

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008-47

INTRODUCED BY:



AN ORDINANCE

AMENDING SECTIONS 14-6.2(C)(10), 14-8.11(D), 26-1.8 AND 26-1.33 SFCC 1987
REGARDING THE APPLICABILITY OF THE SANTA FE HOMES PROGRAM TO
VACATION TIME SHARE PROJECTS AND MAKING SUCH OTHER CHANGES AS
ARE NECESSARY.

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

Section 1. Section 14-6.2(C)(10)SFCC 1987 (being Ord. No. 2004-5 § 1) is
amended to read:

(10) Vacation Time Share Projects

Vacation time share projects are comprised of one or more dwelling units
subject to timeshare use, interval use or a private vacation/residential
club. The provision of operating and/or management services to the
individual or multiple owners of vacation time share dwelling units is a
commercial use [~~Vacation time share projects are commercial uses~~] and
operators/managers shall be required to obtain a business registration

from the City.

Section 2. Section 14-8.11(D) SFCC 1987 (being Ord. #2001-38, §2 as amended)
is amended to read:

(D) Applicability

(1) Except as set forth in this paragraph, the SFHP shall apply to any application for development including, but not limited to, annexation, rezoning, subdivision plat, increase in density, development plan, extension of or connection to City utilities for land outside the City limits, and building permits which proposes 2 or more dwelling units or buildings or portions of buildings which may be used for both non-residential and residential purposes and manufactured home lots. SFHP applies to the residential portion of the development.

(a) The SFHP applies to new construction and to the conversion of existing rental units to ownership units.

(b) The SFHP shall not apply to a family transfer as set forth in §14-3.7(E)(3)(b) or a division of land into 2 lots as set forth in §14-2.3(E)(1)(a).

(c) It shall be the responsibility of the applicant to determine the applicability of SFHP to the proposed development and comply with the requirements of SFHP.

(2) The SFHP shall apply to dwelling units in vacation time share projects.

~~[(2)]~~(3) The SFHP shall not apply to the following:

(a) Any development or portion thereof which is subject to any formal, written and binding agreement entered into prior to August 15, 2005, with the City or Santa Fe County which if

1 within said agreement the signatories agreed to provide
2 affordable housing or payment in lieu thereof; or

- 3 (b) Dwelling units or manufactured home lots for an elementary,
4 middle, or high school, community college, private 4-year
5 college or related institutions where coursework leads to an
6 associate of arts, bachelors or vocational degree or certification,
7 hospital or similar institution to be used exclusively by its
8 employees or enrolled students and their families. If the dwelling
9 units are no longer exclusively used by its employees or enrolled
10 students and their families, the SFHP shall apply at the time the
11 units are converted.

12 ~~[(3)]~~(4) Petitioners for annexations and the Office of Affordable Housing shall
13 negotiate all terms for providing affordable housing on site including the
14 distribution of development types and the number of SFHP units required
15 or alternate means of compliance. The number of SFHP units required or
16 alternate means of compliance may be in excess of that required by
17 SFHP. These terms shall be included in the annexation agreement. To the
18 extent practicable, all other SFHP requirements shall apply to
19 annexations. In no case shall the agreement provide for less affordable
20 housing or a lesser in-lieu contribution than required by SFHP. As the
21 property is developed, a separate SFHP agreement in compliance with
22 the annexation agreement shall be recorded with each subdivision plat or
23 development plan.

24 ~~[(4)]~~(5) All provisions of the prior ordinance, titled Housing Opportunity
25 Program (HOP), remain in full force and effect with respect to any and

1 all agreements executed by the City and others which were required by
2 HOP or incorporated HOP provisions by reference. However, the Office
3 of Affordable Housing shall be responsible for administering such
4 agreements according to the administrative procedures for the SFHP
5 ordinance until such time as all obligations under such agreements have
6 been satisfied except for sale prices or rental rates. Sale prices and rental
7 rates shall be based upon the prior HOP administrative procedures and
8 annually updated by staff.

9 **Section 3. The following definition in Article 14-12 SFCC 1987 (being Ord. No.**
10 **2004-5 §4) is amended to read:**

11 **VACATION TIME SHARE PROJECT**

12 Any real property, consisting of one or more dwelling units, that is subject to timeshare use,
13 interval use or a private vacation/residential club.

14 **Section 4. Section 26-1.8 SFCC 1987 (being Ord. #2005-30(A), §37 as amended)**
15 **is amended to read:**

16 **26-1.8 Applicability.**

17 A. Except as set forth in this paragraph the SFHP shall apply to any application for
18 development including, but not limited to, annexation, rezoning, subdivision plat, increase in
19 density, development plan, extension of or connection to city utilities for land outside the city
20 limits, and building permits which proposes two (2) or more dwelling units or buildings or
21 portions of buildings which may be used for both nonresidential and residential purposes and
22 manufactured home lots. SFHP applies to the residential portion of the development.

23 (1) The SFHP applies to new construction and to the conversion of existing
24 rental units to ownership units.

25 (2) The SFHP shall not apply to a family transfer as set forth in subsection

1 14-3.7(E)(3)(b) or a division of land into two (2) lots as set forth in subsection 14-
2 2.3(E)(1)(a).

3 (3) It shall be the responsibility of the applicant to determine the
4 applicability of SFHP to the proposed development and comply with the requirements of
5 SFHP.

6 B. The SFHP shall apply to dwelling units in vacation time share projects as defined
7 in Article 14-12 SFCC 1987.

8 [~~B.~~]C. In addition to paragraph A.(2) above, the SFHP shall not apply to the following:

9 (1) Any development or portion thereof which is subject to any formal,
10 written and binding agreement entered into prior to August 15, 2005, with the city or
11 Santa Fe county which if within said agreement the signatories agreed to provide
12 affordable housing or payment in lieu thereof; or

13 (2) Dwelling units or manufactured home lots for an elementary, middle or
14 high school, community college, private four (4) year college or related institutions where
15 coursework leads to an associate of arts, bachelors or vocational degree or certification,
16 hospital or similar institution to be used exclusively by its employees or enrolled students
17 and their families. If the dwelling units are no longer used exclusively by its employees
18 or enrolled students, the SFHP shall apply at the time the units are converted.

19 [~~C.~~]D. Petitioners for annexations and the office of affordable housing shall negotiate all
20 terms for providing affordable housing on site including the distribution of development types
21 and the number of SFHP units required or alternate means of compliance. The number of SFHP
22 units required or alternate means of compliance may be in excess of that required by SFHP.
23 These terms shall be included in the annexation agreement. To the extent practicable, all other
24 SFHP requirements shall apply to annexations. In no case shall the agreement provide for less
25 affordable housing or a lesser in-lieu contribution than required by SFHP. As the property is

1 developed, a separate SFHP agreement in compliance with the annexation agreement shall be
2 recorded with each subdivision plat or development plan.

3 ~~[D.]E.~~ All provisions of the prior ordinance, titled Housing Opportunity Program (HOP)
4 remain in full force and effect with respect to any and all agreements executed by the city and
5 others which were required by HOP or incorporated HOP provisions by reference. Accordingly,
6 the office of affordable housing will continue to use and annually update the administrative
7 procedures for the HOP ordinance until such time as all obligations under such agreements have
8 been satisfied.

9 **Section 5. Section 26-1.33 SFCC 1987 (being Ord. #2005-30(A), §62 as**
10 **amended) is amended to read:**

11 **26-1.33 Alternate Means of Compliance.**

12 A. One of the goals and purposes of the SFHP is to foster economic integration by
13 requiring that developers provide required SFHP units and manufactured home lots on the
14 property proposed for development. However, it is recognized that at times this approach may not
15 be feasible for a variety of reasons. In this event, the applicant may seek permission from the
16 governing body to comply with the SFHP through any one or combination of the following
17 alternative means acceptable to the city in its sole discretion: off-site construction, cash payment
18 in lieu of constructing or creating the required SFHP units or manufactured home lots or
19 dedication of land suitable for construction or creation of inclusionary units of equivalent or
20 greater value than would be required for onsite construction.

21 B. The governing body may approve an alternate means of compliance for the
22 following provided that any approval must be based on a finding [by the governing body as
23 follows:] that the purposes of this chapter would be better served by implementation of the
24 proposed alternative(s). In determining whether the purposes of this chapter would be better
25 served under the proposed alternative, the city shall consider all of the factors listed in subsection

1 26-1.33 C.

2 (1) ~~[For] SFHP projects of eleven (11) units or more, provided that the~~
3 ~~project meets the definition of extreme hardship; [and that the purposes of this chapter~~
4 ~~would be better served by implementation of the proposed alternative(s). In determining~~
5 ~~whether the purposes of this chapter would be better served under the proposed~~
6 ~~alternative, the city shall consider all of the factors listed in subsection 26-1.33 C.]~~

7 (2) ~~[For] SFHP projects of ten (10) units or fewer; and [, that the purposes of~~
8 ~~this chapter would be better served by implementation of the proposed alternative(s). In~~
9 ~~determining whether the purposes of this chapter would be better served under the~~
10 ~~proposed alternative, the city shall consider all of the factors listed in subsection 26-1.33~~
11 ~~C.]~~

12 (3) SFHP projects that meet the definition of a vacation time share project as
13 set forth in Article 14-12 SFCC 1987.

14 C. In determining whether the purposes of this chapter would be better served under
15 the proposed alternative, the city shall consider all of the following:

16 (1) Whether implementation of an alternative would overly concentrate
17 SFHP units within any specific area and if so must reject the alternative unless the
18 undesirable concentration of the SFHP units is offset by other identified benefits that
19 flow from implementation of the alternative in issue; and,

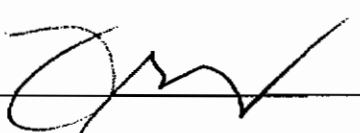
20 (2) The extent to which other factors affect the feasibility of prompt
21 construction of the SFHP units on the property, such as costs and delays, the need for
22 appraisal, site design, zoning, infrastructure, clear title, grading and environmental
23 review; and,

24 (3) The potential of leveraging funds for other needed affordable housing
25 programs described in the city's housing plans.

1 D. The value of the fee in lieu contribution shall be established pursuant to
2 administrative procedures.

3 E. The governing body, at its sole discretion, may grant a waiver of the SFHP
4 requirements. Any approval of a waiver for any sized project shall be based on the finding that
5 the condition of extreme hardship, as defined, cannot be sufficiently alleviated by the alternate
6 means of compliance described in paragraph B.

7 APPROVED AS TO FORM:

8
9 A handwritten signature in black ink, appearing to be 'Frank D. Katz', is written over a horizontal line.

10 FRANK D. KATZ, CITY ATTORNEY