for each of the four fee types are provided in Appendix G.

Level of Service

The Act requires "an analysis of the total capacity [and] the level of current usage" of existing facilities, a relationship that is often referred to as "level of service" (although this term does not appear in the Act). The impact fee principle that is being referred to here is that new development should not be charged for a higher level of service than is being provided to existing development. If facilities are currently deficient with respect to the capacity standard that is being used to calculate the impact fees, a credit should be provided to new development to acknowledge tax or rate payments that will be made by new development and used to remedy the deficiency. The necessity of providing a deficiency credit is avoided by basing the impact fees on the current level of service.

Service Unit

Both demand and capacity need to be expressed in terms of the same "service units" – defined by the Act as "a standardized measure of consumption, use, generation or discharge." The service unit for parks, for example, might be acres of park land. In order to translate land use projections into additional demands for service, the Capital Improvements Plan must include "an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial." Such a table, which relates various land use categories and the service demands associated with them, is the basis for the fee schedule. The equivalency table for road impact fees, for example, would specify the typical travel demand generated by a single-family unit, 1,000 square feet of office space, etc.

Fee Schedule

The fee schedule brings together all of the fee calculation components. These include the land use categories, service demands associated with a unit of development, cost per service unit and revenue credits. Although the Act does not specifically mention credits for other revenue contributions (e.g., gross receipts taxes used to pay debt service on the same facility), established case law clearly indicates that double-charging must be avoided and that such contributions must be credited in the impact fee formulation.

Updates

The *Development Fees Act* requires that the land use assumptions and capital improvements plan be updated within five years from the date that the last capital improvements plan was adopted.

SERVICE AREAS

The New Mexico *Development Fees Act* defines "service area" as:

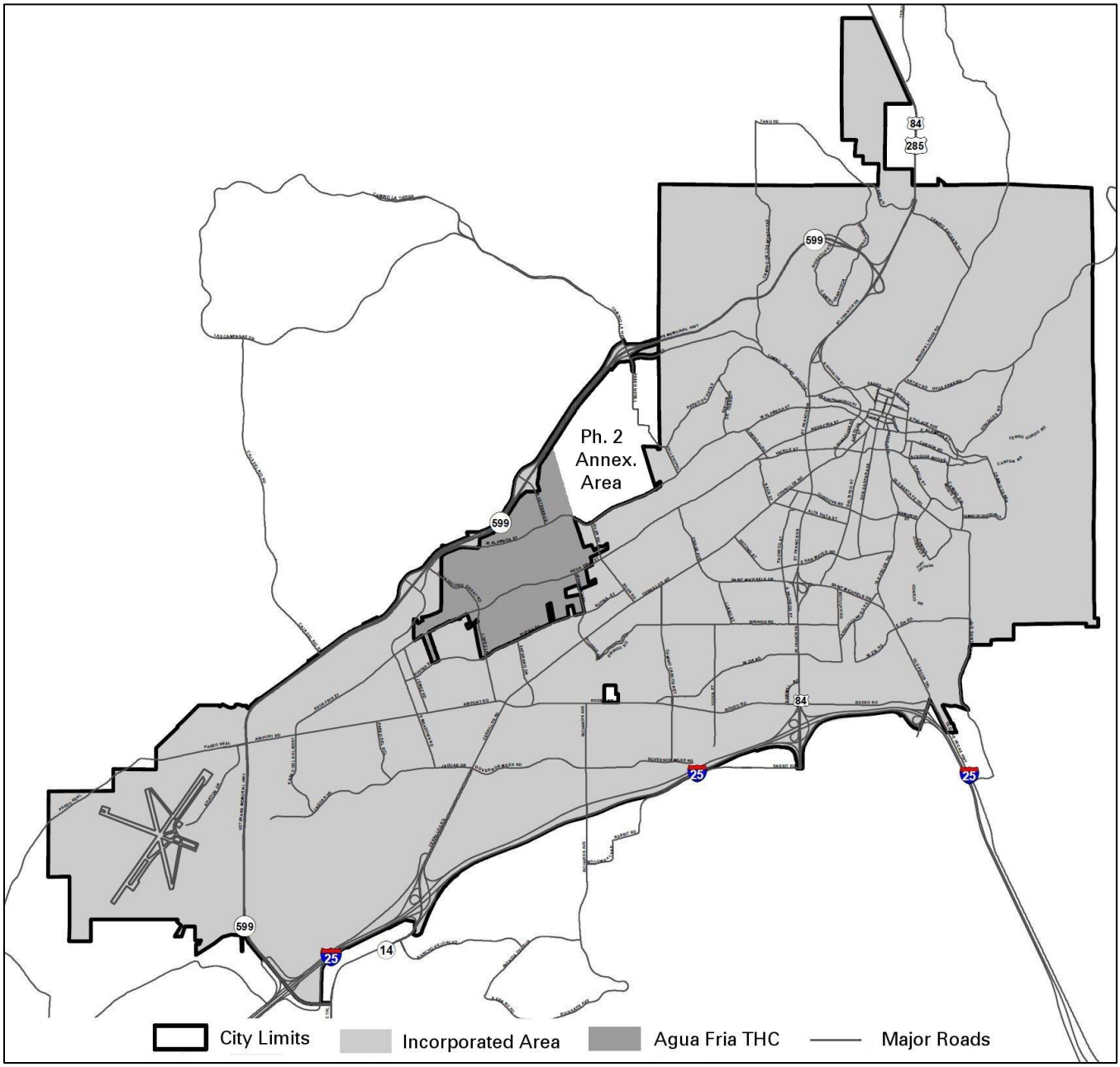
> *the area within the corporate boundaries or extraterritorial jurisdiction of a municipality or the boundaries of a county to be served by the capital improvements or facility expansions specified in the capital improvements plan designated on the basis of sound planning and engineering standards.*

The current service area for all the City's impact fees is the Santa Fe Urban Area. The Urban Area is the geographic area that includes the City's incorporated area as well as some additional unincorporated area that may be annexed into the city at some time in the future. However, the Agua Fria Traditional Historic Community, containing an estimated 1,527 single-family units, is located within the urban area but is expected to remain unincorporated. City impact fees are charged only within the corporate limits and unincorporated areas within the Urban Area where the City has building permit authority.

The City has completed annexation of most of the land within the urban area, with the exceptions of the Agua Fria Traditional Historic Community, an unincorporated island of County-owned land north of Rodeo Road that contains the County Fairgrounds, and a phase 2 annexation area of just over 1,000 acres that contained 322 dwelling units in 2010. Section 5-8-12 of the Development Fees Act says "Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive prompt service from any existing facilities with actual capacity to serve the new service units." New development in areas outside the city limits could be assessed impact fees, and would have immediate access to City parks and major roads, but would not have access to City fire and police service. It appears that the City should not collect impact fees outside the city limits under its extra-jurisdictional planning and zoning authority unless it is currently providing fire/EMS and policing services. Based on these considerations, it is recommended that the incorporated area, rather than the urban area, be the service area for all the City's impact fees, with one exception.

This update utilizes the incorporated area as the service area for the road, fire/EMS and police impact fees. For reasons discussed in the Parks chapter (see text preceding Table 31), the park impact fee service area also includes the roughly 1,200-acre City-owned property occupied by the Municipal Recreation Center and Marty Sanchez Golf Course. The updated land use assumptions are prepared for the incorporated area (which works for parks as well, because there is no existing or anticipated residential development in the MRC/golf course land). Major roadways that determine the estimated traffic demand generated by existing development exclude any that are located outside the city limits. The current City limits are illustrated in Figure 1 on the following page.

Figure 1. Santa Fe City Limits Map



The City currently has a single service area for all of the fees. In general, multiple service areas should be avoided where possible. Each service area requires the preparation of separate land use assumptions, facility inventories, impact fee calculations and capital improvements plans. In addition, multiple service areas limit the City's ability to accumulate sufficient funds to make improvements. Multiple service areas are sometimes used to create fee differentials as an incentive to steer development to desired locations. Impact fee differentials by area, however, are unlikely to be large enough to have any significant effect on the location of development.

The City's road impact fees fund improvements to the major roadway system, defined as arterial and collector roadways within the City's incorporated area, excluding expressways (I-25, NM 599, and US 285 north of NM 599) that mostly carry traffic around the city. Because the major roadway system facilitates travel throughout the community, a single service area continues to be appropriate for road impact fees.

The City's park/trail impact fees fund improvements to the system of recreational facilities, including regional parks, neighborhood parks and trails. Regional parks and trails tend to serve relatively large areas, while neighborhood parks have more localized benefit. As long as the City makes a good faith effort to ensure that park/trail impact fees used to fund neighborhood park improvements are in areas that are experiencing residential development, a single service area will continue to be appropriate for park/trail impact fees. As discussed above, the updated service area for park fees includes some City-owned property in the unincorporated area used for recreational purposes.

A single service area continues to be appropriate for fire and police facilities. Police facilities tend to be centralized, and police protection is provided throughout the city from roving patrol cars. While fire facilities are by necessity more decentralized, responding units are not always located at the nearest station, and units respond to major incidents from all over the city. The City's fire and police facilities and equipment thus form integrated systems, and single service areas are appropriate.

LAND USE ASSUMPTIONS

Land Use Assumptions for the impact fees are provided in Appendix F. The land use assumption report provides growth projections for the City of Santa Fe, a unified service area within which the City may expend impact fee monies for eligible capital improvement projects. The New Mexico Development Fees Act (§§ 5-8-1 through 5-8-43, NMSA 1978), specifies that land use assumptions must be adopted for a period of at least five years. The land use assumptions cover a period of seven years from 2021 to 2027.[1] Over this period, the land use assumptions anticipate that the service area will gain 5,540 new dwelling units with approximately 7,162 new residents and 0.926 million square feet of new nonresidential development. The growth projections for housing, population, and nonresidential floor area over the next seven years are summarized in Table 8.

Table 8. Land Use Assumptions Summary, 2021-2027

	2020	2027	Increase
Population	85,403	92,565	7,162
Housing			
Single-Family Detached	27,831	29,815	1,984
Accessory Dwelling Units	3,274	3,508	234
Multi-Family	12,225	15,547	3,322
Total Housing Units	43,330	48,870	5,540
Nonresidential			
Retail/Commercial (1,000 sf)	13,790	14,176	386
Office (1,000 sf)	5,526	5,681	155
Industrial (1,000 sf)	2,450	2,519	69
Warehouse (1,000 sf)	2,754	2,831	77
Mini-Warehouse (1,000 sf)	1,283	1,319	36
Public/Institutional (1,000 sf)	7,261	7,464	203
Total Nonresidential (1,000 sf)	33,064	33,990	926

Source: City of Santa Fe Long Range Planning Division, Impact *Fee Land Use Assumptions 2021-2027*, (see Appendix F - forthcoming).

The City waives or reduces impact fees for qualifying affordable housing units. Based on recent history, such waivers over the next seven years are estimated in Table 9.

Table 9. Affordable Housing Waivers

Calendar Year	Single-Family	Multi-Family
2015	12	0
2016	12	0
2017	37	0
2018	22	0
2019	4	87
2020 (est.)	14	65
Total, Last 6 Years	101	152
AverageWaivers per Year	17	25
7-Year Estimate	119	175

Source: City of Santa Fe Long-Range Planning Division, October 15, 2020.

[1] Years may refer to a point in time during a year or to a full calendar year. 2020-2027 refers to the 7-year interval between a point in time in those years, while 2021-2027 refers to the increase during those seven full calendar years.

METHODOLOGIES

This chapter reviews the existing methodologies for all four facility types, identifies potential alternatives and makes recommendations for changes. There are a variety of methodologies that can be employed to calculate impact fees. Any methodology, however, must comply with the fundamental principle of impact fees, which is that new development should not be charged for a higher level of service than existing development. Impact fees can be based on a higher level of service than currently exists, but if they are based on a higher level of service a funding plan must be put in place to remedy the existing deficiencies and a credit must be provided for the portion of the funding used to remedy the deficiencies that will be generated by new development.

Alternative Methodologies

There are two basic types of impact fee methodologies: "standards-based" and "plan-based." Standards-based methodologies use a generalized, system-wide level of service measure, such as the number of park acres per 1,000 residents. With such a standard, appropriate impact fees can be calculated based on the cost of maintaining the existing level of service without a master plan specifying specific improvements to be constructed. This approach gives the City flexibility to modify its capital facility plans to respond to changing conditions without triggering the need for a comprehensive impact fee update.

A plan-based methodology relies on a list of planned capital improvements, and is basically calculated by dividing the cost of needed improvements over a period of time by the anticipated new service units over the same time period. The essential requirement for a plan-based fee is that it must demonstrate the nexus between the cost of the planned improvements and the amount of anticipated development. Some plan-based fees use a long-range master plan to establish this nexus. The master plan approach is generally based on an improvement-specific or geographically-based level of service standard, such as "all major roadways shall operate at LOS D or better," and often results in the identification of existing deficiencies. Other plan-based fees are based on a build-out plan or list of capital improvements that are not based on a master plan. These non-master plan approaches must generally be combined with a standards-based analysis that demonstrates that the plan-based fee does not exceed the existing level of service, in order to establish the nexus between the planned improvements and the amount of development to be served by those improvements.

Current Methodologies

The City's current impact fees are all based on a standards-based methodology, as described below. No changes from the basic methodologies are proposed.

Roads

The standards-based methodology for road impact fees is generally referred to as a "consumption-based" approach. In the standard consumption-based approach, the total cost of a representative set of improvements is divided by the capacity added by those improvements in order to determine an average cost per vehicle-mile of capacity (VMC). This cost per VMC is then multiplied by the vehicle-

miles of travel (VMT) generated by a unit of development of a particular land use type to determine the gross impact fee (i.e., before credits). A variant is the modified consumption-based approach, which uses a system-wide VMC/VMT ratio higher than the 1:1 ratio implicit in the standard approach.

The City's current road impact fees are based on the standard consumption-based methodology. This is a relatively conservative approach, because most roadway systems require a VMC/VMT ratio greater than one to operate effectively, due to the fact that vehicular travel does not always go where excess road capacity is located. Nevertheless, it is a widely-used, reliable approach to the calculation of road impact fees.

Parks

The standards-based methodology is sometimes referred to as "incremental expansion," because it uses the existing level of service to determine the cost required to serve future development. It is based on the reasonable assumption that facilities will need to be expanded proportional to the amount of growth that occurs. This approach is appropriate for facilities that do not have a significant amount of excess capacity to serve future development.

Park impact fees are typically only assessed on residential development, because the need for parks is related to the number of people residing in the community. Some park impact fees use the ratio of park acres to population as the level-of-service measure. However, rather than using population as the service unit for parks, the current fees use Equivalent Dwelling Units (EDUs). A typical single-family home is 1.00 EDU, while the EDUs for other housing types are based on the average household size relative to a typical single-family unit. Using EDUs rather than population has the advantage of taking volatile occupancy rates out of the equation.

While a ratio of acres to population may be a useful level-of-service measure for park planning purposes, it is less appropriate as the basis for impact fee calculations. An acre developed with ball fields represents a much lower capital investment than an acre developed with a community center or a swimming pool. The current park methodology uses the inventory of actual improvements and current replacement costs to quantify the capital investment in existing facilities. The existing LOS is defined in terms of capital investment per EDU.

Fire and Police

The current fire and police impact fees are also based on the incremental expansion approach, based on the existing city-wide level of service. The level of service is quantified in terms of the capital investment per service unit. The service unit for fire and police fees is "functional population." A functional person is similar to the concept of a full-time equivalent worker, and represents the equivalent of a person being present at the land use for 24 hours a day. The functional population approach is appropriate for fire and police services, since the demand for such services is strongly related to the number of people present at a land use.

ROADS

The New Mexico Development Fees Act authorizes local governments to impose impact fees for "roadway facilities," including traffic signals. In the 2008 update, the arterial impact fee was expanded to include collector roads and was combined with the traffic signal impact fee into comprehensive road impact fee. In this update, the service area is changed from the urban area to the incorporated area.

Service Unit

In impact fee analysis, capital costs, revenue credits and net costs are calculated on the basis of a "service unit," which is a common unit of measurement of facility demand and capacity. An appropriate service unit for roadway capital cost analysis is vehicle-miles of travel (VMT). Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that these vehicles travel. The two time periods most often used in traffic analysis are the 24-hour day (average daily trips or ADT) and the single hour of the day with the highest traffic volume (peak hour trips or PHT). Since available traffic counts are in the form of daily volumes, the impact fees will continue to be based on ADT.

Major Road System

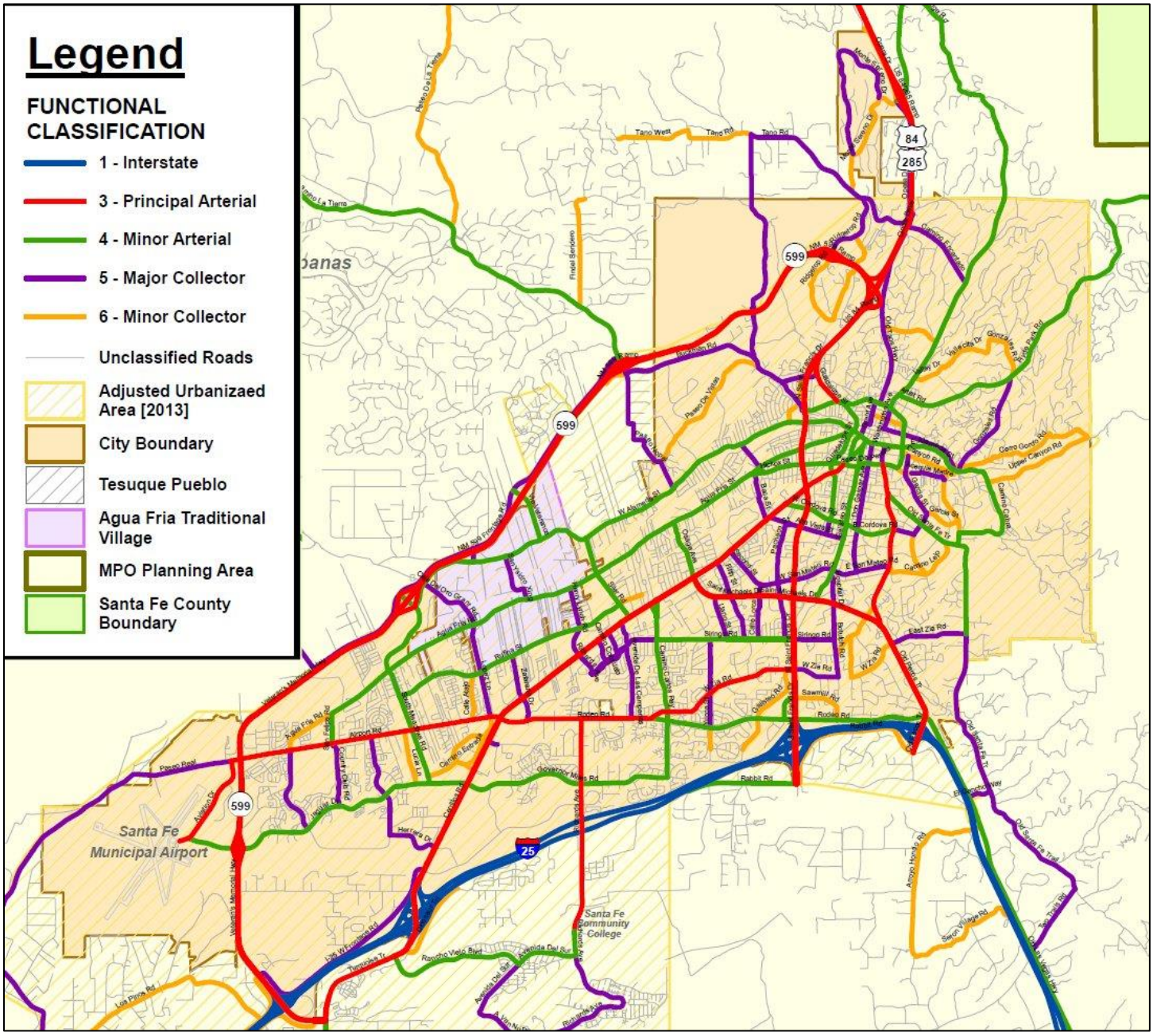
The New Mexico Development Fees Act limits the use of transportation impact fees to "roadway facilities," which are defined as:

> *…arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the municipality or county, including bridges, bike and pedestrian trails, bus bays, rights of way, traffic signals, landscaping and any local components of state or federal highways.*

The City's land development code defines the major road system as all collector and arterial roads. However, the major road system has always excluded I-25, and the 2014 study excluded NM 599 as well. This update also excludes US 285 north of NM 599, because this is also a limited-access facility that largely functions to move traffic around the city. The functional classification system is illustrated in Figure 2.

An inventory of the major roadway system was prepared as part of this update and is presented in Table 59 in Appendix A. The update removes segments of US 285 north of NM 599, arterials and collector outside the city limits, and other roads not classified as arterials or collectors on the current functional classification map. The major purpose of the inventory is to determine the total amount of travel on the major road system, expressed in vehicle-miles of travel (VMT), and system-wide capacity, expressed as vehicle-miles of capacity (VMC). The system-wide VMT is used to calibrate national travel demand factors to local conditions.

Figure 2. Functional Classification Map



Source: Functional classification map from Santa Fe Metropolitan Planning Organization website.

Methodology

As with the previous road impact fee calculation, the methodology for determining the road segment component of the road impact fee is based on a "consumption-based" model, which basically charges a new development the cost of replacing the capacity that it consumes on the major road system. That is, for every vehicle-mile of travel (VMT) generated by the development, the road impact fee charges the net cost to construct an additional vehicle-mile of capacity (VMC).

Since travel is never evenly distributed throughout a road system, actual road systems require more than one unit of capacity for every unit of demand in order for the system to function at an acceptable level of service. Suppose, for example, that the City completes a major arterial widening project. The completed arterial is likely to have a significant amount of excess capacity for some period of time. If the entire system has just enough capacity to accommodate all of the vehicle-miles of travel, then the excess capacity on this segment must be balanced by another segment being over-capacity. Clearly, road systems in the real world need more total aggregate capacity than the total aggregate demand, because the traffic does not always precisely match the available capacity. Consequently, the standard consumption-based model generally underestimates the full cost of accommodating new development at the existing level of service.

In most rapidly growing communities, some roads will be experiencing an unacceptable level of congestion at any given point in time. One of the principles of impact fees is that new development should not be charged for a higher level of service than is provided to existing development. In the context of road impact fees, this has sometimes been interpreted to mean that impact fees should not be spent on roads that are already over-capacity. However, it is not necessary to address existing deficiencies in a consumption-based system, which, unlike an improvements-driven system, is not designed to recover the full costs to maintain the desired LOS on all road segments. Instead, it is only designed to maintain a minimum one-to-one overall ratio between system demand and system capacity. Virtually all major road systems have more capacity (VMC) than demand (VMT) on a system-wide basis. Consequently, under a consumption-based system, the level of service standard is really a system-wide VMC/VMT ratio of one.

The existing system-wide VMC/VMT ratio is considerably higher than one, as shown in Table 10. Because the City's major road system currently operates at better than a one-to-one ratio, there are no existing deficiencies on a system-wide basis.

Table 10. Existing Road Level of Service

	Arterials	Collectors	Total
Daily Vehicle-Miles of Capacity (VMC)	1,904,404	710,429	2,614,833
÷ Daily Vehicle-Miles of Travel (VMT)	1,087,610	192,241	1,279,851
System-Wide Capacity/Demand Ratio	1.75	3.70	2.04

Source: Table 59 in Appendix A.

The road impact fee formula is presented in Figure 3.

Figure 3. Road Impact Fee Formula

FEE	=	VMT X NET COST/VMT
Where:		
VMT	=	TRIPS x % NEW x LENGTH x ADJUST
TRIPS	=	1/2 average daily trip ends during weekday
% NEW	=	Percent of trips that are primary trips
LENGTH	=	Average length of a trip
ADJUST	=	Local travel demand adjustment factor
NET COST/VMT	=	COST/VMT - CREDIT/VMT
COST/VMT	=	COST/VMC X VMC/VMT
COST/VMC	=	Average cost per new VMC
VMC/VMT	=	Ratio of vehicle-miles of capacity to vehicle-miles of travel
CREDIT/VMT	=	Credit per VMT based on revenues generated

The traffic signal portion of the road impact fee is based on the ratio of existing traffic demand to existing signals. The current traffic signal level of service is shown in Table 11.

Table 11. Traffic Signal Level of Service

Existing Vehicle-Miles of Travel (VMT)	1,087,610
÷ Existing Traffic Signals	123
Existing VMT per Signal	8,842

Source: Existing VMT from Table 10; existing signals from City of Santa Fe Long Range Planning Division, July 27, 2020.

Travel Demand

The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent new trips and 3) trip length. The first two factors are well documented in the professional literature, and the average trip generation characteristics identified in studies of communities around the nation should be reasonably representative of trip generation characteristics in Santa Fe. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major street system.

Trip Generation

Trip generation rates are based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single one-way trip from home to work counts as one trip end for the residence and one trip end for the workplace, for a total of two trip ends. To avoid over-counting, all trip rates have been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double-charging for any particular trip.

As with the current impact fee schedule, the road impact fees calculated in this report will vary by the size of the dwelling unit for single-family detached units. The average household size of single-family detached units by unit size is combined with data on trips by household size from the 2017 National Household Travel Survey to derive daily trip generation rates by unit size, as shown in Table 12.

Table 12. Single-Family Trip Generation Rates

Single-Family Unit Size (Heated Living Area)	Average HH Size	Daily Trips
1,500 sq. ft. or less	2.19	4.45
1,501-2,500 sq. ft.	2.36	4.69
2,501-3,000 sq. ft.	2.52	4.93
3,001 sq. ft. or more	2.71	5.20
All Single-Family Detached Units	2.38	4.72
Accessory Unit	1.50	2.32

Source: Average household sizes from Table 64; daily trips derived from 2017 National Household Transportation Survey data on daily trips by household size.

New Trip Factor

Trip rates also need to be adjusted by a "new trip factor" to exclude pass-by and diverted-link trips. This adjustment avoids over-counting by only including primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a particular development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-link trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass-by and diverted-link trips was drawn from ITE and other published information.

Average Trip Length

In the context of a road impact fee based on a consumption-based methodology, it is important to determine the average length of a trip on the local major road system. The point of departure in developing local trip lengths is to utilize national data. The U.S Department of Transportation's 2009 National Household Travel Survey identifies average trip lengths for specific land uses and trip purposes. However, these trip lengths are unlikely to be representative of Santa Fe. An adjustment factor for local trip lengths can be derived by dividing the VMT that is actually observed on the major road system by the VMT that would be expected using national average trip lengths and trip generation rates.

The first step in developing the adjustment factor for local travel demand is to estimate the total daily vehicle-miles of travel (VMT) that would be expected on Santa Fe's major road system based on national travel demand characteristics. Existing land use data from the Land Use Assumptions are multiplied by average daily trip generation rates, percent of primary trips and national average trip lengths and summed to estimate total city-wide VMT. As shown in Table 13, existing service area land uses, using national trip generation and trip length data, would be expected to generate approximately 2.7 million VMT on the major road system during an average weekday.

Table 13. Expected Vehicle-Miles of Travel

Land Use Type	Unit	Existing Units	Trip Rate	New Trips	Trip Length	Expected VMT
Single-Family Detached	Dwelling	27,831	4.72	100%	8.58	1,127,089
Multi-Family	Dwelling	12,225	2.72	100%	8.58	285,302
Accessory Unit	Dwelling	3,274	2.32	100%	8.58	65,171
Retail/Commercial	1,000 sf	13,790	18.87	42%	7.03	768,318
Office	1,000 sf	5,526	4.87	100%	9.76	262,657
Industrial	1,000 sq. ft	2,450	1.68	100%	11.28	46,428
Warehouse	1,000 sq. ft	2,754	0.87	100%	11.28	27,027
Mini-Warehouse	1,000 sq. ft	1,283	0.75	100%	6.39	6,149
Public/Institutional	1,000 sf	7,261	3.32	100%	6.48	156,210
Total Expected VMT						2,744,351

Source: Existing units from Table 8; trip rates and percent new trips from Table 16; national average trip lengths from Table 15.

The next step in developing the local trip length adjustment factor is to determine actual service area VMT on the City of Santa Fe's major road system. Actual current daily VMT is calculated in Table 59 in Appendix A. Daily traffic counts were obtained from the Santa Fe Metropolitan Planning Organization. For most major road segments, 2019 counts were available, but for a few segments older counts were used. Lack of any recent traffic counts for some collector segments required use of an estimated volume based on 75 percent of the average volume for collector road with counts.

An adjustment of total existing VMT is sometimes necessary to take into account trips that travel on the major road system without an origin or destination in the city. However, because this study excludes any travel on roadways outside the city limits, on local roads, or on I-25 or other expressways (NM 599, and US 285 north of NM 599) that carry the vast majority of through trips, such an adjustment is not necessary.

Not surprisingly, the expected system-wide VMT based on existing land use data and national travel demand characteristics over-estimates VMT actually observed on the major road system. Consequently, it is necessary to develop an adjustment factor to account for this variation. The local trip length adjustment factor is the ratio of actual to projected VMT on the major road system. As shown in Table 14 on the following page, the national average trip length for each land use should be multiplied by a local adjustment factor of 0.396.

Table 14. Local Trip Length Adjustment Factor

Actual Daily VMT on Major Road System	1,087,610
÷ Expected Daily VMT on Major Road System	2,744,351
Ratio of Expected to Actual VMT	0.396

Source: Actual daily VMT from Table 10; expected VMT from Table 13.

The U.S. Department of Transportation's 2017 National Household Travel Survey identifies average trips lengths for residential housing types and for specific trip purposes, including shopping, medical/dental, home-to-work, family/personal and school/church trips. The national average trip lengths by trip purpose have been adjusted by the local adjustment factor calculated in the preceding table to derive local trip lengths, as shown in Table 15.

Table 15. Average Trip Length by Trip Purpose

Land Use Type	Trip Type	National (miles)	Ratio of Local/National	Local (miles)
Residential	Average	8.58	0.396	3.40
Retail/Commercial	Shopping	7.03	0.396	2.78
Office	Medical/Dental	9.76	0.396	3.86
Industrial	To or From Work	11.28	0.396	4.47
Warehouse	To or From Work	11.28	0.396	4.47
Mini-Warehouse	Family/Personal	6.39	0.396	2.53
Public/Institutional	School/Church	6.48	0.396	2.57

Source: National average trip lengths from US. Department of Transportation, National Household Travel Survey, 2017; local adjustment factor from Table 14.

Travel Demand Schedule

The result of combining trip generation rates, new trip factors and average trip lengths is a travel demand schedule that establishes the VMT during the average weekday generated by various land use types per unit of development in Santa Fe. The recommended travel demand schedule is presented in Table 16 on the following page.

Table 16. Travel Demand Schedule

Land Use Type	Unit	ITE Code	Daily Trips	New Trips	Trip Length	VMT/ Unit
Single-Family Detached (avg.)	Dwelling	210	4.72	100%	3.40	16.05
1,500 sq. ft. or less	Dwelling	210	4.45	100%	3.40	15.13
1,501-2,500 sq. ft.	Dwelling	210	4.69	100%	3.40	15.95
2,501-3,000 sq. ft.	Dwelling	210	4.93	100%	3.40	16.76
More than 3,000 sq. ft.	Dwelling	210	5.20	100%	3.40	17.68
Accessory Unit	Dwelling	n/a	2.32	100%	3.40	7.89
Multi-Family	Dwelling	230	2.72	100%	3.40	9.25
Mobile Home	Dwelling	240	2.50	100%	3.40	8.50
Retail/Commercial	1,000 sq. ft.	820	18.87	42%	2.78	22.03
Office	1,000 sq. ft.	710	4.87	100%	3.86	18.80
Industrial	1,000 sq. ft.	130	1.68	100%	4.47	7.51
Warehousing	1,000 sq. ft.	150	0.87	100%	4.47	3.89
Mini-Warehouse	1,000 sq. ft.	151	0.75	100%	2.53	1.90
Public/Institutional	1,000 sq. ft.	620	3.32	100%	2.57	8.53

Source: Trip rate is one-half average daily trip ends during a weekday from Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th ed., 2017; trip rates for single-family by unit size from Table 12; new trip factor for shopping center from the ITE manual; average trip lengths from Table 15.

Cost per Service Unit

The road impact fee is designed to cover the cost of adding capacity to the major road system. All the normal components of a road expansion or intersection improvement project are eligible for impact fee funding, including construction of new lanes, reconstruction of existing lanes and relocation of utilities where necessary as part of a widening project, as well as new traffic signals, sidewalks, multi-use paths, street lighting, and associated landscaping within the major road corridors.

While all eligible improvements add vehicular capacity, either directly or indirectly by providing alternative mobility options, the cost of new capacity added can most readily be quantified for new roads or road widening projects. The road improvement costs exclude the cost of traffic signals, which are addressed in the calculation of the traffic signal component of the calculation.

Recent and planned road improvements are summarized in Table 17. The average cost of the capacity added by these projects, without the two costlier Cerrillos Road projects, is $346 per vehicle-mile of capacity (VMC) added. However, these projects average less than a mile in length and may lack economies of scale. In recognition of this, a lower cost of $260 per VMC will be used in the impact fee calculations. Under the standard consumption-based methodology, the cost per VMC does not need to be adjusted by the actual VMC/VMT ratio to determine the cost per VMT, because a ratio of one-to-one is assumed.

Table 17. Road Segment Cost per Service Unit

Road Improvement	Miles	Lanes	Capacity Before	Capacity After	New VMC	Cost	Cost/ VMC
Siler Rd, Agua Fria-W Alameda St (2010)	0.68	0-2	0	14,800	10,064	$4,000,000	$397
S Meadows, Agua Fria-NM 599 (2012)	0.91	0-2	0	14,800	13,468	$3,925,000	$291
Cerrillos, Cielo Ct-Camino Carlos Rey (2012)	0.57	6-8	50,000	67,300	9,861	$6,906,677	$700
Cerrillos, Camino Carlos Rey-St. Michaels	0.57	6-8	50,000	67,300	9,861	$10,300,000	$1,045
Beckner Rd, Las Soleras-Richards	1.25	2-4	13,300	32,400	23,875	$7,000,000	$293
Paseo del Sol Ext., Jaguar-Jaguar	1.20	0-2	0	13,300	15,960	$7,000,000	$439
Total	5.18				83,089	$39,131,677	$471
Total without Cerrillos	4.04				63,367	$21,925,000	$346
Assumed in Fee Calculations							$260

Source: City of Santa Fe Long Range Planning Division, July 27, 2020; generalized daily capacity estimates from Florida Department of Transportation, *2011 Quality/Level of Service Handbook*, Table 1.

The traffic signal improvement component of the road impact fee calculation is based on the average current cost of installing a new traffic signal. The cost per service unit is calculated by dividing the average cost of a traffic signal by the existing level of service, which is expressed as the ratio of existing traffic to existing traffic signals. As shown in Table 18, the traffic signal cost per service unit is $57 per VMT.

Table 18. Traffic Signal Cost per Service Unit

Average Cost per Traffic Signal	$500,000
÷ Existing Vehicle-Miles of Travel per Signal	8,842
Traffic Signal Cost per VMT	$57

Source: Cost per signal from City of Santa Fe Public Works Department, July 27, 2020; VMT per signal from Table 11.

The combined cost for the road segment and traffic signal components of the impact fee is $317 per VMT, as shown in Table 19.

Table 19. Total Road Cost per Service Unit

Road Segment Cost per Vehicle-Mile of Travel (VMT	$260
Traffic Signal Cost per VMT	$57
Total Road Cost per VMT	$317

Source: Road segment cost per VMT is the same as the cost per VMC from Table 17; traffic signal cost per VMT from Table 18.

Capital Facilities Plan

Projected growth from the Land Use Assumptions can be translated into projected impact on the major road system by multiplying existing and projected development in each major land use category by daily vehicle-miles of travel (VMT) associated with each land use. In Table 20, existing and future land uses within Santa Fe's incorporated area have been multiplied by VMT rates and summed to determine reasonable estimates of new daily travel demand that will be generated by anticipated new development within the city limits. As can be seen, new development is expected to increase travel demand in the service area by 78,453 daily VMT over the next seven years.

Table 20. Total Daily Travel Demand, 2021-2027

		Projected Units		VMT/	Projected VMT		
Land Use Type	Unit	2020	2027	Unit	2020	2027	New
Single-Family Detached	Dwelling	27,831	29,815	16.05	446,688	478,531	31,843
Multi-Family	Dwelling	12,225	15,547	9.25	113,081	143,810	30,729
Accessory Dwelling Unit	Dwelling	3,274	3,508	7.89	25,832	27,678	1,846
Retail/Commercial	1,000 sq. ft.	13,790	14,176	22.03	303,794	312,297	8,503
Office	1,000 sq. ft.	5,526	5,681	18.80	103,889	106,803	2,914
Industrial	1,000 sq. ft.	2,450	2,519	7.51	18,400	18,918	518
Warehouse	1,000 sq. ft.	2,754	2,831	3.89	10,713	11,013	300
Mini-Warehouse	1,000 sq. ft.	1,283	1,319	1.90	2,438	2,506	68
Public/Institutional	1,000 sq. ft.	7,261	7,464	8.53	61,936	63,668	1,732
Total					1,086,771	1,165,224	78,453

Source: Projected development units from Table 8; VMT per unit from Table 16.

A method of estimating growth-related capital needs over the next seven years is to multiply new VMT by the capital cost per VMT to get an estimate of the cost of expanding the capacity of the major road system to accommodate projected growth. This technique is applied in Table 21, and it results in estimated capital road needs of $24.9 million over the next seven years.

Table 21. Major Road Capital Needs, 2021-2027

New Vehicle-Miles of Travel, 2020-2027	78,453
x Capital Cost per VMT	$317
Road Capital Needs, 2020-2027	$24,869,601

Source: New VMT from Table 20; capital cost per VMT from Table 19.

The planned road, intersection and traffic signal improvements over the next seven years are summarized in Table 80 in Appendix G. The cost of the planned improvements totals $59.5 million, which exceeds the anticipated capital cost attributed to growth over the next seven years. These improvements will likely serve growth over a longer time horizon. The actual pace of development may be faster or slower than anticipated by the Land Use Assumptions, resulting in greater or lesser growth-related capital needs. In addition, the planned capital projects and estimated costs may change over time, and some of the costs may be funded from other sources.

Net Cost per Service Unit

In the calculation of the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past major road improvements.

Over the next four years, the regional Transportation Improvement Program commits to spending approximately $25 million in Federal and State highway funding for capacity-expanding improvements to the City's major road system, or about $6.4 million per year. Dividing the anticipated annual State and Federal funding by existing travel on the major road system yields the annual State and Federal capital funding per VMT. Multiplying annual capacity funding per service unit by the appropriate present value factor yields the equivalent current value of the future stream of funding over the next 25 years, a period that generally corresponds to the period used for long-term debt repayment (20-30 years). The result is a Federal/State funding credit of $103 per VMT, as shown in Table 22.

Table 22. Road Federal/State Funding Credit

Acequia Trail Preliminary Engineering Rufina to San Felipe	$300,000
Canada Trail Connection, Calle Mejia-Camino Francisca	$900,000
Agua Fria St./Cottonwood Drive Intersection	$969,000
St. Michael's Dr. Rail Trail Pedestrian Crossing/Underpass	$4,984,999
Cerrillos Road Phase IA, B, C, D; phase II Final Design	$1,004,386
St. Michaels and St. Francis Interchange	$17,290,210
Federal and State Funding for Capacity, FY 2020-2023	$25,448,595
÷ Years in Funding Period	4
Annual Federal/State Capacity Funding	$6,362,149
÷ Existing VMT	1,279,851
Annual Federal/State Capacity Funding per VMT	$4.97
x Net Present Value Factor (25 years)	20.72
Federal/State Funding Credit per VMT	$103

Source: Federal/State capacity funding from Santa Fe Metropolitan Planning Organization, *2020-2013 Transportation Improvement Program*; existing VMT from Table 10; discount rate for present value factor is the average of national yields on 20- and 30-year AAA municipal bonds from fmsbonds.com on September 9, 2020.

In addition to the state and federal funding that is programed through the Metropolitan Planning Organization, the City also received state grants for capacity-expanding roadway projects. Over the last seven years, the City's major roads have been improved with State grants to the tune of about $25 million. If this rate of funding continues, the City will receive the present value equivalent over the next 25 years of $1 per VMT, as shown in Table 23.

Table 23. Road Grant Credit

Ref. #	Project Name	Amount
13-0954	Agua Fria / South Meadows Improvements	$25,000
18-C2663	Agua Fria / South Meadows Improvements	$100,000
18-C2664	Harrison Road Lighting/Sidewalk	$28,000
18-C2665	Sandoval / Montezuma Intersection Improvements	$100,000
19-D3408	Agua Fria / South Meadows Improvements	$125,000
19-D3409	Harrison Road Improvements	$200,000
Total, State Grant Funding, 2013-2019		$578,000
÷ Years in Funding Period		7
Annual State Grant Funding		$82,571
÷ Existing VMT		1,279,851
Annual State Grant Funding per VMT		$0.06
x Net Present Value Factor (25 years)		20.72
State Grant Funding Credit per VMT		$1

Source: Grant information from City of Santa Fe Finance Department, October 7, 2020; existing VMT from Table 10; discount rate for present value factor is the average of national yields on 20- and 30-year AAA municipal bonds from fmsbonds.com on September 9, 2020

The City of Santa Fe has some outstanding debt for past street improvements. The principal and interest payments on the outstanding debt are funded with revenues from the City's one-half cent gross receipts tax dedicated for capital improvements. Dividing the City's outstanding debt by existing travel demand on the major road system results in a debt credit of $1 per service unit, as shown in Table 24. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 24. Road Debt Credit

Total Outstanding Eligible Debt	$1,430,645
÷ Existing Major Road System Vehicle-Mies of Travel (VMT)	1,279,851
Road Debt Credit per VMT	$1

Source: Outstanding debt principal from Table 76; total VMT from Table 10.

Deducting the Federal/State funding, State grant, and debt credits from the capital cost per VMT yields a net cost per service unit of $212, as summarized in Table 25.

Table 25. Road Net Cost per Service Unit

Cost per Vehicle-Mile of Travel (VMT)	$317
– Federal/State Funding Credit per VMT	-$103
– Grant Credit per VMT	-$1
– Debt Credit per VMT	-$1
Road Net Cost per VMT	$212

Source: Cost per VMT from Table 19; federal/state funding credit from Table 22; grant credit from Table 23; debt credit from Table 24.

Net Cost Schedule

The maximum road impact fees that could be charged by the City, based on the data, methodology and assumptions utilized in this report, are presented in Table 26. The updated fees are calculated by multiplying the daily vehicle-miles of travel (VMT) generated by the development by the net cost per VMT calculated above.

Table 26. Road Net Cost Schedule

Land Use Type	Unit	VMT/ Unit	Net Cost/ VMT	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	16.05	$212	$3,403
1,500 sq. ft. or less	Dwelling	15.13	$212	$3,208
1,501-2,500 sq. ft.	Dwelling	15.95	$212	$3,381
2,501-3,000 sq. ft.	Dwelling	16.76	$212	$3,553
3,001 sq. ft. or more	Dwelling	17.68	$212	$3,748
Accessory Unit	Dwelling	7.89	$212	$1,673
Multi-Family	Dwelling	9.25	$212	$1,961
Mobile Home/RV Park	Space	8.50	$212	$1,802
Retail/Commercial	1,000 sq. ft.	22.03	$212	$4,670
Office	1,000 sq. ft.	18.80	$212	$3,986
Industrial	1,000 sq. ft.	7.51	$212	$1,592
Warehousing	1,000 sq. ft.	3.89	$212	$825
Mini-Warehouse	1,000 sq. ft.	1.90	$212	$403
Public/Institutional	1,000 sq. ft.	8.53	$212	$1,808

Source: Daily VMT per unit from Table 16; net cost per VMT from Table 25.

The updated road impact fees calculated in this report are compared with the maximum fees calculated in the 2014 study in Table 27. The updated fee for a typical single-family unit is 13% higher than what was calculated in the previous study.

Table 27. Change in Road Impact Fees

Land Use Type	Unit	2014 Fee/Unit (100%)	2020 Fee/Unit (100%)	Percent Change
Single Family Detached (avg.)	Dwelling	$3,009	$3,403	13%
1,500 sq. ft. or less	Dwelling	$2,706	$3,208	19%
1,501-2,000 sq. ft.	Dwelling	$2,949	$3,381	15%
2,001-2,500 sq. ft.	Dwelling	$3,059	$3,381	11%
2,501-3,000 sq. ft.	Dwelling	$3,207	$3,553	11%
3,001 sq. ft. or more	Dwelling	$3,395	$3,748	10%
Accessory Unit	Dwelling	$1,617	$1,673	3%
Multi-Family	Dwelling	$1,855	$1,961	6%
Retail/Commercial	1,000 sq. ft.	$5,723	$4,670	-18%
Office	1,000 sq. ft.	$3,431	$3,986	16%
Industrial	1,000 sq. ft.	$2,651	$1,592	-40%
Warehousing	1,000 sq. ft.	$1,383	$825	-40%
Mini-Warehouse	1,000 sq. ft.	$535	$403	-25%
Public/Institutional	1,000 sq. ft.	$2,086	$1,808	-13%

Source: 2014 net cost per unit from Table 1; updated fees from Table 26.

Potential Revenue

Based on residential and nonresidential construction forecast in the Land Use Assumptions, the City could expect the road impact fees calculated in this report, if adopted at 100%, to generate only slightly more revenue than the current maximum fees over the next seven years, as shown in Table 28.

Table 28. Potential Road Impact Fee Revenue, 2021-2027

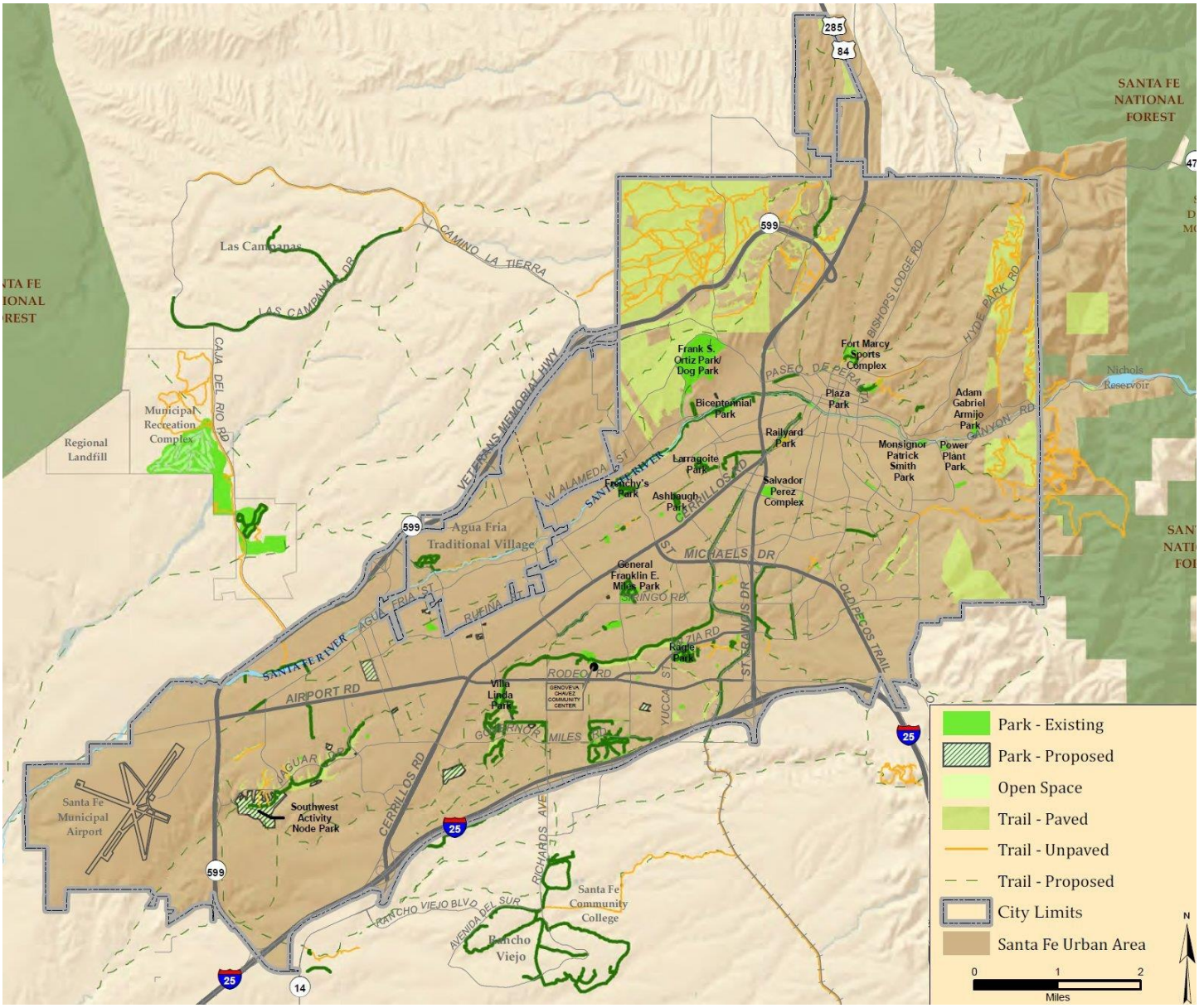
		Fee per Unit		7-Year	Potential Revenue, 2021-2027	
Land Use Type	Unit	2014 (100%)	2020 (100%)	Growth	2014 (100%)	2020 (100%)
Single-Family Detached	Dwelling	$3,009	$3,403	1,865	$5,611,785	$6,346,595
Multi-Family	Dwelling	$1,855	$1,961	3,147	$5,837,685	$6,171,267
Accessory Unit	Dwelling	$1,617	$1,673	234	$378,378	$391,482
Subtotal, Residential					$11,827,848	$12,909,344
Retail/Commercial	1,000 sq. ft.	$5,723	$4,670	386	$2,209,078	$1,802,620
Office	1,000 sq. ft.	$3,431	$3,986	155	$531,805	$617,830
Industrial	1,000 sq. ft.	$2,651	$1,592	69	$182,919	$109,848
Warehouse	1,000 sq. ft.	$1,383	$825	77	$106,491	$63,525
Mini-Warehouse	1,000 sq. ft.	$535	$403	36	$19,260	$14,508
Public/Institutional	1,000 sq. ft.	$2,086	$1,808	203	$423,458	$367,024
Subtotal, Nonresidential					$3,473,011	$2,975,355
Total Potential Fee Revenue, 2021-2027					$15,300,859	$15,884,699
Percent Change in Potential Revenue						3.8%

Source: 2014 and 2020 fee per unit from Table 26 (industrial/warehouse is average of industrial, warehousing and mini-warehouse); 7-year growth from Table 8, less anticipated affordable housing waivers from Table 9; potential revenue is new units times fee per unit.

PARKS/TRAILS

This chapter of the study updates the City's park/trail impact fee. The primary purpose of this study is to update the fees to reflect the current level of service and current costs to provide park facilities. The locations of the City's existing parks, open space and trails are illustrated in Figure 4.

Figure 4. Existing Parks, Open Space and Trails



Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for park facilities. This unit of measurement is called a "service unit." The most common service unit used in park impact fee analysis is population. Population estimates are based on three factors: the number of dwelling units, average household sizes for various types of units and occupancy rates. The number of dwelling units can be estimated with some degree of precision, and average household size has been declining somewhat predictably but has been stabilizing in recent years. Occupancy rates, on the other hand, tend to vary significantly over time, and not in predictable directions. Consequently, this report recommends the use of a service unit that avoids the need to make assumptions about occupancy rates. This service unit is the "equivalent dwelling unit" or EDU, which represents the impact of a typical single-family dwelling. By definition, a typical single-family unit represents, on average, one EDU. Other types of units each represent a fraction of an EDU, based on their relative average household sizes.

Because the level of service for park facilities is measured in terms of population, demand for park facilities is proportional to the number of people in a dwelling unit. Consequently, data on average household size for various types of units is a critical component of a park impact fee. These data are presented and analyzed in Appendix B.

As described earlier, the service unit for Santa Fe's park/trail impact fees is defined as an equivalent dwelling unit, or EDU. An EDU is a unit that has an average household size equivalent to a typical single-family unit in Santa Fe. The EDUs associated with each housing type and unit size category are shown in Table 29.

Table 29. Park/Trail Equivalent Dwelling Unit Multipliers

Housing Type/Living Area	Unit	Avg. HH Size	EDUs/ Unit
Single-Family Detached (avg.)	Dwelling	2.38	1.00
1,500 sq. ft. or less	Dwelling	2.19	0.92
1,501-2,500 sq. ft.	Dwelling	2.36	0.99
2,501-3,000 sq. ft.	Dwelling	2.52	1.06
More than 3,000 sq. ft.	Dwelling	2.71	1.14
Accessory Unit	Dwelling	1.50	0.63
Multi-Family	Dwelling	1.79	0.75
Mobile Home Park	Pad	3.64	1.53

Source: Average household size from Table 65; EDUs/unit is ratio of average household size to average for single-family detached..

The number of existing and future park/trail service units can be determined by multiplying the number of dwelling units by housing type from the land use assumptions by the park/trail service units per dwelling unit for each housing type. As shown in Table 30, a total of 4,622 new park/trail service units is projected to be added in the City of Santa Fe over the next seven years.

Table 30. Park/Trail Service Units, 2021-2027

Housing Type	Dwelling Units 2020	Dwelling Units 2027	EDUs/ Unit	Park Service Units (EDUs) 2020	Park Service Units (EDUs) 2027	Park Service Units (EDUs) New
Single-Family Detached	27,831	29,815	1.00	27,831	29,815	1,984
Multi-Family	12,225	15,547	0.75	9,169	11,660	2,491
Accessory Unit	3,274	3,508	0.63	2,063	2,210	147
Total	43,330	48,870		39,063	43,685	4,622

Source: Dwelling units from Table 8; EDUs/unit from Table 29.

Cost per Service Unit

The park/trail impact fees are based on the existing level of service for parks, open space and trails. The level of service is measured in terms of the ratio of the replacement value of existing facilities to the number of existing service units, or park EDUs. The level of service used in calculating the park/trail impact fee relies on the replacement value of existing park land and improvements, rather than on acres, since, for example, an acre of intensively-developed park land is not equivalent to an acre of open space or passive recreation land.

The initial step in determining the current level of service is to identify the current inventory of parks, open space and trails currently provided by the City. A detailed inventory of existing City parks, trails and opens space is presented in Appendix D.

One issue to address is how to treat City-owned park and open space land and improvements that are located in the unincorporated area, which means they are outside the City's service area – the incorporated area of the City. The New Mexico Development Fees Act states that the impact fee capital improvements plan shall include "existing capital improvements within the service area and the costs to upgrade, update, improve, expand or replace the described capital improvements to adequately meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards;" as well as "an analysis …. of the total capacity, the level of current usage and commitments for usage of capacity of the existing capital improvements;".[2] While the statute does not use the phrase "level of service," this language clearly is a nod to national case law relating to impact fees, which holds as a fundamental premise that impact fees should not charge new development for a higher level of service than is currently provided to existing development in the service area, unless the deficiencies in the existing level of service are remedied by another funding source.

The City's Municipal Recreation Complex (MRC) and the Marty Sanchez Golf Course are located on a roughly 1,200-acre parcel of City-owned land located roughly 1-2 miles north of the city limit line at NM 599 and Caja del Rio Road. They are open to unincorporated county residents, are major specialized facilities that may draw visitors from a wide area, and are easily accessible via NM 599 to non-City residents. While there may be other City parks facilities located within the city limits that also draw a significant number of unincorporated area residents, the MRC/golf course complex is not in the city limits and it would be reasonable to allocate these facility costs to county-wide population.

[2] NMSA 5-8-6.A(1) and (2) [emphasis added]

Our recommendation to comply with the Development Fees Act is to define the park impact fee service area as the incorporated area plus the City-owned MRC/golf course property. This does not affect the land use assumptions, because there is no existing residential development on the land, nor is there likely to be any in the future. This would allow the City to include the value of its investment in land and improvements in this area in determining the existing level of service, as well as to use park impact fee funds collected from new residential development inside the city limits to make improvements in this area.

We also recommend that the share of the value attributed to residential development inside the city limits be equal to the City's share of county-wide population. Recent U.S. Census estimates indicate that the incorporated area of the City accounts for 56.4% of county-wide household population. Using this percentage, the values of the two facilities attributed to residential development in the incorporated area are calculated in Table 31

Table 31. City Share of MRC/Golf Course Facilities

Type of Park Capital Facility	Units	Unit Cost	Total Cost
Municipal Recreation Center			
Acres of Land	428.38	$16,260	$6,965,459
Playground	1	$72,360	$72,360
Soccer Field	5	$289,440	$1,447,200
Baseball Field	2	$303,960	$607,920
Softball Field	2	$303,960	$607,920
Trails - Paved (miles)	10.84	$960,000	$10,406,400
Trails - Soft Surface (miles)	9.00	$12,500	$112,500
Total, Municipal Recreation Center			$20,219,759
x City Percentage of County Population			56.4%
City Share, Municipal Recreation Center			$11,403,944
Marty Sanchez Golf Course			
Acres of Land	850.00	$16,260	$13,821,000
Golf Course Hole	27	$200,000	$5,400,000
Club House (sq. feet)	4,000	$300	$1,200,000
Total, Marty Sanchez Golf Course			$20,421,000
x City Percentage of County Population			56.4%
City Share, Marty Sanchez Golf Course			$11,517,444

Source: Units from Table 72 and Table 73 in Appendix D; unit costs from Table 32 below; City percentage of county-wide population is the ratio of city to county household population from U.S. Census Bureau, 2019 American Community Survey tabular data,

Based on the inventory of existing facilities and the current unit costs provided by the City, the total replacement cost of existing park land and facilities attributable to City residents is about $154 million, as summarized in Table 32.

Table 32. Park/Trail Replacement Cost

Type of Park Capital Facility	Units	Unit Cost	Total Cost
Park/Open Space Acres (excluding MRC/golf)	1,436.33	$16,260	$23,354,726
Playground	41	$72,360	$2,966,760
Picnic Area	48	$65,160	$3,127,680
Activity Area	17	$28,920	$491,640
Tennis Court	20	$86,880	$1,737,600
Soccer Field	12	$289,440	$3,473,280
Basketball Court	25	$57,840	$1,446,000
Baseball Field	14	$303,960	$4,255,440
Softball Field	8	$303,960	$2,431,680
Handball Court	3	$43,440	$130,320
Volleyball Court	4	$50,640	$202,560
Skateboard Park	2	$376,320	$752,640
Trails - Paved Miles (excl. MRC/Golf Course)	37.35	$960,000	$35,854,080
Trails - Soft Surface Miles (excl. MRC/Golf Course)	69.51	$12,500	$868,900
Bicentennial Pool	1	$2,315,520	$2,315,520
Salvador Perez Pool and Fitness Center	1	$4,052,160	$4,052,160
Genoveva Chavez Community Center	1	$36,180,000	$36,180,000
Fort Marcy Recreation Center	1	$6,078,240	$6,078,240
Municipal Recreation Center Land/Improvements*	1	$11,403,944	$11,403,944
Marty Sanchez Golf Course Land/Improvements*	1	$11,517,444	$11,517,444
Capital Equipment	n/a	n/a	$1,705,750
Total Replacement Cost			$154,346,364

* share of total cost attributable to city residents

Source: Acres and number of facilities from Appendix D, Table 71; miles of trail from Table 72; unit costs from City of Santa Fe Parks Department, August 29, 2020; (pools and recreation center costs are estimated replacement costs, Municipal Recreation Center and Marty Sanchez Golf Course values attributable to City residents from Table 31).

The cost to maintain the existing park level of service is the total replacement cost of existing park land and improvements divided by the existing service units. The park cost per service unit is $3,951 per EDU, as summarized in Table 33.

Table 33. Park/Trail Cost Per Service Unit

Total Replacement Cost	$154,346,364
÷ Existing Park Service Units (EDUs)	39,063
Park Cost per EDU	$3,951

Source: Cost from Table 32; existing EDUs from Table 30.

Capital Facilities Plan

A reasonable method of estimating growth-related capital needs is one that is consistent with the methodology used to calculate park/trail impact fees in this study. This approach is to multiply the projected new park EDUs by the capital cost per EDU to get an estimate of the cost of expanding the capacity of the park system to accommodate projected growth. As shown in Table 34, this results in estimated growth-related park capital improvement need over the next seven years of $18.3 million.

Table 34. Park/Trail Capital Needs, 2021-2027

New Park Service Units (EDUs), 2020-2027	4,622
x Park Cost per EDU	$3,951
Park Capital Needs, 2020-2027	$18,261,522

Source: New park EDUs from Table 30; cost per EDU from Table 33.

Park improvements currently planned over the next seven years are summarized in Table 81 in Appendix G. The $46 million cost of the planned improvements far exceeds the projected capital cost attributable to growth over the next seven years. The actual pace of development may be faster or slower than anticipated by the Land Use Assumptions, resulting in greater or lesser growth-related capital needs. In addition, the planned capital projects and estimated costs may change over time, and some of the costs may be funded from other sources.

Net Cost per Service Unit

As noted earlier, to avoid double-charging, credit against impact fees should be provided to account for debt service payments by new development that will be used to retire outstanding debt on existing facilities and for outside funding sources available to pay a portion of the capital costs of growth.

The City's primary funding source for park-related capital improvements is revenue bonds repaid primarily with revenues from the City's half-cent capital improvement gross receipts tax (GRT). An analysis of the City's outstanding debt indicates that the debt attributable to past park-related improvements equals 15% of the total estimated replacement cost of all of the City's parks, open space and recreational facilities. In order to account for the outstanding debt, the impact fees must be reduced to ensure that new development is placed on the same footing as existing development in terms of the portion of park costs funded through debt. As shown in Table 35, the debt credit is $610 per service unit.

Table 35. Park/Trail Debt Credit

Total Outstanding Debt Principal	$23,836,228
÷ Existing Park Service Units (EDUs)	39,063
Park Debt Credit per EDU	$610

Source: Outstanding debt from Table 76; EDUs from Table 30.

Although future grant funding is difficult to predict, it is reasonable to assume that the level of funding received over the last 12 years will continue to the extent that growth rates are constant. If recent grant funding continues at the same rate, the City should receive the current present value equivalent of $406 in grant funding for parks, open space and trails for each new single-family home or park/trail service unit equivalent over the next 25 years, as shown in Table 36.

Table 36. Park/Trail Grant Funding Credit

Project Description	Amount
Larragoite Park Improvements	$20,000
Santa Fe Southwest Activity Node Park (SWAN)	$35,000
Santa Fe Water History Park & Museum Phase 2	$150,000
Santa Fe Parks Shade Structure	$320,000
Salvador Perez Park Rec Center Improvement	$20,000
SWAN Regional Park	$200,800
Acequia Trail Link to San Felipe	$256,320
Cañada Trail Connection	$768,960
Grant Funding, 2013-2019	$1,771,080
Grant Funding, 2008-2013	$7,411,295
Grant Funding, 2008-2019	$9,182,375
÷ Years in Funding Period	12
Annual Grant Capacity Funding	$765,198
÷ Existing Park Service Units (EDUs)	39,063
Annual Grant Funding per EDU	$19.59
x Net Present Value Factor (25 years)	20.72
Grant Funding Credit per EDU	$406

Source: Grant information for 2013-2019 from City of Santa Fe Finance Department, October 7, 2020; funding for 2008-2013 from City of Santa Fe Impact Fee Capital Improvements Plan, 2014, Table 35; existing park EDUs from Table 30; discount rate for present value factor is the average of national yields on 20- and 30-year AAA municipal bonds from fmsbonds.com on September 9, 2020.

The City does not have any additional dedicated funding for park capital improvements. As shown in Table 37, deducting the credits for outstanding park debt and anticipated park grants results in a net park cost of $2,935 per service unit.

Table 37. Park/Trail Net Cost Per Service Unit

Park Cost per Service Unit (EDU)	$3,951
– Debt Credit per EDU	-$610
– Grant Funding Credit per EDU	-$406
Park Net Cost per EDU	$2,935

Source: Park cost per EDU from Table 33; debt credit from Table 35; grant credit from Table 36.

Net Cost Schedule

The maximum park fees that can be adopted by the City based on this study are derived by multiplying the number of equivalent dwelling units (EDUs) represented by each dwelling unit by the net cost per EDU, as shown in Table 38.

Table 38. Park/Trail Net Cost Schedule

Land Use Type	Unit	EDU/ Unit	Net Cost/ EDU	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.00	$2,935	$2,935
1,500 sq. ft. or less	Dwelling	0.92	$2,935	$2,700
1,501-2,500 sq. ft.	Dwelling	0.99	$2,935	$2,906
2,501-3,000 sq. ft.	Dwelling	1.06	$2,935	$3,111
More than 3,000 sq. ft.	Dwelling	1.14	$2,935	$3,346
Accessory Unit	Dwelling	0.63	$2,935	$1,849
Multi-Family	Dwelling	0.75	$2,935	$2,201
Mobile Home Park	Dwelling	1.53	$2,935	$4,491

Source: EDUs per unit from Table 29; net cost per EDU from Table 37.

The updated park/trail impact fees calculated in this report are compared with the City's current fees in Table 39. In general, the updated fees are close to double the fees calculated in the 2014 study.

Table 39. Change in Park/Trail Impact Fees

Housing Type	Unit	2014 Fee/Unit (100%)	2020 Fee/Unit (100%)	Percent Change
Single Family Detached	Dwelling	$1,552	$2,935	89%
Up to 1,500 sq. ft.	Dwelling	$1,381	$2,700	96%
1,501 - 2,000 sq. ft.	Dwelling	$1,443	$2,906	101%
2,001 - 2,500 sq. ft.	Dwelling	$1,583	$2,906	84%
2,501 - 3,000 sq. ft.	Dwelling	$1,661	$3,111	87%
More than 3,000 sq. ft.	Dwelling	$1,769	$3,346	89%
Accessory Unit	Dwelling	$1,180	$1,849	57%
Multi-Family	Dwelling	$1,350	$2,201	63%
Mobile Home Park	Dwelling	$2,154	$4,491	108%

Source: 2014 maximum fees from Table 1; updated fees from Table 38.

Potential Revenue

Under the updated fee structure if adopted at 100%, the City could expect to receive about $12.8 million in park/trail impact fees over the next seven years. The revenue generated by the updated fees would be more than double what would be received under the maximum fees calculated in the previous study.

Table 40. Potential Park/Trail Impact Fee Revenue, 2021-2027

		Fee per Unit		7-Year	Potential Revenue	
Housing Type	Unit	2014 (100%)	2020 (100%)	Growth	2014 (100%)	2020 (100%)
Single-Family Detached	Dwelling	$1,552	$2,935	1,865	$2,894,480	$5,473,775
Multi-Family	Dwelling	$1,350	$2,201	3,147	$4,248,450	$6,926,547
Accessory Unit	Dwelling	$1,180	$1,849	234	$276,120	$432,666
Total Potential Fee Revenue, 2021-2027					$7,419,050	$12,832,988
Percent Change in Potential Revenue						73.0%

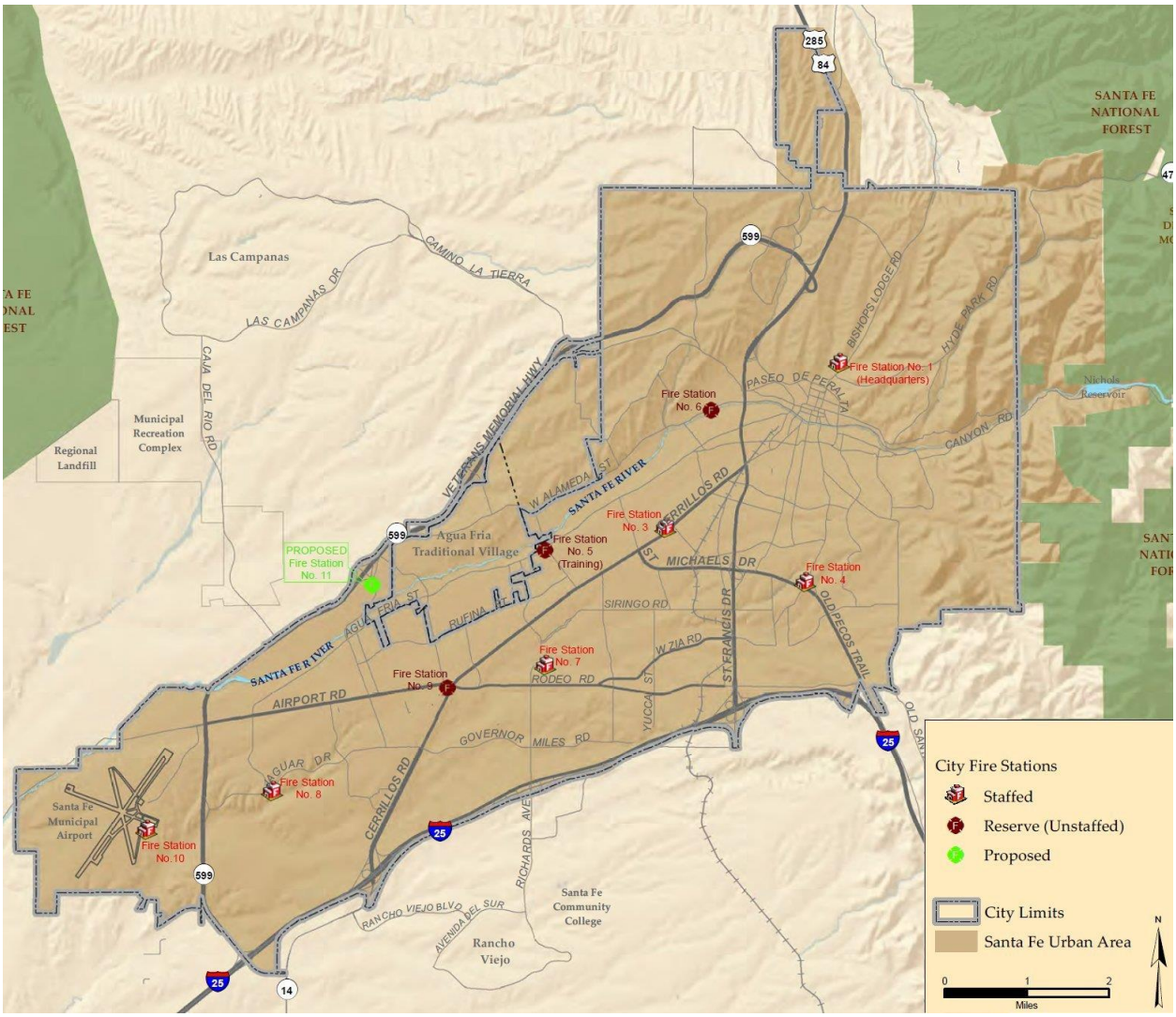
Source: 2014 and 2020 fee per unit from Table 39; 7-year growth from Table 8, less anticipated affordable housing waivers from Table 9; potential revenue is new units times fee per unit.

FIRE/EMS

The New Mexico Development Fees Act authorizes cities to establish impact fees for "buildings for fire, police and rescue, and essential equipment costing $10,000 or more and having a ten-year life expectancy." This chapter updates the City of Santa Fe fire/EMS impact fee. One change recommended in this update is to change the service area from the urban area to the incorporated area.

The City of Santa Fe Fire Department operates seven fire stations, one airport station that houses the aircraft rescue and firefighting apparatus, and three support facilities. The existing fire/EMS facilities are shown in Figure 5.

Figure 5. Existing Fire Stations



In addition to structural fire suppression, the Fire Department provides emergency medical services (EMS), enforces City fire codes, reviews building plans, investigates fires and provides fire safety and injury prevention education. The Department is also responsible for response to and initial mitigation of reported hazardous materials incidents, technical rescues that include high angle rescue, trench rescue, swift-water rescue, building collapse, and wildland-urban interface fires.

Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for fire/EMS service. This common unit of measurement is referred to as a "service unit." Service units create the link between the supply of fire capital facilities and the demand for such facilities generated by new development.

The two most common methodologies used in calculating fire/EMS impact fees are the "calls-for-service" approach and the "functional population" approach. While annual call data are available for fire/EMS calls, this study continues to use functional population. Typically, the majority of fire calls are responses to emergencies, which are associated with the presence of people, rather than structural fires. In addition, almost 40 percent of calls in Santa Fe's Fire Department are not directly attributed to a land use; such calls are likely responses to motor-vehicle accidents, which are related to movement between land uses.

The functional population approach is a more generalized approach than calls-for-service, and it presumes that the demand for fire services is strongly related to the presence of people at the site of a land use. Functional population is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for fire facilities. For residential development, functional population is simply average household size times the percent of time people tend to spend at home. For nonresidential development, functional population is based on a formula that includes trip generation rates, average vehicle occupancy and average number of hours spent by visitors at a land use. Functional population multipliers by land use type and total existing and projected functional population are presented in Appendix C.

Cost per Service Unit

Fire/EMS impact fees are designed to charge new development the cost of providing the same level of service that is provided to existing development. The existing level of service for fire/EMS facilities is based on the replacement cost of existing facilities. The Department estimates that new facilities will cost $475 per square foot for fire stations and $300 per square foot for support facilities. The total building and land replacement cost for the Fire Department's existing City-owned facilities is about $35 million, as shown in Table 41.

Table 41. Fire/EMS Facility Replacement Cost

Station No.	Address	Bldg. (sq. ft.)	Land (ac.)	Building Value	Land Value	Total Value
1 - Urban Station	200 Murales Rd	11,440	1.20	$5,434,000	$240,000	$5,674,000
3A - Fire Prev.	1751 Cerrillos Rd	3,124	1.00	$937,200	$200,000	$1,137,200
3 - Urban Station	1751 Cerrillos Rd	10,605	1.00	$5,037,375	$200,000	$5,237,375
4 - Urban Station	1130 Arroyo Chamiso	8,242	1.00	$3,914,950	$200,000	$4,114,950
5 - Office	1130 Siler Rd	10,156	5.00	$3,046,800	$1,000,000	$4,046,800
6 - Storage	1030 W. Alameda	2,000	0.20	$700,000	$40,000	$740,000
7 - Suburban Station	2391 Richards Ave	14,440	2.25	$6,859,000	$450,000	$7,309,000
8 - Urban Station	6796 Jaguar Dr	10,241	2.52	$4,864,475	$504,000	$5,368,475
9 - Urban Station	2501 Camino Entrada	2,100	3.00	$997,500	$600,000	$1,597,500
10 - Airport (leased)	121 Aviation Dr	n/a	n/a	n/a	n/a	n/a
Total		72,348	17.17	$31,791,300	$3,434,000	$35,225,300

Source: Santa Fe Fire Department, July 16, 2020 (land cost based on $200,000 per acre).

The New Mexico Development Fees Act authorizes the use of impact fees for all essential fire-fighting and EMS equipment costing $10,000 or more and having a life expectancy of at least ten years. However, most of the cost of apparatus and major equipment is funded by State grants and is not included in the fee calculations.

The fire/EMS impact fee is based on the replacement value of existing capital facilities divided by the total number of service units associated with the City's functional population. As shown in Table 42, the replacement cost for fire and EMS facilities and equipment is $369 per service unit.

Table 42. Fire/EMS Cost Per Service Unit

Fire/EMS Facility Replacement Cost	$35,225,300
÷ Existing Functional Population	95,582
Fire/EMS Cost per Functional Population	$369

Source: Replacement cost from Table 41; existing functional population from Table 70 in Appendix C.

Capital Facilities Plan

The magnitude of future growth-related fire/EMS capital needs can be estimated by multiplying the anticipated growth in service units associated by the cost per unit. As shown in Table 43, this results in estimated fire/EMS capital improvement needs over the next seven years of about $3.1 million.

Table 43. Fire/EMS Capital Needs, 2021-2027

New Functional Population, 2020-2027	8,288
x Fire/EMS Cost per Functional Population	$369
Fire/EMS Capital Needs, 2020-2027	$3,058,272

Source: New functional population Table 70, Appendix C; cost per functional population from Table 42.

According to the Fire Department, existing fire/EMS facilities are only marginally adequate based on the population served, travel distance, and call volume. Current plans include the construction of two new fire stations to better serve the expanding southern and southwestern areas, and the remodeling/expansion of Stations 5 and 6. As summarized in Table 82 in Appendix G, planned fire/EMS improvements identified and eligible to receive impact fee funding total about $14 million.

Net Cost per Service Unit

In calculating the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past fire/EMS facility improvements.

The City of Santa Fe has some outstanding debt for past fire/EMS capital improvements, including construction of two fire stations. As shown in Table 44, dividing the outstanding debt by existing service units results in the debt credit per service unit. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 44. Fire/EMS Debt Credit

Total Outstanding Eligible Debt	$1,656,756
÷ Existing Functional Population	95,582
Fire/EMS Debt Credit per Functional Population	$17

Source: Outstanding fire-related debt from Table 76 in Appendix E; existing functional population from Table 70, Appendix C.

The Fire Department receives enough State grant funding to satisfy its apparatus needs, and for this reason no apparatus or equipment costs have been included in the cost calculations. Because those costs have not been included, no grant credit is warranted. Deducting the credit for outstanding debt from the capital cost yields the net fire/EMS cost of $352 per service unit, as summarized in Table 45.

Table 45. Fire/EMS Net Cost Per Service Unit

Fire/EMS Cost per Functional Population	$369
– Debt Credit per Functional Population	-$17
Fire/EMS Net Cost per Functional Population	$352

Source: Cost from Table 42; debt credit from Table 44.

Potential Fee Schedule

The maximum fire/EMS impact fees that may be charged by the City of Santa Fe based on the data, assumptions and methodology used in this report are shown in Table 46.

Table 46. Fire/EMS Net Cost Schedule

Land Use Type	Unit	Func. Pop/ Unit	Net Cost/ Func. Pop.	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.587	$352	$559
1,500 sq. ft. or less	Dwelling	1.461	$352	$514
1,501-2,500 sq. ft.	Dwelling	1.574	$352	$554
2,501-3,000 sq. ft.	Dwelling	1.681	$352	$592
More than 3,000 sq. ft.	Dwelling	1.808	$352	$636
Accessory Unit	Dwelling	1.001	$352	$352
Multi-Family	Dwelling	1.194	$352	$420
Mobile Home/RV Park	Space	2.428	$352	$855
Retail/Commercial	1,000 sq. ft.	1.773	$352	$624
Office	1,000 sq. ft.	0.861	$352	$303
Industrial	1,000 sq. ft.	0.373	$352	$131
Warehousing	1,000 sq. ft.	0.173	$352	$61
Mini-Warehouse	1,000 sq. ft.	0.035	$352	$12
Public/Institutional	1,000 sq. ft.	0.399	$352	$140

Source: Functional population per unit from Table 69 in Appendix C; net cost per functional population from Table 45.

The updated fire/EMS impact fees calculated in this report are compared with the City's current maximum fees in Table 47. These significant fee increases are largely due to more realistic estimates of what it actually costs to build new fire stations in Santa Fe today.

Table 47. Fire/EMS Impact Fee Comparisons

Land Use Type	Unit	2014 Fee/Unit (100%)	2020 Fee/Unit (100%)	Percent Change
Single Family Detached	Dwelling	$247	$559	126%
Up to 1,500 sq. ft.	Dwelling	$220	$514	134%
1,501 - 2,000 sq. ft.	Dwelling	$230	$554	141%
2,001 - 2,500 sq. ft.	Dwelling	$252	$554	120%
2,501 - 3,000 sq. ft.	Dwelling	$265	$592	123%
More than 3,000 sq. ft.	Dwelling	$282	$636	126%
Accessory Unit	Dwelling	$187	$352	88%
Multi-Family	Dwelling	$214	$420	96%
Retail/Commercial	1,000 sq. ft.	$384	$624	63%
Office	1,000 sq. ft.	$180	$303	68%
Industrial	1,000 sq. ft.	$78	$131	68%
Warehouse	1,000 sq. ft.	$34	$61	79%
Mini-Warehouse	1,000 sq. ft.	$31	$12	-61%
Public/Institutional	1,000 sq. ft.	$162	$140	-14%

Source: 2014 study maximum fees fees from Table 1; updated fees from Table 46.

Potential Revenue

If adopted at the full updated amounts, the fire/EMS impact fees could generate about $2.8 million over the next seven years, based on the development projected in the Land Use Assumptions, as shown in Table 48. These revenue projections assume no waivers or fee reductions, other than for affordable housing. This is almost twice the revenue that would be anticipated under the maximum fees calculated in the 2014 study.

Table 48. Potential Fire/EMS Impact Fee Revenue, 2021-2027

		Fee per Unit		7-Year	Potential Revenue	
Land Use Type	Unit	2014 (100%)	2020 (100%)	Growth	2014 (100%)	2020 (100%)
Single-Family Detached	Dwelling	$247	$559	1,865	$460,655	$1,042,535
Multi-Family	Dwelling	$214	$420	3,147	$673,458	$1,321,740
Accessory Unit	Dwelling	$187	$352	234	$43,758	$82,368
Subtotal, Residential					$1,177,871	$2,446,643
Retail/Commercial	1,000 sq. ft.	$384	$624	386	$148,224	$240,864
Office	1,000 sq. ft.	$180	$303	155	$27,900	$46,965
Industrial	1,000 sq. ft.	$78	$131	69	$5,382	$9,039
Warehouse	1,000 sq. ft.	$34	$61	77	$2,618	$4,697
Mini-Warehouse	1,000 sq. ft.	$31	$12	36	$1,116	$432
Public/Institutional	1,000 sq. ft.	$162	$140	203	$32,886	$28,420
Subtotal, Nonresidential					$218,126	$330,417
Total Potential Fee Revenue, 2021-2027					$1,395,997	$2,777,060
Percent Change in Potential Revenue						99%

Source: 2014 and 2020 fee/unit from Table 46; 7-year growth from Table 8, less anticipated affordable housing waivers from Table 9; potential revenue is units times fee per unit.

POLICE

This chapter updates the City of Santa Fe police impact fee. The Santa Fe Police Department was originally founded in 1851, and is responsible for upholding the law within the jurisdictional boundaries of the City of Santa Fe.

Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for police protection. This common unit of measurement is referred to as a "service unit." Service units create the link between the supply of capital facilities and the demand for such facilities generated by new development.

The two most common methodologies used in calculating police impact fees are the "calls-for-service" approach and the "functional population" approach. While annual call data are available for police calls, this study uses functional population in order to allocate police capital costs among more specific land-use categories. The functional population approach is a more generalized approach than calls-for-service, and it presumes that the demand for police services is strongly related to the presence of people at the site of a land use. Functional population is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for police facilities. For residential development, functional population is simply average household size times the percent of time people are assumed to spend at home. For nonresidential development, functional population is based on a formula that factors trip generation rates, average vehicle occupancy and average number of hours spent by visitors at a land use. Functional population multipliers by land use type and total existing and projected functional population for the Urban Area are presented in Appendix C.

Cost per Service Unit

Police impact fees are designed to charge new development the cost of providing the same level of service that is provided to existing development. The existing level of service for police facilities is based on the replacement cost of existing facilities. The Department estimates that the current cost to construct new police facilities is $300 per square foot ($200 was used in the 2014 study). The total building and land replacement cost for the Police Department's existing facilities is estimated to be about $11 million, as shown in Table 49.

Table 49. Police Facility Replacement Cost

Station	Location	Building (sq. ft.)	Land (acres)	Building Value	Land Value	Total Value
Police Headquarters	2515 Camino Entrada	25,560	0.60	$7,668,000	$90,000	$7,758,000
Police Records	2651 Siringo Rd.	2,610	1.00	$783,000	$150,000	$933,000
Frenchy's Park Substation	2011 Agua Fria St.	558	0.90	$167,400	$135,000	$302,400
Internal Affairs	2509 Camino Entrada	1,680	0.20	$504,000	$30,000	$534,000
Police Evidence Impound Lot	4201 Huey Road	3,684	2.30	$1,105,200	$345,000	$1,450,200
Police Auxilary Fleet Lot	2602 Camino Entrada	0	1.18	$0	$177,000	$177,000
Total		34,092	6.18	$10,227,600	$927,000	$11,154,600

Source: City of Santa Fe Facility Division, July 28, 2020; building cost based on estimated cost of $300 per square foot; land value based on $150,000 per acre.

The New Mexico Development Fees Act authorizes the use of impact fees for all essential police equipment costing $10,000 or more and having a life expectancy of at least ten years. The table below lists the current capital equipment that is eligible for impact fee funding. As shown in Table 50, the total replacement cost for eligible equipment is about $1.7 million.

Table 50. Police Equipment Replacement Cost

Major Equipment	Total Cost
Firearms Training System	$91,000
Firearms Moving Target System	$14,000
SWAT BearCat Rescue Truck	$300,000
SWAT Equipment	$90,000
EOD Equipment	$300,000
FARBER Mobile Command Post	$600,000
Crisis Negotiations Van	$90,000
Mobile Crime Scene Truck	$202,674
Total	$1,687,674

Source: City of Santa Fe Police Department, July 28, 2020.

The police protection impact fee is based on the replacement value of existing capital facilities divided by the total number of service units within the city limits. As shown in Table 51, the replacement cost for police facilities and equipment is $134 per service unit.

Table 51. Police Cost Per Service Unit

Police Facility Replacement Cost	$11,154,600
Police Equipment Replacement Cost	$1,687,674
Total Police Replacement Cost	$12,842,274
÷ Existing Functional Population	95,582
Police Cost per Functional Population	$134

Source: Police facility replacement cost from Table 49; police equipment replacement cost from Table 50; existing functional population from Table 70 in Appendix C.

Capital Facilities Plan

The magnitude of growth-related police protection capital needs can be estimated by multiplying the anticipated growth in service units by the cost per service unit. As shown in Table 52, this results in estimated police protection capital improvement needs over the next seven years of about $1 million.

Table 52. Police Capital Needs, 2021-2027

New Functional Population, 2020-2027	8,288
x Police Cost per Functional Population	$134
Police Capital Needs, 2020-2027	$1,110,592

Source: New functional population Table 70, Appendix C; cost per functional population from Table 51.

According to the Police Department, existing police facilities and equipment are only marginally adequate based on the population served and call volume. Current plans call for the construction of two new substations and other improvements and capital equipment totaling $3.6 million over the next seven years (see Table 83 in Appendix G). Only a percentage of the planned project costs can be attributed to projected growth over the next seven years, based on the Land Use Assumptions and the existing level of service.

Net Cost per Service Unit

In the calculation of the impact of new development on infrastructure costs, credit should be given for non-local funding that will be generated by new development and used to pay for capacity-related capital improvements. Credit should also be provided for taxes that will be paid by new development and used to retire outstanding debt for past police facility improvements.

The City of Santa Fe has some outstanding debt for past police protection capital improvements. As shown in Table 53, dividing the outstanding debt by existing service units results in the debt credit per service unit. This puts existing and new development on the same footing with respect to the portion of their attributable costs that will be paid through future debt service payments made by both existing and new development.

Table 53. Police Debt Credit

Total Outstanding Eligible Debt	$1,045,737
÷ Existing Functional Population	95,582
Police Debt Credit per Functional Population	$11

Source: Outstanding police-related debt from Table 76 in Appendix E; existing functional population from Table 70, Appendix C.

The City has received some grants for police protection in recent years. However, some of these grants were for operating costs, or for equipment that is not eligible for impact fee funding under the Development Fees Act. The eligible grant amounts received over last seven years for impact fee-eligible capital improvements totaled $0.9 million. Assuming that the grant funding received annually per service unit over the last seven years for impact fee-eligible police protection capital improvements will continue proportional to the amount of development in Santa Fe, the City will receive the present value equivalent of $34 per service unit over the next 25 years, as shown in Table 54.

Table 54. Police Grant Funding Credit Per Service Unit

Year	Funding Source	Project Description	Amount
2013	State	Santa Fe Police Station Expansion	$900,000
Federal/State Grants for Capacity, 2013-2019			$1,097,766
÷ Years in Funding Period			7
Annual Federal/State Capacity Grants			$156,824
÷ Existing Functional Population			95,582
Annual Federal/State Grants per Functional Population			$1.64
x Net Present Value Factor (25 years)			20.72
Federal/State Grant Credit per Functional Population			$34

Source: Grant funding from City of Santa Fe Finance Department, October 7, 2020; existing functional population from Table 70 in Appendix C; discount rate for present value factor is the average of national yields on 20- and 30-year AAA municipal bonds from fmsbonds.com on September 9, 2020.

Deducting the credits for outstanding debt and grants from the capital cost yields the net police cost of $89 per service unit, as summarized in Table 55.

Table 55. Police Net Cost Per Service Unit

Police Cost per Functional Population	$134
– Debt Credit per Functional Population	-$11
– Grant Funding Credit per Functional Population	-$34
Police Net Cost per Functional Population	$89

Source: Cost from Table 51; debt credit from Table 53; grant credit from Table 54.

Net Cost Schedule

The maximum police impact fees that may be charged by the City of Santa Fe based on the data, assumptions and methodology used in this report are shown in Table 56.

Table 56. Police Net Cost Schedule

Land Use Type	Unit	Func. Pop/ Unit	Net Cost/ Func. Pop.	Net Cost/ Unit
Single-Family Detached (avg.)	Dwelling	1.587	$89	$141
1,500 sq. ft. or less	Dwelling	1.461	$89	$130
1,501-2,500 sq. ft.	Dwelling	1.574	$89	$140
2,501-3,000 sq. ft.	Dwelling	1.681	$89	$150
More than 3,000 sq. ft.	Dwelling	1.808	$89	$161
Accessory Unit	Dwelling	1.001	$89	$89
Multi-Family	Dwelling	1.194	$89	$106
Mobile Home/RV Park	Space	2.428	$89	$216
Retail/Commercial	1,000 sq. ft.	1.773	$89	$158
Office	1,000 sq. ft.	0.861	$89	$77
Industrial	1,000 sq. ft.	0.373	$89	$33
Warehousing	1,000 sq. ft.	0.173	$89	$15
Mini-Warehouse	1,000 sq. ft.	0.035	$89	$3
Public/Institutional	1,000 sq. ft.	0.399	$89	$36

Source: Functional population per unit from Table 69 in Appendix C; net cost per functional population from Table 55.

The updated police impact fees calculated in this report are compared with the City's current maximum fees in Table 57. In general, the updated fees are significantly higher than the fees calculated in the 2014 study for residential uses, and similar or lower for nonresidential uses. As with the fire/EMS fees, the increases are largely due to more realistic estimates of what it actually costs to build new facilities in Santa Fe today.

Table 57. Change in Police Impact Fees

Land Use Type	Unit	2014 Fee/Unit (100%)	2020 Fee/Unit (100%)	Percent Change
Single Family Detached	Dwelling	$104	$141	36%
1,500 sq. ft. or less	Dwelling	$92	$130	41%
1,501-2,000 sq. ft.	Dwelling	$97	$140	44%
2,001-2,500 sq. ft.	Dwelling	$106	$140	32%
2,501-3,000 sq. ft.	Dwelling	$111	$150	35%
More than 3,000 sq. ft.	Dwelling	$119	$161	35%
Accessory Unit	Dwelling	$79	$89	13%
Multi-Family	Dwelling	$90	$106	18%
Mobile Home/RV Park	Space	$144	$216	50%
Retail/Commercial	1,000 sq. ft.	$161	$158	-2%
Office	1,000 sq. ft.	$76	$77	1%
Industrial	1,000 sq. ft.	$33	$33	0%
Warehouse	1,000 sq. ft.	$14	$15	7%
Mini-Warehouse	1,000 sq. ft.	$13	$3	-77%
Public/Institutional	1,000 sq. ft.	$68	$36	-47%

Source: 2014 study fees from Table 1; updated fees from Table 56.

Potential Revenue

If adopted at the full updated amounts, police impact fees could generate about $703,000 over the next seven years, based on the development projected in the Land Use Assumptions, as shown in Table 58. These revenue projections assume no waivers or fee reductions other than for affordable housing. The projected revenue is about 20% higher than what would be expected under the maximum fees calculated in the 2014 study. This is the same rate of increase as the *Engineering News-Record* Construction Cost Index since the previous study.

Table 58. Potential Police Impact Fee Revenue, 2021-2027

		Fee per Unit		7-Year	Potential Revenue	
Land Use Type	Unit	2014 (100%)	2020 (100%)	Growth	2014 (100%)	2020 (100%)
Single-Family Detached	Dwelling	$104	$141	1,865	$193,960	$262,965
Multi-Family	Dwelling	$90	$106	3,147	$283,230	$333,582
Accessory Unit	Dwelling	$79	$89	234	$18,486	$20,826
Subtotal, Residential					$495,676	$617,373
Retail/Commercial	1,000 sq. ft.	$161	$158	386	$62,146	$60,988
Office	1,000 sq. ft.	$76	$77	155	$11,780	$11,935
Industrial	1,000 sq. ft.	$33	$53	69	$2,277	$3,657
Warehouse	1,000 sq. ft.	$14	$23	77	$1,078	$1,771
Mini-Warehouse	1,000 sq. ft.	$13	$10	36	$468	$360
Public/Institutional	1,000 sq. ft.	$68	$36	203	$13,804	$7,308
Subtotal, Nonresidential					$91,553	$86,019
Total Potential Fee Revenue, 2021-2027					$587,229	$703,392
Percent Change in Potential Revenue						20%

Source: 2014 and 2020 fee/unit from Table 57; 7-year growth from Table 8, less anticipated affordable housing waivers from Table 9; potential revenue is units times fee per unit.

APPENDIX A: ROAD INVENTORY

Table 59. Major Roadway Inventory

Street Name	Street Segment	Lns	Mi.	Cap.	ADT	VMC	VMT
Arterial Roads							
Agua Fria St	Airport-Jemez	2	1.61	14,800	9,251	23,828	14,894
Agua Fria St	Jemez-Lopez	2	0.98	14,800	4,687	14,504	4,593
Agua Fria St	Henry Lynch-Siler	2	0.38	14,800	9,902	5,624	3,763
Agua Fria St	Siler-Osage	2	1.08	14,800	17,043	15,984	18,406
Agua Fria St	Osage-Cam. Alire	2	1.17	14,800	16,614	17,316	19,438
Agua Fria St	Cam. Alire-St Francis	2	0.57	14,800	7,899	8,436	4,502
Agua Fria St	St Francis-Guadalupe	2	0.57	14,800	5,785	8,436	3,297
Airport Rd	NM 599-Agua Fria Rd	4	0.52	32,400	16,974	16,848	8,826
Airport Rd	Agua Fria Rd-Country Club	4	0.50	32,400	15,198	16,200	7,599
Airport Rd	Country Club-S Meadows Rd	4	1.00	32,400	20,200	32,400	20,200
Airport Rd	S Meadows-Jemez Rd	4	0.12	32,400	23,402	3,888	2,808
Airport Rd	Jemez Rd-Cerrillos	4	0.91	32,400	23,402	29,484	21,296
Alameda	NM 599-Chicoma Vista	2	0.95	14,800	9,251	14,060	8,788
Alameda	Chicoma Vista-Calle Nopal	2	1.42	14,800	8,275	21,016	11,751
Alameda	Calle Nopal-Cam. Alire	2	0.95	14,800	8,799	14,060	8,359
Alameda	Cam. Alire-St Francis	2	0.85	14,800	12,210	12,580	10,379
Alameda	St Francis-Guadalupe	2	0.57	14,800	4,626	8,436	2,637
Alameda	Guadalupe-Paseo de Peralta	2	0.66	14,800	6,694	9,768	4,418
Alameda	Paseo de Peralta-Canyon Rd	2	0.95	14,800	5,714	14,060	5,428
Alta Vista	Cerrillos-St Francis	2	0.38	14,800	3,573	5,624	1,358
Alta Vista	St Francis-Galisteo	2	0.51	14,800	3,901	7,548	1,990
Armenta	Old Pecos Trail-Cam. Corrales	2	0.25	14,800	2,645	3,700	661
Baca Street	Hickox-Cerrillos	2	0.57	14,800	5,523	8,436	3,148
Bishop's Lodge Rd	Paseo Peralta-Artist	2	0.20	14,800	9,865	2,960	1,973
Bishop's Lodge Rd	Artist-Cam. Encantado	2	1.50	14,800	3,702	22,200	5,553
Bishop's Lodge Rd	Cam. Encantado-City Limits	2	1.04	14,800	2,038	15,392	2,120
Botulph Rd	Zia St-Siringo Rd	2	0.40	14,800	3,251	5,920	1,300
Botulph Rd	Siringo Rd-St Michael's	2	0.85	14,800	4,120	12,580	3,502
Camino Cabra	Canyon Rd-Cam. de Cruz Blanca	2	0.79	14,800	3,532	11,692	2,790
Camino Carlos Rey	Gov. Miles-Rodeo	2	0.76	14,800	4,708	11,248	3,578
Camino Carlos Rey	Rodeo-Zia	4	0.09	32,400	7,233	2,916	651
Camino Carlos Rey	Zia-Siringo	2	0.85	14,800	7,183	12,580	6,106
Camino Carlos Rey	Siringo-Cerrillos	2	0.47	14,800	9,243	6,956	4,344
Camino Alire	Alameda-Agua Fria	2	0.38	14,800	8,591	5,624	3,265
Camino Cabra	Cam. Cruz Blanca-Up. Canyon	2	0.66	14,800	3,532	9,768	2,331
Camino Cruz Blanca	Cam. Monte Sol-Cam. Cabra	2	0.38	14,800	3,959	5,624	1,504
Camino del Monte Sol	Cam. Cruz Blanca-Old Santa Fe	2	0.15	14,800	2,355	2,220	353
Canyon Rd	E Alameda St-Upper Canyon Rd	2	0.10	14,800	3,256	1,480	326
Cerrillos Rd (NM 14)	Beckner-Jaguar	6	1.14	50,000	26,202	57,000	29,870
Cerrillos Rd (NM 14)	Jaguar-Airport	6	0.85	50,000	29,100	42,500	24,735
Cerrillos Rd (NM 14)	Airport-Richards	6	1.17	50,000	42,370	58,500	49,573
Cerrillos Rd (NM 14)	Richards-St Michael's	6	1.65	50,000	42,108	82,500	69,478
Cerrillos Rd (NM 14)	St Michael's-2nd St	4	0.50	32,400	24,252	16,200	12,126
Cerrillos Rd (NM 14)	2nd St-Alta Vista	4	0.60	32,400	28,281	19,440	16,969
Cerrillos Rd (NM 14)	Alta Vista-St Francis	4	0.54	32,400	30,490	17,496	16,465
Cerrillos Rd (NM 14)	St Francis-Galisteo	4	0.76	32,400	21,689	24,624	16,484

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Table 59. Major Roadway Inventory (continued)

Street Name	Street Segment	Lns	Mi.	Cap.	ADT	VMC	VMT
Cordova	Cerrillos-St Francis	4	0.27	32,400	14,877	8,748	4,017
Cordova	St Francis-Don Diego	4	0.28	32,400	14,394	9,072	4,030
Cordova	Don Diego-Old Pecos Trail	4	0.80	14,800	8,968	11,840	7,174
Don Diego Ave	Cordova Rd-Cam. de los Marquez	2	0.08	14,800	6,027	1,184	482
Don Diego Ave	Camino de los Marquez-Cerrillos	2	0.50	14,800	8,332	7,400	4,166
Galisteo	St Michael's-Cordova	2	0.95	14,800	6,613	14,060	6,282
Galisteo	Cordova-Cerillos	2	0.95	14,800	3,424	14,060	3,253
Galisteo	Zia-Rodeo	2	0.73	14,800	3,825	10,804	2,792
Governor Miles	Cerrillos-Walking Sky	2	1.00	14,800	4,073	14,800	4,073
Governor Miles	Walking Sky-Richards	2	0.74	14,800	4,807	10,952	3,557
Governor Miles	Richards-Cliff Palace	2	0.57	14,800	3,300	8,436	1,881
Governor Miles	Cliff Palace-Cam. Carlos Rey	2	0.38	14,800	2,121	5,624	806
Guadalupe St	Cerrillos-Alameda	2	0.57	14,800	14,305	8,436	8,154
Guadalupe St	Alameda-Paseo de Peralta	4	0.38	32,400	22,372	12,312	8,501
Guadalupe St	Paseo de Peralta-84/285	4	0.38	32,400	15,743	12,312	5,982
Hickox St	Agua Fria-St Francis	2	0.57	14,800	1,970	8,436	1,123
Hyde Park Rd	Bishop's Lodge-Gonzales	2	1.38	14,800	4,658	20,424	6,428
Hyde Park Rd	Gonzales-City Limits	2	1.70	14,800	3,383	25,160	5,751
Jaguar Dr	NM599-Country Club	2	1.45	14,800	9,251	21,460	13,414
Jaguar Dr	Country Club-S Meadows	2	1.14	14,800	6,197	16,872	7,065
Jaguar Dr	S Meadows-Cerrillos	2	0.38	14,800	6,197	5,624	2,355
Jemez Rd	Agua Fria-Airport	2	0.80	14,800	5,716	11,840	4,573
Old Pecos Trail	Rodeo Rd-Arroyo Chamiso	4	1.52	32,400	14,682	49,248	22,317
Old Pecos Trail	Arroyo Chamiso-Cordova	2	0.95	14,800	18,958	14,060	18,010
Old Pecos Trail	Cordova-Old Santa Fe Trail	2	0.42	14,800	10,863	6,216	4,562
Old Santa Fe Trail	City Limits-Zia Rd	2	1.14	14,800	5,220	16,872	5,951
Old Santa Fe Trail	Zia-Cam. del Monte Sol	2	1.08	14,800	3,326	15,984	3,592
Old Santa Fe Trail	Cam. del Monte Sol-Old Pecos	2	1.06	14,800	4,874	15,688	5,166
Old Santa Fe Trail	Old Pecos Trail-Paseo Peralta	2	0.36	14,800	10,970	5,328	3,949
Osage Ave	Agua Fria-Cerrillos	2	0.66	14,800	6,118	9,768	4,038
Paseo de Peralta	St Francis-Cerrillos	4	0.47	32,400	5,773	15,228	2,713
Paseo de Peralta	Cerrillos-Acequia Madre	4	0.63	32,400	12,891	20,412	8,121
Paseo de Peralta	Acequia Madre-Alameda	4	0.25	32,400	9,094	8,100	2,274
Paseo de Peralta	Alameda-Palace	2	0.15	14,800	13,077	2,220	1,962
Paseo de Peralta	Palace-Washington	2	0.32	14,800	13,160	4,736	4,211
Paseo de Peralta	Washington-St Francis	4	1.04	32,400	11,033	33,696	11,474
Richards Ave	Rodeo-I-25	2	1.14	14,800	6,155	16,872	7,017
Rodeo Rd	Cerillos-Richards	4	0.95	32,400	27,884	30,780	26,490
Rodeo Rd	Richards-Camino Carlos Rey	4	1.00	32,400	18,715	32,400	18,715
Rodeo Rd	Camino Carlos Rey-Galisteo	2	1.04	14,800	10,062	15,392	10,464
Rodeo Rd	Galisteo-Sawmill	4	0.28	32,400	9,482	9,072	2,655
Rodeo Rd	Sawmill-Old Pecos Trail	2	1.70	14,800	7,279	25,160	12,374

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Table 59. Major Roadway Inventory (continued)

Street Name	Street Segment	Lns	Mi.	Cap.	ADT	VMC	VMT
Rufina St	S Meadows Rd-Jemez	2	0.20	14,800	8,043	2,960	1,609
Rufina St	Jemez-Lopez	2	0.91	14,800	12,145	13,468	11,052
Rufina St	Lopez-Richards	2	1.40	14,800	7,992	20,720	11,189
Rufina St	Richards-Siler	2	0.55	14,800	5,015	8,140	2,758
Siler Rd	Agua Fria-Cerrillos	2	0.64	32,400	14,171	20,736	9,069
Siler Rd	Agua Fria-West Alameda	2	0.40	14,800	10,003	5,920	4,001
Siringo Rd	Cam. Carlos Rey-Llano	2	0.63	14,800	10,607	9,324	6,682
Siringo Rd	Llano-St Francis	2	0.98	14,800	13,865	14,504	13,588
South Meadows	Jaguar-Airport	2	0.66	14,800	4,560	9,768	3,010
South Meadows	Airport-Agua Fria	2	0.80	14,800	5,963	11,840	4,770
South Meadows	Agua Fria-NM 599	2	1.00	14,800	*5,963*	14,800	5,963
St Francis (US 285)	Rodeo-Siringo	4	0.95	32,400	25,802	30,780	24,512
St Francis (US 285)	Siringo-San Mateo	4	0.70	32,400	39,295	22,680	27,507
St Francis (US 285)	San Mateo-Cerrillos	6	0.98	50,000	44,379	49,000	43,491
St Francis (US 285)	Cerrillos-Paseo de Peralta	6	0.28	50,000	50,028	14,000	14,008
St Francis (US 285)	Paseo de Peralta-Agua Fria	6	0.20	50,000	35,318	10,000	7,064
St Francis (US 285)	Agua Fria-Alameda	6	0.31	50,000	19,981	15,500	6,194
St Francis (US 285)	Alameda-Alamo	6	0.57	50,000	22,424	28,500	12,782
St Francis (US 285)	Alamo-NM599	6	1.33	50,000	36,667	66,500	48,767
St Michael's Dr	Cerillos-St Francis	6	1.29	50,000	23,607	64,500	30,453
St Michael's Dr	St Francis-Old Pecos Trail	4	1.04	32,400	20,385	33,696	21,200
Yucca St	Rodeo-Zia	2	0.40	14,800	2,679	5,920	1,072
Yucca St	Zia-Siringo	2	0.63	14,800	8,222	9,324	5,180
Zia Rd	Rodeo- St Francis	4	1.70	32,400	15,200	55,080	25,840
Subtotal, Arterial Roads			84.01			1,904,404	1,087,610
Collector Roads							
2nd St	W San Mateo Rd-Cerrillos Rd	2	0.43	13,300	2,875	5,719	1,236
2nd St	Cerrillos Rd-Calle Lorca	2	0.57	13,300	2,875	7,581	1,639
5th St	Cerrillos Rd-Saint Michaels Dr	2	0.43	13,300	4,815	5,719	2,070
5th St	Saint Michaels Dr-Siringo Rd	2	0.52	13,300	3,485	6,916	1,812
Acequia Madre	Paseo de Peralta-Garcia St	2	0.14	13,300	3,650	1,862	511
Acequia Madre	Garcia St-Camino del Monte Sol	2	0.48	13,300	7,059	6,384	3,388
Agua Fria Rd	Airport-San Felipe Rd	2	0.70	13,300	*2,653*	9,310	1,857
Alamo Dr	N Guadalupe St-St Francis Dr	2	0.13	13,300	1,665	1,729	216
Alamo Dr	St Francis-Camino de las Crucitas	2	0.23	13,300	2,068	3,059	476
Alto St	Camino Alire-N Saint Francis	2	0.72	13,300	*2,653*	9,576	1,910
Arroyo Chamiso Rd	Saint Michaels Dr-Old Pecos Trail	2	0.15	13,300	1,573	1,995	236
Ave de las Campanas	Siringo Rd-Rodeo Rd	2	0.84	13,300	5,258	11,172	4,417
Avenida Rincon	N Ridgetop Rd-NM 599	2	0.41	13,300	876	5,453	359
Avenida Rincon	NM 599-Calle David	2	0.63	13,300	*2,653*	8,379	1,671
Buckman Rd	City Limits-Camino de los Montoyas	2	1.31	13,300	3,059	17,423	4,007
Buckman Rd	Cam Los Montoyas-Cam Las Crucitas	2	0.12	13,300	1,669	1,596	200

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Table 59. Major Roadway Inventory (continued)

Street Name	Street Segment	Lns	Mi.	Cap.	ADT	VMC	VMT
Calle del Cielo	Siringo Rd-Cerrillos	2	0.26	13,300	1,079	3,458	281
Calle del Resolana	Siringo Rd-Cerrillos	2	0.27	13,300	3,390	3,591	915
Calle Estado	Bishops Lodge Rd-Old Taos Hwy	2	0.68	13,300	3,861	9,044	2,625
Calle Lorca	Siringo Rd-San Mateo Rd	2	0.64	13,300	3,950	8,512	2,528
Calle Nopal	W Alameda St-Paseo de Vistas	2	0.34	13,300	1,082	4,522	368
Camino Consuelo	Siringo Rd-Cerrillos	2	0.27	13,300	1,864	3,591	503
Camino Corrales	Fort Union Dr-Armenta St	2	0.57	13,300	1,863	7,581	1,062
Camino Corrales	Armenta St-Old Santa Fe Trail	2	0.15	13,300	5,109	1,995	766
Camino Corrales	Old Santa Fe Trail-Garcia St	2	0.18	13,300	4,737	2,394	853
Cam de las Crucitas	Buckman-Alamo Dr	2	2.03	13,300	3,566	26,999	7,239
Cam de las Crucitas	Alamo Dr-Rio Vista St	2	2.00	13,300	2,831	26,600	5,662
Cam de las Crucitas	Vista St-N Saint Francis Dr	2	0.13	13,300	7,836	1,729	1,019
Cam de los Montoyas	Buckman-NM 599	2	0.53	13,300	1,667	7,049	884
Cam de los Montoyas	NM 599-Avenida de Sevilla	2	1.70	13,300	5,028	22,610	8,548
Camino Encantado	Circle Dr-Bishops Lodge Rd	2	0.97	13,300	1,335	12,901	1,295
Canyon Rd	Garcia St-Camino del Monte Sol	2	0.48	13,300	1,994	6,384	957
Canyon Rd	Camino del Monte Sol-E Palace Ave	2	0.09	13,300	1,994	1,197	179
Canyon Rd	E Palace Ave-Acequia Madre	2	0.14	13,300	745	1,862	104
Canyon Rd	Acequia Madre-E Alameda St	2	0.24	13,300	2,295	3,192	551
Cerro Gordo Rd	Upper Canyon Rd-Gonzales Rd	2	1.73	13,300	2,484	23,009	4,297
Cerro Gordo Rd	Gonzales Rd- E Palace Ave	2	0.11	13,300	471	1,463	52
Country Club	Airport-Jaguar	2	0.76	13,300	4,875	10,108	3,705
Don Diego Ave	Alta Vista St-Cordova Rd	2	0.17	13,300	6,862	2,261	1,167
Don Gaspar Ave	E San Mateo Rd-Cordova Rd	2	0.50	13,300	3,374	6,650	1,687
Don Gaspar Ave	Cordova Rd-Paseo de Peralta	2	0.80	13,300	1,964	10,640	1,571
Don Gaspar Ave	Paseo de Peralta-W Alameda St	2	0.23	13,300	2,732	3,059	628
Don Gaspar Ave	W Alameda St-E Water St	2	0.10	13,300	2,511	1,330	251
Don Gaspar Ave	E Water St-W San Francisco St	2	0.05	13,300	2,511	665	126
E Palace Ave	Washington Ave Cathedral Pl	2	0.06	13,300	4,859	798	292
E Palace Ave	Cathedral Pl-Paseo de Peralta	2	0.17	13,300	4,244	2,261	721
E Palace Ave	Paseo de Peralta-Cerro Gordo	2	0.71	13,300	3,392	9,443	2,408
E Palace Ave	Cerro Gordo Rd-E Alameda St	2	0.07	13,300	2,221	931	155
E Palace Ave	E Alameda St-Canyon Rd	2	0.04	13,300	2,460	532	98
E Zia Rd	Old Pecos Tr-Calle de Sebastian	2	0.09	13,300	2,730	1,197	246
E Zia Rd	Calle de Sebastian-Conejo Dr	2	0.28	13,300	2,770	3,724	776
E Zia Rd	Conejo Dr-Old Santa Fe Trail	2	0.52	13,300	2,594	6,916	1,349
Garcia St	Cam. del Monte Sol-Cam. Corrales	2	0.41	13,300	1,173	5,453	481
Garcia St	Camino Corrales-Acequia Madre	2	0.53	13,300	3,608	7,049	1,912
Garcia St	Acequia Madre-Canyon Rd	2	0.20	13,300	4,357	2,660	871
Gonzales Rd	Vallecita Dr-Hyde Park Rd	2	0.61	13,300	1,234	8,113	753
Gonzales Rd	Hyde Park Rd-Cerro Gordo Rd	2	1.26	13,300	2,958	16,758	3,727
Gonzales Rd	Cerro Gordo Rd-E Alameda St	2	0.07	13,300	2,514	931	176
Herrera Drive	Cerrillos Road-Paseo del Sol	2	0.50	13,300	4,545	6,650	2,273
Llano St	Siringo-St Michaels	2	0.53	13,300	6,599	7,049	3,497
Lopez Ln	Airport-Agua Fria	2	1.10	13,300	4,981	14,630	5,479

continued on next page

Table 59. Major Roadway Inventory (continued)

Street Name	Street Segment	Lns	Mi.	Cap.	ADT	VMC	VMT
Monte Serena Dr	NM 599.-San Juan Ranch	3	3.09	13,300	3,887	41,097	12,011
Murales Rd	Bishops Lodge Rd-Old Taos Hwy	2	0.29	13,300	*2,653*	3,857	769
Old Taos Hwy	Paseo de Peralta-Murales Rd	2	0.39	13,300	3,748	5,187	1,462
Old Taos Hwy	Murales Rd-Calle Estado	2	0.55	13,300	1,923	7,315	1,058
Old Taos Hwy	Calle Estado-Calle Largo	2	0.47	13,300	1,344	6,251	632
Pacheco St	Siringo-St Michael's	2	0.51	13,300	6,821	6,783	3,479
Pacheco St	St Michael's-Cam. Monte Rey	2	0.47	13,300	10,620	6,251	4,991
Pacheco St	Cam. de Monte Rey-Alta Vista	2	0.41	13,300	6,073	5,453	2,490
Paseo del Sol	Airport-Jaguar	2	1.00	13,300	3,088	13,300	3,088
Paseo del Sol	Jaguar-Herrera	2	0.25	13,300	*4,545*	3,325	1,136
Paseo de Vistas	Calle Nopal-Rincon de Torreon	2	1.02	13,300	444	13,566	453
Paseo de Vistas	Rincon de Torreon-Cam. de las Crucitas	2	0.74	13,300	444	9,842	329
Paseo Nopal	Calle Nopal-City Limits	2	0.06	13,300	1,082	798	65
Richards Ave	Siringo-Cerrillos	2	0.28	13,300	3,670	3,724	1,028
Richards Ave	Cerrillos-Rufina	4	0.32	32,400	8,051	10,368	2,576
Ridgetop Rd	NM 599-Avenida Rincon	2	0.45	13,300	1,501	5,985	675
Ridgetop Rd	Avenida Rincon-Tano Rd	2	0.49	13,300	*2,653*	6,517	1,300
Rio Vista St	Alamo Dr-Camino de las Crucitas	2	0.37	13,300	3,625	4,921	1,341
Rio Vista St	Camino de las Crucitas-Alamo	2	0.30	13,300	*2,653*	3,990	796
Rufina St	Siler-Jorgensen Rd	2	0.25	13,300	8,535	3,325	2,134
San Mateo Rd	Calle Lorca-St Francis	2	0.42	13,300	4,491	5,586	1,886
San Mateo Rd	St Francis-Galisteo	2	0.47	13,300	3,463	6,251	1,628
San Mateo Rd	Galisteo-Old Pecos Trail	2	0.66	13,300	3,572	8,778	2,358
Siringo Rd	Richards-Camino Carlos	2	0.91	13,300	11,630	12,103	10,583
Siringo Rd	St Francis-Botulph	2	0.47	13,300	11,912	6,251	5,599
S Ridgetop Rd	Camino Francisca-NM 599	2	0.38	13,300	*2,653*	5,054	1,008
Sawmill Rd	Rodeo Rd-S Saint Francis Dr	2	0.32	13,300	9,119	4,256	2,918
Sawmill Rd	S Saint Francis Dr-Rodeo Rd	2	0.68	13,300	1,028	9,044	699
Solana Dr	W Alameda St-Rio Vista St	2	0.08	13,300	*2,653*	1,064	212
Tano Rd	N Ridgetop Rd-Opera Dr	2	0.69	13,300	*2,653*	9,177	1,831
Upper Canyon Rd	Camino Cabra-Cerro Gordo Rd	2	1.30	13,300	2,653	17,290	4,940
Vallecita Dr	Valley Dr-Gonzales Rd	2	0.76	13,300	546	10,108	415
Valley Dr	Bishops Lodge Rd-Vallecita Dr	2	0.38	13,300	758	5,054	288
W Palace Ave	Grant Ave-Lincoln Ave	2	0.11	13,300	4,107	1,463	452
W Palace Ave	Lincoln Ave-Old Santa Fe Trail	2	0.05	13,300	9,354	665	468
W Palace Ave	Old Santa Fe Trail-Washington Ave	2	0.01	13,300	9,354	133	94
W Zia Rd	Old Arroyo Chamiso Rd-Old Pecos Tr	2	0.65	13,300	3,484	8,645	2,265
W Zia Rd	St Francis-Botulph	2	0.51	14,800	2,713	7,548	1,384
Zafrano Dr	Rufina-Cerrillos	2	0.54	14,800	6,755	7,992	3,648
Zafrano Dr	Cerrillos-Rodeo	4	0.27	32,400	24,851	8,748	6,710
Subtotal, Collectors			52.45			710,429	192,241
Total			136.46			2,614,833	1,279,851

Source: Segment descriptions, number of through lanes and lengths from Santa Fe Metropolitan Planning Organization, August 28, 2020; generalized daily capacity estimates from Florida Department of Transportation, *2013 Quality/Level of Service Handbook*, Table 1: Generalized Annual Average Daily Volumes for Florida's Urbanized Areas; ADT is most current daily traffic count almost all from 2019) from Santa Fe Metropolitan Planning Organization; volume in italics are estimated based on 75% of the average volume for 2-lane collector roads (for eight collector roads with no available count) or on a nearby count.

APPENDIX B: AVERAGE HOUSEHOLD SIZE

The Census Bureau's American Community Survey conducts a sample of 1% of dwelling units each year. The most current data from are provided in a 5% sample dataset, consisting of 1% samples collected in 2014 through 2018. For cities the size of Santa Fe, only tabular data are available, and these data are summarized in Table 60. Unfortunately, the tabular data do not provide household population for single-family detached units separately from single-family attached units (i.e., townhouses). This presents a problem, because the impact fee categories include townhouses with other types of multi-family units.

Table 60. Average Household Size, City of Santa Fe, 2014-2018

Housing Type	Household Population	House-holds	Avg. HH Size
Single-Family Detached	n/a	20,659	n/a
Single-Family Attached	n/a	3,110	n/a
Single-Family Detached/Att.	54,230	23,769	2.28
Single-Family Attached	n/a	3,110	n/a
Other Multi-Family	15,333	8,282	1.85
Multi-Family	n/a	11,392	n/a
Mobile Home	12,894	3,542	3.64
Total	82,457	35,593	2.32

Source: U.S. Census, American Community Survey, 2014-2018 for City of Santa Fe.

For areas the size of Santa Fe County, however, microdata is available that contains information for individual dwelling units. In addition, 88.5% of single-family attached units in the county are in the city limits, meaning that the average household size for townhouses in the county should also be representative for townhouses in the city. The countywide data also indicate that single-family attached and other types of multi-family units have much the same average household size.

Table 61. Average Household Size, Santa Fe County, 2014-2018

Housing Type	Household Population	House-holds	Avg. HH Size
Single-Family Detached	86,229	40,028	2.15
Single-Family Attached	5,555	3,401	1.63
Single-Family Det./Att.	91,784	43,429	2.11
Single-Family Attached	5,555	3,401	1.63
Other Multi-Family	15,790	9,476	1.67
Multi-Family	21,345	12,877	1.66
Mobile Home	25,211	9,068	2.78
Total	132,785	61,973	2.14

Source: U.S. Census, American Community Survey, 2014-2018 for Santa Fe County.

Using the average household size for single-family attached units from the countywide data and the data available for the city allows us to calculate reasonable estimates for both single-family detached and all multi-family units, as shown in Table 62.

Table 62. Average Household Size, City of Santa Fe

Housing Type	Household Population	House-holds	Avg. HH Size
Single-Family Detached	49,161	20,659	2.38
Single-Family Attached	5,069	3,110	1.63
Single-Family Detached/Att.	54,230	23,769	2.28
Single-Family Attached	5,069	3,110	1.63
Other Multi-Family	15,333	8,282	1.85
Multi-Family	20,402	11,392	1.79
Mobile Home	12,894	3,542	3.64
Total	82,457	35,593	2.32

Note: Total household population and households do not double-count single-family attached, which are in the two subtotals.

Source: Except as otherwise noted, household population and households from Table 60 and average household size calculated as ratio of population to households; average household size for single-family attached from countywide data in Table 61; household population for single-family attached is households times average household size; household size for single-family detached and all multi-family is remainder after subtracting single-family attached.

Average household sizes by square footage ranges can be calculated using the most recent 2017 data from the American Housing Survey for the Western Census Region, which includes New Mexico. This survey provides data on the number of residents and the square footage of a sample of individual housing units. Regional data are used to develop average household sizes by unit size, as shown in Table 63 on the following page. Average household sizes by dwelling unit size are converted to Equivalent Dwelling Units (EDUs), with one EDU representing the average number of persons residing in an occupied single-family detached unit.

Small multi-family units are also analyzed in Table 63 as the basis for fees for accessory or guest units built as attached or detached additions to single-family units. Such units may be rented and would seem to function similarly to a multi-family unit, and they are likely to be smaller than the average multi-family unit. While the City Code does not limit the size of accessory units directly, their size is likely may be limited in many cases by the size of the lot and the need to comply with setbacks and other zoning regulations. In this update, fees are calculated for an accessory unit based on the average household size for multi-family units of less than 750 square feet. Units of this size constitute 30% of occupied multi-family units in the western region of the country, according to the 2017 American Housing Survey.

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Table 63. Average Household Size by Unit Size, Western U.S.

Heated Living Area	Household Population	House-holds	Avg. HH Size	EDUs/ Unit
Single-Family Detached				
1,500 sq. ft. or less	12,943,701	4,876,875	2.65	0.92
1,501-2,500 sq. ft.	20,825,884	7,295,548	2.85	0.99
2,501-3,000 sq. ft.	5,032,646	1,652,064	3.05	1.06
More than 3,000 sq. ft.	6,871,745	2,104,276	3.27	1.14
All Single-Family Units	45,673,976	15,928,763	2.87	1.00
Multi-Family				
750 sq. ft. or less	4,349,727	2,417,084	1.80	0.63

Source: U.S. Department of Housing and Urban Development, American Housing Survey, 2017 microdata sample for Western Census Region; EDUs is ratio of average household size to average household size for all single-family detached units.

The City data are combined with the regional data to estimates average household sizes for the City by unit size in Table 64.

Table 64. Average Household Size by Unit Size

Heated Living Area	EDUs/ Unit	Avg. HH Size
Single-Family Detached		
1,500 sq. ft. or less	0.92	2.19
1,501-2,500 sq. ft.	0.99	2.36
2,501-3,000 sq. ft.	1.06	2.52
More than 3,000 sq. ft.	1.14	2.71
All Single-Family Detached	1.00	2.38
Multi-Family		
750 sq. ft. or less	0.63	1.50

Source: EDU multipliers for western U.S. from Table 63; average household size for all single-family detached units in Santa Fe from Table 60; household sizes by unit size for Santa Fe based on EDU multipliers.

Average household sizes by housing type and single-family by square footage ranges are summarized in Table 65.

Table 65. Average Household Size Summary

Housing Type/Living Area	Unit	Avg. HH Size
Single-Family Detached (avg.)	Dwelling	2.38
1,500 sq. ft. or less	Dwelling	2.19
1,501-2,500 sq. ft.	Dwelling	2.36
2,501-3,000 sq. ft.	Dwelling	2.52
More than 3,000 sq. ft.	Dwelling	2.71
Accessory Unit*	Dwelling	1.50
Multi-Family	Dwelling	1.79
Mobile Home Park	Pad	3.64

* based on multi-family units with 750 sq. ft. of living area or less
Source: Table 62 and Table 64.

APPENDIX C: FUNCTIONAL POPULATION

This update continues to utilize the "functional population" approach to measuring demand for fire/EMS and police impact fees. This is a generally-accepted approach for public safety fees, based on the observation that demand for such services tends to be proportional to the presence of people at the site. To make the calculations of functional population easier to follow, numbers in one table that are inputs into another table are highlighted in red.

Functional population is analogous to the concept of "full-time equivalent" employees. It represents the number of "full-time equivalent" people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for public safety facilities. For residential development, functional population is simply average household size times the percent of time people spend at home. For nonresidential development, functional population is based on a formula that includes trip generation rates, average vehicle occupancy and average number of hours spent by visitors and employees at a land use.

Residential Functional Population

For residential land uses, the impact of a dwelling unit on the need for capital facilities is generally proportional to the number of persons residing in the dwelling unit. This can be measured for different housing types in terms of either average household size (average number of persons per occupied dwelling unit) or persons per unit (average number of persons per dwelling unit, including vacant as well as occupied units). In this analysis, average household size is used to develop the functional population multipliers, as it avoids the need to make assumptions about occupancy rates.

The first step is to determine the percentage of time people spend at their place of residence. In 2018, the U.S. Bureau of Labor Statistics interviewed one person each from 9,600 randomly-selected households to determine how people spent their time during a recent day. Survey respondents were limited to persons aged 15 or older in the civilian population. The survey determined the average number of hours spent on various types of activities. While it did not itemize where the activities occurred, reasonable assumptions have been made about which activities were more likely to take place at the place of residence or away from home. The results, summarized in Table 66 on the following page, indicate that people spend an average of two-thirds of each 24-hour day at their place of residence.

Table 66. Time Usage Survey Data

Primary Activity	Total Hrs. per Day	At Home	Away
Sleeping (including naps, spells of sleeplessness)	8.82	8.82	–
Personal care activities (other than sleeping)	0.76	0.76	–
Eating and drinking*	1.19	0.89	0.30
Household activites	1.78	1.78	–
Purchasing goods and services	0.72	–	0.72
Caring for and helping household members	0.51	0.51	–
Caring for and helping non-household members	0.21	–	0.21
Working and work-related activities	3.57	–	3.57
Educational activities	0.46	–	0.46
Organizational, civic and religious activities	0.30	–	0.30
Watching television	2.84	2.84	–
Other leisure and sports	2.43	–	2.43
Telephone, mail and email	0.15	0.15	–
Other activities	0.26	0.26	–
Total Hours	24.00	16.01	7.99
Percent of Time	100.0%	66.7%	33.3%

* assumes 3/4 of meals are at home
Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *American Time Use Survey - 2018 Results*, June 19, 2019 release, survey of U.S. civilians 15 years of age or older.

The functional population multipliers for residential uses are calculated in Table 67 by multiplying average household size by the percent of time spent in the unit.

Table 67. Residential Functional Population per Unit

Housing Type	Unit	Average HH Size	% of Time in Unit	Func. Pop./Unit
Single-Family, Detached (All)	Dwelling	2.38	66.7%	1.587
1,500 sq. ft. or less	Dwelling	2.19	66.7%	1.461
1,501-2,500 sq. ft.	Dwelling	2.36	66.7%	1.574
2,501-3,000 sq. ft.	Dwelling	2.52	66.7%	1.681
More than 3,000 sq. ft.	Dwelling	2.71	66.7%	1.808
Accessory Unit	Dwelling	1.50	66.7%	1.001
Multi-Family	Dwelling	1.79	66.7%	1.194
Mobile Home/RV Park	Pad/Space	3.64	66.7%	2.428

Source: Average household size from Table 65;; occupancy factor from Table 66.

Nonresidential Functional Population

The functional population methodology for nonresidential uses is based on trip generation data utilized in developing the transportation demand schedule prepared for the updated transportation impact fee update. Functional population per 1,000 square feet is derived by dividing the total number of hours spent by employees and visitors during a weekday by 24 hours. Employees are estimated to spend eight hours per day at their place of employment, and visitors are estimated to spend one-half to one hour per visit depending on land use. The formula used to derive the nonresidential functional population estimates is summarized in Figure 6.

Figure 6. Nonresidential Functional Population Formula

Functional population/1000 sf = (employee hours/1000 sf + visitor hours/1000 sf) ÷ 24 hours/day

Where:

Employee hours/1000 sf = employees/1000 sf x 8 hours/day

Visitor hours/1000 sf (retail/office/public) = visitors/1000 sf x 1 hour/visit

Visitors hours/1000 sf (industrial/warehouse) = visitors/1000 sf x 1/2 hour/visit

Visitors/1000 sf = ADT/1000 sf x avg. vehicle occupancy - employees/1000 sf

ADT/1000 sf = average daily trips (1/2 trip ends) on a weekday per 1000 sf

Using this formula and information on trip generation rates used in this study for the transportation impact fee update, vehicle occupancy rates from the *National Household Travel Survey* , average employee densities from the Department of Energy, and the formula in Figure 6, nonresidential functional population estimates per 1,000 square feet of gross floor area are calculated. Table 68 presents the results of these calculations for the nonresidential land use categories.

Table 68. Nonresidential Functional Population per Unit

Land Use	Unit	Trip Rate	Persons/ Trip	Employee/ Unit	Visitors/ Unit	Functional Pop./Unit
Retail/Commercial	1,000 sq. ft.	18.87	1.91	0.93	35.11	1.773
Office	1,000 sq. ft.	4.87	1.27	2.07	4.11	0.861
Industrial	1,000 sq. ft.	1.68	1.27	1.05	1.08	0.373
Warehouse	1,000 sq. ft.	0.87	1.27	0.48	0.62	0.173
Mini Warehouse	1,000 sq. ft.	0.75	1.27	0.05	0.90	0.035
Public/Institutional	1,000 sq. ft.	3.32	1.98	0.43	6.14	0.399

Source: Trip rates are one-half trip ends from Table 16; persons/trip is average vehicle occupancy from Federal Highway Administration, *Nationwide Household Travel Survey*, 2017; employees/unit from U.S. Department of Energy, *Commercial Buildings Energy Consumption Survey*, 2012; visitors/unit is trips times persons/trip minus employees/unit; functional population/unit calculated based on formula from Figure 6.

Functional Population Summary

The functional population multipliers for the residential and nonresidential land use categories are summarized in Table 69 on the following page.

Table 69. Functional Population Multipliers

Land Use	Unit	Functional Pop./Unit
Single-Family, Detached (All)	Dwelling	1.587
1,500 sq. ft. or less	Dwelling	1.461
1,501-2,500 sq. ft.	Dwelling	1.574
2,501-3,000 sq. ft.	Dwelling	1.681
More than 3,000 sq. ft.	Dwelling	1.808
Accessory Unit	Dwelling	1.001
Multi-Family	Dwelling	1.194
Mobile Home/RV Park	Pad/Space	2.428
Retail/Commercial	1,000 sq. ft.	1.773
Office	1,000 sq. ft.	0.861
Industrial	1,000 sq. ft.	0.373
Warehouse	1,000 sq. ft.	0.173
Mini Warehouse	1,000 sq. ft.	0.035
Public/Institutional	1,000 sq. ft.	0.399

Source: Residential dwelling unit functional population per unit from Table 67; nonresidential functional population per unit from Table 68.

Existing and projected total functional population for the City of Santa Fe are derived based on existing and projected land uses from the Land Use Assumptions and functional population per unit multipliers summarized above. The results are displayed in Table 70.

Table 70. Functional Population, 2021-2027

Land Use	Unit	No. of Units	Functional Pop. per Unit	Functional Pop. Total
Existing (2020)				
Single-Family Detached	Dwelling	27,831	1.587	44,168
Multi-Family	Dwelling	12,225	1.194	14,597
Accessory Unit	Dwelling	3,274	1.001	3,277
Retail/Commercial	1,000 sq. ft.	13,790	1.773	24,450
Office	1,000 sq. ft.	5,526	0.861	4,758
Industrial	1,000 sq. ft.	2,450	0.373	914
Warehouse	1,000 sq. ft.	2,754	0.173	476
Mini-Warehouse	1,000 sq. ft.	1,283	0.035	45
Public/Institutional	1,000 sq. ft.	7,261	0.399	2,897
Total Functional Population, 2020				95,582
Projected (2027)				
Single-Family Detached	Dwelling	29,815	1.587	47,316
Multi-Family	Dwelling	15,547	1.194	18,563
Accessory Unit	Dwelling	3,508	1.001	3,512
Retail/Commercial	1,000 sq. ft.	14,176	1.773	25,134
Office	1,000 sq. ft.	5,681	0.861	4,891
Industrial	1,000 sq. ft.	2,519	0.373	940
Warehouse	1,000 sq. ft.	2,831	0.173	490
Mini-Warehouse	1,000 sq. ft.	1,319	0.035	46
Public/Institutional	1,000 sq. ft.	7,464	0.399	2,978
Total Functional Population, 2027				103,870
New Functional Population, 2020-2027				8,288

Source: Existing and projected units from Table 8; functional population per unit from Table 69.

APPENDIX D: PARK/TRAIL INVENTORY

Table 71. Inventory of Existing Parks and Open Space

Park Facility	Acres	Play-grnd	Picnic Area	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board
Pocket Parks												
Arroyo Sonrisa Park	0.26		1									
Cielo Vista	1.23	1	1					1				
Canada Gardens	0.89											
City Hall Park	0.68											
Don Diego Entrada Park	0.30											
Espinacitas Park	0.16											
Gregory Lopez Park	1.91	1	1									
Guadalupe Neighborhood Parcel	0.17											
John F. Griego Park (Vietnam Vets)	0.92	1	1					1				
Kiva Center	0.72											
La Farge Library	1.20											
La VIlla Serena Park	1.28											
Los Milagros Park	1.16	1	1	1								
Maclovia Park	1.20		1									
Main Library	0.93											
Maloof Park	2.62											
Melendez Park	0.45											
Monica Roybal Center	0.81	2	1	1				2				
Dancing Ground Community Park	1.66	1	1	1								
Orlando Fernandez Park	0.47		1									
Peralta Park	0.58			1								
Plaza Entrada	0.48											
Rancho Del Sol Phase II Park	1.11	1	1	1								
Rancho Siringo Park	0.33	1	1	1				1				
Resolana Park	1.64	1	1	1								
Santa Fe Riverside Park	0.72		1	1								
South Meadows	1.64											
Sunnyslope Meadows	0.51											
Thomas Macaione Park	0.33		1									
Valentine Park	1.02	1	1									
Young Park	0.91	1	1					1				
Subtotal, Pocket Parks	28.29	12	16	8	0	0	0	6	0	0	0	0
Neighborhood Parks												
Adam Gabriel Armijo Park	6.49	1	1									
Alvarado Park	4.74	1	1									
Amelia E White Park	2.96		1									
Calle Lorca Park	3.02	1	1					2				
Candelero Park	6.07	1	1		2			1				
Colonia Prisma Park	2.54	1	1									
Dawson Park	1.50	1						1				
Frank S. Ortiz Park Playground	5.73	1	1									
Galisteo Park	0.78											
Herb Martinez Park	8.66		1		4			2	0			
Las Acequias Park	5.89	2	1	1				2				
Las Soleras Park	22.36											
Las Estanclas #1	1.99											
Los Hermanos Rodriguez Park	3.76	1	1					1				
Martin Luther King Park	1.28	1	1	1								

continued on next page

Table 71. Inventory of Existing Parks and Open Space (cont'd)

Park Facility	Acres	Play-grnd	Picnic Area	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board
Mark Brandt Park	5.27		1									
Monica Lucero Park	10.48	1	1							0		
Monsignor Patrick Smith Park	4.63	1	1				1	2				
Parque del Rio	4.00											
Pueblos del Sol	5.30											
San Isidro Village Park	2.74											
Santa Fe Estates	6.33											
Torreon Park	3.21	2	1					2				
VIlla Caballero Park	4.80											
Villa Sonata	1.52											
Subtotal, Neighborhood Parks	126.05	15	15	2	6	0	1	13	0	0	0	0
Community Parks												
Ashbaugh Park	16.12	1	1				1	1			1	
Bicentennial Park	12.91	1	1		4		1	1	3			
Casa Linda Park	0.29											
Fort Marcy Complex	16.11	1	1	1	2		2		1			
General Franklin E. Miles Park	28.39	2	1					2	5		2	1
Larragoite Park	11.52	1	1		2			1		0	0	
Ragle Park	33.57	1	1			1				4		
Salvador Perez Park / Patio Park	11.95	2	1	1	4		1		3	2	1	
Villa Linda Park	13.21	1	1				1					
Water History Park & Museum	3.51											
Subtotal, Community Parks	147.58	10	8	2	12	1	6	5	12	6	4	1
Regional Parks												
Municipal Recreation Center	428.38	1					5		2	2		
Marty Sanchez Golf Course	850.00											
Southwest Activity Node Park	96.72	1										
Subtotal, Regional Parks	1,375.10	2	0	0	0	0	5	0	2	2	0	0
Special Use Parks												
Atalaya Park	1.29											
Boys and Girls Club	1.59											
Cathedral Park	0.69		1	1								
Cornell Park (Rose Garden)	1.54		1									
Cross of the Martyrs	2.35		1									
De Vargas Park (East/West)	2.85		1	1								1
Handball Park	n/a					2						
Louis Montano Park	0.56											
Marcel Marc Brandt Park	4.93											
Plaza Park	1.07			1								
Prince Park	10.02		1	1								
Power Plant Park	3.40	1										
Railyard Park	9.73		1									
Subtotal, Special Use Parks	40.02	1	6	4	0	2	0	0	0	0	0	1
Recreation Facilities												
Baca Street Cristobal Colon Parcels	1.27											
Bicentennial Pool	0.80											
Boys and Girls Club	0.70											
Fort Marcy Rec. Center	2.67											

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Table 71. Inventory of Existing Parks and Open Space (cont'd)

Park Facility	Acres	Play-grnd	Picnic Area	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board
Galisteo Tennis Courts	0.66				2							
Monica Roybal Center	0.40							1				
Salvador Perez Pool	1.33											
Senior Citizens Center	1.15											
Subtotal, Recreation Facilities	8.98	0	0	0	2	0	0	1	0	0	0	0
Open Space												
Airport Rd Open Space (Lot 9 Sec 7)	1.69											
Cerro Gordo Open Space	2.41											
Frenchy's Field Park & Commons	16.53	1	1	1								
La Paz Open Space	3.82											
Mountain View Apartments Dedication	0.03											
Mountain View Apartments Dedication	0.11											
N Tract W Portion of NE Quad of City	141.58											
Nava Ade	2.29		1									
Parque Escudero	0.65											
Pueblos del Sol	4.85											
Rlo Vlsta	4.86											
Santa Fe Estates Open Space	25.63											
Sierra del Norte	58.96											
Tierra Contenta	452.18											
Tierra Escondida Drainage Pond	0.47		1									
Tract A. E of Almeda Public Housing	0.12											
Vista de La Sierra Drainage and Rec	1.16											
Vista del Prado Open Space	2.07											
Vista del Sol	28.79											
Vistas de Santa Fe	0.90											
Wuest Parcel	0.83											
Yucca Park	2.07											
Zia Vista	9.45											
Subtotal, Open Space	761.45	1	3	1	0	0	0	0	0	0	0	0
ATV/MX/BIKE Skills Park												
Buckman Track ATV/MX Park	55.55											
Dirt Jumps	17.06											
Freeride Jump Park	16.11											
Alto Pump Tracks	0.22											
Ragle Pump Tracks	1.27											
Zona Pump Tracks	0.58											
Subtotal, ATV/MX/BIKE Skills Park	90.79	0	0	0	0	0	0	0	0	0	0	0
Dog Parks												
Frank Ortiz Dog Park	135.43											
Salvador Perez Dog Park	0.45											
\\\\\\	n/a											
Villa Linda Dog Park	0.57											
Subtotal, Dog Park	136.45	0	0	0	0	0	0	0	0	0	0	0

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Table 71. Inventory of Existing Parks and Open Space (cont'd)

Park Facility	Acres	Play-grnd	Picnic Area	Activ. Area	Tennis Court	Hand-ball	Soccer Field	Bskt-ball	Base-ball	Soft-ball	Vball Ct	Skate-board
Totals												
Pocket Parks	28.29	12	16	8	0	0	0	6	0	0	0	0
Neighborhood Parks	126.05	15	15	2	6	0	1	13	0	0	0	0
Community Parks	147.58	10	8	2	12	1	6	5	12	6	4	1
Municipal Recreation Center	428.38	1	0	0	0	0	5	0	2	2	0	0
Marty Sanchez Golf Course	850.00	0	0	0	0	0	0	0	0	0	0	0
Other Regional Parks	96.72	1	0	0	0	0	0	0	0	0	0	0
Special Use Parks	40	1	6	4	0	2	0	0	0	0	0	1
Recreation Facilities	8.98	0	0	0	2	0	0	1	0	0	0	0
Open Space	761.45	1	3	1	0	0	0	0	0	0	0	0
ATV/MX/BIKE Skills Park	90.79	0	0	0	0	0	0	0	0	0	0	0
Dog Park	136.45	0	0	0	0	0	0	0	0	0	0	0
Grand Total, All Parks	2,714.71	41	48	17	20	3	12	25	14	8	4	2
Total, excluding MRC/Golf Course	1,436.33	40	48	17	20	3	7	25	12	6	4	2

Source: City of Santa Fe Parks and Recreation, October 1, 2020.

Table 72. Existing Trail Inventory

Trail	Miles	Trail	Miles
Acequia Trail	3.60	St. Vincent Hospital Footpaths	0.99
Ashbaugh Park	0.33	Tierra Contenta	1.50
Arroyo Chamisos Trail	4.47	Villa Sonata	0.77
Botulph Rd. Trail	0.43	Zia Trail	0.09
Chili Line	0.18	Subtotal, Paved Trails*	37.35
Country Club Road Side Path	0.29		
Cross of the Martyrs	0.38	Arroyo Mascaras Trail	0.33
Diverging Diamond Trail	1.17	Arroyo Mora (Polai) Trail	1.63
El Rio	0.06	Atalaya Wilderness Trail	5.16
Fort Marcy	0.49	Dale Ball Trails	23.75
Franklin Miles	0.08	De Vargas Heights Bridle Paths	n/a
Franklin Miles Park	0.76	Dorothy Stewart Trail	1.64
Frenchy's Park	0.75	Fullerton Legacy	0.27
Gail Ryba	0.32	Hyde Park Rd	0.66
Gonzales Road Trail	1.00	La Piedra Trail	1.91
Larragoite Park	0.42	La Tierra Trail System	25.95
Marc Brandt Park - Siringo Rd	0.50	Las Estrellas Trails - Santa Fe Estates	3.00
Museum Hill Trail	0.37	Prince Park Trail	1.00
Nava Ade Trails	2.61	Santa Fe Estates	0.92
Old Pecos Trail ROW Trail	1.00	Sun Mountain Trail	2.00
Pueblos del Sol Trails	3.08	Visto Del Prado	n/a
Ragel Park	1.16	Zocalo	1.30
Rail Trail	5.00	Subtotal, Soft Surface Trails*	69.51
Santa Fe River Trail	4.08	MRC Paved Trails	10.84
Siringo	0.48	MRC Soft-Surface Trails	9.00
St. Francis Drive Trail	1.00	Total, All Trails	126.70

* excludes Municipal Recreation Center (MRC) trails

Source: City of Santa Fe Parks and Recreation, August 28. 2020.

APPENDIX E: FINANCIAL DATA

Impact Fee Revenues/Expenditures

Table 73. Impact Fee Revenues/Expenditures, FY 2014-2019

Fund/Activity	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Roads							
Revenues	$863,666	$560,147	$728,938	$621,409	$1,026,420	$1,495,765	$1,376,304
Expenditures	-$1,717,292	-$317	-$326,282	-$1,144,643	$0	-$475,000	$0
Net Revenues	-$853,626	$559,830	$402,656	-$523,234	$1,026,420	$1,020,765	$1,376,304
Ending Balance	$1,057,711	$1,624,805	$2,027,275	$1,501,178	$2,516,195	$3,576,876	$4,953,180
Parks							
Revenues	$77,056	$58,840	$77,547	$134,752	$185,927	$525,901	$463,521
Expenditures	-$15,000	-$60,000	$0	$0	$0	$0	$0
Net Revenues	$62,056	-$1,160	$77,547	$134,752	$185,927	$525,901	$463,521
Ending Balance	$231,900	$231,635	$309,153	$444,101	$630,028	$1,155,929	$1,619,450
Fire/EMS							
Revenues	$63,098	$44,061	$52,478	$67,147	$80,925	$129,015	$136,685
Expenditures	-$3,000	-$108,040	$0	-$77,297	$0	$0	$0
Net Revenues	$60,098	-$63,979	$52,478	-$10,150	$80,925	$129,015	$136,685
Ending Balance	$88,081	$24,715	$77,199	$67,096	$148,021	$277,036	$413,721
Police							
Revenues	$38,278	$34,469	$22,259	$39,938	$34,049	$54,078	$57,228
Expenditures	-$2,000	$0	$0	$0	$0	$0	$0
Net Revenues	$36,278	$34,469	$22,259	$39,938	$34,049	$54,078	$57,228
Ending Balance	$72,006	$106,617	$128,867	$168,890	$202,940	$257,018	$314,246

Source: City of Santa Fe Finance Department, October 7, 2020.

Outstanding Debt

The City of Santa Fe's outstanding gross receipts tax (GRT) and general obligation (GO) bonds that wholly or partially funded capacity-related improvements to roads, parks, fire or police facilities are summarized in Table 74. The debt for land acquisition for general government purposes, convention center, solid waste, wastewater and the Railyard are unrelated to the impact fee facilities and are excluded from this analysis.

Table 74. Outstanding Non-Utility Debt Summary

Bond Issue	Purpose	Original	Outstanding
GRT Refunding Bonds 2012A*	Refund 2004A	$14,390,000	$5,553,727
GRT Rev. Bonds 2012A*	CIP	$18,335,000	$7,076,273
GRT Rev. Bonds 2016B	Refund 2008	$20,135,000	$10,563,000
GRT Rev. Bonds 2016C	Refund MRC 2005	$15,315,000	$2,455,000
Total from 1/2% GRT		$68,175,000	$25,648,000
General Obligation 2013	Parks/Envir.	$14,000,000	$8,940,000
General Obligation 2014	Parks/Envir.	$5,800,000	$4,745,000
General Obligation 2019	Refund 2010-Parks	$10,300,000	$5,445,000
Total from Property Tax		$30,100,000	$19,130,000

* $32,725,000 bond, split between refunding and new capital projects
Source: City of Santa Fe Finance Department, August 26, 2020.

The outstanding debt amounts attributable to refunding issues, as well as to original issues that funded a variety of improvement types, are allocated among facility types based on the original planned project costs for each bond issue. Only debt that was incurred for capacity-expanding improvements is included. The analysis of the individual bond issues is provided at the end of this appendix. The resulting distributions by facility type are summarized in Table 75 on the following page.

Table 75. Distribution of Debt by Facility Type

	Impact Fee-Eligible Original Project Cost				Other Cost/	Total
Bond Issue	Streets	Parks	Fire	Police	Non-Eligible	Original
Original Project Costs						
GRT Revenue Bonds 2004 A	$2,200,000	$3,960,000	$1,700,000	$0	$10,800,000	$18,660,000
GRT Rev. Bonds 2008	$1,200,000	$2,450,000	$2,200,000	$2,000,000	$12,285,000	$20,135,000
GRT Rev. Bonds 2012A (CIP)	$430,000	$2,300,000	$0	$0	$19,270,000	$22,000,000
MRC 2005 Refunding	$0	$15,315,000	$0	$0	$0	$15,315,000
General Obligation 2010	$0	$10,300,000	$0	$0	$0	$10,300,000
General Obligation 2013	$0	$12,500,000	$0	$0	$1,500,000	$14,000,000
Percentage of Bond Cost						
GRT Revenue Bonds 2004 A	11.80%	21.20%	9.10%	0.00%	57.90%	100.00%
GRT Rev. Bonds 2008 (CIP)	6.00%	12.20%	10.90%	9.90%	61.00%	100.00%
GRT Rev. Bonds 2012A (CIP)	2.00%	10.50%	0.00%	0.00%	87.60%	100.00%
MRC 2005 Refunding	0.00%	100.00%	0.00%	0.00%	0.00%	100.00%
General Obligation 2010	0.00%	100.00%	0.00%	0.00%	0.00%	100.00%
General Obligation 2013	0.00%	89.29%	0.00%	0.00%	10.70%	100.00%
General Obligation 2014	0.00%	100.00%	0.00%	0.00%	0.00%	100.00%

Source: Original planned project costs from the following tables: GRT 2004A (Table 77), GRT 2008 (Table 78) and GRT 2012A (CIP portion, Table 79); MRC 2005 refunding bond issued to refund the 1996C and 1998 MRC bonds that were used for parks (60% attributed to golf courses per City of Santa Fe Finance Department, August 15, 2002); GO bonds for parks all deemed capacity except for $1.5 million for trail maintenance in 2013 bond.

The distributions from the table above are multiplied by the total outstanding debt for those mixed-facility bond issues to determine outstanding debt for each impact fee facility type.

Table 76. Outstanding Debt by Facility Type

	Impact Fee-Eligible Outstanding Debt				Total
Bond Issue (Refunded Issue)	Streets	Parks	Fire	Police	Outstanding
GRT Refunding 2012A (2004A)	$655,340	$1,177,390	$505,389	$0	$5,553,727
GRT Refunding 2012A (CIP)	$141,525	$743,009	$0	$0	$7,076,273
GRT Rev. Bonds 2016B (2008)	$633,780	$1,288,686	$1,151,367	$1,045,737	$10,563,000
GRT Rev. Bonds 2016C (MRC 2005)	$0	$2,455,000	$0	$0	$2,455,000
General Obligation 2019 (2010)	$0	$5,445,000	$0	$0	$5,445,000
General Obligation 2013	$0	$7,982,143	$0	$0	$8,940,000
General Obligation 2014	$0	$4,745,000	$0	$0	$4,745,000
Total	$1,430,645	$23,836,228	$1,656,756	$1,045,737	$44,778,000

Source: Total outstanding principal from Table 74; outstanding amount by facility for mixed-facility issues based on percent of original debt from Table 75.

Table 77. 2004A Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Parks and Median Maint.	$400,000	$0
Water Management	$500,000	$0
Artificial Turf	$500,000	$0
Tennis Court Rehab	$200,000	$0
Alto Park, Phase II	$700,000	$700,000
Trails	$1,500,000	$1,500,000
Railyard Infrastructure	$350,000	$350,000
Tierra Contenta Park	$200,000	$200,000
La Cieneguita Park	$200,000	$200,000
Plaza Improvements	$500,000	$500,000
State Game and Fish Property	$450,000	$450,000
Amelia White Park	$60,000	$60,000
Subtotal, Parks	$5,560,000	$3,960,000
Traffic Safety Improvements	$300,000	$300,000
Re-paving	$1,250,000	$0
Unpaved Rehab.	$150,000	$0
Small Sidewalks	$100,000	$0
Bridge Rehab.	$200,000	$0
Recycled Asphalt Paving Program	$250,000	$0
Siler Road Extension Design	$400,000	$400,000
Alire Bridge Rehab.	$400,000	$0
Traffic Calming	$1,500,000	$1,500,000
Subtotal, Streets	$4,550,000	$2,200,000
Fire Station #8	$1,700,000	$1,700,000
Subtotal, Fire	$1,700,000	$1,700,000
ADA Improvements	$300,000	n/a
Municipal Facility Repair	$600,000	n/a
Cerrillos Road IT Conduit	$100,000	n/a
Airport Matching Funds	$285,000	n/a
Small Drainage	$100,000	n/a
Ortiz Landfill Re-mediation	$200,000	n/a
South Side Library	$4,800,000	n/a
Affordable Housing	$500,000	n/a
Arts	$180,000	n/a
Total	$18,875,000	$7,860,000

Source: City of Santa Fe Finance Department, March 8, 2007.

Table 78. 2008 Gross Receipts Tax Bond Projects

Project	Amount	Eligible
Intersection Safety	$350,000	$0
Safety Misc. Projects	$300,000	$0
Signal Maintenance	$200,000	$0
Sight, Paint & Signal	$200,000	$0
Municipal Facilities Repair	$600,000	$0
Paved Street Rehab.	$3,230,000	$0
Unpaved Street Rehab.	$150,000	$0
Small Sidewalks	$150,000	$0
Small Drainage	$300,000	$0
Bridge Rehab.	$500,000	$0
Cerrillos Road	$1,000,000	$1,000,000
Airport Road Safety Project	$100,000	$0
Paseo de Vista Prelim Design	$200,000	$200,000
Subtotal, Streets	$7,280,000	$1,200,000
Park Maintenance	$400,000	$0
Parks/Water Mgt.	$300,000	$0
Turf Rehab.	$300,000	$0
Bicentennial Pool	$300,000	$300,000
Santa Fe Railyard Park & Plaza	$1,000,000	$1,000,000
Trails City Wide (incl. Santa Fe Trail)	$1,000,000	$1,000,000
Old Power Plant Building & Park	$150,000	$150,000
Subtotal, Parks	$3,450,000	$2,450,000
Fire Station #3	$2,000,000	$2,000,000
Fire Station #4 (#9 Design NWQ)	$200,000	$200,000
Subtotal, Fire	$2,200,000	$2,200,000
Police Facility Design (Main Station)	$2,000,000	$2,000,000
Subtotal, Police	$2,000,000	$2,000,000
Effluent Line for SW Sector	$500,000	n/a
CIP for the Arts	$370,000	n/a
ADA Improvements	$300,000	n/a
Telecomm Imp City Wide	$500,000	n/a
Airport Matching Funds	$100,000	n/a
Court Rehab.	$200,000	n/a
GCCC-CIP Bond	$250,000	n/a
City Hall Renovations	$600,000	n/a
Warehouse 21 (Youth Center)	$1,000,000	n/a
Tino Griego Teen Ctr (La Farge Lib.)	$500,000	n/a
Farmers Market	$200,000	n/a
Affordable Housing	$500,000	n/a
Zona del Sol (Youth Consortium)	$750,000	n/a
ITT	$300,000	n/a
Total	$21,000,000	$7,850,000

Source: City of Santa Fe Finance Department, February 7, 2014.

Table 79. 2012A Gross Receipts Tax Bond Projects

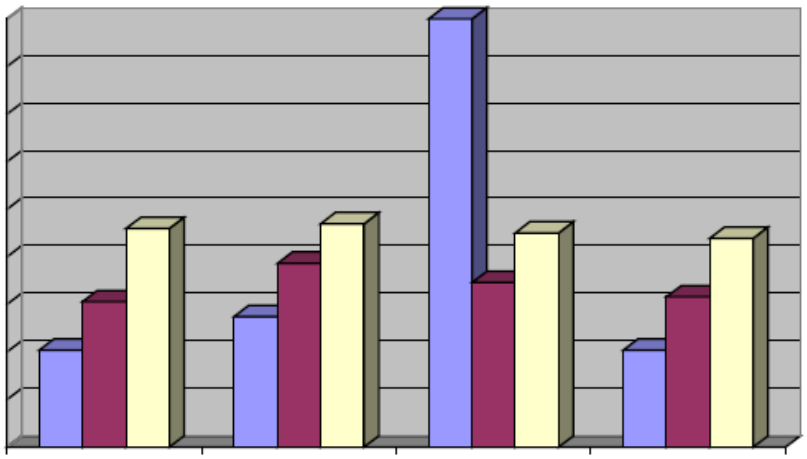
Project	Amount	Eligible
Intersection Safety	$350,000	$0
Traffic Miscellaneous Safety	$300,000	$0
Paved Street Rehabilitation	$4,000,000	$0
Unpaved Street Rehabilitation	$2,000,000	$0
Small Sidewalks	$500,000	$0
Small Drainage	$300,000	$0
Bridge Rehabilitation	$500,000	$0
Signal Replacement/Repair	$340,000	$0
Signing and Striping	$260,000	$0
Paseo de Peralta/Washington Intersection	$230,000	$230,000
Road Sharrows	$250,000	$0
Airport Road Landscaping	$200,000	$200,000
Butulph Rd Shoulders/Pedestrian Safety	$250,000	$0
LED Streetlights at Traffic Signals	$120,000	$0
Total, Streets	$9,600,000	$430,000
Parks and Medians	$2,000,000	$2,000,000
Poof Roof/HVAC Renovations	$300,000	$0
Gonzales Road Pedestrian Trail	$300,000	$300,000
Total, Parks	$2,600,000	$2,300,000
Municipal Facilities	$600,000	n/a
City Roofs	$200,000	n/a
GCCC	$500,000	n/a
Airport Matching Funds	$200,000	n/a
Transit Matching Funds	$500,000	n/a
Rodeo de SF Arena & Ag Disaster Relief	$100,000	n/a
Effluent Line SW Sector	$1,000,000	n/a
ITT Citywide	$1,000,000	n/a
Court ITT Improvements	$300,000	n/a
Zona del Sol	$100,000	n/a
ADA Improvements	$300,000	n/a
Bus Replacement	$2,000,000	n/a
Santa Fe Railyard	$600,000	n/a
2% for Arts	$400,000	n/a
Solar Loan Program	$200,000	n/a
Affordable Housing	$800,000	n/a
Broadband Infrastructure	$1,000,000	n/a
Total	$22,000,000	$2,730,000

Source: City of Santa Fe Finance Department, February 10, 2014.

APPENDIX F: LAND USE ASSUMPTIONS

City of Santa Fe

Impact Fee Land Use Assumptions
2020-2027



City of Santa Fe
Land Use Department
October 2020

Introduction

This report provides land use assumptions (growth projections) for the City of Santa Fe, a unified service area, within which the city may expend impact fee monies for eligible capital improvement projects (see map). The New Mexico *Development Fees Act (§§ 5-8-1 through 5-8-43, NMSA 1978),* specifies that land use assumptions must be adopted for a period of at least five years. These land use assumptions cover a period of seven years from 2020 to 2027 and are applicable to the Impact Fee Capital Improvement Plan 2021-2027.

The projections take a conservative approach to growth to reconcile slow growth projections for the Urban Area and County with the rapid residential development over the past three years. For residential construction, this assumes a correction in the market and gradual downward trend in residential growth rates stabilizing near the average growth rate experienced over the last seven years. Additional residential units are expected to result in strong population growth at rates twice as fast as the last seven years and approximately similar to the 1990's and early 2000's. Commercial development is expected to increase at a slow but steady rate.

Residential and Non-Residential Development, 2020-2027

The following table summarizes anticipated growth over seven years from 2020 to 2027. The Land Use Assumptions in Table 1 reflect recent growth trends based on United States Census Bureau population estimates and city building permit data.

Table 1. Residential & Non-Residential Development, 2021-2027

	2020	2027	2020-27 Growth
Population	**85,403**	**92,565**	**7,162**
	2020	**2027**	**2020-27 Growth**
Total Housing Units	**43,330**	**48,870**	**5,539**
Single Family (Detached Units Only)	27,831	29,815	1,984
Multi Family & Single Family Attached Units	12,225	15,547	3,322
Accessory Dwelling Units	3,274	3,508	234
Total Non-Residential (1000 sf)	**33,064**	**33,990**	**926**
Retail/Commercial (1000 sf)	13,790	14,176	386
Office (1000 sf)	5,526	5,681	155
Industrial (1000 sf)	2,450	2,519	69
Warehouse (1000 sf)	2,754	2,831	77
Mini-Warehouse (1000 sf)	1,283	1,319	36
Public/Institutional (1000 sf)	7,261	7,464	203

Sources: U.S. Census Bureau, Population Division (File: SUB-IP-EST2019-ANNRES-35); U.S. Census Bureau, 2010 Decennial Census (File H1); 2014 annexation; City Building Permit Data; City Studies of Non-Residential Square Footage.

Housing & Population Assumptions

Excluding annexations, the City of Santa Fe experienced comparatively low housing growth between 2009 and 2016, averaging 215 units of permitted housing units per year. Between 2017 and 2020 housing growth increased rapidly, averaging 736 units per year and with 980 units expected in 2020.

Though residential development has grown faster in the last couple years than any time since 1990, projections for the Urban Area and Santa Fe County remain relatively stagnant. To reconcile available data and keep estimates conservative, this document forecasts that annual growth rates will continue to be strong but will trend towards lower levels, approximately matching an average of the last six years.

Using longitudinal population/housing data and estimates about future housing growth, this document applies a conservative forecast to estimate that annual population growth will increase at rates about twice as fast as during the last seven years and approximately similar to growth in the 1990's and 2000's.

Non-Residential Assumptions

Non-residential construction is projected to continue at a modest, but healthy rate. Despite fast-paced residential growth, COVID-19 and online business activities are anticipated to have a moderating effect on new commercial development over the next few years.

Residential and Non-Residential Development, 2014 to 2020

Between 2014 and 2020 the city population is estimated to have grown by 2,579 residents and added approximately 3,088 housing units. This represents an annual average of approximately 430 new residents and 515 new housing units within the city. The city also experienced significant growth of institutional floor area with the addition of Presbyterian Hospital (342,000 sq. ft.) and two new community schools, Nina Otero and El Camino Real Academy (each adding 135,000 sq. ft.).

Table 2. Residential and Non-Residential Development, 2014-2020

	2014	2020	2014-20 Growth
Population	**82,824**	**85,403**	**2,579**
	2014	**2020**	**2014-20 Growth**
Total Housing Units	**40,649**	**43,330**	**3,088**
Single Family (Detached Units Only)	26,580	27,831	1,252
Multi Family & Single Family Attached Units	10,943	12,225	1,690
Accessory Dwelling Units	3,127	3,274	147
Total Non-Residential (1000 sf)	**32,064**	**33,064**	**1,003**
Retail/Commercial (1000 sf)	13,570	13,790	220
Office (1000 sf)	5,403	5,526	123
Industrial/Warehouse (1000 sf)	6,447	6,487	40
Public/Institutional (1000 sf)	6,641	7,261	620

Sources: U.S. Census Bureau, Population Division (File: SUB-IP-EST2019-ANNRES-35); U.S. Census Bureau, 2010 Decennial Census (File H1); 2014 annexation; City Building Permit Data; City Studies of Non-Residential Square Footage.

Figure 1. Permitted & Forecasted Dwelling Units, 1990-2027

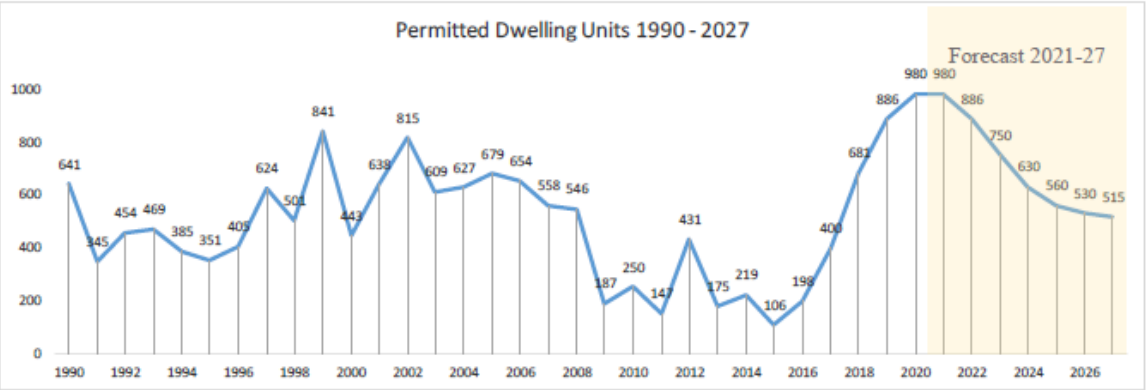
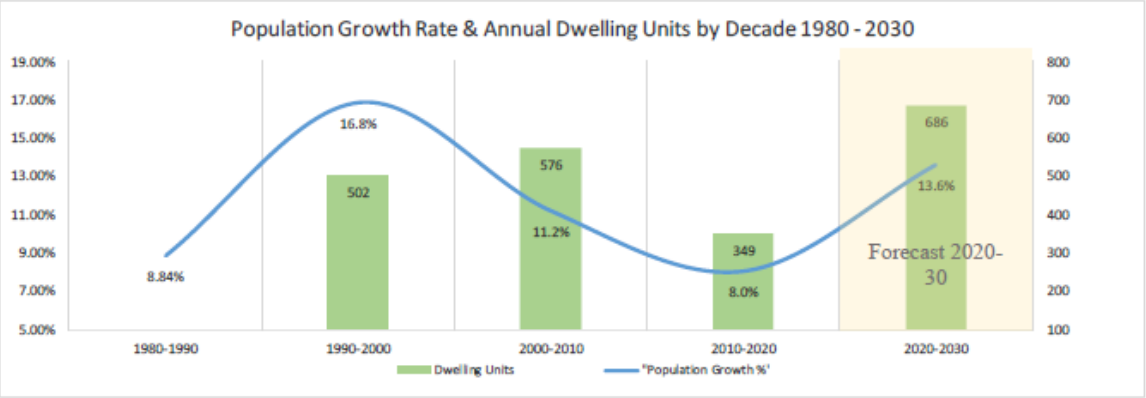


Figure 2. Population Growth Rate & Annual Dwelling Units, 1980-2030



APPENDIX G: CAPITAL FACILITY PLANS

Table 80. Planned Major Road Improvements, 2021-2027

Project Name	Location	Est. Cost
Beckner Road	Los Soleras to Richards	$7,000,000
Calle Po Ae Pi	Airport to Rufina	$900,000
West Alameda Reconstruction*	Calle Nopal to Siler	$7,000,000
Arroyo Chamiso Crossing	Cerrillos to Rodeo	$4,000,000
Jaguar Drive Extension	NM599 to Municipal Airport	$3,000,000
Governor Miles	Richards to Nizhoni	$2,000,000
Guadalupe St. Reconstruction*	Agua Fria to Paseo de Peralta	$5,800,000
Henry Lynch	Rufina to Agua Fria	$2,200,000
Paseo del Sol Extension	Jaguar to Jaguar	$7,000,000
Bike Lanes/Sidewalks*	Reconstruction/Expansion	$4,000,000
Rufina	Harrison to Camino Carlos Rey	$750,000
San Felipe	Agua Fria to Airport Road	$2,000,000
Southside Transit Center (Addl.)	Valdes Industrial Park (Camino Entrada)	$500,000
Total, Road Improvements		$46,150,000
Agua Fria/South Meadows		$3,150,000
Cerrillos/Sandoval/Manhattan		$1,800,000
Grant/Griffin		$260,000
Sandoval/Montezuma		$850,000
Agua Fria/Cottonwood		$2,000,000
Airport Road/Calle Po Ae Pi		$500,000
Galisteo/Rodeo		$500,000
Paseo de Peralta/Acequia Madre		$500,000
Rufina/Lopez Lane		$1,800,000
Beckner/Richards		$2,000,000
Total, Intersection/Signalization Improvements		$13,360,000
Total, All Road Projects		$59,510,000

* cost estimate is for the portion of the project that is expanding growth-related capacity
Source: Planned improvements and costs from City of Santa Fe Long Range Planning Division, October 20, 2020.

Table 81. Planned Park/Trail Improvements, 2021-2027

Project Name	Est. Cost
Las Soleras Park/Open Space/Trails	$8,250,000
Nava Ade Park Development (Ph2 -South Park, open space)	$2,115,000
SW Activity Node (SWAN - Tierra Contenta) Ph2-4	$20,000,000
Small Parks (new)	$500,000
Play Equipment (new)	$150,000
Exercise Equipment (new)	$650,000
Picnic Area, Shade Structures, Misc. Equipment (new)	$203,625
Restrooms (new)	$1,950,000
Tennis/Pickle Ball Courts (new)	$250,000
Signature Series Fitness Courts	$600,000
Subtotal, Neighborhood & Community Parks	$34,668,625
Acequia Trail (South Meadows to San Felipe)	$1,500,000
Acequia Trail (Otowi to Maclovia)	$250,000
Acequia Trail (Maclovia to Hermanos Rodriguez)	$500,000
Canada Rincon Trail	$1,200,000
Northwest Quadrant Trails	$300,000
Tierra Contenta Trail	$400,000
Bicycle and Pedestrian Wayfinding	$350,000
St Michaels/Rail Trail Underpass	$4,985,000
Rail Trail Extension - Pen Rd. to Alta Vista	$1,000,000
Las Soleras Trail (NEW)	$1,000,000
Subtotal, Trails	$11,485,000
Total, Parks and Trails	$46,153,625

Source: City of Santa Fe Parks Department, October 20, 2020.

Table 82. Planned Fire/EMS Improvements, 2021-2027

	Building Sq. Feet		Total	Eligible
Improvement	Existing	Proposed	Est. Cost	Est. Cost
New Station (Agua Fria)	0	10,605	$5,037,375	$5,037,375
New Station (Las Soleras)	0	10,605	$5,037,375	$5,037,375
Fire Station No. 5 Remodel*	10,156	15,000	$4,875,000	$1,574,300
Fire Station No. 6 Remodel*	2,000	8,242	$3,090,750	$2,340,750
Fire Apparatus Storage	0	n/a	$300,000	$300,000
Bunker/Turnout Fire Safety Gear	n/a	n/a	$110,000	$110,000
Fire Hoses	n/a	n/a	$50,000	$50,000
Conex Boxes	n/a	n/a	$20,000	$20,000
Total	12,156	44,452	$18,520,500	$14,469,800

Source: City of Santa Fe Fire Department, October 20, 2020.

Table 83. Planned Police Improvements, 2021-2027

Improvement		Est. Cost
Professional Standards-Camino Entrada	Update building type	$200,000
Police Support Operations Office	Remodel of police records bldg/parking	$220,000
Police Vehicle Lot	New bldg w/garages, lifts, storage	$406,000
North Community Substation	New substation (including land)	$905,000
South Community Substation	New substation (including land)	$905,000
Mobile Mini Connex Boxes	Climate-controlled storage equip.	$120,000
SWAT BearCat Rescue Truck	New heavy vehicle	$300,000
EOD BearCat Command Vehicle	New heavy vehicle	$350,000
Firearms Training System	New training equipment	$200,000
Total		$3,606,000

Source: City of Santa Fe Police Department, October 20, 2020.

FIR No. 3290

FISCAL IMPACT REPORT

General Information:

(Check) Bill: x Resolution: x

Short Title(s): Impact Fee Schedule Update and 2021-2027 Plan Adoption

Sponsor(s): Mayor Webber

Reviewing Department(s): Planning and Land Use Department

Staff Completing FIR: Carlos Gemora Date: 10/19/20 Phone: 955-6670

Reviewed by City Attorney: Date: Oct 28, 2020

Reviewed by Finance Director: Mary McCoy Date: Oct 28, 2020

Summary:
The Impact Fee Capital Improvement Plan 2021-2027 (IFCIP) is required per the Development Fees Act (§§ 5-8-1 to 5-8-43, NMSA 1978) for the City to continue the assessment and utilization of impact fees. A Resolution is required to adopt the Impact Fee Capital Improvement Plan and an Ordinance is required to assess the fees in the Land Development Code.

Departments Affected:
Community Health and Safety (Police and Fire), Public Works (Roads and Parks), Community Development (Planning and Land Use).

Consequences of Not Enacting Legislation:
Without the IFCIP, the City cannot assess nor use collected impact fees and may be required to refund all impact fees to past payors.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
The IFCIP process involves both a Resolution and a Bill.

Performance and Administrative Implications:
Without the IFCIP, the City can not assess or use collected impact fees, which would affect the City's ability to provide infrastructure improvements and address impacts related to growth.

Fiscal Implications:
The IFCIP collects impact fees, but impact fees are independent from other City funds and may only be used as specified by the IFCIP and the State's Development Fees Act.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 20	FYE 21	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 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$2,500,000	$2,500,000	$2,500,000	R	Impact Fees – 232 (Roads, Parks, Police, Fire)
Total	$2,500,000	$2,500,000	$2,500,000		

Revenue Narrative:

Assessed impact fees collect revenue is independent from other City funds and may only be used as specified in the IFCIP and the State's Development Fees Act. Projected revenue is variable and based on estimated future rates of new development. Revenues may decrease if the City experiences less new development and may increase if the City experiences more development or if the fees are raised through regularly scheduled assessment rate increases.

Signature: Jarel LaPan Hill
Jarel LaPan Hill (Oct 28, 2020 20:51 MDT)

Email: jlapanhill@santafenm.gov

Signature: Elias Isaacson
Elias Isaacson (Oct 29, 2020 08:42 MDT)

Email: esisaacson@santafenm.gov

Signature: Carlos Gemora
Carlos Gemora (Oct 29, 2020 08:48 MDT)

Email: cegemora@santafenm.gov

MEMO

Environmental Services Division
Recycling | Trash | Sustainability
Keep Santa Fe Beautiful

Date: September 28, 2020

To: Public Utilities Committee, Finance Committee, and Governing Body

Via: Shannon W. Jones, Public Utilities Department Director SJ
Shirlene E. Sitton, Environmental Services Division Director SS

From: Neal Denton, Sustainability Planner ND

RE: Grant Agreement Approval/Agreement # NM-VW-20-14

ITEM AND ISSUE:
The Environmental Services Division is requesting approval to enter into a grant agreement with the New Mexico Environment Department to provide reimbursable funding for electric vehicle charging stations at the City's public parking garages; the grant funds are reimbursable in the total amount $26,303.

BACKGROUND AND SUMMARY:
The Volkswagen Settlement Environmental Mitigation Trust was established as a result of the United States v. Volkswagen. As a beneficiary of the Mitigation Trust, the New Mexico Environment Department (NMED) announced $5 million of grant funding was available for alternative-fueled and all-electric vehicles, as well as electric vehicle charging stations.

The Environmental Services Division, in coordination with the Parking Division, applied for the grant in January 2020; requesting five electric vehicle charging stations to be located one each at the Sandoval Garage, Railyard Garage, Community Convention Center Garage, Water Street Municipal Lot, and Railyard Park parking area. In April 2020, NMED offered an award that was less than applied for- they awarded 50% of the funding requested for the estimated cost of the three electric vehicle charging stations to be located at the Sandoval Garage, Railyard Garage, and Community Convention Center Garage; in the amount of $26,303. Each charging station would serve two parking spaces.

The entire project for three charging stations is estimated to cost $48,880; the City of Santa Fe has been awarded $26,303. This is a reimbursable grant, and Capital outlay funds from HB 349 (approximately $750,000 awarded to the City Santa Fe for electric vehicles and charging stations) can be used to cover the remaining $22,577. There is not stipulated timeframe for spending the funding in the project agreements, it is sourced from the Mitigation Trust, not the State of New Mexico.

ACTION REQUESTED:
Staff respectfully recommends approval to enter into Grant Agreement #NM-VW-20-14 with NMED.

The signatures can be either original or certified electronic signatures (i.e., DocuSign or certified Adobe Acrobat). • ESD2051001-STATE-NMENV-TRUST

ATTTACHMENTS:
NM-VW-20-14 PROJECT AGREEMENT w/ signature page

Munis # 3202358

Item#_____

NEW MEXICO ENVIRONMENT DEPARTMENT Munis # 3202358
AIR QUALITY BUREAU
NEW MEXICO VOLKSWAGEN MITIGATION TRUST

CITY OF SANTA FE:
1. SANTA FE RAILYARD MUNICIPAL GARAGE PROJECT
2. SANTA FE SANDOVAL PARKING GARAGE PROJECT
3. SANTA FE COMMUNITY CONVENTION CENTER GARAGE PROJECT
 # NM-VW-20-14 PROJECT AGREEMENT

THIS PROJECT AGREEMENT ("Agreement") is made and entered into by the **New Mexico Environment Department** ("**NMED"**) and **The City of Santa Fe ("AWARDEE")**.

WHEREAS, the United States District Court for the Northern District of California entered an order on October 25, 2016 adopting the proposed Partial Consent Decree in the matter of *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC);

WHEREAS, the Partial Consent Decree establishes a mitigation trust to be used by the beneficiaries for the reduction of Oxides of Nitrogen (NOx);

WHEREAS, NMED has been designated as the Lead Agency for purposes of administering New Mexico's portion of the Mitigation Trust;

WHEREAS, based upon the project described within the scope of work of the Agreement in Attachment A, the AWARDEE has a qualified project for the beneficiary mitigation program;

WHEREAS, the AWARDEE has agreed to use the funds for the construction of light-duty zero emission vehicle (LDZEV) infrastructure;

WHEREAS, both parties wish to enter into this Agreement; and

WHEREAS, this Agreement is exempt from the provisions of the Procurement Code in accordance with NMSA 1978, § 13-1-98A because funds will be provided directly from the trustee to the AWARDEE on a cost-reimbursement basis;

NOW THEREFORE, in consideration of the premises and mutual obligations of this Agreement, the parties agree to the following:

ARTICLE 1 FUNDING

Pursuant to the terms of the Partial Consent Decree and the New Mexico Beneficiary Mitigation Plan, NMED authorizes reimbursement of 50% but not to exceed twenty six thousand, three hundred and three dollars ($26,303) of the total project equipment costs to the AWARDEE for

the execution of the project as referenced in Article 5 and defined in the Project Description, attached as "Attachment A". Such funds shall be paid as reimbursement for allowable costs as defined in Article 10.

ARTICLE 2 EFFECTIVE DATE AND TERMS OF AGREEMENT

This Agreement shall become effective upon execution by the NMED Secretary or their delegated representative. No funds shall be expended nor work undertaken unless and until this Agreement is executed by the Secretary of NMED or their delegated representative.

If it becomes apparent that this Agreement cannot be brought to full completion, the AWARDEE shall so notify NMED in writing within 14 days of becoming aware of this situation. NMED shall, at its sole discretion, determine whether there is need or sufficient justification to amend this Agreement or withdraw the unencumbered amount of the project award.

ARTICLE 3 SPECIAL TERMS AND CONDITIONS

The AWARDEE agrees to abide by the following:

A. None of the funds shall be used to pay, refund, renew, roll over, retire or replace any other obligations previously issued or incurred by the AWARDEE.

B. NMED shall instruct the Trustee to reimburse AWARDEE for incurred expenditures as described in Article 10 only if incurred after the effective date of this Agreement.

C. This award is funded by the Volkswagen Mitigation Trust. The AWARDEE agrees to comply with all applicable requirements as conditions of the award. Disbursement of trust funds is expressly contingent upon the AWARDEE's agreement that it shall fully comply with the requirements specified in the Partial Consent Decree, the Trust, and the New Mexico Beneficiary Trust Mitigation Plan. NMED will not approve any request for reimbursement until applicable requirements are met and the project has been completed.

ARTICLE 4 TRUST CONTRIBUTIONS

The parties recognize that the costs of the project may exceed the available funds under this Agreement**,** and the AWARDEE shall additionally contribute the amount of the difference between the total cost of the awarded funds under this Agreement plus any matching funds secured by AWARDEE from another source, or the scope of work (Article 5) shall be reduced, subject to NMED's right of prior approval as provided in Article 5(B) of this Agreement.

ARTICLE 5 SCOPE OF WORK

A. The AWARDEE agrees to implement, in all respects, the project outlined in Attachment A. The AWARDEE also agrees to expend funds under this Agreement in accordance with the Budget, attached as "Attachment B".

B. The AWARDEE agrees to make no change to Attachment A without (i) submitting a written request to NMED and obtaining NMED's written approval of the required change, and (ii) amending this Agreement if necessary pursuant to Article 16.

ARTICLE 6 ADMINISTRATIVE PROCEDURES

Upon execution of this Agreement, the AWARDEE shall follow the procedures listed below unless waived in writing by NMED. Reimbursement by the Trust through NMED may be withheld if any of these procedures are not followed by the AWARDEE.

A. The AWARDEE shall submit all modifications to plans and contracts in writing to NMED's representative (Article 21) for written approval prior to implementation of such modification or change. NMED's decision shall be rendered in a timely manner in writing to the AWARDEE. In cases necessitating immediate action, a verbal decision shall be rendered by NMED and shall be followed by written notification to the AWARDEE.

B. Notwithstanding those inspections performed by the AWARDEE and its representatives, NMED shall have the right to examine all vehicle replacements, disabled vehicles, and installations comprising the project, including materials delivered and stored on-site for use on the project. Such examinations shall not be considered an inspection for compliance with contract plans, but shall be in the nature of general NMED review as described in Article 7.

C. The AWARDEE shall submit written requests for reimbursement payments in accordance with Article 9.

D. NMED shall require proof of payment to contractors and vendors, including the disbursement of other funds prior to approval of the request for reimbursement. The funds shall not be used for the purchase of used equipment.

E. The project shall not be considered complete until the work as defined in this Agreement has been fully performed and finally and unconditionally accepted by NMED.

ARTICLE 7 NMED REVIEW

NMED inspection, review, and approval are only for purposes of compliance with applicable requirements, procedures, and regulations. NMED's approval shall not be interpreted as any warranty or guarantee, and all defects and their correction shall be the responsibility of the AWARDEE. Approval of projects means only that the submitted projects are complete and in compliance with applicable state and Partial Consent Decree requirements, procedures, and regulations. The AWARDEE and its contractors, vendors and consultants shall be responsible for

the completion and success of the project. Approval by NMED does not relieve the AWARDEE of legal responsibilities for the overall integrity of the project or compliance with applicable requirements.

ARTICLE 8 OPERATION AND MAINTENANCE

The AWARDEE shall be responsible for all operation and maintenance of the project, after completion and acceptance.

ARTICLE 9 COMPENSATION AND METHOD OF PAYMENT

A. NMED shall instruct the Trustee to reimburse the AWARDEE upon satisfactory performance of all work and services required under the terms of this Agreement and upon receipt of payment requests for actual costs incurred, up to the limit set forth in Article 1. A transmittal letter is required with every payment request for reimbursement. Payment requests shall be certified by the AWARDEE authenticating that the requests accurately reflect work completed, amount due, remaining Agreement balance, and NMED Project Number. Reimbursement requests shall include expenditures to date by approved budget category (Attachment B). All expenses shall be actual rather than estimated and shall be listed on the reimbursement request as charged. Actual invoices, receipts, or other proof of payment from the fleet owner to the vendor or contractor shall be attached to the reimbursement request. The proper signatory authority, as designated in Article 22, shall sign all reimbursement requests. NMED shall authorize reimbursement for only those expenses that NMED, at its sole discretion, determines are properly documented eligible costs under Article 10 and within the approved scope of work as described in Attachment A. Incomplete submittals shall be returned to the AWARDEE for corrections. NMED shall not reimburse the AWARDEE for any costs incurred prior to the full execution of this Agreement, after the termination of the Agreement, or in excess of the maximum dollar amount of the Agreement.

B. When multiple funding sources are used to complete this project, the project Budget (Attachment B) shall identify all funding sources and the line item to which funds are allocated from each source.

C. Any portion of funds correlated to this Agreement that remain unexpended after all conditions of this Agreement have been satisfied or upon expiration or termination of this Agreement shall remain with the Trust.

D. The funds referred to in Article 1 shall constitute full and complete payment of monies to be received by the AWARDEE from the Trust.

E. The project shall not be considered complete until the work as defined in this Agreement has been fully performed and finally and unconditionally accepted by NMED.

F. Upon completion of the project, payment shall be made after the final inspection has been conducted by NMED and where the AWARDEE has contracted or subcontracted with others, the following, unless waived by NMED, have been reviewed and approved by NMED:

1. A final reimbursement request including the final certified pay request approved by the AWARDEE's signatory authority.
2. A certification of project acceptance, prepared by the AWARDEE, stating that work has been satisfactorily completed and all contractors have fulfilled all of the obligations required under the contract documents with the AWARDEE.
3. If applicable, certification letter by the AWARDEE that the Labor Standards Contract Provisions have been met.
4. If applicable, complete and legally effective release or waivers (satisfactory to the AWARDEE), of liens arising out of the contract documents and the labor services performed and the materials and equipment furnished thereunder. In lieu of, and as approved by the AWARDEE, contractor(s) may furnish receipt or releases in full, and releases and receipts include labor, services, materials, and equipment for which a lien could be filed and that all payrolls, material and equipment bills, and other indebtedness connected with the work for which the AWARDEE or its property might in any way be responsible, have been paid or otherwise satisfied.
5. A written consent of the surety, if any, to final payment.
6. AWARDEE's accounting ledger sheets, including all payments made by the AWARDEE, may be requested with the final reimbursement request, and before the final reimbursement request is processed by NMED.

ARTICLE 10 ALLOWABLE AND UNALLOWABLE COSTS

A. The parties agree that allowable costs shall be limited to those costs that are necessary, reasonable, and directly related to the efficient achievement of the objectives of this Agreement as defined in Attachment A. AWARDEE shall justify all expenditures for which it requests reimbursement, according to accepted NMED criteria and procedures. NMED may withhold reimbursement of any item or expenditure and may reclaim improperly documented reimbursement until the AWARDEE provides sufficient justification.

B. Unallowable costs include but are not limited to: costs of preparing grant applications, costs of AWARDEE employees not directly employed for the project, late fees, interest or penalties and in accordance with 2 C.F.R. Part 200.

ARTICLE 11 ACCOUNTING

The AWARDEE shall comply with generally accepted accounting principles to account for all funds.

ARTICLE 12 RECORDS/AUDIT AND INSPECTION

A. The AWARDEE shall maintain books, records, documents, and other evidence sufficient to reflect the costs incurred in the performance of this Agreement. The project site and AWARDEE facilities that are in any part the subject of this Agreement, including all books, records, documents, ledgers, and other evidence required by this Article, shall be preserved and made available to NMED, the State Auditor and/or their agent(s) during the agreement period and for a period of six (6) years from date of final payment. If, upon expiration or termination of this Agreement, questions exist concerning proper expenditure of funds, the AWARDEE shall preserve and make available all books, records, documents, ledgers, and other evidence relating to this Agreement until such questions are settled and the AWARDEE has received written notice to that effect from NMED. All contracts let by the AWARDEE and costs that are to be claimed for reimbursements shall be the substance of this record/audit and inspection clause.

B. Additional Audit and Inspector General Reviews: In accordance with the access to records provisions of 2 CFR 215.53 or 40 CFR 31.42, the AWARDEE agrees to allow any appropriate representative of the Office of Inspector General to:

1. Examine any records of the AWARDEE, contractors and subcontractors, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the procurement contract or subcontract; and
2. Interview any officer or employee of the AWARDEE, contractor, subcontractor, or agency regarding such transactions.
3. Nothing in this Article shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

C. AWARDEE further agrees to abide by the following:

1. Allow access by the Government Accountability Office Comptroller General and their representatives to examine any records of the AWARDEE or any of the AWARDEE'S subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, this Agreement or subcontract;
2. Allow the Comptroller General and their representatives to interview any officer or employee of the AWARDEE or any of the AWARDEE'S subcontractors, or of any State or local government agency administering the Agreement, regarding such transactions; and
3. Nothing in this Article shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

D. The AWARDEE agrees to maintain documentation and records that support all information submitted to NMED for federal reporting purposes.

E. The AWARDEE is advised that providing false, fictitious or misleading information with respect to the receipt and disbursement of Volkswagen Mitigation Trust funds may result in criminal, civil or administrative fines and/or penalties.

F. The AWARDEE agrees that it shall include in any contract agreement pertaining to this Agreement an affirmative obligation upon any contractor to comply with and submit to all of the additional audit requirements specified herein.

ARTICLE 13 CERTIFICATION

The AWARDEE gives assurance and certifies, by signing this Agreement that:

A. The AWARDEE possesses legal authority to make application for these funds and to execute this Agreement.

B. The AWARDEE's current governing body, if any, has duly adopted or passed a resolution authorizing the person(s) identified as the official representative of the AWARDEE to submit any documents pertaining to the project, along with all understandings and assurances contained in this agreement. The official resolution identifies the person(s) with signatory authority for the AWARDEE (the person(s) authorized to submit and sign reimbursement requests to NMED). The person(s) with signatory authority for the AWARDEE pursuant to the official resolution are listed in Article 23 of this Agreement. The AWARDEE shall submit a copy of the official resolution to NMED when the AWARDEE returns the signed Agreement.

C. The AWARDEE shall provide all necessary qualified personnel, material, and facilities to implement the project described in this Agreement.

D. The AWARDEE shall comply with federal, state and local regulations, policies, guidelines and any other legal requirements with respect to the acceptance and use of funds for this project.

E. No officer or employee of the AWARDEE or its designees or agents, or member of the governing body of the locality in which the project is situated during their tenure or for one year after their tenure, shall have any interest, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the project assisted under this Agreement. The AWARDEE shall incorporate in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this certification.

ARTICLE 14 OCCUPATIONAL SAFETY

The AWARDEE covenants that it shall take affirmative action to ensure that the project shall be conducted in conformance with federal and state laws and regulations relating to occupational health and safety. Authorized inspectors from NMED's Occupational Health and Safety Bureau shall have unobstructed access to project sites and shall not be impeded in any way from performance of their duties. These provisions will be included in any contract entered into by the AWARDEE and its contractors.

ARTICLE 15 EQUAL EMPLOYMENT OPPORTUNITY

The AWARDEE agrees to abide by all federal and state laws, rules, and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws, rules, regulations, and executive orders of the Governor of the

State of New Mexico, the AWARDEE agrees to assure that no person will, on the grounds of race, color, national origin, sex, sexual preference, age or handicap, be excluded from employment with or participation in, be denied the benefits of, or otherwise be subject to, discrimination under any activity performed under this Agreement. If AWARDEE is not in compliance with these requirements during the life of this Agreement, AWARDEE agrees to take appropriate steps to correct any deficiencies.

ARTICLE 16 SCOPE OF AGREEMENT AND AMENDMENTS

This Agreement constitutes the entire and exclusive agreement between the AWARDEE and NMED with respect to the project. This Agreement supersedes any and all prior agreements, discussions, communication, representation, or negotiations, written or verbal. The parties may amend this Agreement if the amendment is in writing and signed by both parties.

ARTICLE 17 TERMINATION

NMED shall have the right to terminate this Agreement if at any time in the judgment of NMED the terms of the Agreement have been violated or the activities described in the attached exhibits are not progressing satisfactorily. This Agreement may also be terminated for failure to provide adequate deliverables within the agreed upon time frames, non-performance of tasks, for missing mutually agreed upon deliverable work plan dates, or any other reason as determined by NMED.

Upon termination, NMED may demand a refund of all or part of the funds disbursed to AWARDEE. Any termination shall be in writing and is effective upon receipt of the written notice by the AWARDEE or as determined by NMED in the termination letter. Such termination will be effected by sending written a notice to the AWARDEE. The AWARDEE shall accept as final NMED's decision as to terminate the contract.

ARTICLE 18 GENERAL LIABILITY

As between NMED and the AWARDEE, each party shall be responsible for liability arising from personal injury or damage to persons or property occasioned by its own agents or employees in the performance of this Agreement, subject in all instances to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, §§ 41-4-1 to -30, and any amendments thereto.

ARTICLE 19 NOTICE

The AWARDEE shall give notice to all contractors that the Procurement Code, NMSA 1978, §§ 13-1-28 to -199, imposes civil and criminal penalties for its violation and that the New Mexico criminal statutes impose felony penalties for illegal bribes, kickbacks or rebates.

ARTICLE 20 SEVERABILITY

In the event that any portion of this Agreement is determined to be void, unconstitutional, or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

ARTICLE 21 NMED REPRESENTATIVE / SIGNATORY AUTHORITIES

NMED hereby designates the person(s) listed below as the official NMED Representative(s) responsible for overall supervision of the Project and the official NMED Signatory Authority(s).

NMED REPRESENTATIVE(s)

Name: Elizabeth Bisbey-Kuehn Phone:(505)476-4305 elizabeth.kuehn@state.nm.us

Name: Kerwin Singleton Phone: (505) 476-4350 kerwin.singleton@state.nm.us

Address: 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico 87505

NMED SIGNATORY AUTHORITY(s)

Name: James Kenney, Secretary of NMED Phone: (505) 827-2855

Address: 1190 Saint Francis Dr., PO Box 5469, Santa Fe, New Mexico 87502-5469

Name: Sandra Ely, Director, Environmental Protection Division Phone: (505) 827-2855

Address: 1190 Saint Francis Dr., PO Box 5469, Santa Fe, New Mexico 87502-5469

Name: Marlene Velasquez, Chief Financial Officer Phone: (505) 476-3723

Address: 1190 Saint Francis Dr., PO Box 5469, Santa Fe, New Mexico 87502-5469

ARTICLE 22 AWARDEE REPRESENTATIVE / SIGNATORY AUTHORITY

The AWARDEE hereby designates the person(s) listed below as the official AWARDEE Representative(s) responsible for overall supervision of the Project and the official AWARDEE Signatory Authority(s).

AWARDEE REPRESENTATIVE(s)

Name: Neal Denton Phone: (505) 955-2229 E-mail: nhdenton@santafenm.gov

Address: P.O. Box 909, Santa Fe, NM 87504

AWARDEE SIGNATORY AUTHORITY(s)

Name: Jarel LaPan Hill Phone: (505) 955-6534 E-mail: jlapanhill@santafenm.gov

Address: P.O. Box 909, Santa Fe, NM 87504

AWARDEE RESPONSIBLE FINANCIAL OFFICER

Name: Mary McCoy Phone: (505) 955-6171 E-mail: mtmccoy@santafenm.gov

Address: P.O. Box 909, Santa Fe, NM 87504

REPORTING REPRESENTATIVE(s)

Name: Neal Denton Phone: (505) 955-2229 E-mail: nhdenton@santafenm.gov

Address: P.O. Box 909, Santa Fe, NM 87504

In witness whereof, the parties have set their hands the day and year set forth below.

AWARDEE: City of Santa Fe: _____	**Date**_____
Alan Webber, Mayor	
Attest: _____ **Yolanda Y. Vigil, City Clerk** **City Attorney's Office:** Marcos Martinez (Jun 15, 2020 14:07 MDT) **, Senior Assistant City Attorney**	**Date:**_____ Date: Jun 15, 2020
Approved for Finances: _____ **Mary McCoy, Finance Director**	**Date**_____
NMED: _____	
James Kenney, Cabinet Secretary	Date
NMED: _____	
Marlene Velasquez, Chief Financial Officer	Date
NMED: Reviewed for legal sufficiency: _____	
Jennifer Hower, General Counsel	Date

ATTACHMENT A
PROJECT DESCRIPTION

NEW MEXICO ENVIRONMENT DEPARTMENT
NEW MEXICO VOLKSWAGEN MITIGATION TRUST

CITY OF SANTA FE:
1. SANTA FE RAILYARD MUNICIPAL GARAGE PROJECT
2. SANTA FE SANDOVAL PARKING GARAGE PROJECT
3. SANTA FE COMMUNITY CONVENTION CENTER GARAGE PROJECT
 # NM-VW-20-14 PROJECT AGREEMENT

The projects consist of one dual-port Level II electric vehicle charging station at each of the three sites – Railyard Municipal Garage, Sandoval Parking Garage, and Community Convention Center Garage.

ATTACHMENT B
PROJECT BUDGET

NEW MEXICO ENVIRONMENT DEPARTMENT
NEW MEXICO VOLKSWAGEN MITIGATION TRUST

CITY OF SANTA FE:
1. SANTA FE RAILYARD MUNICIPAL GARAGE PROJECT
2. SANTA FE SANDOVAL PARKING GARAGE PROJECT
3. SANTA FE COMMUNITY CONVENTION CENTER GARAGE PROJECT
 # NM-VW-20-14 PROJECT AGREEMENT

1. SANTA FE RAILYARD MUNICIPAL GARAGE PROJECT

LDEVSEM Project Component	**Cost**
Charger	$6,705
Labor Installation Costs	$6,556
Permitting Fees	$585
Initial Activation and Configuration Service	$349
Commercial Cloud Plan	$2,242
Maintenance and Management Program	$2,495
Shipping and Handling	$150
NM GRT	$583
TOTAL ESTIMATED PROJECT COST	$19,665
TOTAL FUNDING AWARD FROM TRUST	$10,000
MATCHING FUNDING BY GRANTEE	$9,665

2. SANTA FE SANDOVAL PARKING GARAGE PROJECT

LDEVSEM Project Component	**Cost**
Charger	$6,705
Labor Installation Costs	$4,145
Permitting Fees	$350
Initial Activation and Configuration Service	$349
Commercial Cloud Plan	$2,242
Maintenance and Management Program	$2,495
Shipping and Handling	$150
NM GRT	$380
TOTAL ESTIMATED PROJECT COST	$16,816
TOTAL FUNDING AWARD FROM TRUST	$9,309
MATCHING FUNDING BY GRANTEE	$7,507

3. SANTA FE COMMUNITY CONVENTION CENTER GARAGE PROJECT

LDEVSEM Project Component	Cost
Charger	$3,400
Labor Installation Costs	$3,120
Permitting Fees	$350
Initial Activation and Configuration Service	$349
Commercial Cloud Plan	$2,242
Maintenance and Management Program	$2,495
Shipping and Handling	$150
NM GRT	$293
TOTAL ESTIMATED PROJECT COST	$12,399
TOTAL FUNDING AWARD FROM TRUST	$6,994
MATCHING FUNDING BY GRANTEE	$5,405

2020 06 15 NMED City of Santa Fe - VW Settlement Project Agreement

Final Audit Report 2020-06-15

Created:	2020-06-15
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOpN6HXX2Lv9x-n3l4G1S3xvGO0NQ2EC7

"2020 06 15 NMED City of Santa Fe - VW Settlement Project Agreement" History

Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2020-06-15 - 7:41:28 PM GMT- IP address: 63.232.20.2

Document emailed to Marcos Martinez (mdmartinez@santafenm.gov) for signature
2020-06-15 - 7:43:04 PM GMT

Email viewed by Marcos Martinez (mdmartinez@santafenm.gov)
2020-06-15 - 7:59:01 PM GMT- IP address: 67.0.215.15

Document e-signed by Marcos Martinez (mdmartinez@santafenm.gov)
Signature Date: 2020-06-15 - 8:07:28 PM GMT - Time Source: server- IP address: 67.0.215.15

Signed document emailed to Irene Romero (ikromero@ci.santa-fe.nm.us) and Marcos Martinez (mdmartinez@santafenm.gov)
2020-06-15 - 8:07:28 PM GMT

Log # *{Finance use only}*:	
Batch # *{Finance use only}*:	

City of Santa Fe, New Mexico
BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME	DATE
Public Utilities / Environmental Services Division	10/7/2020

ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE
EXPENDITURES				*{enter as positive #}*	*{enter as negative #}*
Building & Structure NonExempt	5100331	570400	ESD2051001-STATE-NMENV-TRUST	26,303	
REVENUES				*{enter as negative #}*	*{enter as positive #}*
NMED	5100331	490190		(26,303)	
				$ -	$ -

JUSTIFICATION: *(use additional page if needed)*
--Attach supporting documentation/memo

Increase for electric vehicle charging stations.

Project Ledger # ESD2051001-STATE-NMENV-TRUST Grant Id S2108

{Complete section below if BAR results in a net change to ANY Fund}

Fund(s) Affected	Fund Balance Increase/(Decrease)
510	(26,303)
TOTAL:	**(26,303)**

Manuel Sanchez 10/7/2020
Prepared By *{print name}* Date

Shirlene Sitton
Shirlene Sitton (Oct 16, 2020 16:08 MDT)

Division Director Signature *{optional}* Date

Shannon Jones (Oct 16, 2020 17:30 MDT)
Department Director Signature Date

{Use this form for Finance Committee/ City Council agenda items ONLY}

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

AJH
AJH (Oct 22, 2020 10:36 MDT)
Budget Officer Date

Finance Director *{≤ $5,000}* Date

City Manager *{≤ $60,000}* Date

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # N/A

Contractor: New Mexico Environment De;pt

Description: Grant Agreement for 3, level 2 dual port wall-mounted electric vehicle charging stations with cord

Contract ☐ Agreement ☉ Lease / Rent ☐ Amendment ☐

Term Start Date: _____ Term End Date: _____

☐ Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

☐ Approved by Council Date: _____

Amendment is for:

2. **HISTORY** of Contract, Amendments & Lease / Rent - **Please Elaborate** (option: attach spreadsheet if multiple amendments)

3. **Procurement History:** N/A grant

Fran Dunaway (Oct 28, 2020 17:01 MDT) Oct 28, 2020

Purchasing Officer Review: Date:

Comment & Exceptions: Grant Agreement

4. **Funding Source:** ESD Enterprise Fund **Org / Object:** 5100331.570400

Alexis Lotero (Oct 27, 2020 14:17 MDT) Oct 27, 2020

Budget Officer Approval: Date:

Comment & Exceptions: _____

Staff Contact who completed this form: Maya Martinez Phone # 4271

Email: mfmartinez@santafenm.gov

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

CITY OF SANTA FE OTHER METHOD PROCUREMENT CHECKLIST

Contractor Name: NMED, Air Quality Bureau

Procurement Title: NM-VW-20-14 PROJECT AGREEMENT for electric vehicle charging stations

Other Methods: State Price Agreement ☐ *Cooperative* ☐ *Sole Source* ☐ *Exempt* ☐ *Other* ☒ Grant Funding

Department Requesting/Staff Member Public Utilities/Neal Denton

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☒	☐	Approved Procurement Checklist (by Purchasing)
☒	☐	Departments Recommendation of Award Memo addressed to Finance
☐	☒	State Price Agreement
☐	☒	Cooperative Agreement
☐	☒	Sole Source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval for exempt procurement
☐	☒	BAR
☐	☒	FIR
☒	☐	Contract, Agreement or Amendment
☐	☒	Current Business Registration and CRS numbers on contract or agreement
☒	☐	Summary of Contracts and Agreements form
☐	☒	Certificate of Insurance
☐	☒	Other: _____

Neal Denton, Sustainability Planner
Department Rep Printed Name and Title

Department Rep Signature attesting that all information included

Fran Dunaway (Oct 28, 2020 17:01 MDT)
Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR OTHER METHOD FILE*

YES	N/A	
☐	☒	State Price Agreement
☐	☒	Cooperative Agreement
☐	☒	Sole source Request and Determination Form
☐	☒	Contractors Exempt Letter
☐	☒	Purchasing Officers approval of exempt procurement
☐	☒	Copies of all Sole Source submittals

*

☐ ☒ Other: _____

AWARD*

YES **N/A**

☒ ☐ Fully executed Memo to Committees from the Department with recommendation of award
☐ ☒ Other: _____

CONTRACT*

YES **N/A**

☒ ☐ Copy of Executed Contract
☒ ☐ Copy of all documentation presented to the Committees
☒ ☐ Finalized Council Committee Minutes
☐ ☒ Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

Neal Denton, Sustainability Planner

Department Rep Printed Name and Title

Department Rep Signature attesting that all information included

*

City of Santa Fe
FY20 Fiscal Impact Analysis (Non-Personnel Expenditures)

General Information

Department Name:	Public Utilities	Department Name:	N/A
Division Name:	Environmental Services	Division Name:	N/A

Financial Information

Amount Requested:	$26,303 (grant award amount)	Munis Fund Number:	
Vendor Name:	N/A	Munis Org Number:	5100331
Approved by Director?	Shannon Jones (Oct 16, 2020 17:30 MDT)	Munis Object Code:	570400

Expenditure Information

1. Describe the purchase of goods/services. Is this one-time or recurring? Please explain why this is the lowest cost option for this expenditure.
Three level 2, 208/240V, 30A, dual-port, wall-mount electric vehicle charging stations with cord management and services related to installation and activation. This is a one-time purchase with funding from the New Mexico Environment Department. Procurement will occur after execution of agreement.

2. Please describe which legally required City service does this procurement support? Does this procurement provide support for compliance with City, State and Federal requirements? If yes, please explain.
Strategy EN5 of the Sustainable Santa Fe 25-Year Plan approved by Resolution #2018-65 calls for development of public electric vehicle charging infrastructure. Resolution $2017-86 directed the City Manager to develop charging infrastructure for City electric vehicles.

3. Can these services be performed by City employees in your department or in other departments? If the answer is no, please explain.
No. Per a discussion with the Public Works Director, City electricians do not have the skill-set to install electric vehicle charging stations.

4. Would there be any adverse health, safety or economic implications if this expenditure was not approved? What impact will there be on the department and the City operations if this expenditure is not approved.
Yes, according to the World Health Organization, an estimated 4.2 million premature deaths are linked to ambient air pollution. Combustion vehicle engines are the primary source of air pollution in Santa Fe. Electric vehicles have no tailpipe emissions. We will lose the grant funding if the expenditure is not approved.

5. If this purchase is not approved with City funds, what are alternative funding sources for the proposed expenditure? Does this duplicate efforts being provided by other governmental, for profit or non-profit entities?
An existing Legislative appropriation can be used to cover the city's share of the grant. As this charging stations would be in city facilities, it does not duplicate efforts being provided by other entities.

Procurement Office Signature	Budget Office Signature	Finance Director Signature

Signature: Neal Denton
Neal Denton (Oct 16, 2020 16:05 MDT)

Email: nhdenton@santafenm.gov

NMED Grant packet

Final Audit Report 2020-10-22

Created:	2020-10-22
By:	Maya Martinez (mfmartinez@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAe7NV5wHNDPUgXs8Iy8zMnkwwJeo0uLju

"NMED Grant packet" History

Document created by Maya Martinez (mfmartinez@ci.santa-fe.nm.us)
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2020-10-22 - 3:15:25 PM GMT

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2020-10-22 - 4:02:09 PM GMT- IP address: 174.28.41.32

Document e-signed by AJH (ajhopkins@santafenm.gov)
Signature Date: 2020-10-22 - 4:36:02 PM GMT - Time Source: server- IP address: 63.232.20.2

Agreement completed.
2020-10-22 - 4:36:02 PM GMT

GB ESD NM ENVIRONMENT DEPT GRANT NM-VW-20-14

Final Audit Report 2020-10-28

Created:	2020-10-27
By:	YODEL CATANACH (yocatanach@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA79DAZBnVOZBskBW1uMH3hpuv7w342ddt

"GB ESD NM ENVIRONMENT DEPT GRANT NM-VW-20-14" History

Document created by YODEL CATANACH (yocatanach@ci.santa-fe.nm.us)
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2020-10-27 - 8:15:23 PM GMT- IP address: 104.47.64.254

Document e-signed by Alexis Lotero (aclotero@santafenm.gov)
Signature Date: 2020-10-27 - 8:17:01 PM GMT - Time Source: server- IP address: 63.232.20.2

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2020-10-27 - 8:17:05 PM GMT

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2020-10-28 - 10:56:35 PM GMT- IP address: 104.47.64.254

Document e-signed by Fran Dunaway (fadunaway@santafenm.gov)
Signature Date: 2020-10-28 - 11:01:58 PM GMT - Time Source: server- IP address: 63.232.20.2

Agreement completed.
2020-10-28 - 11:01:58 PM GMT

POWERED BY Adobe Sign

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

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

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.

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
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Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

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.

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

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

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-32
Short-Term Rental Changes

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-32:

1. On page 1, line 21 ***strike*** "**AND**".
2. On page 1, line 23, before the period ***insert*** "**; AND AMENDING SECTION 18-10.4 SFCC 1987 TO DEDICATE A PORTION OF THE MUNICIPAL GROSS RECEIPTS TAX GENERATED FROM THE RENTAL OF SHORT-TERM RENTAL UNITS TO THE AFFORDABLE HOUSING TRUST FUND".**
3. On page 10, line 17, after the period ***insert*** the following new sentence: "Beginning July 1, 2021, as provided in Section 18-10.4 SFCC 1987, a portion of the gross receipts taxes generated from the rental of short-term rental units within the City of Santa Fe shall be deposited into the affordable housing trust fund, as defined in Section 26.3 SFCC 1987."
4. On page 22, line 12, ***insert*** the following new Section:

"**Section 4. Section 18-10.4 of SFCC 1987 (being Ord. No. XXXX-XX, as amended) is amended to read:**

18-10.4 Dedication.

Revenue from the one and one-half percent (1.5%) municipal gross receipts tax will be used for the purpose(s) listed below:

A. Revenue from the first two (2) one-quarter percent (¼%) increments of the municipal gross receipts tax is dedicated for the following purposes:

(1) Annual debt service for municipal gross receipts tax revenue bonds or other bonds for municipal projects issued for the construction, reconstruction, improvements and replacement of city facilities, parks, streets, sidewalks, utilities, and other public works projects including the related equipment and furnishings for the facilities.

(2) If there are proceeds remaining they may be used for:

(a) Construction, reconstruction, improvements, replacement, facility structural maintenance and repair, including related equipment and furnishings for the facilities.

(b) Operating expenditures necessitated by the expansion of services and facilities to the public.

(c) Personnel, operating, contractual, accounting, administration, equipment, vehicles and other costs related to the city's capital improvements program and operations of public works department.

(d) Computer hardware and software.

B. Revenue from the third and fourth one-quarter percent (¼%) increments of the municipal gross receipts tax is dedicated to the general fund, except as limited in Paragraph (E) below.

C. Revenue from the fifth one-quarter percent (¼%) increment of the municipal gross receipts tax is dedicated to the public bus system and quality of life purposes in the following manner:

(1) Finance the acquisition, operation, maintenance and any other expenses necessary for or incidental to the provision of a public bus system. In the event that the public bus system is ever discontinued, the funds allocated pursuant to this paragraph shall be used for general municipal operations and the discontinuance of the

public bus system shall not affect the allocations set out in paragraph (2) below. The governing body shall not discontinue the public bus system until the notice and hearing requirements of subsections 2-2.3A, 2-2.3B, 2-2.4A, 2-2.4D, and 2-2.6 SFCC 1987 have been met.

(2) After satisfying the distribution provided for in paragraph C(1), the remaining proceeds of the gross receipts tax shall be allocated exclusively for the following quality of life purposes: recreational facilities, bike and pedestrian pathways - with a priority given to pathways that connect with bus stops - libraries, and parks. Allocations for these quality of life purposes shall not exceed eleven percent (11%) of the total amount received from the fifth one-quarter percent (¼%) increment of the gross receipts tax, except that any amount unspent for quality of life purposes shall be used for general municipal operations.

D. [~~Dedication.~~] Revenue from the sixth one-quarter percent (¼%) of the municipal gross receipts tax is dedicated to the general fund of the municipality, except as limited in Paragraph (E) below.

(E) Beginning July 1, 2021, the amount of municipal gross receipts tax estimated to be generated from the rental of short-term rental units within the city of Santa Fe, which would have been dedicated to the general fund pursuant to Paragraphs (B) and (D) above, shall be dedicated to the affordable housing trust fund as defined in Section 26.3 SFCC 1987."

Respectfully submitted,

_____
JoAnne Vigil Coppler, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-32
Short-Term Rental Changes

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-32:

1. On page 7, ***strike*** lines 17 and 18 in their entirety.

*** Editor's note: renumber the succeeding subsections accordingly.**

Respectfully submitted,

_____
Michael Garcia, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Short-Term Rental Changes (Garcia Amendment)

Final Audit Report 2020-10-28

Created:	2020-10-28
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_WpGNZDMzOdUJ4LAQyiIFWE39-ZQdZgL

"Short-Term Rental Changes (Garcia Amendment)" History

Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
2020-10-28 - 11:15:35 PM GMT- IP address: 75.161.147.182

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Agreement completed.
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CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-32
Short-Term Rental Changes

Members of the City Council:

We propose the following amendment(s) to Bill No. 2020-32:

1. On page 1, line 11 ***insert*** "**AMENDING THE TABLE OF PERMITTED USES, TABLE 14-6.1-1, REGARDING SHORT-TERM RENTAL UNITS;**"
2. On page 2, line 1 ***insert*** the following new Section:

   Section 1. Table 14-6.1-1 of SFCC 1987 (being Ord. No. 2012-37 § 2, as amended) is amended to read:

CATEGORY **Specific Use**	**RR**	**R-1 - R-6**	**R-7 - R-9**	**R7 - 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**
RESIDENTIAL																						
Household Living																						
Short-Term Rental Unit	[~~Prohibited except~~]Permitted only as set forth in Section 14-6.2(A)(5)[~~(a)~~], (6)																	Permitted only as set forth in Section 14-6.2(A)(5), (6)				(A)(5), (A)(6)

*** Editor's Note: Renumber the succeeding Sections accordingly.**

3. On page 7, line 16 after the period ***insert*** the following new sentence "Upon the death of the permit holder, the permit may be transferred to the permit holder's spouse or domestic partner if the spouse or domestic partner submits a written request to the *land use director* within ninety (90) days after the permit holder's death, the spouse or domestic partner owns or will own the property upon the settlement of the permit holder's estate, and the spouse or domestic partner does not already hold a short-term rental permit."
4. On page 8, ***strike*** lines 12-15 in their entirety. On line 16, ***strike*** "(B)".

Respectfully submitted,

Alan Webber, Mayor

Signe I. Lindell, Councilor

Carol Romero-Wirth, Councilor

Renee Villarreal, Councilor

10193.4(C)

Approved as to Form:

Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Short-Term Rental Changes (AW-SL-CRW-RV Amend)

Final Audit Report 2020-10-29

Created:	2020-10-28
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
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"Short-Term Rental Changes (AW-SL-CRW-RV Amend)" History

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CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-32
Short-Term Rental Ordinance

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-32:

1. On page 7, line 5 after "corporation" ***insert*** ", and such entity, whether a revocable trust, an LLC, or a corporation, shall be responsible for any criminal or civil violation and fines".
2. On page 7, line 20 after "if" ***insert*** "the front half of".
3. On page 8, line 5 after "number" ***strike*** the remainder of the sentence.
4. On page 8, line 12 ***strike*** "(A)".
5. On page 8, lines 16-18 ***strike*** subparagraph (B) in its entirety.

Respectfully submitted,

_____
JoAnne Vigil Coppler, Councilor

Approved as to Form:

_____
Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

_____
Yolanda Y. Vigil, City Clerk

Short-Term Rental Changes (Vigil Coppler Amend 2)

Final Audit Report 2020-11-06

Created:	2020-11-06
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAbdFqO2LgEhZx5DCbVsAhicbKu4kfLoO9

"Short-Term Rental Changes (Vigil Coppler Amend 2)" History

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2020-11-06 - 10:34:57 PM GMT

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

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes May 21, 2020	Approved	2
Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Case #2020-2115. Vista del Rio Final Subdivision Plat	Approved with conditions	2-3
Findings/Conclusions	Approved	3
2) An Ordinance Amending Section 14-6.2	Postponed	3-37
3) An Ordinance Amending Section 14-11.4	Postponed	3-37
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.

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 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
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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

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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

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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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6-24-20

[~~(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 (~~3~~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~~]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

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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!)

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(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

WE ARE

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#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

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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
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

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

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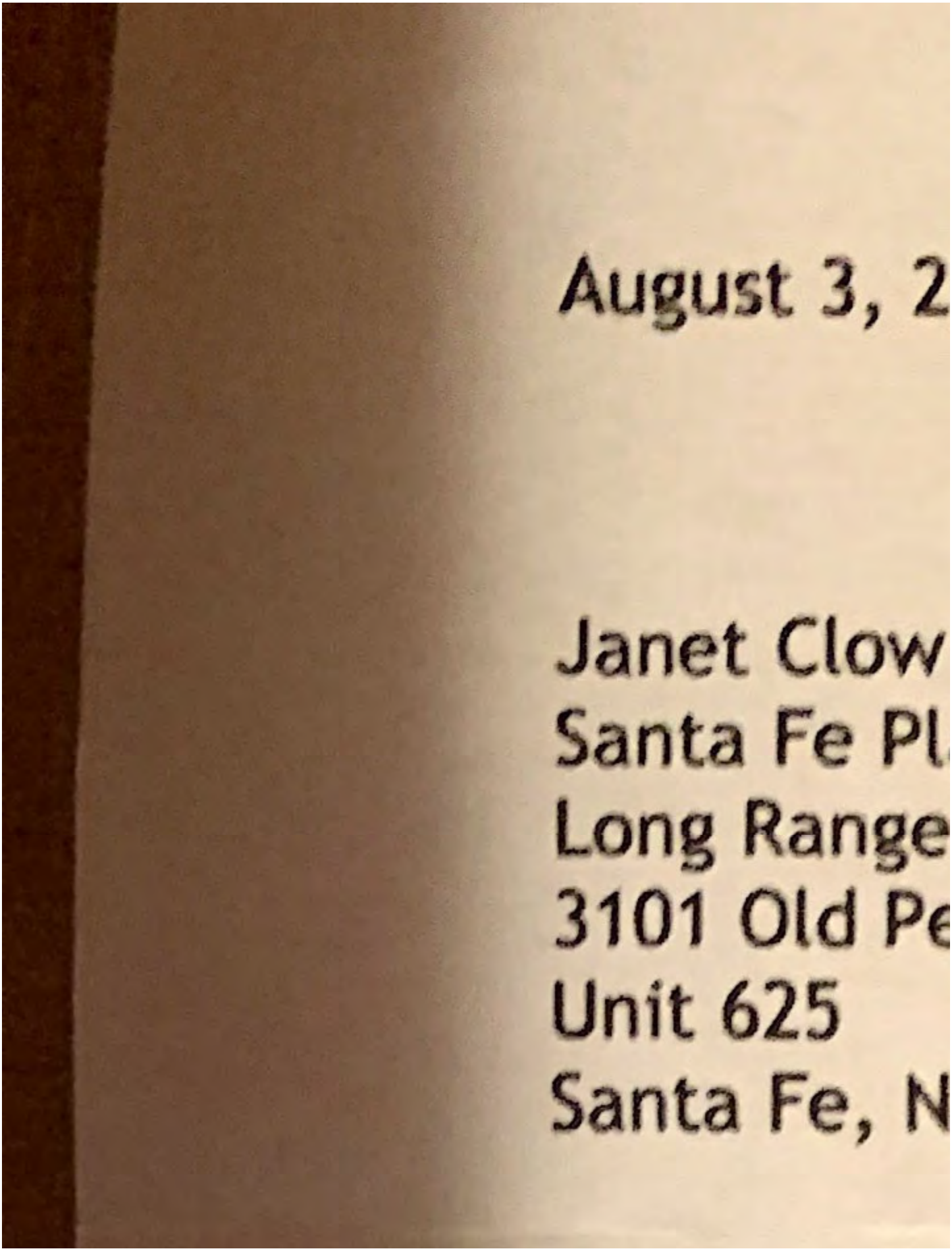
Noah: I received the attached letter last week in the mail. Janet Clow


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
Amallab23@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

Department of English
450 Serra Mall, Building 460, Stanford, CA 94305-2087 650-723-0034 pmoya@stanford.edu

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

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.

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

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

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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.

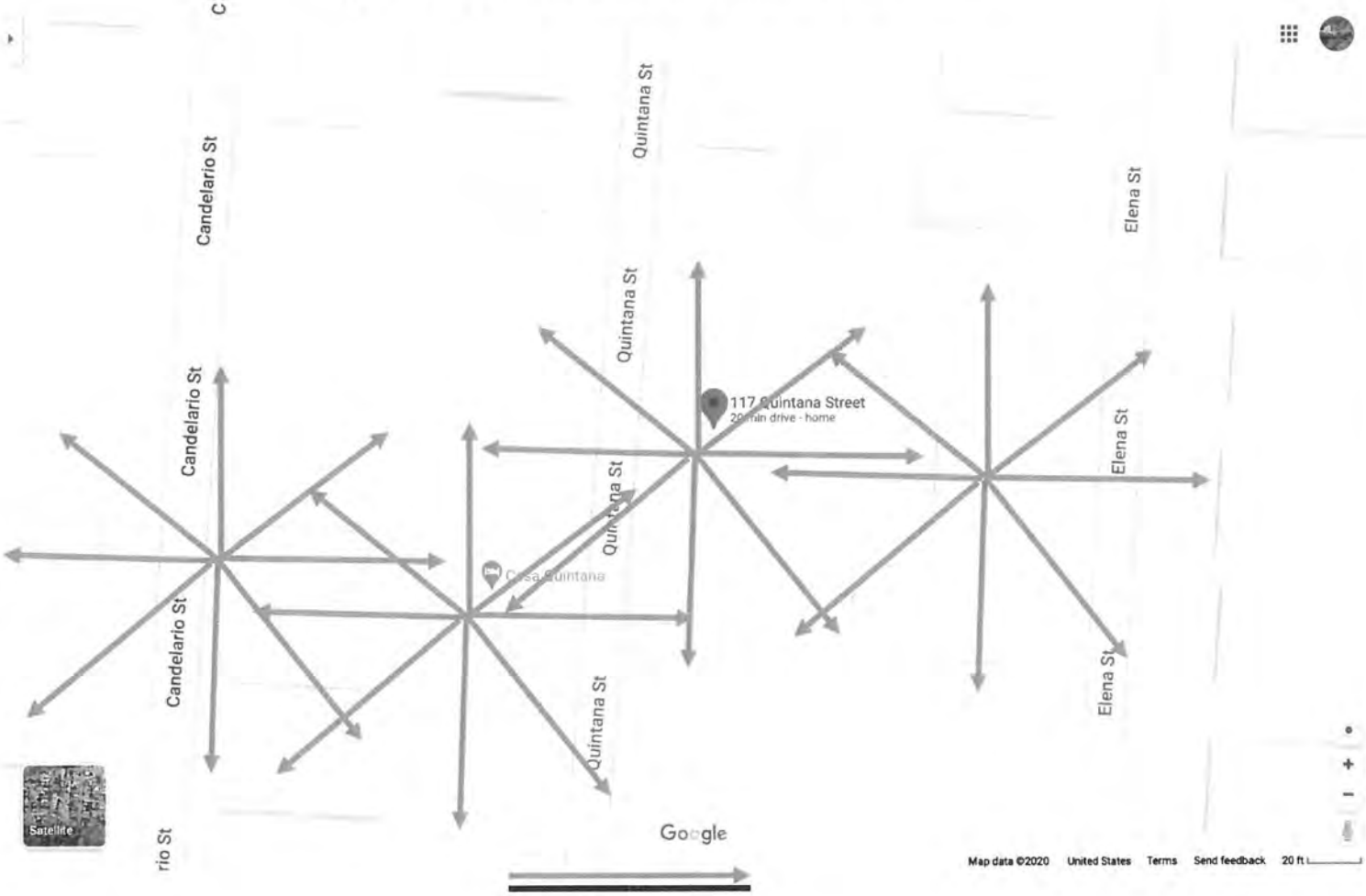
It is my suggestion that the City of Santa Fe should also consider consulting with the Vacation Rental Management Association (VRMA), in copy. VRMA assists communities in developing professional and traditional vacation rentals as a safe and reliable option for consumers. They are committed to working 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

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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

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

Planning Commission Meeting

October 15, 2020

Short-Term Rental Bill

Written Comments

The following written comments were submitted on time and were considered by the Planning Commission on October 15, 2020:

- Susan Orth, Santa Fe Association of REALTORS

The following written comments were submitted late and were **not** a part of the record considered by the Planning Commission on October 15, 2020 (but are provided for consideration at subsequent committee meetings):

- Natalie Bovis
- Marc Choyt
- Teri Hackler
- Kitty Moss
- Elise Noble
- Sandra Noe
- Leroy Pacheco
- Toral Patel, Airbnb
- Amy Rose
- Kim Schilling
- Bonnie Smith
- Richard Woodruff

October 12, 2020

Dear City of Santa Fe Planning Commissioners:

The Santa Fe Association of REALTORS® appreciates the City of Santa Fe Planning Commission and city leaders ongoing work to improve the proposed short-term rental ordinance. In response to public input and commissioners' concerns, a revision has been introduced for the planning commission's consideration at its upcoming October 15, 2020 meeting.

The association is pleased with a number of key changes proposed by the planning commission that have been adopted in the revision. Specifically, the association supports the changes related to retaining exemptions and registrations for non-residential properties; clarifying the role of a natural person in the permitting process; expand the non-transferability of a permit in certain circumstances; and clarifying the "grandfather" clauses that would have allowed the land use director to revoke a permit upon expiration.

There remain several issues that the association would encourage planning commission members to review and consider taking action.

The revision has amended the originally proposed 75-foot radius density requirement for new permits to a 50-foot radius from the boundary of the property. The planning commission had a thoughtful discussion regarding any new density requirement which our members believed was important and valuable given the highly dense nature of the downtown area. The new density requirement will likely result in preventing any new short-term rental permits to be issued in these areas while grandfathering in existing operators-some with several units. Due to this concern, the association believes this restriction on density remains unworkable, may invite litigation, and will negatively impact property rights. For many homeowners, it would be difficult to make such a determination without significant support from the land use department as property owners will not know the proximity of permitted units. The association strongly 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"*.

The revision continues to place a permit limit of 25% of units on a multi-family complex even when the owners, home owner association or condominium rules permit short-term rentals. The association would encourage the planning commission to consider eliminating this restriction, if short-term rentals are permitted by multi-family complexes.

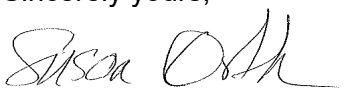
The revision adds two new requirements to non-residential properties:

- A permit limit of 25% of units on a multi-family complex located within 200-feet of a residential district, and
- A limit of 12 permits per building in a multi-family development.

The association looks forward to the discussions regarding these new restrictions on non-residential properties and is encouraging its members along with commercial property owners to provide their keen insights as the public legislative process moves forward.

The Santa Fe Association of REALTORS® appreciates efforts by city leaders to ensure this valuable, local green industry generating wealth for its citizens continues to be supported and encouraged while significantly enhancing the city's tourism and coffers, through much-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

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Air BnB
Date: Wednesday, October 14, 2020 3:38:28 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Natalie Bovis <natalie@theliquidmuse.com>
Sent: Wednesday, October 14, 2020 3:03:39 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: getinvolved@airbnb.com <getinvolved@airbnb.com>
Subject: Air BnB

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 Santa Fe governance,

I grew up in this town, and I'm a local business owner. I also make extra money (pre pandemic) renting out my guest room to tourists via Air bnB.

I have a SuperHost rating, which means that visitors to Santa Fe have a wonderful experience "living like a local" in my home. I am a great ambassador for Santa Fe because I have lots of recommendations for activities, restaurants, etc. I help to build Santa Fe's tourism economy by providing an affordable option for people who otherwise might not be able to afford a hotel, and would take their tourism dollars elsewhere.

I am sharing my desire to maintain the ability to host people in my own home, as should be my right. I do not think there should be limits as to how many times per 7 days it is rented. Some people only stay a day or two, and during the summerI have multiple visitors who are passing through town.

Santa Fe already is not terribly business-friendly… to the point that I have considered moving my small business to Albuquerque. It is really important that Santa Fe considers small business owners - including side cash from Air BnB - in its planning… or you will lose more homegrown locals, like myself, to more progressive cities which flow with the times… and having the option of home stays through Air BnB, or similar platforms, is the way of the future.

Respectfully,

Natalie Bovis
Founder, The Liquid Muse LLC
Co-Founder, OM Liqueurs
Founder, TACO WARS / NM Cocktail & Culinary Festival

Sent from my device, please excuse random typos and bizarre autocorrect

October 14, 2020

Dear Planning Commission:

Let me outline my concerns globally and then in detail, about this whole process.

1. Stakeholder engagement: There has been extremely poor citizen engagement related to this initiative. I am a stakeholder as a 34 year resident deeply committed to our neighborhoods and culture. I am also a small business owner and an owner of 3 Airbnb's in a commercial building which I put in in order to pay off my debt and hopefully have a retirement one day. I was NEVER notified by the City that the code that affects me and the long term value of my Airbnb business was being changed. Why?

2. Enforcement and revenue: Instead of focusing on a new regulation, why hasn't the City focused on enforcement and closing the loop on the illegal short term rentals? Allowing illegal Airbnbs has cost the City over ten millions dollars, as well as leaving potential safety and neighborhood equity issues. I believe that the City had engaged a contractor to assess this problem and then did nothing to address it. Why is that?

THIS ISSUE IS FAR MORE IMMEDIATE AND URGENT then all the man hours spent on a new code, especially given the fact the Airbnb has been greatly depressed during this pandemic. This is a major betrayal of public trust and fiduciary responsibility. Why is there such a profound disconnection between economy and policy priorities? How could the governing body have let the above happened? Why take all the effort to create new regulations that the huge number of illegal short-term rentals will just ignore? Literally millions of dollars have been lost and continue to be lost because of a lack of follow up.

3. What is the goal of the changes to the short-term rental code and <u>where is the data</u> to show that these changes could result in the desired outcomes? Can anyone assure the public that, given that the code has no economic analysis based upon actual Airbnbs, that illegal short-term rentals have skewed the formation of the current code?

In order to ensure that policy results in desired outcomes, we need to state the goals, understand the data and assumptions and have clear forecasts. It seems that there are incorrect assumptions being made and then policy developed around these incorrect assumptions. This is a waste of valuable City resources and poor governing. For example, at a previous planning meeting**, the Land Use Director, in addition to admitting that there has been no economic analysis, said at a previous planning meeting that Airbnb's were impacting affordable long-term rentals**. **At that meeting, the Director of Affordable Housing, Alexandra Ladd said that the impact of Airbnbs on affordable rentals is negligible.** So, Land Use is driving policy based upon no false assumptions and no economic data.

Shouldn't City staff have clear understanding of our current zeitgeist and on that basis make presentations of goals, assumptions and presentation of data to support changes to the City code?

Data that seems critical to appropriately design and support code changes include: How many Airbnb's are owned by property management companies? How many are individual citizens are using Airbnb to pay for their homes vs or possibly save for retirement? What is the economic impact of Airbnb small businesses on the grassroots of our local economy, verses downtown hotels which exports all their profits outside of our community? Where are Airbnb's located in the city? Wouldn't a visual map of illegal and legal Airbnb's be helpful to the Counsel when considering policy?

Given that Airbnb numbers have not climbed much in the last two years, it's valid to ask that, if there were no short-term illegal rentals, would the current code even need to be modified?

I think we need to have a map to understand where Airbnbs are impacting neighborhoods and then we should show the map with an estimate of the impact of the new regulations. We should drill down and see where in these neighborhoods the complaints have been. Are there just a few people making a lot of noise or is there a systemic problem. We don't know. No. Economic. Data. We must understand the goals and have data to evaluate the likely outcomes.

4. Other questions: The new plan calls for a 75-foot space between locations. Commissioner Faulkner raised this issue particularly and it was skirted by the Land Use Director. He said it would be too difficult. Why should down town, where the vast majority of Airbnb's are rented, be treated the same as Tierra Contenta where someone is obviously trying to make a bit more money to survive our high housing market? Why can't land use have different rules for different zones that might help a few people make a bit of extra money and have the tax advantages of running a small business?

Also, the 7-day rule is completely anti-small business. It seems to be written by our hotel lobby, which has tens of thousands of rooms, vs Airbnb which currently has about 800 permits. Why does the permit favor these hotels and large corps instead of the small grass roots businesses?

It is poor governance for the City to add regulations when they are not enforcing existing regulations, to change City code without engaging stakeholders and without clearly stated goals and data to support the projection that the code changes will meet code. I implore the City to first tackle the problem of illegal short term rentals, gather and publish data and make sound decisions about policy that would meet City goals.

Sincerely,

Marc Choyt

From: BERKE, NOAH L.
To: Teri Hackler; PAEZ, SALLY A.
Subject: RE: Vacation Rentals
Date: Thursday, October 15, 2020 12:25:58 PM

The public comment had closed on Monday. You can speak at tonights Zoom meeting by looking at the City of Santa Fe's website and clicking on the link to Weekly Meetings then Planning Commission.

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: Teri Hackler <terihackler@gmail.com>
Sent: Thursday, October 15, 2020 10:30 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Vacation Rentals

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I am writing to say that if you limit vacation rentals to 1 per week that would greatly affect my income. Most of the people who stay with me stay 3 days, so I often have more than 1 in a week.

I appreciate your considering this.
Thank you very much,
Teri Hackler

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Short term rentals
Date: Wednesday, October 14, 2020 11:01:26 AM

Noah Berke, AICP, CFM
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From: kitty moss <moss.kitty@gmail.com>
Sent: Wednesday, October 14, 2020 10:59 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Short term rentals

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I am writing to you as an Airbnb host who rents 8 miles from the Plaza in a rural area. If Hosts are limited to one rental in a seven day period it will effectively destroy the market for short term rentals. This is because short term renters rely on seasonal rentals which are typically 1-3 days at a time. Airbnb has gone to great lengths to assure that properties are sanitized properly between rentals. This is not a time to discourage what are essentially small business owners in favor of large institutional hotel owners. Thank you for your consideration. Katherine Moss

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: October 15 Planning Commission Meeting
Date: Tuesday, October 13, 2020 2:38:07 PM

Noah Berke, AICP, CFM
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From: elisenoble@post.harvard.edu <elisenoble@post.harvard.edu>
Sent: Tuesday, October 13, 2020 2:35 PM
To: Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: GARCIA, MICHAEL J. <mjgarcia@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: October 15 Planning Commission Meeting

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Dear Mayor Webber and City Councilors:

Below are my comments for the upcoming meeting about short-term rentals. I wanted you to have a chance to consider them before the meeting and unfortunately missed the deadline for submission via Noah Berke. Please let me know if you have any questions.

Thank you.

Sincerely,
Elise Noble
2255 Old Arroyo Chamisa Road
505-699-7801
~~~~~~
~~~~~~

The draft **Short-term Rental Ordinance** raises some concerns.

In our 42 plus years in our home, we have experienced a marked decrease in the water we can draw from our well. Despite taking great care not to use too much at any one time, we have often run out of water. (We are not connected to City or to any other water supply source, and have added water storage tanks to help our supply problems.)

The Ordinance's **Purpose and Intent** makes clear that it intends (page 5)

> **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**.

However, nothing in the Ordinance addresses the issue of water quantity or water quality.

1. Water Quantity: Short term rentals add to use of water from our common water table, not only increasing showers and toilet flushes, but also adding loads of laundry for guests' sheets and towels. A neighbor's short-term rental significantly adversely affects our quality of life by decreasing our already diminished water supply.

2. Water Quality: A rise in water use increases the volume of toilet, shower, and laundry water that goes into a septic field. A septic installer next door to us began installing a leach field too close to our well. The installer grudgingly moved the leach field a few feet, barely outside the 100 foot legally required setback from our well.

The Ordinance needs to address issues of water quantity and water quality in areas served by wells and septics, issues that greatly affect quality of life.

3. Occupancy: Another matter of concern is on page 10 of the proposed Ordinance:

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

If an owner with four bedrooms lives in the house with a significant other, eight guests are allowed, bringing the occupancy to ten. With three children also at home, the permitted occupancy rises to thirteen.

Restoring the word <u>persons</u> where *<u>guests</u>* is now proposed would correct this problem.

4. Notice. Last, the **Required Notice for Short-term**

Rental *Permits* *(*page 15) includes no provision for those who receive Notice to raise concerns or objections.

I hope this omission will be corrected.

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: FW: Short-Term Rental Restrictions
Date: Wednesday, October 14, 2020 11:06:57 AM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
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From: Sandra Noe <sandmnoe@gmail.com>
Sent: Wednesday, October 14, 2020 10:42 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Short-Term Rental Restrictions

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Submitted for consideration at the Thursday, October 15, 2020 Santa Fe Planning Commission meeting regarding regulations on short-term rentals.

Dear Commissioners,

Though I understand the desire to reduce traffic and unforeseen problems by limiting short-term rentals to one rental per 7-day period, I think it would behoove the Commission to consider that stipulation dependent on the location of the short-term rental.

My husband and I own a condominium at Fort Marcy condominiums, otherwise known as Fort Marcy Hotel Suites. The property is run as a hotel, renting individual condominiums short-term. There are a number of large parking lots on the property which reduce street parking.

We could have Fort Marcy Hotel Suites manage our property and have it booked as much as possible; however, it is not cost-effective for us to do so—Fort Marcy takes a 50% cut of proceeds. We pay our State taxes and Lodgers' Tax, contributing to a healthy local economy as do hotels and motels, so why restrict our ability to have a viable business?

Related to the desire to have a viable business, why can hotels have multiple properties but not

individual short-term owners? The guests hosted in short-term rentals just as readily spend money locally, visiting restaurants, shops, museums, etc., and contribute to the welfare of our economy. Restricting short-term rental ownership shows a limited understanding of the benefits of these properties in Santa Fe.

From our experience and communication with our guests, we know that our short-term rental will not reduce hotel and motel business. We have had guests who travel with family or friends. Many of their travel companions prefer hotels to short-term rentals, so I believe the thought that hotels will suffer is not accurate.

To summarize, please reconsider rental restrictions in a 7-day period based on location. And, please do not limit the number of short-term rentals an individual can operate.

Sincerely,
Sandra Noe
24 Timberwick Rd
Santa Fe, NM 87508
505-920-3055

From: Leroy Pacheco
To: PAEZ, SALLY A.
Subject: Fwd: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987
Date: Thursday, October 15, 2020 9:39:46 AM

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Hi Sally,

I meant to copy you on this email.

Thank you,

Leroy N. Pacheco

Sent from my iPad

Begin forwarded message:

> **From:** Leroy Pacheco <leroypacheco@me.com>
> **Date:** October 15, 2020 at 9:36:48 AM MDT
> **To:** "BERKE, NOAH L." <nlberke@santafenm.gov>
> **Subject: Re: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987**
>
> Hi Noah,
>
> Thanks for your email. Unfortunately I am unable to attend tonight's meeting. Will there be a public hearing component at tonight's meeting? If so, I noticed that on page 8 of the June 18, 2020 Planning Commission meeting, the city attorney (copied here) submitted written comments she had received after that meeting's deadline, into the public record. Is that a possibility with respect to my email below?
>
> Thank you,
> Leroy
>
> Sent from my iPad
>
> > On Oct 15, 2020, at 6:55 AM, BERKE, NOAH L. <nlberke@santafenm.gov> wrote:
> >
> > Hi Leroy,

Public comment closed on Monday so we cannot forward this to commissioners. I would encourage you to attend the public meeting tonight (the link is on the City's website) and speak. Thanks

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: Leroy Pacheco <leroypacheco@me.com>
Sent: Wednesday, October 14, 2020 10:20 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987

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Dear Commissioners:

I recently became aware of the city's consideration of this proposed ordinance amendment regarding short term rentals. I understand and support the city's desire to protect the quality of its residential neighborhoods, which I believe is a shared value by those who visit our beautiful city and choose to stay in a private residence rather than a hotel. I am rather new to hosting visitors and do enjoy providing a more unique experience to those who prefer to visit Santa Fe in this way. As a licensed host, I have had about 6 months experience as a host pre-pandemic, and about as much time acting as a host through the current pandemic.

In this short time, the natural market forces have dramatically changed the character of who currently visits Santa Fe. It is unclear what a post pandemic world will look like with respect to tourism. The rich touristic opportunities (Folk Art, Spanish and Indian Markets, Santa Fe Opera, Balloon Fiesta) of the past, were dramatically halted in 2020 by the pandemic and disrupted the state and city's tourist economies. The current political division and

recent vandalism of the historic Civil War Monument on the plaza have added to a climate of angst in the city and further raised uncertainty for the future.

I question whether some elements of this proposed ordinance will further impinge on our city and state's ability to economically recover. Specifically the intrusion of the ordinance on the length of stay per 7 day period, and the proximity rule of no new permits within 50-feet of existing permits should be more fully and perhaps separately vetted with a thorough analysis of its compliance with federal private property law. I suggest these articles be excised from the current language in the interest of prudence as that analysis is done and the other more perfunctory articles move forward.

I also call into question the number of new permits being limited to 1,000. I have not seen the market data that would support this number, which in my uninformed opinion seems high and something that would better be left to market forces. The same goes for length of stay limitations previously cited, and which the current market forces are moving toward anyway, with rentals now going in the direction of longer stays for remote workers.

I also highlight that the Financial Impact Report (FIR) indicates negligible economic impact to the city, which suggests to me that observation for compliance and enforcement by city forces will not exceed the city's current efforts. It would be interesting to understand this proposed law in light of the most recently available short term tax collections, so that the council and others may better understand what market forces have done to the STR market in the short term and comparing results for both pre-pandemic, and in the current situation.

Thank you for consideration of these thoughts.

Leroy N. Pacheco

Sent from my iPad

October 14, 2020

Santa Fe Planning Commission
200 Lincoln Avenue
Santa Fe, New Mexico 87504

Dear Members of the Planning Commission,

On behalf of Airbnb, thank you for the opportunity to provide input on the City of Santa Fe's draft amendments to its Short-Term Rental (STR) Ordinance. We know that enacting balanced regulations that protect neighborhoods while preserving the benefits that STRs provide to the city and community is crucial.

We appreciate the city's recent changes to its draft amendments which clarify permit eligibility and host platform requirements. However, we remain concerned by a few provisions that would introduce new obstacles to hosting, with adverse impacts on the local tourism economy. We write to suggest revisions that we believe would improve the City's ability to implement balanced and effective STR regulations.

One Rental Per Seven-Day Period

We appreciate that the City allows STRs in a range of building types across residential and non-residential zones to help maximize their economic benefits. However, we are concerned that the intention of the "one rental per seven-day period" limitation is unclear, and may have negative consequences. Not only would this limit the overall amount of Lodgers' tax revenues generated for the city, but it would also harm local residents. The COVID-19 pandemic has had a disproportionate impact on the travel industry, including STR hosts and small businesses who rely on economic activity generated by tourism in their communities. Restricting rentals to one-per-week would reduce their flexibility to host during peak seasons. It particularly hurts more intermittent hosts who travel for one month, for example; this restriction will severely limit their ability to have multiple guests while they are out of town, limiting their ability to generate extra revenue for themselves. Moreover, the one day rental per seven day period is also incredibly complex to enforce given the likelihood that hosts may just jump back and forth between platforms and creates a system inherently designed to fail. We urge the City to remove this provision from the draft amendments, thereby allowing significant more flexibility to operators and creating less administrative burden for compliance staff.

One Permit Per Person

We encourage the City against limiting the number of permits per person. Taken alongside other provisions in the draft amendments - including the 1000 citywide permit cap, 50-foot separation requirement, and one rental per seven day period - this cap is overly restrictive and redundant. Santa Fe's economy relies on tourism, and vacation rentals have long been part of the lodging landscape. We ask the City to consider removing this provision, which could have negative future impacts on the hospitality industry, particularly as permits expire and operators retire. 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.

* * *

Thank you for the consideration of all of the issues that we have raised regarding the proposed amendments. We would like to reiterate our willingness to collaborate with the City in developing a fair, balanced STR regulatory framework, and our comments here are offered in that spirit. We are happy to address any questions you may have.

Sincerely,

Toral Patel
Public Policy, Airbnb

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd:
Date: Tuesday, October 13, 2020 8:43:47 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Amy Rose <amybeerose@gmail.com>
Sent: Tuesday, October 13, 2020 8:26:09 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject:

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Limiting one rental per 7 day period, is basically cutting my business income by 2 thirds.
What is the logic of this proposed ordinance?

Limiting 1 permit per person, destroys the basic business of vacation rentals.
Are these ordinances aimed at Gutting individuals/property owners using short term rental platforms?

I am totally bewildered.

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: short term rental permit
Date: Tuesday, October 13, 2020 5:44:57 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: kim schilling <tthferry@yahoo.com>
Sent: Tuesday, October 13, 2020 5:12:39 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: short term rental permit

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A couple of pointers:
Many of us do this in order to maintain, improve and afford our house.
I assume the reason you are doing this is because you have accepted too many permits.
One a week? What would the purpose of that be. Many people prefer shorter rentals... Airbnb is good for Santa Fe... most of the people that I get are looking for a place that they are able to be out in the garden, perhaps make their own breakfast in a quiet area cleaned by conscientious cleaners. If they could not stay in an affordable house they would not come, they would chose another area. Not everyone wants to stay in a hotel especially during covid times.

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Changes to City Short Term Rental Ordinance
Date: Thursday, October 15, 2020 8:09:30 AM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
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Email: nlberke@santafenm.gov

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From: BONNIE SMITH <bonnie.b.smith@comcast.net>
Sent: Wednesday, October 14, 2020 7:19 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Changes to City 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.

To: Santa Fe City Planning Commission Date:10/14/20

Subject: City Short Term Rental Ordinance

We are concerned that proposed changes to short term rental ordinances seek to eliminate or severely cripple short term rentals.

My wife and I own one house in the city currently licensed by the city as a short term rental under my wife's name. We bought the house 28 years ago anticipated occupying it as our retirement home. We rented it as a long term rental (greater than one year lease) for 26 years. We changed our retirement plans and eventually retired in Colorado and retained the house as an investment (under an LLC) and occasionally as a second home.

At the outset, we wish to inform you that our families have been legal New Mexico residents for three and four generations. In one case, prior to New Mexico becoming a state.

Our experience has been that our property has occasionally been significantly damaged by long term renters. Our short term renters have been much more considerate of us and our neighbors. We think this is generally the case.

We have the following comments regarding your current considerations:

A seven day minimum rental will significantly eliminate a segment of our market when normal travel resumes. Perhaps as much as 30% to 60% less.

The current pandemic has significantly distorted the market toward longer term rentals as some people escape high density cities. When travel increases the market will naturally move to shorter term.

We wish to operate with 3 day minimum (we like longer rentals but believe a significant part of the market is 3 day). From a practical standpoint, a motel or hotel can operate with a 2 to 4 hour room turn around. A short term house rental can operate with a 4 to 8 hour turn around due to its complexity and size.

Two short rentals on one property (house and casita) is practical and workable in our opinion. Although not our situation, we can foresee problems with restrictions on developments with condos where owners wish to occasionally use the property and short term rent otherwise.

We think the current city ordinances regarding short term rentals are appropriate. Few if any changes are needed.

HOA and neighborhood associations will take care of regulations beyond city ordinance for short term rentals.

We have found that Airbnb management strategy is very effective at helping to manage use of short term rentals.

Thank you for your attention.

Another Issue: Repair of damage done by violence, intimidation and lawless actions by recent violent groups in plaza area.

How is the Planning Commission going to address the damage done to the plaza and Indian restaurant by the violence in the recent weeks? We demand **restoration**, not replacement of historical monuments and structures.

What legislation did not accomplish, violence and lawlessness accomplished while city government, city management and law enforcement willfully looked away!

Bonieta Smith and Marvin Smith

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Comment on Consideration of Bill No. 2020-__ re: Short-Term Rental Permits
Date: Thursday, October 15, 2020 5:34:12 PM

Noah Berke, AICP, CFM
Planner Manager
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Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: Israel Sushman <isushman@isushman.com>
Sent: Thursday, October 15, 2020 3:21 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Comment on Consideration of Bill No. 2020-__ re: Short-Term Rental Permits

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Using city ordinances to throttle a powerful and natural market shift to integrating short term stays into the travel industry and offered by individual families is akin to supporting the horse-shoeing industry by banning auto repair shops! The market has already moved on and organizations such as Booking.com offer a blended approach, offering a choice of kinds of experience: individual homes, hotels, or other experiences. What should and could happen is that the housing markets should be protected by not allowing wholesale conversion of real estate to Airbnb and VRBO properties. In Los Angeles, Airbnb has been limited to units that are the primary residence of the owners. This reflects the true original vision of Airbnb. Limiting the number of stays a week a host can offer seems unenforceable to me.

Additionally, in an era in which retired people no longer benefit from pensions, AirBnB is a solution for seniors who have never been able to save enough for retirement due to market crashes, the volatility of the job market, real estate losses, and the COVID-19 pandemic. In my case, I was diagnosed with Parkinsons ten years ago and had to leave a lucrative corporate job early. Income from Airbnb for us is under $2,000, and is essential income for my husband and me, without which we would need to turn to state resources to help us survive. Since we live on the property and monitor all activity of our guests, we don't believe having people stay in our home is a detriment

to our Santa Fe community. It is also something we really enjoy, meeting all sorts of interesting people. We believe what we offer is a service that is valuable to the community.

Israel Sushman
Nancy J. Murray
Santa Fe, NM
505.780.8839
isushman@gmail.com
nancyjanemurray@gmail.com

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Proposed Changes to STR Ordinance - Public Comment for Meeting of October 15th
Date: Wednesday, October 14, 2020 8:37:21 AM

Thanks!

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From: Richard A Woodruff <richardwoodruff@yahoo.com>
Sent: Wednesday, October 14, 2020 8:31:09 AM
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Subject: Proposed Changes to STR Ordinance - Public Comment for Meeting of October 15th

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Good morning All,

I am taking this opportunity to provide further comment to the Land Use Office regarding the proposed changes to the STR Ordinance to be discussed at the meeting of October 15th.

To Follow:
It is assumed by the council (reference article below) that the 1600 (a few less as I believe it is around 1450) rentals listed on Airbnb and VRBO demonstrate that there are scofflaws to the existing ordinance. Although that is likely true to a limited extent, the council fails to take the following into consideration:

1. Not all rentals listed on Airbnb and VRBO require a permit; for two reasons:
    a. Some are longer term rentals exclusively (more than 30 days), and therefore do not require permits
    b. Some of the listing are not within the City limits, rather in Santa Fe County, and therefore do not require a City permit
2. Taxes, for all listings, are automatically collected and remitted to the State and

the City directly by VRBO. Taxes do not pass through the listing. This has been the case since mid-2019. Also, taxes are withheld for the longer-term rentals although taxes should not be applied. VRBO and Airbnb does not give a listing permission to exclude the taxes.

3. Some listings are duplicates both on the various listing engines as well as on each listing engine. Some have listed homes twice for marketing purposes.

Our conclusion should be: An impact study should be performed of the listings on VRBO/Airbnb to determine the actual compliance taking into account the points above. I am certain they will determine that the size of the problem is rather small. Once the problem is isolated, the City can pursue the violators.

All the best,
Richard

Santa Fe city councilor says many short-term rentals operating illegally

by: Stephanie Chavez

Posted: Oct 12, 2020 / 05:41 AM MDT / Updated: Oct 12, 2020 / 05:43 AM MDT

SANTA FE, N.M. (KRQE) – The City of Santa Fe is cracking down on short-term rentals, saying hundreds of them are not permitted and could face fines. There are also still a couple hundred permits up for grabs.

Santa Fe is losing $3.8 million annually to short term rentals, according to a survey done in 2019. "They're just not paying it when people come and rent, they're just not paying it," says City Councilor Carol Romero-Wirth.

Romero-Wirth says that's why the city recently capped the number of short-term rental permits at 1,000. Still, she says, there are about 1,600 of these rentals, through websites like Airbnb, operating across the city.

She says about half of them are not following the city's ordinance, requiring them to register the rental and get a permit. "There's something like 800 that are permitted," she says.

Romero-Wirth is supportive of these rentals but wants them to come into compliance, saying the lost revenue isn't the only problem they're causing. "That's had a negative impact on the neighborhoods, the neighbors are feeling like the character of the neighborhood doesn't feel the same," Romero-Wirth says.

The city planning commission this week will hear a proposed amendment to the current ordinance that would have code enforcement officers cracking down on people who aren't permitted and inform them about the remaining 200 permits that are available.

"And then once we hit that 1,000 level cap, those houses that can't get

permits maybe will become longterm rentals [that] help with our housing shortage," Romero-Wirth says. According to the councilor, because of the budget deficit, they will not be hiring any more enforcement officers for this extra enforcement, if this amendment passes.

City of Santa Fe, New Mexico

memo

Date: October 22, 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: Commission's Comments on 2nd Draft of Proposed Amendments to Short-term Rental Ordinance

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On Thursday, October 15, 2020, the Planning Commission held a public hearing to consider the second draft of proposed amendments to the Short-term Rental (STR) Ordinance, Santa Fe City Code (SFCC) Section 14-6.2(A)(5)-(6), (8). The Commission voted unanimously to recommend that the Governing Body adopt the proposed legislation. In this memorandum, the Commission provides additional comments for consideration by the Governing Body and other committees prior to adoption.

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).

Twenty-one people provided live public comment at the October 15, 2020 hearing. The Commission also received timely written comments from the Santa Fe Association of Realtors. We understand that City staff received additional written comments after the comment deadline. Although late comments were not submitted to the Commission for consideration on October 15, staff volunteered to compile late written comments and submit them for consideration at subsequent committee meetings and hearings.

The Commission offers the following comments for consideration by the members of the Governing Body.

1. **Permit Not Transferrable [page 7, lines 9-16]:**

Subparagraph 14-6.2(A)(5)(c)(iv) of the draft legislation would retain the existing limitation on permit transfers and states that "a permit is not transferrable to another person or property." This limitation would apply only to short-term rental units located on residentially zoned property. The second draft of the legislation clarifies that a transfer that does not result in new ownership of the property, such as the transfer to a trust or LLC, does not constitute a transfer for purposes of this subparagraph.

The Commission suggests consideration of further amendments to this provision, based on the following concerns: (1) this provision could have a negative impact on families and communities because it would prevent transfers to spouses and immediate family members, including in situations where there is a death in the family; and (2) if a property owner invests in restoring and maintaining a house or historic property, a subsequent buyer should be able to realize the benefit of the rental income.

2. Frequency of Rental [page 7, lines 17-18]:

Subparagraph 14-6.2(A)(5)(c)(v) of the draft legislation would retain the following limitation, which currently exists in the ordinance: "A permitted short-term rental unit shall not be rented more than once within a seven (7)-day period." The limitation would apply only to short-term rental units located on residentially zoned property.

The Commission notes that more than half of the public commenters objected to the inclusion of this provision within the ordinance. Commenters noted that this limitation is difficult to understand, enforce, and apply; that this limitation poses an unnecessary restriction on short-term rental owners and operators who are trying to generate income; and that this limitation reduces employment opportunities, economic activity, and tax revenue in the City.

A majority of the Commissioners concluded that the one rental within a seven day period provision is more restrictive than necessary and warrants further consideration, based on the following concerns: (1) allowing owners and operators to manage rentals in a more flexible manner permits them to maintain and improve their properties and to stimulate the economy; and (2) this provision has not been enforced in the past, and given enforcement capabilities, this provision will be difficult to enforce in the future.

3. <u>Proximity to Residentially Zoned Property [page 8, lines 12-15]:</u>

Subparagraph 14-6.2(A)(5)(d)(2)(A) would limit the density of short-term rental units on non-residentially zoned properties that are within close proximity to residentially zoned property as follows: “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.”

Several commenters objected to this provision at the October 15, 2020 hearing. The Commission recommends further consideration of this provision because it would treat short-term rental, which is a permitted use in the Business Capitol District, differently than other commercial uses, including hotels and motels, which may have greater negative impacts on neighboring residential areas. If this provision is retained, the Commission suggests revising it, because the way it is currently drafted, a three-plex located within the 200’ buffer zone could have three registered short-term rental units, whereas a four-plex located within the 200’ buffer zone could have only one registered short-term rental unit (25%).

Short Term Rentals and Access to Housing in Santa Fe

Kelly O'Donnell PhD
O'Donnell Economics & Strategy

June 2019

homewise®

Thornburg Foundation

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Funding for this report provided by the Thornburg Foundation
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FINDINGS:

The number of STRs in Santa Fe has increased markedly since 2014.

STR growth is slowing, suggesting that Santa Fe's STR market is nearing saturation.

About 60 percent of Santa Fe's 1,444 active whole-unit STRs are registered with the City.

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.

Non-compliance with the Lodgers and Gross Receipts taxes by STR hosts is costing the City of Santa Fe $3.8 million annually.

Non-compliance with the gross receipts tax, which appears to be almost universal among STR hosts, is costing the City $1.6 million each year.

Fifteen percent of single family homes listed on Santa Fe County's tax rolls have owners who reside outside New Mexico. In central Santa Fe the percentage of absentee owners exceeds 20 percent. The city's current STR registry does not include registrants' primary address, thus it is difficult to determine how many STRs are 'hosted' by out-of-state entities.

Incentives to construct new Accessory Dwelling Units (ADUs) or use ADUs as long term rentals can help to increase Santa Fe's housing supply, but such policies, even if very successful, can make only a small dent in Santa Fe's profound shortage of affordable housing and must therefore be part of a larger package of housing reforms and investments.

RECOMMENDATIONS:

Enforce registration requirements. Ensure that all active STRs are registered with the City by actively seeking out unregistered properties and punishing non-compliance.

Educate STR hosts about their obligation to pay both the Lodgers Tax and the Gross Receipts Tax, even if the platform(s) on which they list their properties cannot, or will not, automatically collect and remit one or both taxes. The City can improve GRT compliance by requiring STR hosts to supply a CRS number at registration and advising hosts of the correct NAICS code under which to report their STR gross receipts. At the state level, rescinding property tax breaks for second homes can make taxes more equitable and generate additional revenue for affordable housing.

Invest in affordable housing. All additional revenue attributable to enforcement of the GRT and Lodgers tax should be dedicated to the City's Affordable Housing Trust Fund. The City can take advantage of recent legislation de-earmarking certain local option gross receipts taxes to direct more gross receipts tax revenue to housing.

Reduce barriers to construction of affordable housing by:

- Reducing costs associated with permitting, impact fees and water rights for affordable housing developers.
- Revising zoning standards to eliminate conflicting requirements and encourage development of mixed-used affordable housing projects.
- Streamlining the development approval process to expedite affordable housing approvals while ensuring adequate community input.
- Reducing regulatory barriers to ADU construction.

Support state legislative proposals that fund affordable housing and promote tax fairness:

- Limit the 3 percent cap on annual valuation increases to owner-occupied homes so that the property tax on vacation homes and STRs is based upon true market value and tax burden is distributed more equitably.
- Authorize local governments to impose an occupancy surtax on STRs to fund affordable housing.

Lack of affordable housing is one of the greatest challenges facing Santa Fe in 2019. Recent proliferation of short term rentals (STRs) marketed on platforms like Airbnb has contributed to the rapid escalation of home prices and rents. Although additional regulation of STRs may be called for at some point, enforcement of existing regulations and taxes is a critical first step toward minimizing the impact of STRs on access to affordable housing. More vigorous enforcement of STR registration requirements and increased Gross Receipts and Lodger's Tax compliance by STR hosts could generate as much as $3.8 million in annual revenue that the City could *and should* put toward affordable housing.

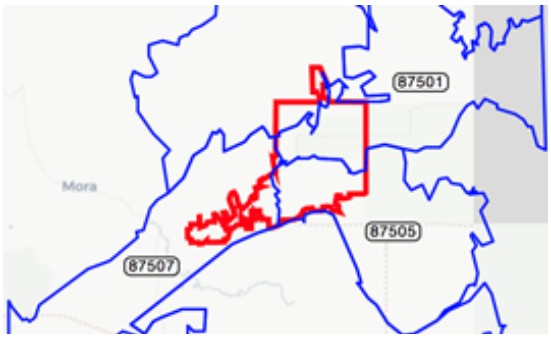
Short Term Rentals in Santa Fe

There are over 1,600 active short term rentals (STRs) in the City of Santa Fe. Ninety percent of the city's STRs (1,444 units) are entire houses or apartments. Over half of Santa Fe's whole-unit STRs are available all year, indicating that they serve solely as short-term rentals.

Table 1: 2018 revenue whole-unit STRs by zip code

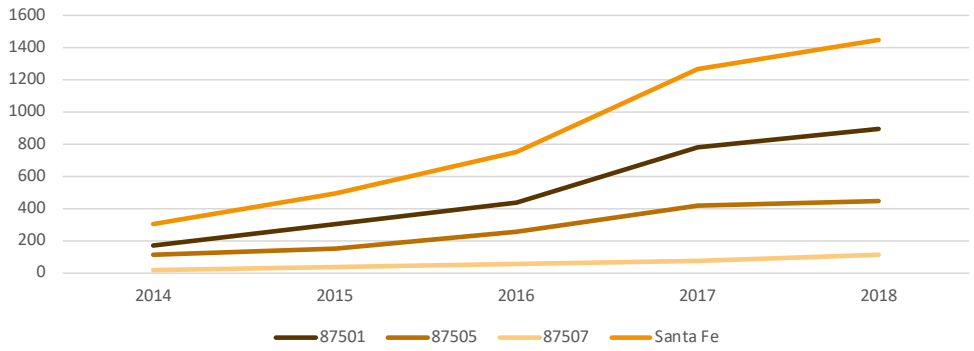
Zip Code	2018 Revenue
87501	$33.8 MM
87505	$17.3 MM
87507	$2.9 MM
Grand Total	$54.0 MM

Figure 1: Santa Fe city limits and zip code boundaries



Between December 2014 and December 2018 the number of whole-unit STRs increased 380 percent, climbing from roughly 300 to 1,444 (Figure 2).

Figure 2: Whole house/apartment STRs, Santa Fe 2014-18



Source: AirDNA (See: "Data Used in this Analysis" at the end of this report)

As of March 2019, the STR registry maintained by the City of Santa Fe listed 871 STRs, or about 60 percent of active whole-unit properties.

STR Hosts and Market Concentration

The 1,444 whole-unit STRs currently active in Santa Fe are operated by approximately 646 individual hosts. 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.

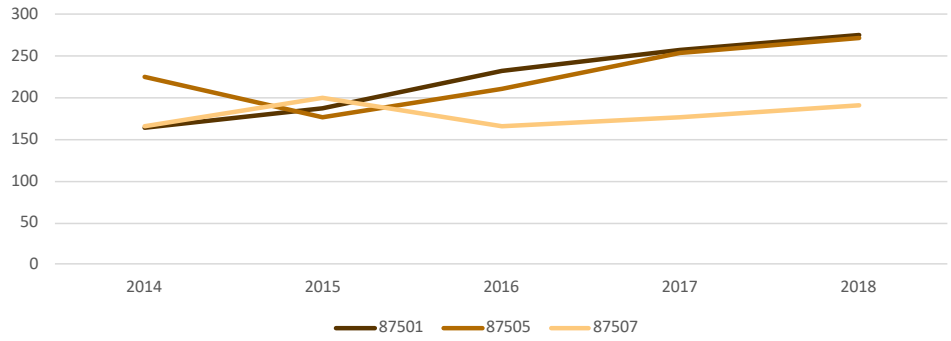
STR Revenue and Market Saturation

Santa Fe's STR market generated over $54 million in revenue in 2018, an average of $83,591 per host.

STR rates are determined by supply and demand. When demand for a particular type of property exceeds supply, hosts can charge more. As the supply of STRs increases, competition among hosts drives prices down. Average daily revenue is thus one indicator of STR market saturation.

Despite recent dramatic increases in the number of STRs active in Santa Fe, average daily revenue continues to increase faster than inflation, indicating that Santa Fe's STR market is maturing but has yet to reach saturation (Figure 3).

Figure 3: STR average daily revenue by zip code



Source: AirDNA

Tax Collections

Non-compliance with the Lodgers and Gross Receipts taxes by STR hosts is costing the City of Santa Fe $3.8 million annually. Although Lodgers tax compliance has improved recently, the City is still collecting less than half of the revenue it appears to be entitled to. Non-compliance with the gross receipts tax, which appears to be almost universal among STR hosts, is costing the City $1.6 million annually.

Short term rentals are subject to Santa Fe's 7 percent Lodgers Tax and the New Mexico Gross Receipts Tax, which currently totals 8.44 percent within the city limits.

Lodger's tax is voluntarily collected and remitted to the city by some, but not all, short term rental platforms. In 2018 the City collected $1.6 million in lodgers tax from STRs, or about 42 percent of the tax due on $54 million in receipts.

Revenue from the gross receipts tax is shared by city, county and state governments. City local option tax increments account for 1.81 percentage points of the GRT and the state returns an additional 1.225 percentage points of GRT collections to the City in the form of a municipal credit, bringing the City's share of the GRT collected within city limits to 3.04 percentage points, or 36 percent of total collections.

Although Airbnb voluntarily collects and remits Santa Fe's Lodger's Tax, none of the STR platforms currently collect New Mexico's GRT. ***The lack of automated collections does not exempt STR hosts from GRT, but very few Santa Fe hosts appear to be paying the tax.*** In fact, review of data from the New Mexico Taxation and Revenue Department (TRD) indicates that Santa Fe STRs paid $95,225 in GRT in fiscal year 2018, about 2 percent of the $4.6 million in GRT due on $54 million in receipts.

Figure 4 shows the gross receipts tax due on $54 million in STR receipts by taxing jurisdiction. Full compliance with the GRT by STR hosts would generate $1.6 million for the City, over $800,000 for Santa Fe County and over $2 million for the State of New Mexico.

Figure 4: Gross receipts taxes due on 2018 Santa Fe STR revenue

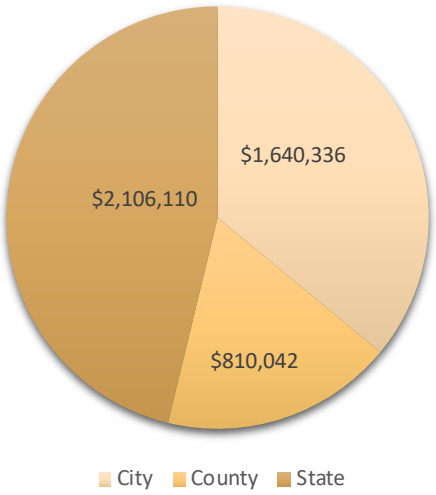


Table 2 shows the full fiscal impact on the City of Santa Fe of non-compliance with existing taxes by STR hosts.[1]

Table 2: Fiscal impact of STR tax non-compliance

	GRT	Lodgers	Total
Total Due	$1,640,336	$3,780,197	$5,420,533
Collections	-$34,281*	-$1,600,000	-$1,634,281
Net Fiscal Impact	$1,606,055	$2,180,197	$3,786,252

*Source: New Mexico Taxation and Revenue rp80 FY 2018
City of Santa Fe NAICS code 72119 and 721199

The estimate of foregone GRT is based on analysis of TRD's Quarterly RP-80 reports, which provide data on taxable gross receipts by local government jurisdiction and industrial sector. TRD classifies businesses using six-digit North American Industry Classification System (NAICS) codes. Short term rentals fall under NAICS code 721199 which comprises "establishments primarily engaged in providing short-term lodging (except hotels, motels, casino hotels, and bed-and-breakfast inns)."

Sometimes taxpayers inadvertently report gross receipts under the wrong NAICS code. This is particularly true for taxpayers who engage in multiple types of taxable business activity. It is possible that some of the GRT revenue not showing up under 721199 is being reported under a different NAICS code.

Lodgers Surtax

State law earmarks all Lodgers Tax revenue for promotion of tourism.[2] Legislation considered by the 2019 New Mexico State Legislature[3] would have authorized the imposition of an occupancy surtax of up to 2 1⁄2 percent of the gross taxable rent on STRs. The new surtax would be added onto the lodgers taxes STR hosts are already required to pay, but the additional revenue would be dedicated to affordable housing.

Impact on Affordable Housing

The conversion of houses and apartments into short-term rentals reduces the supply of housing, putting upward pressure on rents and home prices citywide. Since December 2014, the number of STRs in Santa Fe has increased by an average of 50 percent per year. During that same period, rents increased by an annual average of 4.9 percent and median home prices rose by an annual average of 10 percent.

The extent to which STRs have contributed to the rapid escalation of Santa Fe's housing costs is not known with certainty; but, based on results of a national study, it appears that about 20 percent of the city's housing cost growth since 2014 can be attributed to the proliferation of STRs.

[1] Note that collections of GRT in Table 3 reflect only the City's 36 percent share of GRT revenue generated within city limits.

[2] 3-28-21 NMSA 1978

[3] S.B. 7, 54th Legislature, 2019 Reg. Sess. (NM)
Bill text and analysis available at: https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=7&year=19

Table 3: Santa Fe housing stock by zip code

	87501	87505	87507
Total Housing Units	10,374	17,382	20,019
Owner Occupied	5,125	8,830	12,697
Renter Occupied	2,878	6,171	5,914
Vacant homes	2,371	2,381	1,408
Entire house/apt STRs (12/18)	889	447	108
STRs as a percent of housing stock	8.6%	2.6%	0.5%

*Includes vacation homes

The immediate impact of STRs is concentrated in the areas of town most popular with tourists. Table 3 shows the supply of housing and the number of whole house/apartment STRs by zip code. Not surprisingly, Santa Fe's STRs are clustered in the downtown area. Over 60 percent of STRs are located in zip code 87501. STRs also consume a far larger share of the total housing stock in 87501 than they do in either 87505 or 87507.

Also noteworthy are the large number of homes in 87501 and 87505 classified as 'vacant.' These houses are primarily second homes.[4] According to the Santa Fe County Assessor's Office, 15 percent of single family homes listed on the County's tax rolls have owners who reside outside New Mexico. In central Santa Fe the percentage of absentee owners exceeds 20 percent. The city's current STR registry does not include registrants' primary address, thus it is difficult to determine how many STRs are 'hosted' by out-of-state entities.

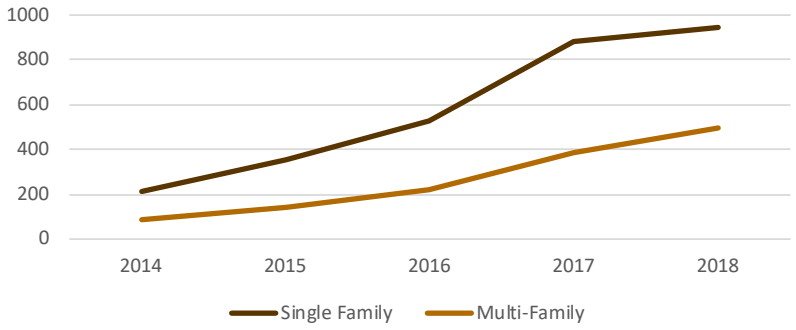
Property Tax Subsidies for Vacation Homes & STRs

Provisions of New Mexico's property tax code originally intended to help low and moderate income homeowners stay in their homes now subsidize the purchase of second homes and STRs by out-of-state residents. In 2001, the State enacted a law prohibiting assessors from raising the valuation of residential property by more than 3 percent annually, provided that the property did not change owners. The law was intended to prevent long-time resident homeowners from being forced from their homes by high property taxes, however its provisions also apply to residential property that is not the owner's principal place of residence (e.g. vacation homes and STRs.) Limiting the 3 percent cap to primary residences has been suggested as a way to both decrease the property tax burden on state residents and raise additional funds that could be put toward affordable housing.

[4] The Census Bureau classifies homes that are not a primary residence as vacant.

Figure 5 shows the growth in number of whole-unit STRs by housing type. Growth in the number of single family homes being used as STRs appears to be leveling off while the number of STRs in multi-family developments continues to increase rapidly.

Figure 5: *Santa Fe whole-unit STRs by type*



Source: AirDNA

The City of Santa Fe permitted the construction of 587 new residential units in between March 2018 and 2019 (Table 5). During the same period, about 170 whole houses/apartments were added to the city's inventory of STRs, diminishing net growth in the housing stock by about 29 percent.

Table 5: Residential Building Permits, City of Santa Fe
3/2018 – 3/2019

Type	Units
Guesthouse (Accessory Dwelling Unit)	19
New Single Family housing	248
Units in Multifamily developments	320
Total housing stock additions	587

Source: City of Santa Fe

Downtown and eastside property values and rents are already quite high and thus few low- or moderate-income Santa Fe residents are directly displaced by STR conversions. However, the loss of long term housing in affluent neighborhoods increases the demand for housing in other parts of the city, creating a domino effect that ultimately results in higher housing costs citywide.

The size of this impact is hard to pinpoint and likely varies by location. A recent national study found that every 1 percent increase in the number of STRs produces a .024 percent increase in rents and a .037 percent increase in housing prices.[5] Since December 2014, the number of STRs in Santa Fe has increased by an average of 50 percent per year. During that same period, rent for a single family home increased by an annual average of 4.9 percent and median home prices rose by an annual average of 10 percent. If Santa Fe follows the trend observed nationally, this level of STR growth would translate into a 1.2 percent annual increase in rents and a 1.8 percent annual increase in home prices over the four-year period.

Home prices and long-term rents both rose substantially between December 2014 and December 2018. Table 6 shows the percent growth in purchase price and monthly rents for single family homes in Santa Fe.

Table 6: Santa Fe Single Family Homes, Percent Change in Housing Costs by Zip Code 12/2014 - 12/2018

Zip code	Purchase Price	Median Rent
87501	28%	19%
87505	48%	22%
87507	41%	15%

Data acquired from Zillow.com/data on April 1, 2019.

[5] Barron, K., Kung, E. and Proserpio, D., The Sharing Economy and Housing Affordability: Evidence from Airbnb (March 29, 2018). Available at SSRN: http://dx.doi.org/10.2139/ssrn.3006832

Accessory Dwelling Units

An accessory dwelling unit (ADU) is a second dwelling unit on the same property as the main house. The ADU is owned by the owner of the main house and the two houses cannot be bought or sold separately. When ADUs are used as long-term rentals (LTRs) they are additions to the housing stock that provide low density housing and alternatives to large scale apartment complexes.

ADUs constituted about 3 percent of new residential units permitted by the City of Santa Fe between March 2018 and March 2019 (Table 5). Increasing the number of ADUs used as long-term housing could help to increase the supply of housing available to Santa Fe residents. In a 2018 report, the Santa Fe Housing Action Coalition, a group of business interests and non-profits that includes many Santa Fe affordable housing providers, recommended that the City remove regulatory barriers to ADU construction by minimizing parking requirements when adequate on-street parking is available, allowing second story ADUs where permitted by zoning, permitting flexible setbacks and reducing lot coverage requirements, and eliminating owner-occupancy requirements for long-term rental units.[6]

While incentives to construct new ADUs or/and utilize ADUs as long-term rentals can help to increase Santa Fe's housing supply, such policies, even if very successful, can make only a small dent in Santa Fe's profound shortage of affordable housing and must therefore be part of a larger, more ambitious package of affordable housing reforms and investments.

RECOMMENDATIONS:

The results of this analysis have important policy implications for the City of Santa Fe. Although more stringent regulation of STRs may be called for at some point, rigorous enforcement of current law is an essential first step toward minimizing the negative impact of STRs and generating revenue with which to offset those effects.

Enforce registration requirements. Ensure that all active STRs are registered with the City by actively seeking out unregistered properties and levying fines for non-compliance.

Educate STR hosts about their obligation to pay both the Lodgers Tax and the Gross Receipts Tax, even if the platform(s) on which they list their properties cannot, or will not, automatically collect and remit one or both taxes. The City can improve GRT compliance by requiring STR hosts to supply a CRS number at registration and advising hosts of the correct NAICS code under which to report their STR gross receipts.

Invest in affordable housing. Additional revenue attributable to enforcement of the GRT and Lodgers tax should be dedicated to the City's Affordable Housing Trust Fund. State law enacted in 2019 de-earmarked a number of municipal and county local option taxes, allowing local governments greater discretion in allocating GRT revenue. The City of Santa Fe can take advantage of this new flexibility to

[6] Santa Fe Housing Action Coalition (2018) Casitas Build Community Accessory Dwelling Unit Regulatory Recommendations. Retrieved from: https://santafehousingaction.org

direct additional GRT revenue from STRs to affordable housing.[7] At the state level, rescinding property tax breaks for second homes can make taxes more equitable and generate additional revenue for affordable housing.

Reduce barriers to construction of affordable housing by:

- Reducing compliance costs associated with permitting, impact fees and water rights.
- Revising zoning standards to eliminate conflicting requirements and encourage development of mixed-used affordable housing projects.
- Streamlining the development approval process to expedite affordable housing approvals while ensuring adequate community input.
- Reducing barriers to ADU construction by amending the City's ADU ordinance to:
  - Allow parking requirements to be met with on-street parking, when available.
  - Replace the current requirement that ADUs be "of the same architectural style as the main house" with the requirement that ADUs follow existing neighborhood design guidelines.
  - Allow for two-story casitas if already permissible in the neighborhood.
  - Discourage the use of ADUs for STRs by requiring that the homeowner live on the property.
  - Encourage the use of ADUs for long term rentals by eliminating owner-occupancy requirements for long-term rental units.

Support state legislative proposals that fund affordable housing and promote tax fairness:

- Limit the 3 percent cap on annual valuation increases to owner-occupied homes so that the property tax on vacation homes and STRs is based upon true market value and tax burden is distributed more equitably.
- Authorize local governments to impose an occupancy surtax on STRs to fund affordable housing.

Data Used in This Analysis

This analysis utilizes a property performance dataset purchased from AirDNA in March 2019.[8] AirDNA is a data analytics company that aggregates data from STR platforms using a process known as web scraping and uses algorithms to sort through the data and identify unique properties and STR hosts. The resulting data present a generally accurate picture of the STR market but can be somewhat imprecise at the individual property level. To enhance accuracy, estimates derived from the AirDNA data were cross-checked against aggregate results for the City of Santa Fe produced by Host Compliance, another major purveyor of STR data.

Additional data sources utilized in this report include the US Census American Community Survey (ACS), Zillow, New Mexico Taxation and Revenue Department, the Santa Fe County Assessor's Office, and the

[7] 2019 N.M. Laws, ch. 274.

[8] https://www.airdna.co/custom-vacation-rental-reports

City of Santa Fe Land Use Department. ACS data were used to estimate baseline housing supply. Data acquired from Zillow.com were used to track property values and rents over time. The Assessor's Office provided data on all properties listed on the Santa Fe County tax rolls from 2015 through 2019. The City's Land Use Department provided access to the STR registry and provided a listing of residential building permits issued since 2014.

ACTION SHEET
PUBLIC WORKS AND UTILITES COMMITTEE MEETING OF 10/26/2020

ISSUE NO. 9E

Consideration of Bill No. 2020-32: 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, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

COMMITTEE REVIEW:
Planning Commission 10/15/2020
Quality of Life Committee – 10/26/2020
Governing Body (request to publish) – 10/28/2020
Finance Committee – 11/02/2020
Public Works and Utilities Committee: 11/09/2020
Governing Body: 12/09/2020

PUBLIC WORKS AND UTILITES COMMITTEE ACTION: Pulled by Councilor Garcia. Approved to forward to 11/02/2020 Finance Committee with no Recommendation

SPECIAL CONDITIONS OR AMENDMENTS:
Finance Amendment made for the 11/02/2020 Finance Committee.

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR RIVERA, CHAIR	X		
COUNCILOR GARCIA	X		
COUNCILOR ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR VIGIL COPPLER	X		

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 11/02/20
FOR CITY COUNCIL MEETING OF 11/10/20

a) Consideration of Bill No. 2020-32: 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, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and 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
Public Works and Utilities Committee:	11/9/20
Governing Body (public hearing):	12/9/20

FINANCE COMMITTEE ACTION:
Approved on Discussion to move forward with original sponsor amendments.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

Direction to staff

VOTE	**FOR**	**AGAINST**	**ABSTAIN**
COUNCILOR ROMERO-WIRTH	x		
COUNCILOR CASSUTT-SANCHEZ	x		
COUNCILOR LINDELL	x		
COUNCILOR VILLARREAL	x		
CHAIRPERSON ABEYTA	x		

City of Santa Fe New Mexico
Memorandum

Date: November 6, 2020

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

From: Regina Wheeler, Public Works Department Director
Jesse Guillen, Legislative Liaison

RE: Legislative Priorities 2021

ITEM AND ISSUE:

Adoption of the City's annual Legislative Priorities for the 2021 Legislative session.

BACKGROUND AND SUMMARY:

Every year the City adopts its legislative priorities for the next year's legislative session. The Resolution includes capital outlay for city-wide projects as well as for district-specific projects. The city-wide capital outlay include the following:

1. $890,000 for the addition of COVID-safe elements to the Southside Teen Center;
2. $10,000,000 for expansion of the Santa Fe Regional Airport;
3. $1,000,000 to renovate and repair City parks that allow for COVID-safe activities;;
4. $8,000,000 to reduce maintenance and improve beautification and safety; and
5. $10,000,000 for infrastructure improvements at Midtown Santa Fe.

District priorities include:

1. $150,000 to repave Paseo de las Vistas;
2. $150,000 for pedestrian and bike safety improvements on certain portions of Pacheco Street and Siringo Road;
3. $150,000 for improvements to the Tierra Contenta trail system; and
4. $150,000 to design pedestrian, bicycle, and drainage improvements along Governor Miles Road.

The Resolution also includes legislative priorities that would be beneficial to the City of Santa Fe and its residents. Those items include support for the following issues:

1. The transfer of State land located adjacent to Midtown Santa Fe in exchange for City-owned property currently occupied by the NM Department of Public Safety;
2. The legalization and taxation of recreational cannabis that provides municipalities the ability to regulate local zoning provides an unrestricted portion of the tax on sales, establishes strict guidelines for packaging and advertising, and pardons and expunges the

records of those who are, or have been, incarcerated for certain marijuana-related charges;
3. Establishment of a regional drug treatment facility;
4. Legislation that allows the creation of a State public bank;
5. Legislation that ensures hold harmless payments are not eliminated or further reduced;
6. Various sustainability initiatives including establishing a community solar program, promoting of water reuse and planning, and any other legislation that advances the environmental sustainability goals of the City;
7. Eliminating the 3% cap on annual property tax increases on residences that are not owner-occupied as the owner's principal place of residence;
8. Establishment of an occupancy surtax that would be used to defray the cost of providing affordable housing or to leverage federal funding for affordable housing; and
9. Any initiatives that would improve and expand early childhood education.

The Resolution also directs the City's lobbyist to support certain New Mexico Municipal League priorities as established in Exhibit A, support any legislation deemed to be beneficial to the City and its residents, and work against any legislation deemed to be harmful to the City and its residents.

ACTION REQUESTED:

Adopt the Resolution as presented.

ATTACHMENTS:

Resolution
Exhibit A – New Mexico Municipal League Legislative Priorities
Fiscal Impact Report

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

ESTABLISHING CITY OF SANTA FE LEGISLATIVE PRIORITIES FOR CONSIDERATION BY THE NEW MEXICO STATE LEGISLATURE DURING THE 55TH LEGISLATURE – STATE OF NEW MEXICO – FIRST SESSION, 2021.

WHEREAS, the 60-day Legislative Session of the 2021 New Mexico State Legislature begins on January 19, 2021 and ends on March 20, 2021; and

WHEREAS, the Governing Body desires to establish City of Santa Fe legislative priorities to be considered by the City of Santa Fe Legislative Delegation and the New Mexico State Legislature; and

WHEREAS, the Governing Body has other legislative priorities it desires to be considered by the New Mexico State Legislature, including City of Santa Fe city-wide capital outlay priorities, City of Santa Fe statutory priorities, City of Santa Fe general fund priorities, City of Santa Fe City Council District capital outlay priorities, and other legislative priorities beneficial to the City to be introduced during the 2021 New Mexico Legislative Session.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE

CITY OF SANTA FE that the Governing Body hereby establishes the following city-wide capital outlay legislative funding priorities for consideration by the New Mexico Legislature during the 2021 Legislative Session:

1. From any statewide capital outlay initiative associated with the addition of COVID-safe elements to the construction of Southside Teen Center, the City of Santa Fe requests **$890,000** for this project to provide essential services to help teens succeed.

2. From any statewide capital outlay initiative associated with economic development, the City of Santa Fe requests funding in the amount of **$10,000,000** for the expansion of the Santa Fe Regional Airport terminal building and related infrastructure, including an expansion to accommodate additional airlines, flights, increase seating, and enhance the flow of passenger traffic.

3. From any statewide capital outlay initiative associated with municipal parks, the City of Santa Fe requests funding in the amount of **$1,000,000** that will be used to renovate and repair city parks that allow for COVID-safe activities for resident well-being.

4. From any statewide capital outlay initiative associated with medians, the City of Santa Fe requests **$8,000,000** to reduce maintenance and improve beautification and safety throughout the City.

5. From any statewide capital outlay initiative to support economic development, the City of Santa Fe requests **$10,000,000** to plan, design, and construct infrastructure within the Midtown Santa Fe property including, but not limited to, digital, transportation, drainage, facility, and utility infrastructure.

BE IT FURTHER RESOLVED that the Governing Body requests the Legislature enact a Joint Resolution ratifying and approving the transfer of one or more tracts of City of Santa Fe-owned real property to the State of New Mexico Department of Public Safety in trade and exchange for the transfer of multiple tracts of State-owned real property to the City of Santa Fe, New Mexico.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses legislation

during the 2021 Legislative Session that would legalize the sale and consumption of recreational cannabis that gives municipalities the ability to regulate it through local zoning, gives municipalities an unrestricted portion of the tax on sales, establishes strict guidelines for packaging and advertising, and pardons and expunges the records of those who are, or have been, incarcerated for certain marijuana-related charges.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses the establishment of a regional drug treatment facility that would serve the residents of Santa Fe and northern New Mexico established and funded by revenue derived from the taxation on the legal sale of recreational cannabis.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses legislation during the 2021 Legislative Session that would allow for a New Mexico Public Bank owned by and for the people of New Mexico that would direct the State's investment decisions to support and diversify the economy including achieving goals in eco-tourism, food security, solar energy installations, broadband expansion, health clinic upgrades, and clean energy infrastructure projects.

BE IT FURTHER RESOLVED that the Governing Body requests the New Mexico State Legislature pass legislation during the 2021 Legislative Session which would amend New Mexico's tax law to allow for the imposition of additional gross receipts taxes on out-of-state vendors and implement a formula for calculating the distribution of gross receipts tax revenue from out-of-state vendors which ensures fair and equitable distribution to municipalities and counties.

BE IT FURTHER RESOLVED that the Governing Body request the New Mexico State Legislature work to ensure that the New Mexico Taxation and Revenue Department charges administrative fees connected to the distribution of gross receipts tax revenue in accordance with applicable New Mexico state statutes which limit such fees to 3% and that any repayment sought by the New Mexico Taxation and Revenue Department pursuant to the overpayment of gross receipts tax revenue to a county or municipality be limited in time as provided for by applicable New Mexico state

statutes.

BE IT FURTHER RESOLVED that the Governing Body requests that the New Mexico State Legislature ensure hold harmless payments to counties and municipalities are not eliminated or further reduced and returned to their original schedule and/or ensure that any tax reform continues to hold counties and municipalities harmless in lieu of the enactment of legislation reinstating the gross receipts tax on food and medical.

BE IT FURTHER RESOLVED that the Governing Body request that the New Mexico State Legislature appropriate money from the general fund to support the Santa Fe Thrive public safety program which allows law enforcement officers to work with the Santa Fe Fire Department to redirect persons suspected of involvement in non-violent, low-level crimes to community-based services in lieu of prosecution or jail.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that improves broadband infrastructure throughout the state, specifically as it relates to associated economic development.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that supports the development and construction of affordable housing to decrease and/or subsidize the cost of housing for residents of Santa Fe and New Mexico.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that would authorize the development of a community solar program that provides customers with the voluntary option of accessing solar energy produced by a community solar facility through a subscription process.

BE IT FURTHER RESOLVED that the Governing Body requests the New Mexico State Legislature support legislation that promotes water reuse and water planning and other legislation designed to improve overall sustainability at the state and local level.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any

legislation that would support municipal recycling program,; product packaging changes that reduce waste, and programs that support recycling market development.

BE IT FURTHER RESOLVED that the Governing Body supports any legislation that advances the environmental sustainability goals of the City of Santa Fe including carbon neutrality, ecological resilience, economic vitality, and quality of life and social equity.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that would eliminate the 3% cap on annual property tax increases on residences that are not owner-occupied as the owner's principal place of residence.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that establishes an occupancy surtax, the proceeds of which would be used by municipalities and counties to defray the cost of providing affordable housing or to leverage federal funding for affordable housing.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation or initiatives of the Legislature or Administration that would improve and expand early childhood education.

BE IT FURTHER RESOLVED that the Governing Body supports and endorses any legislation that would increase funding for the New Mexico Tourism Department for use in advertising, a state-wide co-op grant program, and personnel expansion that restores the reduction in services at the Department between 2010-2018.

BE IT FURTHER RESOLVED that the Governing Body requests the New Mexico State Legislature adopt legislation that pertains to statewide business licensing that permit business owners to operate in all cities, counties, and municipalities provided business owners comply with local and use and safety requirements.

BE IT FURTHER RESOLVED that the Governing Body endorses legislation that amends the Public Employees Retirement Act's definition of "salary" in NMSA 1978, Section 10-11-2, to

include fire fighters' overtime hours that are inherent to a regular shift schedule.

BE IT FURTHER RESOLVED that the Governing Body hereby establishes the following City Council District capital outlay legislative funding priorities for improvements of citywide infrastructure for consideration by the New Mexico Legislature during the 2021 Legislative Session:

1. For a capital outlay initiative located within **City Council District 1**, as identified in the 2022-2026 ICIP submittal of the City, funding is requested in the total amount of **$150,000** to repave Paseo de las Vistas.

2. For a capital outlay initiative located within **City Council District 2**, funding is requested in the total amount of **$150,000** for pedestrian and bike safety improvements in dense business areas on Pacheco Street from Alta Vista to San Mateo and on Siringo Road from Pacheco Street to St. Francis Drive.

3. For a capital outlay initiative located within **City Council District 3**, funding is requested in the total amount of **$150,000** for improvements to the Tierra Contenta trail system.

4. For a capital outlay initiative located within **City Council District 4**, funding is requested in the total amount of **$150,000** to design pedestrian, bicycle, and drainage improvements along Governor Miles Road.

BE IT FURTHER RESOLVED that the Governing Body directs the City lobbyist to work with the New Mexico Municipal League in support of any Municipal League 2021 Legislative Priority (see attached Exhibit A) where the City of Santa Fe would benefit from the passage of such initiative.

BE IT FURTHER RESOLVED that the Governing Body directs the City lobbyist to make any capital outlay project directly or indirectly included in the City of Santa Fe ICIP Priority List a priority.

BE IT FURTHER RESOLVED that the Governing Body directs the City lobbyist to work to advance any legislation introduced during the 2021 New Mexico Legislative Session deemed to be beneficial to the City of Santa Fe.

BE IT FURTHER RESOLVED that the Governing Body directs the City lobbyist to work to defeat any legislation introduced during the 2021 New Mexico Legislative Session deemed to be detrimental to the City of Santa Fe.

BE IT FURTHER RESOLVED that while this Resolution represents a majority of the intent of the Governing Body as to 2021 New Mexico legislative priorities, other timely priorities may be approved by the Governing Body, incorporated into the City's 2021 state legislative agenda, and forwarded to the City's lobbying team for action.

BE IT FURTHER RESOLVED that the City Clerk be directed to forward a copy of this Resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

PASSED, APPROVED, and ADOPTED this ___ day of _____, 2020.

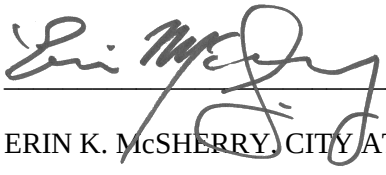
_____

ATTEST: ALAN WEBBER, MAYOR

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



_____

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/Legislative Priorities 2021

FIR No. 3292

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Legislative Priorities 2021

Sponsor(s): Mayor Webber

Reviewing Department(s): Public Works, Legislative Services

Staff Completing FIR: Regina Wheeler/Jesse Guillen Date: 10/27/20 Phone: 955-6622/955-6518

Reviewed by City Attorney: _____ Date: Nov 6, 2020

Reviewed by Finance Director: _____ Date: _____

Summary:
The proposed Resolution establishes the legislative and capital outlay requests for the City of Santa Fe for the 2021 Legislative Session. City-wide funding requests would provide enhanced COVID-safe elements to the Southside Teen Center, final funding to complete the expansion of the Santa Fe Regional Airport terminal building, renovation and repairs to City parks for resident well-being, reduction in maintenance and enhanced beautification and safety of medians city-wide, and digital, transportation, drainage, facility, and utility infrastructure improvements to the Midtown Property. Other legislative priorities include support for the legalization and taxation of recreational cannabis, legislation that would allow for the creation of a State Public Bank, improvements to state-wide broadband infrastructure, legislation that supports the development and construction of affordable housing, and any legislation that advances the environmental sustainability goals of the City in advancement of the 2045 carbon neutrality commitment.

Departments Affected:
All departments.

Consequences of Not Enacting Legislation:
Because the delegation and lobbyist would not be given direction on items to support or oppose, this could negatively affect the amount of capital outlay the City receives from the Legislature and statutory outcomes for the City's preferred initiatives.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
None identified. The Governing Body has adopted a similar Resolution in past years.

Performance and Administrative Implications:
Any capital outlay received will require project management and administration. Resources are in place.

Fiscal Implications:
The City stands to gain funding for capital priorities. No costs associated with the adoption of the Resolution.

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:

NO EXPENDITURES WITHOUT REVENUE

Revenue

Revenue Type	FYE _22_	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$ 100K - $3M	$	$	NR	
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$	$		

Revenue Narrative:

Adoption of this Resolution, and subsequent action by the Legislature in accordance with the priorities established in this Resolution, may result in capital appropriations as well as changes in state statutes that bring revenue to the general fund.

Signature:

Email: rawheeler@santafenm.gov

Signature:

Email: jbguillen@ci.santa-fe.nm.us

New Mexico Municipal League

2021 LEGISLATIVE PRIORITIES

Adopted By:
NMML Board of Directors
October 3, 2020
Via Zoom - Santa Fe

The New Mexico Municipal League Board of Directors adopted the following priorities for the League's Action Program during the 2021 Legislative Session.

TAXATION & REVENUE

- **State and Local Tax Reform.** *(Resolution 2020-18).* The NMML will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico.

- **Relationship between the Taxation and Revenue Department and Municipalities.** *(Resolution 2020-19)*. The NMML will continue to make every effort possible to improve the relationship between the Department and municipalities.

- **Hold Harmless Gross Receipts Tax Distributions**. *(Resolution 2020-20)*. Supports legislation for a continuation of Hold Harmless GRT distributions.

- **Local Government Safety Net Act**. *(Resolution 2020-22)*. Seeks legislation to obtain revenue replacement for municipalities.

PUBLIC SAFETY

- **Law Enforcement and Mental Health Professionals Crisis Intervention for the Mentally Ill**. *(Resolution 2020-31).* Seeks legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams.

- **Enhancing Safety in Public Schools**. *(Resolution 2020-33).* Proposes to:
  - amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
  - fund technology to enhance school safety;
  - further increase penalties regarding school shooting threats to a felony;
  - support new bullying legislation to include monitoring and follow-up on threats made by social media; and
  - provide training through a School Safety Omnibus bill to respond to Active Shooters.

- **Police Body Cameras and Public Records Implications**. *(Resolution 2020-34).* Supports legislation with the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage.

- **Fire Fund**. *(Resolution 2020-35).* Supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and its beneficiaries.

- **Creation of a Police Reform Committee**. *(Resolution 2020-37).* A request be made to the Governor to appoint and convene a committee of police executives, elected officials, community members, and other stakeholders to identify and set the goals for police reform. Additionally, the State Legislature should consider a well-reasoned approach to achieve effective police reform.

COMMUNITY & ECONOMIC DEVELOPMENT

- **State Grants for Libraries**. *(Resolution 2020-5).* Endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

- **Job Creation Incentives in Rural Low Income Areas**. *(Resolution 2020-11).* Seeks legislation to provide funding and legislative support for a Rural Job Creation Incentive Program.

- **An Amendment to Article 10 Local Economic Development 5-10-3 Definitions M. Retail Business (1) And (2) To Support Retail Business; Setting A Percentage of Municipal Economic Development Act Funds for Municipalities with Populations Over 35,000; Setting A Sunset Date.** *(Resolution 2020-13). S*eeks legislation to amend the language contained in Article 10 dealing with Local Economic Development retail businesses.

ENVIRONMENT

- **Water Conservation Fee**. *(Resolution 2020-17).* Urges the Legislature to:

  - Support NMED sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund; and

  - Modify the Act requiring the Taxation and Revenue Department to collaborate with NMED in identifying water systems on the status of water conservation fund payments; and

  - Consideration of any increase in the Fund should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act.

RESOLUTION 2020-18

CONCERNING STATE AND LOCAL TAX REFORM

Whereas, the New Mexico Municipal League is aware of various proposals for tax reform in the state; and

Whereas, the New Mexico Municipal League is generally supportive of state and local tax reform that will result in increased revenues for both state and local governments.

Now, Therefore, Be It Resolved that the New Mexico Municipal League will continue to participate in the Tax Policy Advisory Committee (TPAC) to develop a tax reform plan for the State of New Mexico; and

Be It Further Resolved that the Tax Policy Advisory Committee (TPAC) has representation from the New Mexico Municipal League and the New Mexico Counties in order to give input on state and local tax reform.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 FIRT Committee Priority: **HIGH**

RESOLUTION 2020-19

CONCERNING THE RELATIONSHIP BETWEEN THE TAXATION AND REVENUE DEPARTMENT AND MUNICIPALITIES

Whereas, in order for municipalities to function efficiently and provide necessary services to citizens, it is imperative that municipalities be assured that the revenues they are receiving are being accounted for and distributed properly; and

Whereas, New Mexico Municipalities pay the state 3% of Local Option Gross Receipts Taxes collected for administration and distribution of the tax; and

Whereas, municipalities desire to have a functioning and trusting relationship with the Taxation and Revenue Department that would result in cooperation between the Department and municipalities with the Department sharing as much information as possible with municipalities; and

Whereas, municipalities desire that the Department become consistent in the type of information it is willing and able to share with municipalities so municipalities can utilize the information for analysis purposes and to compare the Department's data against Municipal Business Registrations.

Now, Therefore, Be It Resolved that the New Mexico Municipal League calls on the Taxation and Revenue Department to make every effort possible to improve the relationship between the Department and municipalities; and

Be It Further Resolved that New Mexico Municipal League members stand ready to discuss with the Taxation and Revenue Department ways in which the relationship between the department and municipalities can be improved.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 FIRT Committee Priority: **HIGH**

RESOLUTION 2020-20

CONCERNING MUNICIPAL HOLD HARMLESS GROSS RECEIPTS TAX DISTRIBUTIONS

Whereas, in 2004, the New Mexico Legislature exempted food and some medical services from Gross Receipt Taxes and provided payments to cities and counties to replace the lost revenue with a Hold Harmless Gross Receipts Tax; and

Whereas, in a last-minute action during the 2013 Legislative Session, lawmakers passed a bill to phase out the Hold Harmless payments over a 15 year period beginning in 2015; and

Whereas, over a dozen of New Mexico's largest municipalities cannot replace the revenue lost from the State's exemption of the Food and Medical GRT from the tax base and the three-eighths hold harmless increment is insufficient to replace the loss in revenue.

Now, Therefore, Be it Resolved that the New Mexico Municipal League seeks legislation for a continuation of Hold Harmless GRT distributions.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 FIRT Committee Priority: **HIGH**

RESOLUTION 2020-22

CONCERNING LOCAL GOVERNMENT SAFETY NET ACT

Whereas, events related to COVID-19 community spread are expected to create a revenue shortfall, including projections of significantly-reduced gross receipts tax revenue; and

Whereas, seventy percent (70%) of municipal budgets are derived directly from gross receipts tax revenue; and

Whereas, significantly-reduced revenue tied to such a large percentage of municipal budgets will require similarly significant cuts to municipal spending absent robust, State-based relief efforts; and

Whereas, municipalities are already struggling to maintain basic services.

Now, Therefore, Be It Resolved that the New Mexico Municipal League will seek legislation to obtain revenue replacement for municipalities.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 FIRT Committee

RESOLUTION 2020-31

CONCERNING LAW ENFORCEMENT AND MENTAL HEALTH PROFESSIONALS CRISIS INTERVENTION FOR THE MENTALLY ILL

Whereas, one of the greatest challenges first responders face in New Mexico and across the nation is how to effectively respond to people who have mental health disorders or who are in crisis; and

Whereas, HJM 17 (2011) made recommendations to reduce the number of individuals with mental health disorders who require law enforcement intervention; and

Whereas, New Mexico Law Enforcement agencies, Fire Personnel, EMS, and their supporting agencies are the first responders when dealing with a person who suffers from mental illness or is in crisis and such response requires adequate resources, knowledge, and equipment if such a response is to be compassionate, effective and in the best interests of the individual; and

Whereas, it is the responsibility of the State Legislature to provide adequate resources devoted to dealing with the issue of mental illness in New Mexico. This responsibility extends to all social service agencies and advocacy groups whose mission is to assist citizens suffering from mental illness, thereby reducing the need for Law Enforcement Personnel to respond to individuals in mental health crisis; and

Whereas, New Mexico Law Enforcement personnel are frequently drawn into numerous contacts with citizens suffering from mental illness or who are in crisis, and options for placement and treatment of these citizens are not readily available; and

Whereas, the risk of physical confrontation between the citizen suffering from mental illness or crisis and responding Law Enforcement personnel is high and such confrontations may result in serious injury or death to the citizen, bystanders or to the responding Law Enforcement personnel; and

Whereas, New Mexico Law Enforcement Personnel currently receive basic training on how to assess and handle those suffering from Mental illness as part of the New Mexico Law Enforcement Academy training curriculum pursuant to HB 93; and

Whereas, one of the paramount challenges facing New Mexico Law Enforcement agencies is the lack of adequate support resources for effectively handling and de-escalating potentially deadly situations involving a person or persons in crisis, the first responder and the general public. Having these support options readily available is critical when first responders arrive on-scene to prevent further tragedy. The critical missing link is the availability of Crisis Intervention Teams comprised of specifically trained Law Enforcement Personnel and Mental Health Professionals who will engage in the crisis intervention process on scene as a team; and

Whereas, New Mexico Law Enforcement recognizes and has identified the lack of available resources and professionals specifically trained in crisis intervention and dealing with the mentally ill, and has determined this to be a state wide issue which is not regionalized to a single urban, suburban or rural area. Law Enforcement agencies across the state face the same challenges in not having the readily available resource

of an available Crisis Intervention Team to assist in de-escalating potentially deadly situations and bring about a safe resolution; and

Whereas, New Mexico Law Enforcement seeks to establish a collaborative partnership with Mental Health professionals, and develop regionally based Crisis Intervention Teams throughout New Mexico that can offer immediate assistance either telephonically, or in person, thereby incorporating a level of expertise and intervention which would provide an additional resource for de-escalating a potentially deadly situation and obtaining the proper emergency assistance needed for the person or persons in crisis; and

Whereas, New Mexico Law Enforcement proposes to partner with Mental Health Professionals statewide in developing regionalized teams to effectively handle potentially volatile situations involving those who suffer from mental illness and are in crisis. This partnership in creating Regional Crisis Intervention Teams will serve as an essential tool for first responders in de-escalating potentially deadly situations, and would make sure those who are in crisis get the appropriate medical care, that especially in rural areas, is often not available pursuant to Section 43-1-10 NMSA 1978; and

Whereas, existing Crisis Intervention Teams that exist in New Mexico's larger law enforcement agencies are available to use as a model and resource for the proposed regional Crisis Intervention Teams.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams that would be established and utilized to further support the Law Enforcement and First Responder mission of protecting and assisting a person or persons in crisis, protecting the remainder of the New Mexico community from the potential negative effects of contacts with those in crisis, and furthering collaborative efforts that would mitigate the amount and severity of negative contacts with those in crisis, thus avoiding further tragic loss of life.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

RESOLUTION 2020-33

CONCERNING ENHANCING SAFETY IN PUBLIC SCHOOLS

Whereas, the Public Employee's Retirement Act (PERA) requires retired police officers to suspend their retirement cost of living adjustments if they are employed by a school whose employees are included under the Educational Retiree's Act (ERA) making it difficult to hire retired law enforcement officers; and

Whereas, current state statutes have making a bomb threat a Felony, but currently state statues for making a school shooting threat, involving school campuses, or affecting students and school staff are classified as misdemeanors. This includes threats using social media; and

Whereas, firearms possession is not regulated by state law for individuals with mental health issues, history of violence, or other demonstrated instability creating situations where currently individuals in crisis lawfully have access to firearms. Those individuals are not under any restriction from purchasing firearms in the unstable, crisis condition they are in; and

Whereas, School districts have not been funded to upgrade and/or install any security measures they deem necessary to protect their students and staff including but not limited to technology to enhance school security with card access, surveillance cameras, perimeter fencing, staff/student/visitor ID systems, intrusion alarm systems, security/police on-site personnel, etc.; and

Whereas, statues to mitigate bullying have not been effectively enforced.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation to:

- amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
- fund technology to enhance school safety;
- further increase penalties regarding school shooting threats to a felony;
- support new bullying legislation to include monitoring and follow-up on threats made by social media; and
- provide training through a School Safety Omnibus bill to respond to Active Shooters.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 PS Committee Priority: **MEDIUM**

RESOLUTION 2020-34

CONCERNING POLICE BODY CAMERAS AND PUBLIC RECORDS IMPLICATIONS

Whereas, trust between law-enforcement agencies and the public is vital for the delivery of high-quality public safety services; and

Whereas, the use of body-worn cameras can help law-enforcement agencies strengthen performance, accountability, and transparency; and

Whereas, in other jurisdictions, the use of body-worn cameras has improved the documentation of evidence for investigations and court proceedings and reduced the number of use of force incidents and complaints against officers; and

Whereas, Police Officers collect body-worn camera footage in a number of sensitive locations in performance of their duties, such as private residences, during sensitive non-criminal citizen encounters, at graphic crime scenes and in locations such as hospitals and emergency rooms; and

Whereas, the Inspection of Public Records Act was written well before the introduction of body-worn cameras and consequently did not contemplate the attendant privacy implications surrounding the use of body-worn cameras; and

Whereas, Senate Bill 8 from the First Special Session of the 54th Legislature created two new causes of action under the New Mexico Tort Claims Act, both of which require peace officers to collect and law enforcement agencies to store body-worn camera footage, and neither of which contemplated the public records implications of such a requirement.

Now, Therefore Be It Resolved the New Mexico Municipal League and the New Mexico Association of Chiefs of Police, strongly encouraged the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage that addresses the following:

(1) Limit Public access to and release of data from body-worn camera footage in regards to privacy consideration concerning body-worn cameras.

(2) Inspection, redaction, and production of footage including: reasonable time-line for production and reasonable cost recovery for production and redaction of footage.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 PS Committee Priority: **HIGH #3**

RESOLUTION 2020-35

CONCERNING THE FIRE FUND

Whereas, the current practice of the New Mexico State Legislature is to use potentially unconstitutional notwithstanding language to divert funds from the Fire Protection Fund; and

Whereas, the current practice will be opposed by all beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Grant Fund shall only be used to support administrative services directly benefiting beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Fund shall only revert to the Fire Protection Fund; and

Whereas, the current statute ensures that increases to insurance excise tax goes in to the distribution to fire departments.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and it's beneficiaries.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 PS Committee Priority: **HIGH #5**

RESOLUTION 2020-37

CONCERNING THE CREATION OF A POLICE REFORM COMMITTEE

Whereas, police leaders, elected officials and community members should work together to develop and implement solutions regarding concerns over policing practices and operations. It is imperative that these efforts reflect a balanced strategic approach to combating crime and prioritizing community safety; and

Whereas, emotions are running high and politically expedient measures are being taken and unfortunately implementation of policy or other short sided measures are being hastily implemented without input and do not accomplish community and police engagement; and

Whereas, the Governor and the State of New Mexico should engage in a balanced approach so as not to negatively impact the quality of life for all citizens of our great State by soliciting input from all stakeholders, including Police Chiefs and Sheriffs, in all matters effecting implemented changes; and

Whereas, comprehensive police reform will be a challenge and all parties should be engaged, including law enforcement leadership, to collectively establish effective, transparent and lasting institutional change.

Now, Therefore, Be It Resolved that a request be made to the Governor to appoint and convene a committee of police executives, elected officials, community members, and other stakeholders to identify and set the goals for police reform. As another legislative session quickly approaches, many “reform” bills are already being drafted and presented, and there should be comprehensive discussions to accomplish well-reasoned approaches to achieve effective police reform. Currently, we see a series of disconnected ideas that have not been analyzed and discussed that may in fact, either not accomplish or work against, the goals of true police reform. Law enforcement is bound by public service duty to keep all communities safe. Because of that commitment, the ultimate outcome shall be to implement change together. With the Governor’s appointment, this committee will engage in future, ongoing discussions to ascertain ideas that shall result in effective, transparent and accountable police reform across New Mexico.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

RESOLUTION 2020-5

CONCERNING STATE GRANTS FOR LIBRARIES

Whereas, New Mexico public libraries provide books and other materials and services to meet the informational, educational, cultural and recreational needs of all New Mexicans; and

Whereas, the effectiveness of a library is determined by its ability to deliver current, accurate information in a timely manner through books and materials answering community needs; and

Whereas, advances in technology have made information resources increasingly accessible electronically; and

Whereas, the demand for library resources continues to rise while the cost of providing the resources is beyond local funding capacity; and

Whereas, publicly funded libraries have increased their effectiveness by sharing their resources electronically, enabling public, school and college libraries to coordinate the use of scarce library funds within the community and statewide; and

Whereas, public libraries have experienced a substantial growth in usage, yet many municipalities lack resources to support adequate funding for library collections and operating expenditures; and

Whereas, the current state grants-in-aid distribution is $0.57 per capita; and

Whereas, the national average for public library state grants in aid is $3.55 per capita.

Now, Therefore, Be It Resolved That the New Mexico Municipal League endorses the passage of legislation to increase the appropriation to the library division of the Cultural Affairs Department to provide grants-in-aid for local library services and operations.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 CEDGO Committee Priority: **HIGH**

RESOLUTION 2020-11

CONCERNING JOB CREATION INCENTIVES IN RURAL LOW INCOME AREAS

Whereas, many rural New Mexico communities face significant economic sustainability challenges; and

Whereas, existing New Mexico incentives for economic development and job creation generally have little impact in New Mexico's smaller rural communities and these communities are underserved by existing programs; and

Whereas, many smaller rural New Mexico communities lack resources to implement effective economic development programs, promote private investment and incentivize job creation; and

Whereas, many smaller rural New Mexico communities experience lower median household income and median wage and salary than state-wide averages.

Now, Therefore, Be It Resolved, that the New Mexico Municipal League seeks legislation to provide funding and legislative support for a Rural Job Creation Incentive Program that would be established and administered under the New Mexico Economic Development Department to fund rural employment expansion grants to business entities for creation of qualifying full time jobs created in a municipality of less than 15,000 population, where annual median household income is 85% or less than state-wide New Mexico annual median household income.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

2020 CEDGO Committee Priority: **MEDIUM / LOW**

RESOLUTION 2020-13

CONCERNING AN AMENDMENT TO ARTICLE 10 LOCAL ECONOMIC DEVELOPMENT 5-10-3 DEFINITIONS M. RETAIL BUSINESS (1) AND (2) TO SUPPORT RETAIL BUSINESS; SETTING A PERCENTAGE OF MUNICIPAL ECONOMIC DEVELOPMENT ACT FUNDS FOR MUNICIPALITIES WITH POPULATIONS OVER 35,000; SETTING A SUNSET DATE

Whereas, since 2002, more than 83 communities throughout the State of New Mexico have implemented a Local Economic Development Act (LEDA) tax increment to assist in incentivizing economic development in their communities; and

Whereas, throughout the nation, the retail industry is a significant economic driver in municipalities regardless of their size; and

Whereas, many municipalities throughout the State of New Mexico have experienced a negative economic impact due to the COVID-19 pandemic, which has also had a significant impact on the retail industry and, subsequently, municipal gross receipts tax; and

Whereas, in the State of New Mexico, municipalities with populations less than 35,000 have the ability to support retail for economic development purposes in their communities, while municipalities with populations larger than 35,000 are not currently able to utilize the Local Economic Development Act (LEDA) for retail industry in their community, thereby placing them at a competitive disadvantage; and

Whereas, for larger municipalities, retail business is a major economic driver, where the municipality is a retail hub for the surrounding area, attracts shoppers from throughout the area, including other states and counties when the municipality is located on the periphery of the state. For hub municipalities, retail business greatly positively impacts the gross receipts tax potential; and

Whereas, to allow municipalities the ability to adapt to the current economic climate, greater latitude in the expenditure of LEDA funds is needed to allow municipalities the ability to self-determine how to expend their LEDA funds to better reflect the economic development needs of their community. Current state legislation impedes that ability; and

Whereas, in order to address the economic development needs of New Mexico's municipalities, an amendment to the current language of the Local Economic Development Act (LEDA) funding Article 10 Local Economic Development 5-10-3 Definitions M "retail business" (1) and (2) is recommended as follows:

▪ ***Current Language*** - *M. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population, according to the most recent federal decennial census, of:*

(1) Fifteen thousand or less; or

(2) More than fifteen thousand but less than thirty-five thousand if:

(a) the economic development project is not funded or financed with state government revenues; and

(b) the business created through the project will not directly compete with an existing business that is: 1) in the municipality; and 2) engaged in the sale of the same or similar goods or commodities at retail.

▪ ***Proposed Language*** *- M. "retail business" means a business that is primarily engaged in the sale of goods or commodities at retail and that is located in a municipality with a population, according to the most recent federal decennial census, of:*

(1) Fifteen thousand or less; or

(2) More than fifteen thousand but less than thirty-five thousand if:

(a) the economic development project is not funded or financed with state government revenues; and

(b) the business created through the project will not directly compete with an existing business that is: 1) in the municipality; and 2) engaged in the sale of the same or similar goods or commodities at retail.

(3) For a period with a sunset date of June 30, 2030,municipalities with more than thirty-five thousand but less than two-hundred thousand may use up to twenty-five percent (25%)of municipal LEDA funding for retail development if the economic development project is not funded or financed with state government revenues.

Now, Therefore, Be It Resolved, that the New Mexico Municipal League seek legislation to amend the language contained in Article 10 Local Economic Development 5-10-3 Definitions M retail business" to allow municipalities, including municipalities over 35,000 the ability to address their individual and unique economic development needs; and

Be It Further Resolved, for municipalities larger than 35,000 but smaller than 200,000 that there be a sunset date of June 30, *2030*.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

RESOLUTION 2020-17

CONCERNING THE WATER CONSERVATION FEE

Whereas, the Water Conservation Fee Act (the Act) was adopted by the New Mexico Legislature in 1993, with further amendments adopted in 2013; and

Whereas, the Act created a water conservation fee imposed on every public water supply system in an amount equal to three cents ($.03) per thousand gallons of water produced on which the fee imposed by some water systems has not been paid; and

Whereas, the Act created the "water conservation fund" in the state treasury to be administered by the Department of Environment. The fund shall consist of water conservation fees collected pursuant to this section. Balances in the fund at the end of any fiscal year shall not revert to the general fund but shall accrue to the credit of the fund. Earnings on the fund shall be credited to the fund; and

Whereas, money in the water conservation fund is appropriated to the Department of Environment for administration of a public water supply program to:

(1) Test public water supplies for the contaminants required to be tested pursuant to the provisions of the federal Safe Drinking Water Act (SDWA), and collect chemical compliance samples as required under the relevant provisions of the federal act;

(2) Perform vulnerability assessments which will be used to assess a public water supply's susceptibility to those contaminants; and

(3) Implement new requirements of the Utility Operators Certification Act [61-33-1 NMSA 1978] and provide training for all public water supply operators; and

Whereas, the Taxation and Revenue Department shall provide by regulation for the manner and form of collection of the water conservation fee. All water conservation fees collected by the Taxation and Revenue Department, less the administrative fee withheld pursuant to Section 1 [7-1-6.41 NMSA 1978] of this 1997 act, shall be deposited in the water conservation fund; and

Whereas, the fee imposed by this section shall be administered in accordance with the provisions of the Tax Administration Act [7-1-1 NMSA 1978] and shall be paid to the Taxation and Revenue Department; and

Whereas, current expenditures under the Water Conservation Fund exceed revenues due to increased analytical fees and personnel costs, as well as additional and more stringent sampling requirements; and

Whereas, there are systems that are not paying into the fund but still receiving sampling and analytical services from NMED using Water Conservation Fund monies, thus helping to deplete available funding available to those systems paying into the fund.

Now, Therefore, Be It Resolved that the New Mexico Municipal League:

- Urges the Governor of New Mexico and the New Mexico Legislature to support NMED's sampling and analysis efforts through the appropriation of funds to ensure an adequate balance in the Water Conservation Fund;

- Urges the Legislature to modify the Act in a manner requiring the Tax and Revenue Department to collaborate with NMED on a regular basis to identify those systems on a regular basis which are, and are not, paying the required fees into the Water Conservation Fund;

- Urges the NM Legislature to modify the Act to enact requirements that Water Conservation Fund revenues only be expended by NMED on those systems current with their required payments into the fund. Additionally, Water Conservation Fund revenues should not be used to pay for any increased sampling that may be required of systems as a result of their noncompliance with the SDWA;

- Requests that NMED should also provide an annual list of all sampling and analysis required under the provisions of the SDWA, which are covered by the Fund, as intended by the 2013 amendments to the Act;

- Any increase to the Water Conservation fees are justified to the public. If fees are increased, the increase should be scheduled with adequate time provided for water systems to prepare and raise their system fees and/or budgets as appropriate. If the Conservation Fee levels are increased, the increase should be implemented incrementally, and should be sufficient to cover all sampling and analytical requirements of the federal Safe Drinking Water Act; and

Be It Further Resolved, that the New Mexico Municipal League is committed to continuing its recent collaboration and efforts with the New Mexico Environment Department to address the lack of adequate revenues in the Water Conservation Fund to fulfill the intent purposes of the Act.

Passed, Approved and Adopted this 3rd day of September at the City of Santa Fe, New Mexico.

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

DATE: October 28, 2020

TO: Finance Committee, Governing Body

VIA: Mary T. McCoy, Finance Director MTM MTM

FROM: Andy Hopkins, Principal Budget Analyst AJH AJH

ITEM AND ISSUE:

Request for Approval of a Budget Amendment Resolution for the Quarter Ending September 30, 2020 (First Quarter)

BACKGROUND AND SUMMARY:

Attached is a Resolution listing increases/decreases to the FY 2020/21 operating and CIP budget. All of these amendments are included in this amendment Resolution because they result in a net increase or decrease to the various funds affected, and thus require DFA/LGD approval as part of the quarterly budget Resolution. The schedule of detail supporting these increases/decreases is presented in four sections:

A. Amendments to FY 2020/21 Budget That Have Previously Been Approved by City Council: these budget amendments have been previously approved by the Governing Body, and reflect amendments that exceed $60,000 and that result in a net increase or decrease to any funds (and do not represent re-appropriations of unspent budget amounts from the prior year); per City ordinance, such amendments require Governing Body approval. They are included in this Resolution for the purpose of summarizing all quarterly budget amendments on a single resolution to provide to the New Mexico Department of Finance and Administration/Local Government Division (DFA/LGD) for their review and approval. Presentation of these amendments on a single resolution in this way is much more efficient than the alternative of presenting a revised resolution to DFA/LGD for each and every individual budget amendment approved by City Council.

B. Amendments to FY 2020/21 Budget That Have Not Previously Been Approved by City Council: these amendments were approved by and executed under the authority of the

Finance Director (if the net budgetary change to any fund was under $5,000) or the City Manager (if the net budgetary change was between $5,000 and $60,000), as per City ordinance. Also included are purely technical corrections and re-appropriations of unspent prior year budget amounts (including amounts over $60,000), which, per City ordinance, are approved and entered based on the prior year's City Council-approved budget authority, and subsequently submitted on a quarterly basis for City Council review and approval.

C. Joint Operations (Buckman Direct Diversion & Santa Fe Solid Waste Management Agency) – Board-Approved Amendments to FY 2020/21 Budget: as the title of this section attests, these amendments reflect net changes to the Buckman Direct Diversion (BDD) and SF Solid Waste Management Agency (SFSWMA) joint operations budgets, approved and entered under the authority of the governing boards of those entities. Like the amendments outlined above, these budgetary changes are included in this Resolution for the purpose of presenting all quarterly net budgetary fund changes to DFA/LGD for their approval as required.

D. Summary of All Quarterly Amendments to FY 2020/21 Budget by Fund: this section summarizes the net changes to all City funds detailed in the previous three sections (A-C). As shown at the bottom of this section, these amendments result in a net increase to the City's overall expenditure budget of $94,172,203 and a net increase to the overall revenue budget of $35,456,065. The resulting net expenditure increase of $58,716,138 (over and above additional revenue) is supported by current budgeted revenues and/or available fund balances.

The Budget Office submits all amendments resulting in net budgetary fund changes on a quarterly basis for Finance Committee consideration and City Council approval, and subsequently submits said amendments to DFA/LGD after approval by the Governing Body.

ACTION RECOMMENDED:

Recommend these amendments to the Governing Body for approval. After City Council approval, the Resolution will be forwarded to DFA/LGD for their approval as required.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Finance Committee

A RESOLUTION

RELATING TO A REQUEST FOR APPROVAL OF FIRST QUARTER BUDGET AMENDMENTS FOR FISCAL YEAR 2020/2021.

WHEREAS, a First Quarter Review of the Fiscal Year 2020/2021 Budget shows a need to address significant priorities.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body does request authorization for budget amendments as detailed on the attached Resolution Detail by Fund (see Attachment A), hereby incorporated as part of this resolution.

BE IT FURTHER RESOLVED that it is respectfully requested that authorization to implement the First Quarter Budget Amendments be granted by the Local Government Division of the New Mexico Department of Finance and Administration.

PASSED, APPROVED, and ADOPTED the ___ day of _____, 2020.

_____

ALAN WEBBER, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

ERIN K. McSHERRY, CITY ATTORNEY

_____

LOCAL GOVERNMENT DIVISION

N.M. DEPARTMENT OF FINANCE

AND ADMINISTRATION

CITY OF SANTA FE

1ST QUARTER FY 2020/21

~ ~ ~

SUB-SECTION [A]

AMENDMENTS TO FY 2020/21 BUDGET THAT HAVE PREVIOUSLY BEEN APPROVED BY CITY COUNCIL

CITY OF SANTA FE - FIRST QUARTER FY 2020/2021
SUB-SECTION [A]: BUDGET AMENDMENTS PREVIOUSLY APPROVED BY CITY COUNCIL

Fund	*Fund Title*	*Amendment Description*	*Expenditure Increase (Decrease)*	*Revenue Increase (Decrease)*	*Budgeted Net Fund Increase (Decrease)*
Council-Approved Capital Improvements Program (CIP) Budget Amendments:					
232	Impact Fees Fund	Allocation of Roads Impact Fees to the Agua Fria/S. Meadows Rd. Intersection Improvements project *[CC apvd. 9/9/20, #10-k]*	$ 54,000	$ -	$ (54,000)
330	CIP Streets & Roadways	Allocation of NM DOT Grant and Roads Impact Fees to the Agua Fria/S. Meadows Rd. Intersection Improvements project *[CC apvd. 9/9/20, #10-k]*	216,000	216,000	-
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget from the Fire Station #2 project and reallocation to various CIP projects *[CC apvd. 9/9/20, #10-j]*	6,000,000	-	(6,000,000)
505	Water Management	Appropriation for the booster station repair/replacement CIP project *[CC apvd. 8/12/20, #10-d]*	839,962	-	(839,962)
Subtotal - Council-Approved Capital Improvements Program (CIP) Budget Amendments			***$ 7,109,962***	***$ 216,000***	***$ (6,893,962)***
Other Council-Approved Budget Amendments:					
212	Economic Development	Appropriation of CARES Act grant for youth job training and workforce development *[CC apvd. 9/17/20, #4-a]*	$ 300,000	$ 300,000	$ -
212	Economic Development	Appropriation of CARES Act grant for purchase of the NOVID City/County-wide contact tracing app *[CC apvd. 9/17/20, #4-a]*	15,000	15,000	-
213	Lodgers' Tax Fund	Appropriation of CARES Act grant funding for virtual tourism e-commerce support *[CC apvd. 9/17/20, #4-a]*	150,000	150,000	-
213	Lodgers' Tax Fund	Appropriation of CARES Act grant funding to support Tourism website upgrades and enhancements for COVID issues *[CC apvd. 9/17/20, #4-a]*	115,000	115,000	-
213	Lodgers' Tax Fund	Appropriation of CARES Act grant funding for artist microgrants/training and buildout for Community Gallery opening *[CC apvd. 9/17/20, #4-a]*	75,000	75,000	-
221	Emergency Services	Appropriation of CARES Act grant for purchase of personal protective equipment and supplies *[CC apvd. 9/17/20, #4-a]*	500,000	500,000	-
221	Emergency Services	Appropriation of CARES Act grant for COVID ambulance response support *[CC apvd. 9/17/20, #4-a]*	250,000	250,000	-
240	Community Development	Appropriation of CARES Act grant for CONNECT Program emergency funding *[CC apvd. 9/17/20, #4-a]*	3,660,000	3,660,000	-
240	Community Development	Appropriation of CARES Act grant funding for gap financing of a motel purchase to provide COVID-safe shelter for homeless residents *[CC apvd. 9/17/20, #4-a]*	2,000,000	2,000,000	-
240	Community Development	Appropriation of CARES Act grant funding to provide support for school-aged children engaged in distance/hybrid learning *[CC apvd. 9/17/20, #4-a]*	1,060,000	1,060,000	-
240	Community Development	Appropriation of CARES Act grant funding for Finance Department project management and assistance for procurement, reconciliation and reporting *[CC apvd. 6/24/20, #19-a]*	734,958	734,958	-
240	Community Development	Appropriation of CARES Act grant funding to provide food and shelter for homeless residents *[CC apvd. 9/17/20, #4-a]*	400,000	400,000	-

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
240	Community Development	Appropriation of CARES Act grant funding to support safe housing for homeless residents at the Midtown Property *[CC apvd. 6/24/20, #19-a]*	361,227	361,227	-
240	Community Development	Appropriation of CARES Act grant funding to purchase and equip a COVID response Mobile Hygiene Unit *[CC apvd. 9/17/20, #4-a]*	212,000	212,000	-
240	Community Development	Appropriation of CARES Act grant funding to support Santa Fe Promise campaign strategic communications *[CC apvd. 6/24/20, #19-a]*	200,000	200,000	-
240	Community Development	Appropriation of CARES Act grant funding for COVID emergency sick leave and family medical leave *[CC apvd. 6/24/20, #19-a]*	150,000	150,000	-
240	Community Development	Appropriation of CARES Act grant funding to support improved online telework training *[CC apvd. 6/24/20, #19-a]*	20,000	20,000	-
241	Senior Citizen Grants/Programs	Appropriation of NM Agency on Aging grant to support the Nutrition Services Incentive Program *[CC apvd. 9/30/20, #11-c]*	111,126	111,126	-
241	Senior Citizen Grants/Programs	Appropriation of Federal Agency on Aging grant to support senior congregate and home-delivered meals *[CC apvd. 9/30/20, #11-d]*	61,325	61,325	-
251	Library Fund	Appropriation of CARES Act grant funding to provide Library technology for online learning *[CC apvd. 9/17/20, #4-a]*	250,000	250,000	-
254	Public Facilities Fund	Appropriation of CARES Act grant funding for parks and open space maintenance staffing support *[CC apvd. 6/24/20, #19-a]*	150,000	150,000	-
254	Public Facilities Fund	Appropriation of CARES Act grant funding to support parks and open space security services *[CC apvd. 6/24/20, #19-a]*	100,000	100,000	-
325	CIP Special Projects	Appropriation of CARES Act grant to support ERP e-services expansion *[CC apvd. 9/17/20, #4-a]*	250,000	250,000	-
365	½% GRT Income Fund	Appropriation of CARES Act grant for COVID-safe facilities improvements *[CC apvd. 9/17/20, #4-a]*	437,000	437,000	-
365	½% GRT Income Fund	Appropriation of CARES Act grant for purchase of telecommuting equipment *[CC apvd. 9/17/20, #4-a]*	300,000	300,000	-
365	½% GRT Income Fund	Appropriation of CARES Act grant to provide free public wi-fi to COVID-affected areas in Council Districts 2, 3 & 4 *[CC apvd. 9/17/20, #4-a]*	270,000	270,000	-
365	½% GRT Income Fund	Appropriation of CARES Act grant to support the E-Gov expansion project *[CC apvd. 9/17/20, #4-a]*	250,000	250,000	-
500	Waste Water Management	Appropriation from available balance for treatment plant upgrades and improvements *[CC apvd. 9/9/20, #10-m]*	298,193	-	(298,193)
520	Santa Fe Convention Center	Appropriation of CARES Act grant funding to support air purification retrofits to the Convention Center facility *[CC apvd. 9/17/20, #4-a]*	62,000	62,000	-
550	Genoveva Chavez Community Ctr	Appropriation of CARES Act grant funding to support the Mobile Recreational School-Age Youth Program *[CC apvd. 6/24/20, #19-a]*	560,000	560,000	-
550	Genoveva Chavez Community Ctr	Appropriation of CARES Act grant funding to support COVID-safe outdoor recreational activities *[CC apvd. 6/24/20, #19-a]*	45,000	45,000	-
550	Genoveva Chavez Community Ctr	Appropriation of CARES Act grant funding to support parks monitoring/social distancing and protective services *[CC apvd. 6/24/20, #19-a]*	40,000	40,000	-

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
550	Genoveva Chavez Community Ctr	Appropriation of CARES Act grant funding to support outreach/ engagement for City-sponsored COVID-safe activities *[CC apvd. 6/24/20, #19-a]*	25,000	25,000	-
Subtotal - Other Council-Approved Budget Amendments			***$ 13,412,829***	***$ 13,114,636***	***$ (298,193)***
TOTAL - Budget Amendments Previously Approved by City Council			***$ 20,522,791***	***$ 13,330,636***	***$ (7,192,155)***

CITY OF SANTA FE

1ST QUARTER FY 2020/21

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SUB-SECTION [B]

AMENDMENTS TO FY 2020/21 BUDGET THAT HAVE NOT PREVIOUSLY BEEN APPROVED BY CITY COUNCIL

CITY OF SANTA FE - FIRST QUARTER FY 2020/2021
SUB-SECTION [B]: BUDGET AMENDMENTS NOT PREVIOUSLY APPROVED BY CITY COUNCIL

Fund	*Fund Title*	*Amendment Description*	*Expenditure Increase (Decrease)*	*Revenue Increase (Decrease)*	*Budgeted Net Fund Increase (Decrease)*
100	General Fund	Re-appropriation of unspent prior year budget for purchase of Police vehicles and equipment	$ 605,299	$ -	$ (605,299)
213	Lodgers' Tax Fund	Appropriation of funding to support marketing efforts for the Northern NM Air Alliance	32,481	-	(32,481)
223	Law Enforcement	Re-appropriation of unspent prior year budget for purchase of Police vehicles and equipment	410,204	-	(410,204)
223	Law Enforcement	Re-appropriation of unspent prior year budget for replacement of Municipal Court air conditioning units	8,500	-	(8,500)
231	City Drainage Fund	Re-appropriation of unspent prior year budget for the ongoing Arroyo Chamiso CIP project	120,443	-	(120,443)
231	City Drainage Fund	Re-appropriation of unspent prior year budget for ongoing Santa Fe River drainage repairs projects	112,159	-	(112,159)
231	City Drainage Fund	Re-appropriation of unspent prior year budget for the ongoing Siler Yards CIP project	101,845	-	(101,845)
231	City Drainage Fund	Re-appropriation of unspent prior year budget for the ongoing Ricardo-Don Jose drainage CIP project	8,353	-	(8,353)
240	Community Development	Re-budget remaining portion of prior year US HUD CDBG grants to support the SF Community Housing Trust and Homewise	210,880	134,880	(76,000)
241	Senior Citizen Grants/Programs	Appropriation of NM Agency on Aging grant to support the Senior Employment Program	46,340	46,340	-
241	Senior Citizen Grants/Programs	Adjustments to Seniors grant budgets based on final awards	(22,239)	-	22,239
250	Historic Preservation	Appropriation of funding for ongoing archaeological/historic preservation activities at 2725 Agua Fria Street	17,090	-	(17,090)
256	Youth/Recreation Programs	Appropriation of private donation to support Youth & Family program activities	10,000	10,000	-
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Southside Teen Center CIP project	1,045,659	-	(1,045,659)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing City Facilities Solarization CIP project	821,761	-	(821,761)
320	CIP Facilities	Re-appropriation of unspent prior year budget for ongoing municipal facilities repairs CIP projects	603,154	-	(603,154)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Water Street restroom facility CIP project	539,976	-	(539,976)
320	CIP Facilities	Re-appropriation of unspent prior year budget for ongoing senior center renovation/improvements CIP projects	315,244	-	(315,244)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Fire Station #2 CIP project	154,523	-	(154,523)
320	CIP Facilities	Re-appropriation of unspent prior year budget for ongoing Municipal Court facility CIP projects	117,000	-	(117,000)
320	CIP Facilities	Appropriation of NM General Fund grant to support the Christus St. Vincent Behavioral Health Facility project	50,000	-	(50,000)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Max & Friends Dog Park CIP project	28,058	-	(28,058)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Train Depot facility CIP project	7,000	-	(7,000)

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
320	CIP Facilities	Re-appropriation of unspent prior year budget for the ongoing Salvador Perez Pool Liner Replacement CIP project	940	-	(940)
325	CIP Special Projects	Re-budget remaining portion of NMEDD grant for the ongoing Santa Fe Business Incubator CIP project	257,400	257,400	-
325	CIP Special Projects	Re-appropriation of unspent prior year budget for the ongoing Broadband Infrastructure CIP project	190,895	-	(190,895)
325	CIP Special Projects	Re-appropriation of unspent prior year budget for the ongoing Public Safety Wireless System project	176,965	-	(176,965)
330	CIP Streets & Roadways	Re-budget remaining portion of NM DOT grant for the ongoing Cerrillos Road CIP project	1,122,551	1,036,748	(85,803)
330	CIP Streets & Roadways	Re-budget remaining portion of NM DOT grant for the ongoing Agua Fria/South Meadows Intersection CIP project	796,780	408,275	(388,505)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Guadalupe Street Bridge CIP project	750,000	-	(750,000)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Guadalupe Street Reconstruction CIP project	487,717	-	(487,717)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Osage Avenue CIP project	435,000	-	(435,000)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Paseo del Sol West CIP project	400,867	-	(400,867)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Old Santa Fe Trail Bike Lane CIP project	349,984	-	(349,984)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing St. Michael's Underpass CIP project	284,999	-	(284,999)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for ongoing paved street resurfacing CIP projects	277,992	-	(277,992)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for ongoing small sidewalk projects	263,733	-	(263,733)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Harrison Road Improvements CIP project	208,317	-	(208,317)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Alta Vista CIP project	190,071	-	(190,071)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Agua Fria/Cottonwood Drive Intersection CIP project	141,788	-	(141,788)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Palace Avenue CIP project	88,920	-	(88,920)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Arroyo Chamiso Crossing Study CIP project	77,860	-	(77,860)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Zafarano Drive CIP project	67,863	-	(67,863)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Siringo Road CIP project	48,757	-	(48,757)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Sandoval/Montezuma Intersection CIP project	44,881	-	(44,881)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Paseo del Sol CIP project	44,296	-	(44,296)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing Rufina Street CIP project	27,582	-	(27,582)

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for ongoing bridge rehabilitation CIP projects	24,073	-	(24,073)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for ongoing ADA improvements projects	15,244	-	(15,244)
330	CIP Streets & Roadways	Re-appropriation of unspent prior year budget for the ongoing South Meadows Road CIP project	2,956	-	(2,956)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Public Safety Radio System CIP project	899,066	-	(899,066)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Midtown Property Plan/Site Preparation CIP project	883,137	-	(883,137)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for ongoing GCCC Facility Improvements CIP projects	833,635	-	(833,635)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing City Hall Facility Improvements CIP project	528,301	-	(528,301)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing MRC Soccer Valley Improvements CIP project	500,000	-	(500,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for ongoing Airport Improvements CIP projects	485,052	-	(485,052)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for ongoing Art in Public Places CIP projects	400,000	-	(400,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Public Safety Wireless System CIP project	200,000	-	(200,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Police Records Facility CIP project	137,712	-	(137,712)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Salvador Perez Improvements CIP project	121,779	-	(121,779)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Constituent Request Management System CIP project	100,000	-	(100,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Southside Library CIP project	53,378	-	(53,378)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Tree Root/Paver Repairs CIP project	41,141	-	(41,141)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for ongoing OSHA-related improvements projects	26,872	-	(26,872)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Ball Parker Sewer CIP project	20,000	-	(20,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Urban Trail Bridges Restoration CIP project	16,455	-	(16,455)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Main Library CIP project	10,000	-	(10,000)
335	CIP Bond Acquisition	Re-appropriation of unspent prior year budget for the ongoing Siler Road Facility Improvements CIP project	3,267	-	(3,267)
345	CIP Community Development	Re-appropriation of unspent prior year budget for the ongoing Kitchen Angels CIP project	432,234	-	(432,234)
345	CIP Community Development	Appropriation of NM General Fund grant to support the La Communidad de los Ninos project	50,000	-	(50,000)
350	CIP Arts and Culture	Re-budget remaining portion of NM DFA grant for the ongoing El Museo Cultural CIP project	160,000	177,235	17,235

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
350	CIP Arts and Culture	Re-budget remaining portion of NM DFA grant for the ongoing Easter Seals Greenhouse CIP project	118,500	131,265	12,765
350	CIP Arts and Culture	Re-appropriation of unspent prior year budget for ongoing Art in Public Places CIP projects	46,723	-	(46,723)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Rail Trail CIP project	1,093,635	-	(1,093,635)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Southwest Activity Node Park CIP project	429,219	-	(429,219)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Tierra Contenta Trail CIP project	339,886	-	(339,886)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Railyard Park Improvements CIP project	315,000	-	(315,000)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing MRC Soccer Valley Improvements CIP project	250,000	-	(250,000)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Acequia Trail CIP project	165,706	-	(165,706)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Canada Rincon Trail CIP project	35,399	-	(35,399)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Citywide Bike Lanes CIP project	22,429	-	(22,429)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing St. Francis Crossing CIP project	18,541	-	(18,541)
355	CIP Parks and Trails	Re-appropriation of unspent prior year budget for the ongoing Watershed Maintenance CIP project	14,648	-	(14,648)
500	Waste Water Management	Re-appropriation of unspent prior year budget for ongoing Wastewater CIP projects	20,079,714	-	(20,079,714)
500	Waste Water Management	Appropriation for on-call engineering services for CIP projects	56,627	-	(56,627)
500	Waste Water Management	Appropriation for promotion of a WWM Shift Supervisor position to WWM Superintendent	12,343	-	(12,343)
500	Waste Water Management	Appropriation for promotion of a Field Operator Basic position to Field Operator Lead	8,235	-	(8,235)
505	Water Management	Re-appropriation of unspent prior year budget for ongoing water CIP projects	6,859,675	-	(6,859,675)
505	Water Management	Appropriation for on-call engineering services for CIP projects	56,627	-	(56,627)
505	Water Management	Appropriation for building and cooling tower maintenance costs	39,000	-	(39,000)
505	Water Management	Appropriation for purchase of bulk water delivery meters for sales to Santa Fe County	31,052	-	(31,052)
505	Water Management	Appropriation for promotion of a Pipefitter Entry position to Pipefitter Basic	8,432	-	(8,432)
515	Railyard Properties	Re-appropriation of unspent prior year budget for ongoing Railyard Improvements CIP projects	274,594	-	(274,594)
515	Railyard Properties	Reallocation from General Fund for Railyard security services	13,853	13,853	-
540	Transit Bus System	Re-appropriation of unspent prior year budget for the ongoing Downtown Transit Facility CIP project	3,771,145	-	(3,771,145)
540	Transit Bus System	Re-appropriation of unspent prior year budget for the ongoing Southside Transit Facility CIP project	2,281,527	-	(2,281,527)
540	Transit Bus System	Re-appropriation of unspent prior year budget for the ongoing Bus Shelter/Stop Upgrades CIP project	544,041	-	(544,041)

Fund	Fund Title	Amendment Description	Expenditure Increase (Decrease)	Revenue Increase (Decrease)	Budgeted Net Fund Increase (Decrease)
545	Airport	Re-budget remaining portion of NM DOT/US FAA grants for the ongoing Airport Terminal Improvements CIP project	8,907,083	11,230,780	2,323,697
545	Airport	Re-budget remaining portion of NM DOT/US FAA grants for ongoing Airport taxiway improvements CIP projects	4,516,739	5,658,829	1,142,090
545	Airport	Re-budget remaining portion of NM DOT/US FAA grants for the ongoing Airport Passenger Parking Improvements CIP project	1,502,838	1,876,299	373,461
545	Airport	Re-budget remaining portion of NM DOT/US FAA grants for ongoing Airport electrical systems improvements CIP projects	134,835	134,835	-
545	Airport	Re-budget remaining portion of NM DOT/US FAA grants for ongoing Airport runway improvements CIP projects	106,104	106,104	-
545	Airport	Re-appropriation of unspent prior year budget for the ongoing Airport East Apron Reconstruction CIP project	35,772	-	(35,772)
550	Genoveva Chavez Community Ctr	Re-appropriation of unspent prior year budget for the ongoing GCCC HVAC improvements project	792,254	-	(792,254)
550	Genoveva Chavez Community Ctr	Re-appropriation of unspent prior year budget for ongoing GCCC facility CIP projects	104,968	-	(104,968)
TOTAL - Budget Amendments Not Previously Approved by City Council			***$ 71,011,334***	***$ 21,222,843***	***$ (49,788,491)***

CITY OF SANTA FE

1ST QUARTER FY 2020/21

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SUB-SECTION [C]

JOINT OPERATIONS (BUCKMAN DIRECT DIVERSION & SF SOLID WASTE MANAGEMENT AGENCY) – BOARD-APPROVED AMENDMENTS TO FY 2020/21 BUDGET

CITY OF SANTA FE - FIRST QUARTER FY 2020/2021
SUB-SECTION [C]: JOINT OPERATIONS - BOARD-APPROVED BUDGET AMENDMENTS

Fund	*Fund Title*	*Amendment Description*	*Expenditure Increase (Decrease)*	*Revenue Increase (Decrease)*	*Budgeted Net Fund Increase (Decrease)*
800	Buckman Direct Diversion	Re-appropriation of unspent prior year budget for ongoing BDD repair/replacement projects	$ 293,195	$ 293,195	$ -
800	Buckman Direct Diversion	Appropriation from the BDD Repair & Replacement Fund for replacement of the water treatment plant chiller unit	199,456	199,456	-
801	BDD Repair & Replacement Fund	Re-appropriation of unspent prior year budget for ongoing BDD repair/replacement projects	293,195	-	(293,195)
800	Buckman Direct Diversion	Appropriation from the BDD Repair & Replacement Fund for replacement of the water treatment plant chiller unit	199,456	-	(199,456)
810	SF Solid Waste Mgmt Agency	Re-appropriation of unspent prior year budget for ongoing projects and contracted services	679,087	-	(679,087)
810	SF Solid Waste Mgmt Agency	Transfer of interest earnings to various SWMA funds based on fund cash balances	409,935	-	(409,935)
811	SWMA Equip Replacement Fund	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	68,816	68,816
812	SWMA Gas Collection Reserve	Re-appropriation of unspent prior year budget for ongoing projects and contracted services	289,949	-	(289,949)
812	SWMA Gas Collection Reserve	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	12,278	12,278
813	SWMA Cell Developmt Reserve	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	65,227	65,227
814	SWMA Emergency Reserve	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	22,407	22,407
815	SWMA Closure/Post-Closure Reserve	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	224,837	224,837
816	SWMA CIP Fund	Appropriation from SWMA CIP Fund for the BuRRT wetland liner system project	273,805	-	(273,805)
816	SWMA CIP Fund	Transfer of interest earnings to various SWMA funds based on fund cash balances	-	16,370	16,370
TOTAL - Joint Operations - Board Approved Budget Amendments			***$ 2,638,078***	***$ 902,586***	***$ (1,735,492)***

CITY OF SANTA FE

1ST QUARTER FY 2020/21

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SUB-SECTION [D]

SUMMARY OF ALL QUARTERLY AMENDMENTS TO FY 2020/21 BUDGET BY FUND

CITY OF SANTA FE - FIRST QUARTER FY 2020/2021
SUB-SECTION [D]: TOTAL QUARTERLY AMENDMENTS BY FUND

Fund	*Fund Title*	*Expenditure Increase (Decrease)*	*Revenue Increase (Decrease)*	*Budgeted Net Fund Increase (Decrease)*
100	General Fund	$ 605,299	$ -	$ (605,299)
212	Economic Development	315,000	315,000	-
213	Lodgers' Tax Fund	372,481	340,000	(32,481)
221	Emergency Services	750,000	750,000	-
223	Law Enforcement	418,704	-	(418,704)
231	City Drainage Fund	342,800	-	(342,800)
232	Impact Fees Fund	54,000	-	(54,000)
240	Community Development	9,009,065	8,933,065	(76,000)
241	Senior Citizen Grants/Programs	196,552	218,791	22,239
250	Historic Preservation	17,090	-	(17,090)
251	Library Fund	250,000	250,000	-
254	Public Facilities Fund	250,000	250,000	-
256	Youth/Recreation Programs	10,000	10,000	-
320	CIP Facilities	3,683,315	-	(3,683,315)
325	CIP Special Projects	875,260	507,400	(367,860)
330	CIP Streets & Roadways	6,368,231	1,661,023	(4,707,208)
335	CIP Bond Acquisition	11,259,795	-	(11,259,795)
345	CIP Community Development	482,234	-	(482,234)
350	CIP Arts and Culture	325,223	308,500	(16,723)
355	CIP Parks and Trails	2,684,463	-	(2,684,463)
365	½% GRT Income Fund	1,257,000	1,257,000	-
500	Waste Water Management	20,455,112	-	(20,455,112)
505	Water Management	7,834,748	-	(7,834,748)
515	Railyard Properties	288,447	13,853	(274,594)
520	Santa Fe Convention Center	62,000	62,000	-
540	Transit Bus System	6,596,713	-	(6,596,713)
545	Airport	15,203,371	19,006,847	3,803,476
550	Genoveva Chavez Community Ctr	1,567,222	670,000	(897,222)
800	Buckman Direct Diversion	492,651	492,651	-
801	BDD Repair & Replacement Fund	492,651	-	(492,651)
810	SF Solid Waste Mgmt Agency	1,089,022	-	(1,089,022)
811	SWMA Equip Replacement Fund	-	68,816	68,816
812	SWMA Gas Collection Reserve	289,949	12,278	(277,671)
813	SWMA Cell Developmt Reserve	-	65,227	65,227
814	SWMA Emergency Reserve	-	22,407	22,407
815	SWMA Closure/Post-Closure Reserve	-	224,837	224,837
816	SWMA CIP Fund	273,805	16,370	(257,435)
QUARTERLY TOTAL - ALL FUNDS		***$ 94,172,203***	***$ 35,456,065***	***$ (58,716,138)***

FIR No. 3291

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): First Quarter Budget Amendments, Fiscal Year

Sponsor(s): _____

Reviewing Department(s): Finance

Staff Completing FIR: Andy Hopkins Date: 10/28/2020 Phone: 955-6177

Reviewed by City Attorney: _____ Date: Oct 28, 2020

Reviewed by Finance Director: Mary McCoy Date: Oct 28, 2020

Summary:
The purpose of the Resolution is to make 1st Quarter FY 2020/2021 budget amendments, increases and decreases to various funds, including adjustments for department priorities, grant adjustments, prior year encumbrances and increases supported by available revenue.

Departments Affected:
Various.

Consequences of Not Enacting Legislation:
The budget will not sufficiently reflect actual revenues and expenditures. Necessary adjustments cannot be submitted for NM DFA approval as required by the State.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
None identified.

Performance and Administrative Implications:
None; staff have already performed necessary actions to comport with the purpose of the budget amendments.

Fiscal Implications:
See Resolution attachments – Resolution Detail by Fund

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 21	FYE 22	FYE 23	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$ †	$ 0	$ 0	N	NR	†	
Capital Outlay	$ †	$ 0	$ 0	N	NR		
Contractual/ Professional Services	$ †	$ 0	$ 0				
Operating	$ †	$ 0	$ 0			†	$ †
Total:	$ †	$ 0	$ 0				$ †

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

Expenditure Narrative:

Governing Body approval is required for all of the previous quarter's changes to budgeted expenditures and transfers out.

Revenue

Revenue Type	FYE 21	FYE 22	FYE 23	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$ †	$ 0	$ 0	NR	
Special Revenue	$ †	$ 0	$ 0	NR	
CIP	$ †	$ 0	$ 0	NR	
Enterprise	$ †	$ 0	$ 0	NR	
Internal Service	$ †	$ 0	$ 0	NR	
Trust and Agency	$ †	$ 0	$ 0	NR	
Federal	$ †	$ 0	$ 0	NR	
Other	$ †	$ 0	$ 0	NR	†
Total	$ †	$ 0	$ 0		

Revenue Narrative:

Governing Body approval is required for all of the previous quarter's changes to budgeted revenues and transfers in.

† *See Attachments – Resolution Detail by Fund*

Signature: Andy Hopkins

Email: ajhopkins@ci.santa-fe.nm.us

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 11/02/20
FOR CITY COUNCIL MEETING OF 11/10/20

i) Consideration of Resolution No. 2020-__: A Resolution Relating to a Request for Approval of First Quarter Budget Amendments for Fiscal Year 2020/2021. (Andy Hopkins, Principal Budget Analyst, ajhopkins@santafenm.gov, 955-6177)

Committee	**Review:**
Finance Committee:	11/2/20
Governing Body: 11/10/20	

FINANCE COMMITTEE ACTION:
Approved on Discussion

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

VOTE	**FOR**	**AGAINST**	**ABSTAIN**
COUNCILOR ROMERO-WIRTH	x		
COUNCILOR CASSUTT-SANCHEZ	x		
COUNCILOR LINDELL	x		
COUNCILOR VILLARREAL	x		
CHAIRPERSON ABEYTA	x		

9-19-20