CITY OF SANTA FE
CITY ATTORNEY

**MEMORANDUM**

**To:** **Members of the Governing Body**

**From:** **Natalie Cauley, Assistant City Attorney**

**Via:** **Marcos Martínez, City Attorney**

**Re:** **Appeal #2026-012949-APPL; Recommendation on Conformity of Appeal by Forrest Thomas, Thomas Trust Holdings, LLC of the Planning Commission's approval of a Conditional Use Permit in Case #2026-11756 to allow a self-storage facility at 1802 Cerrillos Road, 1750 Cerrillos Road, 1361 Fourth Street, and 3 Berry Avenue**

**Date:** **October 21, 2026; for the October 28, 2026 Meeting of the Governing Body**

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## I. Introduction

The Planning Commission approved an application for a Conditional Use Permit for a storage facility at 1802 Cerrillos Road, 1750 Cerrillos Road, 1361 Fourth Street, and 3 Berry Avenue (the "Property"). Forrest Thomas, with Thomas Trust Holdings, LLC (the "Appellant") filed an appeal of the approval (the "Appeal"). **[Attachment A: Verified Appeal Petition]** As contemplated in City Code, the Land Use Director reviewed the Appeal and, finding it did not comply with the requirements for appeal, referred it to the City Attorney's Office for review. **[Attachment B: Land Use Director Appeal Petition Conformity Review]** The City Attorney's Office agrees that the Appeal fails to conform to the legal requirements for an appeal set forth in Santa Fe City Code. **The City Attorney's Office therefore recommends that the Governing Body deny the Appeal without a public hearing.**

## II. Background

The present recommendation concerns an application for a Conditional Use Permit submitted by Amatren LLC (the "Applicant") for the subject Property, the former Empire Builders site (Land Use Case #2025-11756). The Property is located in a C-2 zone. The application sought a Permit to develop an indoor self-storage facility containing climate-controlled storage and community offices, creative office suites (mini-storage units), and a community dog park on 2.72

acres. Conditional use approval is required for self-storage facilities in a C-2 zone. *See* SFCC 1987, Section 14-5.2 Table 5-1 *Summary Table of Allowed Uses*. The Conditional Use Permit was approved by the Planning Commission after a public hearing on June 4, 2026.

The Applicant simultaneously applied for approval of a Development Plan for the Property (Case #2025-11753). The Development Plan was also approved by the Planning Commission on June 4, 2026.

On August 4, 2026, the Appellant Forrest Thomas contacted Land Use Director Heather Lamboy to inquire about the deadline for filing appeals of the Conditional Use Permit and Development Plan. The Appellant had received a mailed notice of the June 4 public hearing as he has an adjoining property. On August 7, Director Lamboy responded that, "after consultation with the City Attorney's Office, a 30-day deadline would apply to both appeals." **[Attachment B at 2]** (As outlined below, this advice was mistaken but did not materially alter the Appellant's position given the filing deadline for the Conditional Use Permit had already passed.)

On August 10, 2026, the Appellant filed appeals of both the Conditional Use Permit (Appeal #2026-012949-APPL) and the Development Plan (Appeal #2026-012950-APPL). On October 1, 2026, the Land Use Director issued a conformity review concluding that the Appeal of the Conditional Use Permit was procedurally defective because it was filed outside the 15-day appeal window required by City Code. **[Attachment B]** The Director forwarded her conclusion to the City Attorney's Office, resulting in the present written recommendation.

At the same time, the Land Use Director issued a conformity review concluding that the appeal of the Development Plan may go forward, given the 30-day appeal window applicable to such matters. The Development Plan appeal is scheduled to be heard by the Governing Body at a special hearing on November 18, 2026.

## III. Procedural Posture

This recommendation comes before the Governing Body pursuant to City Code. SFCC 1987 Section 14-2.1(B)(5)(IV)(k) provides that, following the filing of a land use appeal, the Land Use Director "shall promptly review all appeals for conformity with the requirements" of code. The following procedures are then specified:

> If the Planning and Land Use Director determines that an appeal does not conform to the requirements, the Planning and Land Use Director shall refer the matter to the City attorney for review.
>
> 1. If the City Attorney concurs with the Planning and Land Use Director's determination, the City Attorney's written recommendation shall be forwarded to the Governing Body for discussion. The Governing Body may accept the City Attorney's written recommendation and the decision is final and may be appealed to district court. If the Governing Body does not accept the City Attorney's recommendation, the appeal shall be heard as set forth in Chapter 14.
> 2. If the City Attorney does not concur with the Planning and Land Use Director's determination, the appeal shall be heard as set forth in Chapter 14.

SFCC 1987 Section 14-2.1(B)(5)(IV)(k).

The process described grants the Governing Body the discretion to dismiss an Appeal without a hearing if it agrees with the City Attorney's recommendation. In the present case, as noted, the Land Use Director issued a conformity review and determined the Appeal did not conform to code requirements. This review was forwarded to the City Attorney's Office, which concurs with that review and now recommends the Governing Body deny the appeal without a public hearing for the reasons that follow.

## IV. Legal Basis to Dismiss Appeal

The Appellant failed to meet the 15-day appeal deadline outlined in City Code for an appeal of a Conditional Use Permit. A mistaken communication from City Staff does not excuse this failure and relevant dates indicate the Appellant did not materially rely on this communication to his detriment.

### A. Conditional Use Permits must be appealed within 15 days of the final action

Appeals of decisions by City land use boards, including the Planning Commission, are controlled by SFCC 1987, Section 14-2.1(B)(5)(IV). A final action that may be appealed includes a "[d]ecision of a land use board after a public hearing." SFCC 1987, Section 14-2.1(B)(5)(IV)(a)(1)(i). The Planning Commission's approval of the Applicant's Conditional Use Permit therefore qualifies as a final action subject to appeal.

The date of the final action determines when the appeal window begins to run. The Code specifies the date of a final action by a land use board is determined as follows:

> The date the decision-making body adopts a written decision containing findings of fact and conclusions of law; provided that if the decision-making body has not adopted findings of fact and conclusion of law within 35 days of the date the vote deciding the matter was taken, then the date of final action shall be deemed to be the 35th day after the date the vote deciding the matter was taken.

SFCC 1987, Section 14-2.1(B)(5)(IV)(d)(2).

In this case, the Planning Commission adopted the Findings of Fact and Conclusions of Law on September 3, 2026. **[Attachment C]** This was more than 35 days after the June 4, 2026 hearing where the Commission took its vote approving the Permit. As a result, the date of the Commission's final action on the Permit is calculated to be 35 days after the Commission's vote at the public hearing — that is, July 9, 2026.

The deadline to file an appeal is calculated from the date of the final action. Subsection e of the appeal procedures in City Code provides the following deadlines:

> e. Appellants shall file an appeal as follows:
>
> 1. Final actions by land use boards on subdivision plats, master plans, or development plans: within 30 days.

2. Final action by the Planning and Land Use Director on application for a final plat for resubdivision or summary subdivision: within 30 days.
3. All other final actions: within 15 days.

The present Appeal does not involve subdivision plats, re-subdivisions, master or development plans. Thus, the deadline to file an appeal was 15 days after the final action of July 9, 2026. This was July 24, 2026. Instead, the appeal of Case #2025-11756 was filed on August 10, 2026.

The timelines and the procedures articulated in the City Code are not just suggestions or recommendations. "Rules and regulations adopted by city ordinance have the force of law." *Apodaca v. AAA Gas Co.*, 2003-NMCA-085, ¶ 48, 134 N.M. 77, 95. "Having the force of law, municipal rules and regulations impose a standard and a duty to comply with that standard." *Id.* Even if the Appellant was not aware of the 15-day appeal deadline, a person's "[n]oncompliance is not excused by ignorance of the standard." *Id.*

**B. Mistaken advice from City Staff does not warrant granting the Appeal.**

As detailed above, City staff mistakenly advised the Appellant that the appeal of the Conditional Use Permit was subject to the same 30-day appeal deadline that applied to the separate, parallel appeal of the Development Plan for the same Property. In the Appeal, the Appellant writes,

> The Planning Commission voted to approve the applications June 4, 2026. The City later advised that July 9 was the deemed final-action date. Following consultation with the City Attorney's Office, the Planning and Land Use Director advised Appellants in writing that the 30-day appeal deadline applies to both Case 2025-11753 and Case 2025-11756. Under current SFCC Section 14-9.1(D), the Saturday, August 8 deadline moved to Monday, August 10. This appeal is tendered August 10 and is timely under the City's written determination.

**[Attachment A at 3]**

The incorrect advice tendered by City staff does not change the outcome here. The Appellant had access to the code requirements and could align his behavior to comply with those requirements. Most importantly, the Appellant did not seek feedback from the Land Use Director about the deadline for filing an appeal until August 4, 2026, ten days after the 15-day appeal window had closed. In other words, he did not rely on the City's advice to his detriment. He had already missed the deadline for appealing the Conditional Use Permit at the time he received the incorrect advice and thus the advice did not materially change his position. After realizing the mistake, the Land Use Director offered the Appellant to voluntarily withdraw the appeal of the Conditional Use Permit and be reimbursed the appeal fee. The Appellant declined.

## V. Conclusion

The City Attorney's Office recommends that the Governing Body reject Appeal #2026-012949-APPL. The Appeal of the Conditional Use Permit fails to conform to the City's legal requirements by missing the 15-day deadline. Mistaken advice from City staff did not materially alter Appellant's rights and thus dismissal is warranted.

## VI. Potential Motions

The following are the two motions the Governing Body may make in response to this action item:

**Option 1:** I move to accept the City Attorney's recommendation and deny Land Use Appeal #2026-012949-APPL for the reasons specified in the City Attorney's written recommendation.

**Option 2:** I move to reject the City Attorney's recommendation and set Land Use Appeal #2026-012949-APPL for public hearing because [include brief explanation of reasons].

**Attachments:**

*A: Verified Appeal Petition (Aug. 10, 2026)*

*B: Land Use Director Appeal Petition Conformity Review (Oct. 1, 2026)*

*C: Planning Commission's Findings of Fact and Conclusions of Law for Case #2025-11756 (Sep. 3, 2026)*

*D: Staff Report for Case #2025-11753 and Case #2025-11756*

# Attachment A: Verified Appeal Petition (August 10, 2026)

CITY OF SANTA FE

# VERIFIED APPEAL PETITION
# PLUD-17

## APPELLANT INFORMATION

Name: Thomas Trust Holdings, LLC

Address: 340 East Berger Street
Street Address | Suite/Unit #

Santa Fe | NM | 87505
City | State | ZIP Code

RECEIVED
AUG 10 2026
BY: HLC

Phone: 505-983-3131 | Email Address: thomasprop@newmexico.com

Additional Appellant Names: TP-SFSS, LLC; Thomas Properties-NM, LLC

Correspondence Directed to: ☐ Appellant ☐ Applicant ☑ Both

## APPLICANT/AGENT INFORMATION (IF DIFFERENT FROM APPELLANT)

Company Name: Amatren, LLC

Name (First, Last): See continuation sheet for agents

Address: P.O. Box 5587
Street Address | Suite/Unit #

Santa Fe | NM | 87592
City | State | ZIP Code

Phone: | E-mail Address:

## AGENT AUTHORIZATION (IF APPLICABLE)

I am/We are the owner(s) and record title holder(s) of the property located at:

I/we authorize _____ to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: _____ Date: _____

## SUBJECT OF APPEAL

Project Name: DXD Self-Storage / Empire Self Storage Project

Applicant or Owner Name: Amatren, LLC

Location of Subject Site: 1802 and 1750 Cerrillos Road, 1361 Fourth Street, and 3 RD Berry Avenue, Santa Fe, NM

Case Number: 2025-11756 | Permit Number (if applicable) :

Final Action Appealed: ☐ Issuance of Building Permit ☐ Other Final Determination of PLUD Director

Final Action of Board or Commission:
☑ Planning Commission ☐ BCD-DRC
☐ Board of Adjustment ☐ Historic District Review Board

Two originals of this form must be filed. The Land Use Department Director or their designee will enter the date and time of receipt and initial both original copies. See Section 14-2.1.B.5.IV for the procedure.

## LAND USE STAFF ONLY

Time Filed: 2:35pm | Fee Paid: $ 200 (Receipt Attached)

Date Filed: 8/10/2026 | Staff Signature:

Conditional Use Case # 2026-012949

CITY OF SANTA FE

# VERIFIED APPEAL PETITION
# PLUD-17

## BASIS OF STANDING

Basis for Appeal: ✓ The facts were incorrectly determined ✓ Ordinance/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:
June 4 approval; City confirmed July 9 deemed date and 30-day deadline. See continuation.

☐ Check here if you have attached a copy of the final action that is being appealed.

**A. DESCRIPTION OF HARM** Describe the harm that would result to you from the action appealed (attach additional pages if necessary):
See attached PLUD-17 Continuation Sheet for standing and description of harm.

**B. EXPLAIN THE BASIS FOR APPEAL** Please detail the basis for Appeal here (be specific):
See attached Statement of Grounds and PLUD-17 Continuation Sheet; both incorporated by reference.

## SIGNATURE & VERIFICATION

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, SFCC Chapter 14, as amended. Failure to meet these standards may result in the rejection or postponement of my application.

Appellant Signature: [signature] Date: 8/10/2026

Agent Signature: Date:

I/We Forrest R. Thomas, Manager of each Appellant LLC, being first duly sworn, depose, and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to

Appellant/s

[signature]
Signature

Forrest R. Thomas
Print Name

Signature

Print Name

Subscribed and shown to before me this 10 day of August, 20 26.

[signature]
NOTARY PUBLIC

My commission expires:
4/6/2030

MCKENZIE RYLIE ROBINSON
Notary Public
State of New Mexico
Comm. # 2009132
My Comm. Exp. Apr 6, 2030

# PLUD-17 CONTINUATION SHEET

**DXD Self-Storage / Empire Self Storage Project - Case 2025-11756 | Special Use Permit Appeal**

Incorporated into the accompanying Verified Appeal Petition on City Form PLUD-17.

## Appellants and Contact

| | |
|---|---|
| **Appellants** | Thomas Trust Holdings, LLC; TP-SFSS, LLC; Thomas Properties-NM, LLC |
| **Representative** | Forrest R. Thomas, Manager of each Appellant LLC |
| **Contact** | 505-983-3131 \| thomasprop@newmexico.com |
| **Mailing** | 340 East Berger Street, Santa Fe, New Mexico 87505 |

## Standing and Harm

Thomas Trust Holdings, LLC and TP-SFSS, LLC received mailed notice of the June 4, 2026 Planning Commission hearing and own adjacent or affected real-property interests. Thomas Properties-NM, LLC is the sole member of TP-SFSS, LLC and manages affiliated real-property activities. Forrest R. Thomas is Manager of all three LLCs and is authorized to act for each.

The Special Use Permit affects Appellants' economic, environmental, aesthetic, access, operational, and property interests, including traffic and circulation, pedestrian and emergency access, corridor character and compatibility, lighting, drainage, landscaping, and use and enjoyment of affected property.

## Authorized Basis for Appeal

Current SFCC Section 14-2.1(B)(5)(IV)(b) allows an appeal only for: (1) noncompliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978; (2) incorrect application of Chapter 14; or (3) a decision lacking substantial evidence. This appeal is based only on those authorized grounds, as mapped in the attached Statement of Grounds. The City Staff Report states that these applications were received in December 2025 and reviewed under the prior Land Development Code, so the merits grounds rely primarily on the former substantive criteria actually applied by the City.

Without waiving that position, if corresponding current provisions are determined to govern, Appellants assert the same record-based challenges under current SFCC Section 14-2.1(F)(2)(IV)(a) and other applicable current provisions. Current SFCC Section 14-1.9(D) is preserved as additional transitional support to the extent its application-completeness requirement is satisfied.

## Final Action and Timeliness

The Planning Commission voted to approve the applications June 4, 2026. The City later advised that July 9 was the deemed final-action date. Following consultation with the City Attorney's Office, the Planning and Land Use Director advised Appellants in writing that the 30-day appeal deadline applies to both Case 2025-11753 and Case 2025-11756. Under current SFCC Section 14-9.1(D), the Saturday, August 8 deadline moved to Monday, August 10. This appeal is tendered August 10 and is timely under the City's written determination. Appellants preserve all arguments concerning the legal effect of any later new, amended, or materially altered written decision, including any appeal rights arising from such action.

## Applicant / Owner and Agents

Amatren, LLC, P.O. Box 5587, Santa Fe, NM 87592.

Applicant agent: Lisa Martinez, B Constructiv, LLC, 3201-C Zafarano Drive, Suite 111, Santa Fe, NM 87507.

Additional agent/counsel: Joseph M. Karnes, Sommer Karnes & Associates, LLP, 125 Lincoln Avenue, Suite 221, Santa Fe, NM 87501.

## Relief Requested

**Primary Relief.** Reverse the Planning Commission's approval of Case 2025-11756. The Special Use Permit is the discretionary land-use authorization necessary for the proposed self-storage use, and the record presented did not establish the mandatory public-interest finding and the mandatory finding of compatibility and adaptability required for approval.

**Alternative Relief.** If the Governing Body does not grant reversal, vacate the approval and remand for a new determination based on a record that resolves the material traffic, safety, compatibility, adaptability, drainage, lighting, and compliance issues and supports the required findings with substantial evidence.

# STATEMENT OF GROUNDS SUPPORTING VERIFIED APPEAL PETITION

**Case 2025-11756 - Special Use Permit | DXD Self-Storage / Empire Self Storage Project**

**CENTRAL ISSUE.** Self-storage in the C-2 district was not permitted by right. To obtain the Special Use Permit, the applicant had to establish, through evidence in the record, the mandatory public-interest finding and the mandatory finding of compatibility and adaptability required by former SFCC Section 14-3.6(D). Approval was not available unless that showing was made. The record presented did not establish those findings.

## 1. This appeal fits the three grounds allowed by current Chapter 14.

Current SFCC Section 14-2.1(B)(5)(IV)(b) limits this appeal to noncompliance with Chapter 14, incorrect application of Chapter 14, and lack of substantial evidence. The principal basis for the Special Use Permit appeal is lack of substantial evidence supporting the mandatory public-interest finding and the mandatory finding of compatibility and adaptability. The appeal also challenges the application of Chapter 14 where the Commission treated unresolved compliance matters and future corrections as sufficient to support findings that had to be supported when approval was granted, and it challenges specific identified code noncompliance described below.

Former SFCC Section 14-3.6(D)(1) required the Commission, before granting the Special Use Permit, to find that granting it would not adversely affect the public interest and that the use and associated buildings were compatible with and adaptable to buildings, structures, and uses of abutting and nearby properties. The Staff Report presented each as a required criterion and marked each "YES." Those findings were prerequisites to approval. The applicant therefore had to present an evidentiary record sufficient for the Commission to make them. (Staff Report, pp. 12-13.)

Appellants rely primarily on the former substantive criteria actually applied by the City. Without waiving that position, if corresponding current provisions are determined to govern, the same challenges are asserted under current SFCC Section 14-2.1(F)(2)(IV)(a), which contains materially the same necessary public-interest finding and the mandatory finding of compatibility and adaptability, and other applicable current provisions. Current SFCC Section 14-1.9(D) is preserved as additional transitional support to the extent its application-completeness requirement is satisfied.

## 2. The mandatory public-interest finding was not established. [Authorized Grounds 2 and 3]

The applicant's own response relied on redevelopment of a property vacant since about 2019, asserted low-intensity operations and low traffic, compliance with zoning standards, community gathering and office space, a public dog park, solar generation, and the creative workspaces. Staff then concluded that the public interest was protected because, subject to conditions, the application complied with Chapter 14's minimum health, safety, and welfare standards. (Staff Report, pp. 12-13.)

Those positive features are relevant, but they do not themselves establish the required finding for the primary use. Redevelopment of a vacant property can be desirable without establishing entitlement to this particular discretionary use. The community room, dog park, solar improvements, and creative workspaces are community-facing components of a predominantly self-storage development. The required question remained whether granting this Special Use Permit, on this site and on the record presented, would not adversely affect the public interest.

The record did not establish that conclusion. The public-interest case depended materially on low projected traffic, safe and workable access, compatibility with the surrounding area, and compliance with the Code's health, safety, and welfare standards. As the record discussed below shows, those premises remained materially unresolved when the Commission approved the Special Use Permit.

## 3. Low projected trip volume did not establish traffic safety at this location. [Authorized Ground 3]

Although low projected traffic was offered as evidence that the Project would not adversely affect the public interest, traffic volume alone does not establish traffic safety. The character of the traffic and the roadway context matter. The Impact of Traffic Assessment itself describes Cerrillos Road as a principal arterial with higher traffic and speed, bike lanes, and a local bus route. The Project includes storage, office/community uses, a dog park, flex-workshop space, and multiple access points. (Impact of Traffic Assessment, pp. 1-3; Staff Report, pp. 7-9.)

The approved development-plan materials include turning templates for an SU-40 single-unit truck. Public hearing testimony specifically raised the safety implications of trucks towing trailers and rental moving trucks, including drivers unfamiliar with those larger vehicles, on Cerrillos Road and surrounding streets. The site also places four vehicular entrances and a pedestrian connection between the two project sites in the immediate area of the City fire station. Staff expressly told the Commission that access, frontage coordination, and fire-station operations were distinct issues and that the traffic assessment was not being presented as "fire operations clearance." (Development Plan/Paving materials; June 4 hearing, approximately 23:46-24:34 and 1:25:52-1:26:17.)

The public-interest inquiry therefore could not end with the aggregate number of predicted trips. The existing Cerrillos Road infrastructure compounds that concern. Some nearby intersections lack dedicated turn lanes, while others have short turn pockets that provide limited space for deceleration and queuing. Public hearing testimony described crossing Cerrillos Road as already "quite a dangerous feat with a normal vehicle." For a use expected to generate trucks towing trailers and rental moving trucks, the applicant had to establish that those larger-vehicle movements could be accommodated at this location without an adverse public-interest effect. The record does not supply substantial evidence resolving that site-specific and use-specific safety question.

### 4. The traffic record does not explain the fourteen creative office/workshop units. [Authorized Ground 3]

The traffic assessment describes the secondary site as including drive-up storage, office, and flex-workshop space and identifies ITE land-use categories for Mini-Warehouse, Small Office Building, Recreational Community Center, and Dog Park. Table 2 separately lists "151 - 14 Units" and assigns that component zero AM peak-hour trips and zero PM peak-hour trips. The total analysis then projects only 10 AM and 17 PM peak-hour trips and concludes that a full Traffic Impact Analysis is not anticipated to be required. (Impact of Traffic Assessment, pp. 1-3, Table 2.)

The hearing record describes the same fourteen units as individually leasable creative office/workshop-style spaces for uses such as startup businesses, studios, woodworking, cabinet making, podcasting, and craft work. When asked about operating hours, the applicant stated that tenants would have individual access cards and could come and go "just like it was their office building." (Staff Report, pp. 2-3; June 4 hearing, approximately 51:48-53:18 and 1:01:39-1:02:00.)

The record does not explain how those operational descriptions were reconciled with zero peak-hour trips for the fourteen-unit component. The omission is especially material because the report projects only 10 AM and 17 PM peak-hour trips for the entire development. Against totals that small, traffic from fourteen independently accessible office/workshop units could represent a substantial portion of the Project's total peak-hour traffic before any trips from the storage, community room, dog park, and other uses are considered. Because low projected traffic was a material part of the applicant's and Staff's public-interest case, the unexplained zero-trip treatment is material to whether the required finding is supported by substantial evidence. (Impact of Traffic Assessment, Table 2; Staff Report, pp. 2-3.)

### 5. The mandatory finding of compatibility and adaptability was not established on the record presented. [Authorized Grounds 2 and 3]

Staff itself told the Commission that Special Use Permit review was "not simply a zoning compliance check" and required consideration of public interest and compatibility at this location. Yet Staff's response to the criterion requiring both compatibility and adaptability relied principally on surrounding C-2 uses, the fact that storage is potentially allowed with a Special Use Permit, neutral stucco architecture, zoning compliance, and elimination of existing nonconformities. (Staff Report, p. 13; June 4 hearing, approximately 17:41-17:56.)

The record contained substantial contrary concerns requiring an evidentiary basis before the mandatory finding could be made. Early Neighborhood Notification comments raised pedestrian crossings, transit, traffic, and community-serving features. Written public comment raised fire-station proximity and emergency-safety review. Hearing testimony raised corridor character and traffic safety. A commissioner described the building as attractive in isolation but "extremely out of character" for the neighborhood, and later agreed that the landscaping and screening concerns raised in public comment were well taken. (Staff Report, p. 14; June 4 hearing, approximately 1:39:30-1:40:03 and 1:51:45-1:52:25.)

The adaptability component presents an additional evidentiary gap. In its Applicant Response, the applicant stated: "The self-storage building design lends itself to being adaptable to other uses. The self-storage units within the building shell can be modified to adapt to different uses." Staff's response, however, analyzed surrounding uses, zoning, architecture, and compatibility; it did not separately identify evidence showing that a substantial alternative use could actually be accommodated by the approved building and site. The approved Development Plan calculates 69 required parking spaces and provides 73 for the entire Project. Under former Table 14-8.6-1, mini-warehouses required only one parking space per 10 storage areas, while representative alternative uses carried materially greater parking requirements, including one space per 350 square feet of net leasable area for non-medical office, one per 400 square feet for neighborhood grocery/laundromat, and one per 500 square feet for warehouse/distribution. The record contains no analysis showing whether a substantial conversion could satisfy those parking requirements, where materially additional parking could be accommodated, or whether other site and building requirements applicable to an alternative use could be met. (Staff Report, p. 13; Development Plan, Sheet A.101; former Table 14-8.6-1.)

The significance of the public and commissioner concerns, together with this unaddressed adaptability question, is that they bear directly on the mandatory criterion requiring both compatibility and adaptability. Zoning eligibility and the applicant's general assertion that the self-storage units within the building shell can be modified to adapt to different uses do not provide substantial evidence that the proposed use and associated buildings are both compatible with and adaptable to buildings, structures, and uses of abutting and nearby properties. The record therefore does not demonstrate an adequate evidentiary basis for the Commission to make that mandatory finding before approval.

### 6. The City's own technical review confirms that material compliance remained unresolved. [Authorized Grounds 1, 2 and 3]

The City's Conditions of Approval and Technical Corrections ("Attachment A" in the administrative record) provide additional confirmation that the required showing was not complete when the Commission acted. Technical Correction 39 states that the "Current analysis shows a violation" because an increase in peak stormwater flows is not allowed by SFCC Section 14-8.2(D)(4)(b)(i), and the review required additional drainage and runoff-volume analysis. Technical Correction 37 separately states that the photometrics did not meet Code requirements. These matters were assigned for correction prior to recordation rather than resolved before the June 4 approval. (Attachment A, Technical Corrections 37, 39-44.)

The significance of those identified deficiencies extends beyond the underlying engineering and lighting corrections. They constitute the City's own contemporaneous evidence that material Code compliance had not yet been demonstrated when Staff relied on compliance with minimum health, safety, and welfare standards to support the public-interest finding. They therefore reinforce the authorized appeal grounds of noncompliance with Chapter 14, incorrect application of Chapter 14, and lack of substantial evidence.

### 7. Taken together, the record did not establish the mandatory findings when approval was granted. [Authorized Grounds 2 and 3]

The unresolved traffic-safety questions, unexplained treatment of the fourteen office/workshop units, site-specific compatibility concerns, the unsupported adaptability conclusion, and City-identified compliance problems are not a collection of isolated technical objections. Together they show that the evidentiary record necessary to support the mandatory public-interest finding and the mandatory finding of compatibility and adaptability had not been established when the Commission approved the Special Use Permit.

The Code required those affirmative findings before approval. The record presented did not contain substantial evidence sufficient to support the required public-interest finding and the mandatory finding of

compatibility and adaptability at the time of approval. Accordingly, the Special Use Permit decision lacks substantial evidentiary support and reflects an incorrect application of Chapter 14.

## 8. Relief

**Primary Relief.** The Governing Body should reverse the Planning Commission's approval of Case 2025-11756. The Special Use Permit was the discretionary authorization necessary for the proposed self-storage use in C-2, and the record presented did not establish the mandatory public-interest finding and the mandatory finding of compatibility and adaptability required for that approval.

**Alternative Relief.** If the Governing Body does not grant reversal, Appellants request that the approval be vacated and the matter remanded for a new determination based on a record that resolves the material traffic, safety, compatibility, adaptability, drainage, lighting, and compliance issues identified above and supports the required findings with substantial evidence. Appellants also request any other relief authorized by law.

# City of Santa Fe

200 Lincoln Ave.
Santa Fe, New Mexico 87504-0909

## INVOICE (INV-00118794)

**BILLING CONTACT**
THOMAS TRUST HOLDINGS LLC
340 E BERGER ST
Santa Fe, NM 87505

| INVOICE NUMBER | INVOICE DATE |
|---|---|
| INV-00118794 | 08/10/2026 |

| REFERENCE NUMBER | FEE NAME |
|---|---|
| 2026-012949--APPL | Appeal Fee |
| 1802 Cerrillos Rd Santa Fe, NM 87505 | |

**REMITTANCE INFORMATION**

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

City of Santa Fe, NM
DEPARTMENT
200 Lincoln
Sante Fe, NM 87507-4808

08/10/2026 03:01PM Michael R
003293-0005

EG INVOICE
LLC, THOMAS TRUST HOLDINGS
2026-012949--APPL
2026 INV-00118794
Appeal Fee - Plan - All
Appeals $200.00

LLC, THOMAS TRUST HOLDINGS
2026-012950--APPL
2026 INV-00118795
Appeal Fee - Plan - All
Appeals $200.00

$400.00

Subtotal $400.00
Total $400.00

Tenders
CREDIT CARD $400.00
MasterCard

Change due $0.00

Paid by: LLC, THOMAS TRUST HOLDINGS

Signature: _____

Thank you for your payment

CUSTOMER COPY

| INVOICE DESCRIPTION |
|---|
| NONE |

| | TOTAL |
|---|---|
| | $200.00 |
| JB TOTAL | $200.00 |

| TOTAL | $200.00 |
|---|---|

# Attachment B: Land Use Director Appeal Petition Conformity Review (October 1, 2026)

CITY OF SANTA FE
PLANNING & LAND USE

**LAND USE DIRECTOR APPEAL PETITION CONFORMITY REVIEW**

**Heather L. Lamboy, AICP**

| | |
|---|---|
| **Date:** | October 1, 2026 |
| **Appellant:** | Thomas Trust Holdings, LLC<br>Forrest Thomas |
| **Address:** | 1802 & 1750 Cerrillos Rd, 1361 Fourth St, and 3 Berry Avenue |
| **Reason for Appeal:** | Planning Commission Approval of the DXD Self-Storage/Empire Self-Storage Conditional Use Permit based on the incorrect application of Chapter 14 and a decision lacking substantial evidence. |
| **Verified Petition:** | 2026-012949-APPL |
| **Filing Date:** | 8/10/2026 |
| **Case/Title/Permit:** | Appeal of Planning Commission decision to approve the DXD Self-Storage Development Plan and Conditional Use on 2.72 acres for an indoor self-storage facility (Case No. 2025-11756) |

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**Final Action:** Is there a final, appealable action? [SFCC 1987 § 14-2.1.B.5.IV.a.1.i), Land Use Board Final Action] Yes. The decision was considered final on July 9, 2026.

**Time:** Is the appeal timely? No. The Conditional Use appeal period is shorter than the Development Plan appeal period. The appeal period is 15 days from the date of the final action date of July 9, 2026. Stating that it was unclear as to the appeal period, the applicant filed by August 10, 2026, which was not timely. Since there were two approvals, a Development Plan and Conditional Use, [SFCC 1987 § 14-2.1(B)(5)(IV)(e)]. The appeal was filed on August 10, 2026, and did not meet the deadline for a Conditional Use appeal, which was July 24, 2026. The appeal petition fee was paid on August 10, 2026.

**Valid Basis:** Has Appellant stated a basis for appeal? [SFCC 1987 § 14-2.1.B.5.IV.b.2] Yes. The Appellant is contesting the application of Chapter 14 and expresses disagreement with the Planning Commission's approval on the basis that the required public-interest finding was not established by the traffic and access record, and that the mandatory finding of compatibility and adaptability was not established on the record.

**Standing:** Does Appellant have standing? [SFCC 1987 § 14-2.1.B.5.IV.c.3] Yes. Mr. Forrest Thomas of Thomas Trust Holdings received a mailed notice of the public hearing.

**Service:** If the Appellant is not the Applicant and there is an Appellee, did the Appellant timely provide the Applicant with a copy of the appeal? [SFCC 1987 § 14-2.1.B.5.IV.h.2] Yes. The appellant provided timely delivery of a copy of the appeal petition to Joseph Karnes, the agent for the applicant, Amtren, LLC.

**Additional Background:** On August 4, 2026, the Appellant contacted me to inquire about the deadlines for filing the appeal of the Conditional Use Permit and the Development Plan. On August 7, 2026, I informed him orally that, after consultation with the City Attorney's Office, a 30-day deadline would apply to both appeals. After further review, as outlined here, that advice to the Appellant was mistaken and the 15-day deadline applies.

**Attachments:**

Verified Appeal Petition
Filing Fee invoice/receipt
Staff Report Packet

# Attachment C: Planning Commission's Findings of Fact and Conclusions of Law for Case #2025-11756 (Sep. 3, 2026)

# City of Santa Fe
# Planning Commission
# Findings of Fact and Conclusions of Law

## Case #2025-11756
## 1802 Cerrillos Special Use Permit

**Owner/Applicant:** Amatren, LLC

**Agents:** Sommer Karnes & Associates, LLP and B Constructiv LLC

**Property:** 1802 and 1750 Cerrillos Road; 1361 Fourth Street; and 3rd Berry Avenue, Santa Fe, New Mexico

THIS MATTER came before the Planning Commission ("Commission") for public hearing on June 4, 2026 ("Hearing") upon the application ("Application") submitted on behalf of Amatren, LLC ("Applicant").

The Applicant requests approval of a Special Use Permit for indoor self-storage and related storage/workspace components in the C-2 zoning district and corridor context for the redevelopment of the former Empire Builders property and related parcels on Cerrillos Road. The property is zoned C-2 (General Commercial) and is within the Cerrillos Road Highway Corridor Protection District, Zone 1, and the Suburban Archaeological Review District.

After conducting a public hearing and having heard from City Planning and Land Use Staff ("Staff"), the Applicant, and interested persons, the Commission hereby FINDS, as follows:

**FINDINGS OF FACT**

1. Staff reviewed the Application, related materials, Development Review Team comments, public comments, and other submitted information for conformity with applicable requirements of Chapter 14 SFCC 1987.

2. Staff provided the Commission a written Staff Report evaluating the factors relevant to the Application and recommended approval subject to conditions and technical corrections set forth in Attachment A.

3. Pursuant to former SFCC 1987 Section 14-3.1(F) (2025), which applied to the ENN process at the time, the Applicant conducted two Early Neighborhood Notification ("ENN") meetings on October

6, 2025 and October 23, 2025. The meetings included presentations by the Applicant's team and questions and comments from neighbors and interested persons. Meeting summaries are included in Attachment C-2 to the Staff Report.

4. The Planning Commission heard the matter on June 4, 2026. The Commission received the Staff Report, Staff presentation, testimony and evidence from the Applicant, written public comments, public testimony if any, and other materials in the record prior to making its decision.

5. The public record included comments and concerns related to public access to case materials, Special Use Permit findings, the Cerrillos Road Highway Corridor Protection District, the Suburban Archaeological Review District, fire-station proximity and emergency access, NMDOT / Cerrillos frontage coordination, mural / public art treatment, and corridor character.

6. The public record also included written support for redevelopment of the former Empire Builders site.

7. The Commission approved the Application with conditions, subject to Attachment A: Conditions of Approval and Technical Corrections, as modified by the Commission.

8. The Special Use Permit request concerns indoor self-storage and related storage/workspace components in the C-2 corridor context, including creative office/workshop-style storage suites and associated community-facing components.

9. The Commission considered whether the use is appropriate at this location based on the required authority, public-interest, compatibility, and adaptability findings.

10. The record supports a finding that, subject to conditions, the Special Use Permit will not adversely affect the public interest.

11. The record supports a finding that the use and associated buildings are compatible with and adaptable to buildings, structures, and uses of abutting properties and other properties in the vicinity.

12. The mural / public art condition contained in Attachment A and addressed primarily through the Development Plan is part of the condition package supporting corridor-character, compatibility, and public-interest considerations.

13. At the August 6, 2026, Planning Commission hearing, the Commission provided further explanation for the condition that the artist or artists hired to complete the murals be residents of Santa Fe. The Commission seeks to provide opportunities for local artists as a necessary means to promote the local cultural heritage, engage the community, and contribute to vibrant neighborhoods in a manner that aligns with other city-directed initiatives aimed at fostering local artists.

**CONCLUSIONS OF LAW**

1. The Commission has jurisdiction and authority to review and act on the Application.

2. Pursuant to SFCC 1987 Section 14-2.1, the applicable procedural requirements, including notice and public hearing, have been satisfied based on the record before the Commission. The ENN process was conducted pursuant to former SFCC 1987 Section 14-3.1(F) (2025), which applied to the ENN process at the time.

3. The Staff Report, Attachment A, Development Review Team comments, public comments/support materials, Applicant materials, and hearing testimony constitute substantial evidence in the record supporting the Commission's decision.

4. The Commission concludes that it has authority to approve the Special Use Permit.

5. The Commission concludes that the Special Use Permit, subject to conditions, will not adversely affect the public interest.

6. The Commission concludes that the use and associated buildings are compatible with and adaptable to the surrounding C-2 corridor context and vicinity.

7. The Commission concludes that the condition the Applicant hire an artist or artists from Santa Fe to complete the murals at the property is carefully tailored to promote the local arts community and culture without unreasonably harming nonresidents.

8. The Special Use Permit is approved subject to Attachment A, as modified by Planning Commission action. Condition 44 is incorporated by reference from the Development Plan FOFCOL as applicable to the Special Use Permit.

**ORDER**

WHEREFORE, IT IS ORDERED by the Planning Commission of the City of Santa Fe that Case #2025-11756, 1802 Cerrillos Special Use Permit, is approved subject to Attachment A, as modified by Planning Commission action, with Condition 44 incorporated by reference from the Development Plan FOFCOL as applicable to the Special Use Permit.

**Signature Blocks**

Planning Commission Chair — Date 9/24/26

FILED: City Clerk — Date 09/30/2026

APPROVED AS TO FORM: City Attorney / Assistant City Attorney — Date 9/9/2026

**Signature:** 

**Email:** xivigil@santafenm.gov

# 26-0410 Amatren LLC Case #2025-11756

Final Audit Report 2026-09-30

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|---|---|
| Created: | 2026-09-30 |
| By: | XAVIER VIGIL (xivigil@santafenm.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAA5mcqtcger009E6eS4id0uFO5i6DEjZyO |
| Documents: | 26-0410 Amatren LLC Case #2025-11756.pdf (4 pages) |
| Number of Documents: | 1 |
| Document page count: | 5 |
| Number of supporting files: | 0 |
| Supporting files page count: | 0 |

## "26-0410 Amatren LLC Case #2025-11756" History

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# Attachment D: Staff Report for Case #2025-11753 and Case #2025-11756

# Planning and Land Use Department
# Planning Commission Staff Report

| | |
|---|---|
| **Case Numbers** | 2025-11753<br>2025-11756 |
| **Hearing Date** | June 4, 2026 |
| **Agent** | Sommer Karnes & Associates LLP<br>B Constructiv LLC |
| **Applicant** | Amatren, LLC |
| **Request** | Development Plan<br>& Special Use Permit |
| **Location** | 1802 Cerrillos Rd, 1750 Cerrillos Rd, 1361 Fourth St, 3 RD Berry Ave |
| **Case Manager** | George Terry |
| **Zoning** | C-2 (General Commercial) |
| **Overlay** | Cerrillos Rd Highway Corridor Protection District (Zone 1),<br>Suburban Archeological Review District |
| **Pre-App Meeting** | June 26, 2025 |
| **ENN Meeting** | October 6 & 23, 2025 |
| **Proposal** | The applicant requests approval of a Development Plan and Special Use Permit for a mixed-use storage facility. |




*Site Map*

**Case #2025-11753. 1802, 1750 Cerrillos Rd, 1361 Fourth St, and 3 RD Berry Ave Development Plan**. Sommer Karnes & Associates LLP and B Constructiv LLC, "Agent," for Amatren, LLC, owner and applicant, "Applicant," requests approval of a Development Plan on 2.72 acres for an indoor self-storage facility containing climate-controlled storage and community offices; creative office suites (mini-storage units); and a community dog park. The properties are zoned C-2 (general commercial) and located within the Cerrillos Road Highway Corridor (CRHC) Protection District Zone One and the Suburban Archaeological Review District. (George Terry, Case Manager, agterry@santafenm.gov)

**Case #2025-11756. 1802, 1750 Cerrillos Rd, 1361 Fourth St, and 3 RD Berry Ave Special Use Permit.** Sommer Karnes & Associates LLP and B Constructiv LLC, "Agent," for Amatren, LLC, owner and applicant, "Applicant," requests approval of a Special Use Permit to develop an indoor self-storage facility containing climate-controlled storage and community offices; creative office suites (mini-storage units); and a community dog park on 2.72 acres. The properties are zoned C-2 (general commercial) and located within the Cerrillos Road Highway Corridor (CRHC) Protection District Zone One and the Suburban Archaeological Review District. (George Terry, Case Manager, agterry@santafenm.gov)

## I. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** the following cases, subject to the Conditions of Approval and Technical Corrections outlined in Attachment A of this report.

1. **Case #2025-11753:** 1802 Cerrillos Rd Development Plan
2. **Case #2025-11756:** 1802 Cerrillos Rd Special Use Permit

Two motions will be required for this case:

1. **APPROVE** Case #2025-11753, "*1802 Cerrillos Rd Development Plan,*" based on the findings in the Staff Report and subject to the Conditions of Approval and Technical Corrections outlined in Attachment A.
2. **APPROVE** Case #2025-11756, "*1802 Cerrillos Rd Special Use Permit,*" based on the findings in the Staff Report and subject to the Conditions of Approval and Technical Corrections outlined in Attachment A.

## II. EXECUTIVE SUMMARY

The subject property includes four parcels totaling approximately 2.72 acres: 1802 Cerrillos Rd (1.74 acres), 1750 Cerrillos Rd (0.18 acres), 1361 Fourth St (0.56 acres), and 3 RD Berry Ave (0.24 acres). The parcels straddle Fourth St and are located southwest of the Santa Fe Indian School. The property is the former Empire Builders site.

The Applicant requests approval of a Development Plan and Special Use Permit to demolish the existing structures and redevelop the property as a mixed-use self-storage facility across four buildings totaling approximately 102,000 square feet of gross floor area. The development will include 480 indoor climate-controlled storage units of varying sizes across three floors, associated community office/community room space on Site 1, and 14 creative office/workshop-style mini-storage units on Site 2, together with parking and a community dog park.

These applications were received in December 2025 and therefore have been reviewed under the prior version of the Land Development Code, before recodification (Ordinance 2025-25).

The Applicant has complied with Subsections 14-3.1(E) "*Pre-Application Conferences*", 14-3.1(F) "*Early Neighborhood Notification Procedures,*" and 14-3.1(H) "*Notice Requirements*".

Staff's analysis finds that the Applicant has addressed the applicable findings under SFCC Sections 14-3.8(D) and 14-3.6(D). Staff recommends approval of both cases subject to the Conditions of Approval and Technical Corrections identified in Attachment A.

## III. PROJECT ANALYSIS: DEVELOPMENT PLAN & SPECIAL USE PERMIT

### Project Description

The main structure proposed, "Building 1," fronts Cerrillos Road with parking in the rear. It is a three-story, partially underground structure that is approximately 29 feet 6 inches tall and contains 480 indoor climate-controlled storage units ("Site 1"). Building 1 will replace the existing Empire Builders structure. Across Fourth Street to the east, "Site 2" includes three parcels and three additional one-story structures; however, two of those parcels will be consolidated pursuant to the Conditions of Approval. Site 2 also includes 1750 Cerrillos Road, which will remain a parking lot, matching its existing use. The other two parcels south of 1750 Cerrillos Road will contain three one-story buildings with small-format creative office/workshop-style suites, parking, and a community dog park. For purposes of this Staff Report, "creative office suites" refers to flexible, individually leasable workspace/workshop-style units intended for low-intensity creative, maker, small-business, studio, or similar uses with associated storage functions. These suites are reviewed as part of the overall storage-oriented redevelopment and are not treated as a separate conventional office complex.

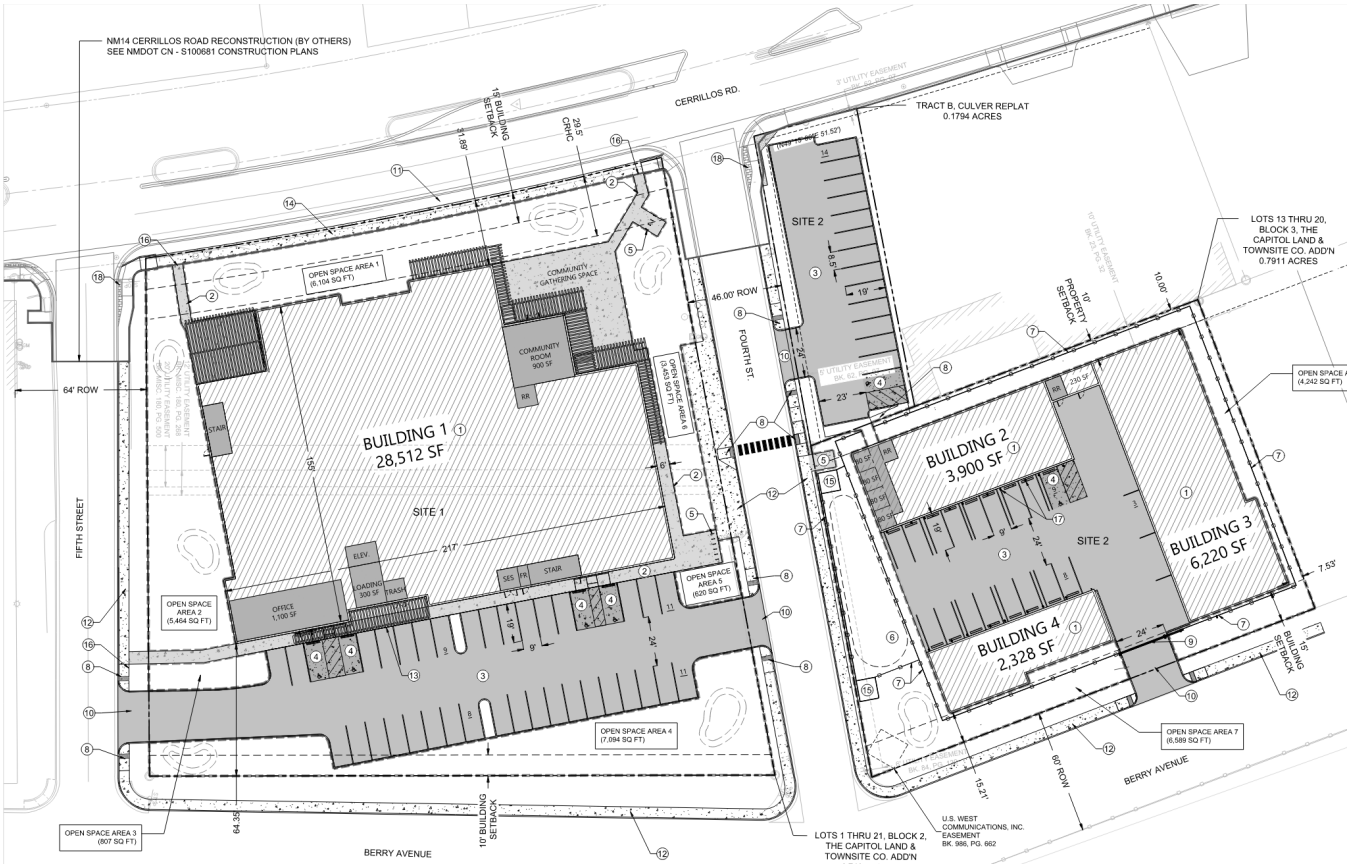



*Figure 2: "Site 1" on the left, "Site 2" on the right across Fourth St*

A Development Plan is required for this project under SFCC Section 14-3.8(B)(3)(a) which states, *"approval of a Development Plan by the planning commission is required prior to new development that meets any of the following criteria: (a) gross floor area of thirty thousand square feet or more and is located within any zoning district of the city."* A Special Use Permit is also required for individual storage areas within a completely enclosed building and mini-storage units in C-2 zones as shown in SFCC Table 14-6.1-1.

**Zoning & Land Use**

The Property is zoned C-2, General Commercial. The C-2 district accommodates a broad range of commercial and compatible uses. Storage facilities in the C-2 district are allowed only if the Applicant is granted a Special Use Permit.

*The properties surrounding the project site are also zoned C-2. Adjacent uses include hotels, a fire station, auto shops, a restaurant, and another mini-storage facility. The future land use classification for this property and the surrounding properties is Community Commercial.*

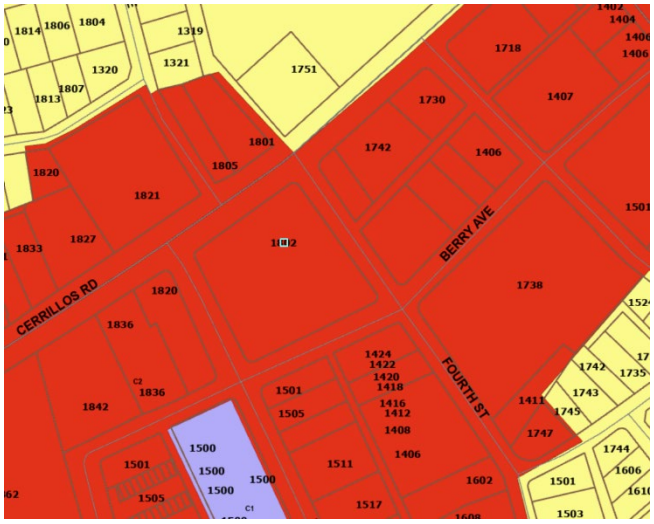



*Figure 3: Zoning Map. Red is C-2, yellow is R-5, and purple is C-1.*

The proposed Development Plan meets all C-2 dimensional standards shown in Table 1 below.

*Table 1 – Dimensional Standards*

| C-2 (General Commercial) Dimensional Standards | | |
|---|---|---|
| Requirement | C-2 District Standard | Proposed |
| Height | 45' Maximum | Site 1: 29'6"<br>Site 2: 16' |
| Lot Coverage | 60% maximum | Site 1: 37% (28,512 sq ft)<br>Site 2: 29% (12,448 sq ft) |
| Open Space | 25% of total lot area<br>**20% if passive stormwater harvesting provided*<br>**15% if active stormwater harvesting is provided* | Site 1: 30.91% (23,542 sq ft)<br>Site 2: 25.62% (10,831 sq ft) |
| Setbacks | Street: 15 ft<br>Side: 0 ft<br>Rear: 10 ft | Site 1: Street – 32', Rear – 64'<br>Site 2: Street – 15', Rear – 10'<br>**Note: The existing* |

| | | |
|---|---|---|
| | | *Empire Builders site is not in compliance with setbacks. This redevelopment will bring the property into compliance.* |

SFCC Sections 14-6.2(D)(2) and (3) impose stricter limitations on storage facilities. Below are the limitations and a summary of this project's compliance.

*Table 2 – Individual Storage Unit Limitations*

| 14-6.2(D)(2) **Individual Storage Areas Within a Completely Enclosed Building**<br>*Storage units that are not directly accessible from outside a building are subject to the following limitations:* | |
|---|---|
| Limitation: | Project Compliance: |
| a. the plan for operation of the storage area is compatible with other permitted uses existing in the vicinity; | Another storage facility, Santa Fe Self Storage, exists adjacent to the southeast of the project. |
| b. the storage area shall not unreasonably interfere with permitted uses because of glare, traffic congestion or any similar nuisance; | An Impacts of Traffic Assessment was prepared and reviewed. The proposed development does not meet the threshold requiring a full Traffic Impact Analysis under City TIA Guidelines. Congestion and similar traffic-related nuisances are not anticipated. |
| c. an individual storage unit shall not exceed two hundred square feet; | The largest individual storage units proposed are 10x20 sq ft. |
| d. outdoor storage is prohibited on the site if located within a C-2 district or the BCD; | Outdoor storage is not proposed. |

*Table 3- Mini Storage Unit Limitations*

| 14-6.2(D)(3) **Mini Storage Units**<br>*Storage units that are directly accessible from outside a building are subject to the following limitations:* | |
|---|---|
| Limitation: | Project Compliance: |
| a. a wall or fencing plan shall be submitted for staff review and approval prior to issuance of a construction permit. Walls or fences shall provide a visual buffer or screen and be constructed of opaque materials; | The applicant is proposing a 6 ft tall dark bronze fence along the perimeter of Site 2. |
| b. a landscape plan meeting all the requirements | The Applicant has provided a landscape plan, |

| | |
|---|---|
| of Section 14-8.4 shall be submitted to the land use director for approval prior to issuance of a construction permit; | subject to the Conditions of Approval and Technical Corrections in Attachment A. |
| c. the architecture shall be compatible with the zoning district as approved by the land use director. One dwelling unit, excluding manufactured homes, is allowed as part of the storage unit development and it must be architecturally compatible with the storage units. No portion of the storage units or the dwelling unit shall exceed one story in height; | The proposed architecture has been reviewed for compliance with the required architectural points. |
| d. lighting shall be of a nature that is not intrusive to surrounding residential uses; | The Applicant submitted a photometric plan. Final lighting corrections remain subject to Attachment A and SFCC Section 14-8.9. |
| e. mini-storage units approved after July 25, 2007 shall comply with the following:<br>i. a building shall not be located fewer than one hundred (100) feet from a residentially zoned property unless the required landscaping buffer adjacent to the residentially zoned property is twice the otherwise required width; and<br>ii. an eight (8) foot masonry wall, either stuccoed on the outside or made of decorative block, is required along any property line abutting a residentially zoned property. | There is residential zoning north of Site 2 (1750 Cerrillos), across the Cerrillos Rd Right of Way. However, Staff determined these regulations do not apply because 1) the property that is zoned residential is owned and occupied as a City Fire Station, and 2) the Applicant is proposing that this parcel of Site 2 (1750 Cerrillos) will remain its current parking lot use. No mini-storage units are proposed on this lot. |

**Architecture**

The project is composed of four (4) buildings proposed to use natural earth-toned stucco with accents of stone, wood trellises, metal siding, and a mural on the west side of Site 1. The buildings will have a footprint of approximately 41,000 square feet across the parcels, with a gross floor area of approximately 102,000 square feet. The structures will have flat roofs with parapets to screen rooftop equipment. This development is required to meet 205 architectural points in the C-2 zoning district, and the proposed design exceeds that requirement with 230 points. Architectural elevations and the points analysis can be found in Attachment C-3.

Although this development is over 30,000 gross square feet, it is not required to comply with SFCC Section 14-8.8, "Supplemental regulations for retail structures thirty thousand gross square feet or larger." The supplemental regulations apply to retail establishments as defined by the code. The proposed primary use is self-storage with associated office and community components, and staff does not classify the proposed use as a retail establishment for purposes of applying SFCC Section 14-8.8.




*Figure 4: Applicant renderings of southwest and northeast corners of Site 1*

**Access, Traffic, & Parking**

The project includes four (4) vehicular entry points. There are two (2) entries on the southeast and southwest sides of Site 1 (Fifth St and Fourth St) to provide access to the parking and loading area. There is one (1) entry off Fourth St into the northernmost parking lot on Site 2, and another one (1) entry into the creative studios area parking lot in Site 2 off Berry Ave.

The project is required to provide a total of 14 bike parking spaces across both sites of this development and has done so with inverted U bike racks in two locations. Vehicular parking requirements for Site 1 are 63 parking spaces, and 6 spaces for Site 2. The applicant proposes 73 parking spaces total, spread between three (3) lots. See Figure 2 for a visual on the parking layout. The applicant has a Condition of Approval to provide appropriate documentation connecting Lot 1 to the rest of the Development Plan in perpetuity to keep the freestanding parking lot connected with the development to avoid any future creation of parking nonconformities.

An Impacts of Traffic Assessment was prepared by Souder, Miller & Associates and reviewed for the project. The assessment evaluated the anticipated traffic associated with the proposed storage, office, community space, and dog park uses. Based on the estimated trip generation and the City's Traffic Impact Analysis Guidelines, the proposed development does not meet the threshold requiring a full Traffic Impact Analysis. The assessment estimates ten (10) AM peak-hour trips and seventeen (17) PM peak-hour trips for the proposed development. See Attachment C-4.

This project lies in a region of Cerrillos Rd that will be altered through NMDOT project S100681 (NM/14 Cerrillos Road) beginning in approximately May 2027. The Applicant has communicated with NMDOT regarding the site plans and site improvements to the right of way. The applicant will install a five (5) foot wide landscape buffer along Cerrillos Rd with a six (6) foot wide sidewalk beside it. Construction of this buffer and the connections to the curb ramps cannot be done until the NMDOT constructs their portion first. The Applicant has a Condition of Approval to continue coordinating construction timing with NMDOT.

Along Fifth St, Fourth St, and Berry Ave, the Applicant will install a five (5) foot wide public sidewalk. The

Applicant will also install a crosswalk connecting Site 1 and 2 across Fourth St.

**Terrain Management**

The properties are previously disturbed and mostly consist of existing impervious areas. The Applicant proposes to demolish existing structures and asphalt parking areas for the proposed redevelopment. The Applicant has included an erosion control plan to mitigate runoff from the property during construction. Once developed, the property will include eight (8) stormwater ponds for detention and retention. Attachment A includes Conditions of Approval and Technical Corrections related to terrain management that must be completed before recording the Development Plan.

**Landscaping, Lighting, & Signage**

The Applicant submitted a landscape plan including new trees, shrubs, gravel, and mulch around much of the perimeter of the properties. The design remains subject to technical corrections prior to recording the Development Plan. Items requiring revision include parking lot landscape islands, tree species and placement, and additional parking lot screening shrubs. Refer to Attachment A for the applicable Conditions of Approval and Technical Corrections.

The Applicant also provided a lighting plan that includes building-mounted outdoor lights, pole lights, and string lights to illuminate parking areas and pedestrian pathways. Staff reviewed the photometric data and identified Conditions of Approval and Technical Corrections that must be addressed prior to recording the Development Plan. See Attachment A.

Signage shown in the proposed Development Plan is not approved through this application. Staff will review proposed signs for this commercial use through the applicable sign permit process. In the CRHC Protection District Zone 1, this property will be allowed no more than three (3) signs, none of which may exceed fifty (50) square feet, for a total allowable sign area of no more than 150 square feet.

**Utilities**

The property has existing water and sewer infrastructure, and the project proposes new water, sewer, and fire service improvements to serve the redevelopment. The City Water Division has approved the Water Plan and Development Water Budget for the project. The approved Development Water Budget is 1.66 acre-feet per year, which is below the five acre-feet per year threshold for water-rights transfer. Additional water infrastructure, Agreement to Construct and Dedicate, agreement for metered service, separate service, irrigation meter, backflow prevention, and related requirements remain subject to the Conditions of Approval and Technical Corrections in Attachment A at the applicable later development stages. City Wastewater did not provide comments on this project. See Attachment C-4.

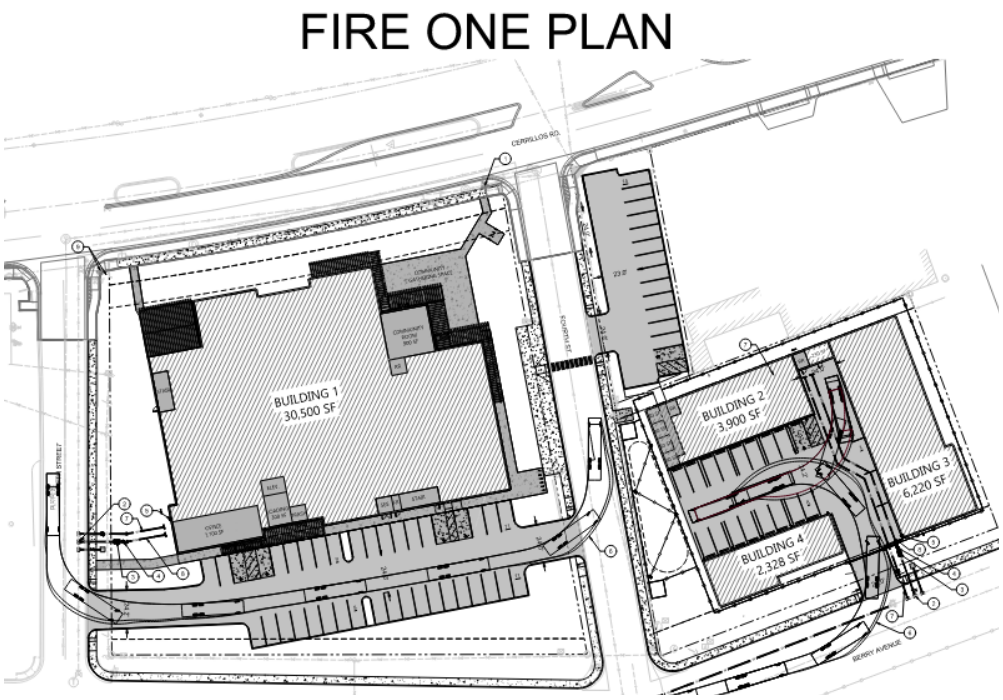



*Figure 5: Fire Plan. Red approximates fire access areas.*

**Fire Prevention and Emergency Access**

Fire and emergency access requirements will be reviewed through the applicable International Fire Code requirements and City fire-related conditions. All structures within the proposed Development Plan would include fire alarm systems and sprinklers. There is fire access to Site 1 via Cerrillos Rd, Fourth St, Fifth St, and through the parking lot on the rear (south) side of the structure. Fire access to Site 2 is available along Fourth St, Berry Ave, and through the hammerhead parking area between Buildings 2, 3, and 4. Fire access areas are designed to support the load of a 75,000-pound fire apparatus. The development has two (2) existing fire hydrants on site, one of which will be relocated during construction. Attachment A includes a Condition of Approval requiring the Applicant to maintain fire access roads during construction in compliance with IFC 2021.

**Archaeology**

This project is within the Suburban Archaeological Review District. No further archaeological review is required unless a future utility plan exceeds 550 linear feet of utility lines, or more restrictive requirements in future amendments to Chapter 14 of the City Code.

## IV. DEVELOPMENT PLAN APPROVAL CRITERIA SECTION 14-3.8(D)(1)

SFCC Section 14-3.8 governs the authority, procedures, and restrictions for Development Plans. The criteria for approval of Development Plans are detailed below:

| **Criterion 1: that the Planning Commission has the authority and is empowered to approve the development plan under the section of Chapter 14 described in the application;** | **Criterion Met:** (Yes/No) **YES** |
|---|---|
| **Applicant Response**: *City Code section 14-3.8.B.3.a requires a development plan for uses with a gross floor area of 30,000 SF or more located within any zoning district of the City. The proposed project is greater than 30,000 SF and therefore requires approval of a development plan by the Planning Commission.* | |
| **Staff Response**: Santa Fe City Code (SFCC) Section 14-2.3(C)(1) authorizes the Planning Commission to review and approve or disapprove development plans. | |

| **Criterion 2: that approving the development plan will not adversely affect the public interest; and** | **Criterion Met:** (Yes/No) **YES** |
|---|---|
| **Applicant Response**: *Since the closure of Empire Builders Supply in about 2019, the Property has been vacant; giving rise to negative issues common to vacant urban properties. Redevelopment of the Property will revitalize this area along Cerrillos Road, including addition of amenities available to the community. As addressed below, approving the requested applications would enhance the public interest in several ways.*<br><br>*Self-storage is a low intensity use that generates relatively little daily activity, traffic, noise and solid waste generation compared to the historic use of the Property and permitted uses allowed by right in the C-2 zone. Water use and sewage generation will be minimal.*<br><br>*The self-storage building has been designed to maintain a compatible scale and use type with respect to the vicinity, while introducing high-quality architectural and site design features that elevate the visual and functional quality of the Cerrillos Road corridor. While the maximum height limit in the C-2 zone is 45 feet, the proposed self-storage building will be less than 30 feet in height and provides an average front setback along Cerrillos of 15 feet – greater than existing site conditions. The C-2 zone allows for up to 60% lot coverage. The project includes lot coverage of approximately 35% and provides 32% open space, exceeding the minimum requirement of 25% which supports stormwater infiltration, landscaping and pedestrian amenities. The Project conforms to all zoning standards, including height, setbacks, lot coverage, parking and open space requirements and no variances are requested.* | |

| |
|---|
| *Finally, as addressed above, the Project includes multiple amenities intended to serve the neighborhood and city, including community gathering space, a community room, community offices and a dog park open to the public. The Project will also include a rooftop solar array to supply renewable energy to the facility, helping lower greenhouse gas emissions and contribute to the City and region's clean energy goals. Such amenities are not required, are not often included in commercial projects and will benefit the public interest.* |
| **Staff Response**:<br>The term "Public Interest" is not specifically defined in Chapter 14; however, the Governing Body has implemented the General Plan as stated in Subsection Section 14-1.3 (General Purposes). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. Staff reviewed the proposed application in accordance with these ordinances. Subject to Conditions of Approval recommended by staff, the proposed application complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest. |

| **Criterion 3: that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.** | **Criterion Met:**<br>(Yes/No)<br>**YES** |
|---|---|
| **Applicant Response**:<br>*The self-storage building design lends itself to being adaptable to other uses. The self-storage units within the building shell can be modified to adapt to different uses and the building design is compatible with existing uses in the project vicinity. The low-intensity nature of self-storage promotes compatibility with existing uses and the traffic generated by the use will be substantially lower than the historic use and many uses permitted as of right within the C-2 zone.*<br><br>*The drive-up storage and workspaces within the lots east of Fourth Street will increase opportunities for local entrepreneurs and small businesses to benefit from small, relatively affordable and conveniently located workspaces. By supporting economic opportunity at the neighborhood level, these spaces will help sustain the financial stability of individuals and families, contributing to the long-term economic viability of the area while redeveloping a Property that has been vacant for several years.* | |
| **Staff Response**:<br>Staff finds that the proposed uses are compatible with those in the vicinity and that the uses are permitted with a Special Use Permit in the C-2 zoning district. Adjacent uses to the project include hotels, a fire station, auto shops, a restaurant, and another mini-storage facility (Santa Fe Self Storage). The architectural style of the buildings is compatible with structures in the area, as they will be mostly neutral stucco with some accent materials. The project conforms with all C-2 zoning requirements and eliminates existing nonconformities on the site. | |

## V. SPECIAL USE PERMIT APPROVAL CRITERIA SECTION 14-3.6(D)

SFCC Section 14-3.6 governs the authority, procedures, and restrictions for Special Use Permits. The criteria for approval of Special Use Permits are detailed below:

| **Criterion 1: that the land use board has the authority under the section of Chapter 14 described in this application to grant a Special Use Permit;** | **Criterion Met:** (Yes/No) **YES** |
|---|---|
| **Applicant Response**: *City Code Table 14-6.1.1 identifies a self-storage facility within a C-2 zone as being allowed subject to approval of a SUP. The Planning Commission has the authority to consider requests for SUPs that are part of a development plan requesting Planning Commission review. (14-2.3.C.3)* | |
| **Staff Response**: Santa Fe City Code (SFCC) Section 14-2.3(C)(3) authorizes the Planning Commission to review and approve or disapprove special use permits when in conjunction with a development plan. | |

| **Criterion 2: that granting the special use permit does not adversely affect the public interest; and** | **Criterion Met:** (Yes/No) **YES** |
|---|---|
| **Applicant Response**: *Since the closure of Empire Builders Supply in about 2019, the Property has been vacant; giving rise to negative issues common to vacant urban properties. Redevelopment of the Property will revitalize this area along Cerrillos Road, including addition of amenities available to the community. As addressed below, approving the requested application would enhance the public interest in several ways.*<br><br>*Self-storage is a low intensity use that generates relatively little daily activity, traffic, noise and solid waste generation compared to the historic use of the Property and permitted uses allowed by right in the C-2 zone. Water use and sewage generation will be minimal.*<br><br>*The self-storage building has been designed to maintain a compatible scale and use type with respect to the vicinity, while introducing high-quality architectural and site design features that elevate the visual and functional quality of the Cerrillos Road corridor. While the maximum height limit in the C-2 zone is 45 feet, the proposed self-storage building will be less than 30 feet in height and provides an average front setback along Cerrillos of 15 feet – greater than existing site conditions. The C-2 zone allows for up to 60% lot coverage. The project includes lot coverage of approximately 35% and provides 32% open space, exceeding the minimum requirement of 25% which supports stormwater infiltration, landscaping and pedestrian amenities. The Project conforms to all zoning standards, including height, setbacks, lot coverage, parking and open space requirements and no variances are requested.* | |

*Finally, as addressed above, the Project includes multiple amenities intended to serve the neighborhood and city, including community gathering space, a community room, community offices and a dog park open to the public. The Project will also include a rooftop solar array to supply renewable energy to the facility, helping lower greenhouse gas emissions and contribute to the City and region's clean energy goals. Such amenities are not required, are not often included in commercial projects and will benefit the public interest.*

**Staff Response**:

The term "Public Interest" is not specifically defined in Chapter 14; however, the Governing Body has implemented the General Plan as stated in Subsection Section 14-1.3 (General Purposes). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. Staff reviewed the proposed application in accordance with these ordinances. Subject to Conditions of Approval recommended by staff, the proposed application complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest.

| **Criterion 3: that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.** | **Criterion Met:** (Yes/No) **YES** |
|---|---|

**Applicant Response**:

*The self-storage building design lends itself to being adaptable to other uses. The self-storage units within the building shell can be modified to adapt to different uses and the building design is compatible with existing uses in the project vicinity. The low-intensity nature of self-storage promotes compatibility with existing uses and the traffic generated by the use will be substantially lower than the historic use and many uses permitted as of right within the C-2 zone.*

*The drive-up storage and workspaces within the lots east of Fourth Street will increase opportunities for local entrepreneurs and small businesses to benefit from small, relatively affordable and conveniently located workspaces. By supporting economic opportunity at the neighborhood level, these spaces will help sustain the financial stability of individuals and families, contributing to the long-term economic viability of the area while redeveloping a Property that has been vacant for several years.*

**Staff Response**:

Staff finds that the proposed uses are compatible with those in the vicinity and that the uses are permitted with a Special Use Permit in the C-2 zoning district. Adjacent uses to the project include hotels, a fire station, auto shops, a restaurant, and another mini-storage facility (Santa Fe Self Storage). The architectural style of the buildings is compatible with structures in the area, as they will be mostly neutral stucco with some accent materials. The project conforms with all C-2 zoning requirements and eliminates existing nonconformities on the site.

## VI. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted two (2) Early Neighborhood Notification (ENN) meetings on October 6, 2025 and October 23, 2025. Both meetings included presentations from the Applicant's team followed by questions and comments from neighbors and interested parties.

Comments and questions addressed potential impacts to existing self-storage businesses, Santa Fe's housing demand, pedestrian crossings near the site, transit/bus shelter needs, construction noise, traffic, project timelines, and the proposed community-serving components of the project.

Additional comments and suggestions addressed retaining or recreating a mural similar to the existing Empire Builders mural, ensuring attractive architecture and site design, and providing creative studio spaces that would be accessible and useful to the community. The Applicant's team responded to questions during the ENN meetings. Meeting notes from the Early Neighborhood Notification meetings can be found in Attachment C-2.

Staff also received written public comment from Lara Miller regarding Case #2025-11753 and Case #2025-11756. The comment objected to Planning Commission action unless the application materials and City evaluation are publicly available with sufficient time for public review. The comment also requested access to the application materials, Staff Report, Special Use Permit findings, Development Plan sheets, Cerrillos Road Highway Corridor Protection District analysis, Suburban Archaeological Review District materials, departmental review comments, and proposed Conditions of Approval.

Ms. Miller's written comment further requested that staff evaluation address the project's location within the Cerrillos Road Highway Corridor Protection District Zone 1 and the Suburban Archaeological Review District, the proximity of the City fire station, Fire Department / Fire Marshal comments, and the existing Empire Builders mural or related cultural-resource considerations. Staff has logged and preserved the written comment in the case record. Public comments received before or during the Planning Commission hearing will be retained as part of the public record for these cases and made available to the Planning Commission for consideration.

## VII. EXPIRATION

Per SFCC Section 14-3.19(B)(4) *"Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or offsite improvements has begun and is continued pursuant to Subsection 14-3.19(B)(6).*" Approval of the Special Use Permit will share the Development Plan's expiration.

## VIII. ATTACHMENTS

ATTACHMENT A: Conditions of Approval and Technical Corrections

1. Table of Conditions of Approval
2. Table of Technical Corrections
3. Development Review Team Compiled Comments

ATTACHMENT B: Maps and Photos

1. Aerial View
2. Existing Conditions Photos
3. Current Zoning Map
4. Future Land Use Map

ATTACHMENT C: Applicant Submittals

C-1: Applications

a. Application Forms
b. Letter of Intent
c. Owner Authorization Letter
d. Legal Lot of Record
e. NMDOT Correspondence

C-2: Early Neighborhood Notification

f. ENN Meeting Summary 10-6-2025
g. ENN Meeting Summary 10-23-2025

C-3: Development Plans

a. Development Plan
b. Landscape Plan
c. Architectural Plan
d. Architectural Points Analysis
e. Material Board and Renderings
f. Stucco Detail

C-4: Utilities

a. Impacts of Traffic Assessment
b. Approved Water Plan
c. Water Budget Approval

**APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:**

| Title | Name | Initials |
|---|---|---|
| Department Director | Heather Lamboy | |
| Assistant Department Director | Maggie Moore | *MM* |
| Planning Manager | Daniel A Esquibel | *DAE* |
| Senior Planner | A. George Terry | *AGT* |