DXD | DEVELOPMENT PLAN APPEAL

City Case 2025-11753 | Appeal 2026-012950-APPL

EVIDENCE PACKET

Notes, Source Schedule, Witness Designation and Exhibits

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Original City record and identified appellant-provided exhibits.

Roadway overlays: proposed NMDOT alignment on aerial backgrounds; not a representation that the future roadway is already constructed.

Assembly date: November 9, 2026 | Not submitted or served by ChatGPT

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All page references are physical pages of this combined 53-page PDF.
Source packet references in the Notes are separately labeled as such.

Notes on the Evidence Supporting the August 10 Development Plan Appeal

1802 Cerrillos Road • Development Plan Appeal 2026-012950-APPL • City Case 2025-11753

These notes identify the evidence we rely on for the issues raised in our August 10, 2026 verified Development Plan appeal. We explain what the plans, hearing record, and staff review show about this site and why those details matter to the Governing Body's review. The August 10 petition sets out our grounds and requested relief.

Thomas Trust Holdings, LLC, TP-SFSS, LLC, and Thomas Properties-NM, LLC, through Forrest R. Thomas, Manager

Traffic and access on Fourth and Fifth Streets

The storage facility can be expected to draw moving trucks, box trucks, and pickups towing trailers. The traffic assessment estimates the number of trips. The Fire One Plan shows turning paths for an SU-40 single-unit truck. It does not show how a pickup and trailer would turn at the proposed entrances or move through the drive aisles. Site 1 has driveways on Fourth and Fifth Streets. Site 2 has driveways on Fourth Street and Berry Avenue. Some parking for the main storage building is on Site 2, so customers using it would cross Fourth Street where vehicles also enter and leave both sites.

June 4 Planning Commission packet, pp. 76–78, 245, 256, 280, 316–317. Source and Calculation Schedule, §§1–2 (DP Evidence Packet, pp. 7–8). DP Evidence Packet: Ex. 1, p. 10; Ex. 2, pp. 11–14 (NMDOT aerial overlays).

Under NMDOT's proposed layout, the median blocks left turns from Third and Fourth Streets onto southbound Cerrillos Road. The plan retains a median opening for the reverse movement at Fourth Street: a left turn from southbound Cerrillos into Fourth. The plan shows no dedicated deceleration or waiting lane for that turn. A driver towing a trailer who slows or waits to turn would therefore do so in the southbound travel lane.

The proposed median changes how drivers can leave the site for southbound Cerrillos. Drivers who would otherwise turn left from Third or Fourth would need another route. Fifth Street and the signalized Second Street crossing are alternatives. For Site 2, the route toward Second Street can involve Berry Avenue and additional turns on neighborhood streets. The drawings show the change in available movements. They do not establish how traffic would divide among the alternate routes.

DP Evidence Packet: Exs. 2–3, pp. 11–15 (aerial views with NMDOT project lines); original NMDOT S100681 sheets 3-42 through 3-46 and 3-0D remain source references.

At Fifth Street, the usable length of the left-turn pocket matters. A box truck or a pickup towing a trailer takes up more of that pocket than a passenger car. If waiting vehicles fill the pocket, the queue can extend into a through lane near Fire Station No. 3. The record does not establish how often that would happen or whether emergency access would be affected. Fifth Street's truck restriction includes exceptions for qualifying destination traffic, so it cannot be assumed to keep all larger vehicles serving the project off that street. These are the circulation and safety questions we ask the Governing Body to consider in reviewing the public-interest finding.

DP Evidence Packet: Exs. 2–3, pp. 11–15. SFCC §24-2.6(A)(23), (B).

Neighborhood fit and potential for reuse

The architectural renderings show the mass of the main storage building and its long, largely blank walls. The site plan lists its height at 29 feet 6 inches. At the June 4 hearing, Commissioner Piper Kapin questioned how the building fit this neighborhood. Commissioner Gurushabad Mirando raised concerns about landscaping and screening. Sean Ham of Ikonic Coffee Roasters compared the proposed development's character to that of a Phoenix suburb. The mural and exterior finishes address the treatment of the walls. The scale and proportions of the building shown in the renderings are also part of the compatibility question.

June 4 packet, pp. 75–80, 245, 285–290. June 4 Planning Commission minutes, pp. 7–10. DP Evidence Packet: Ex. 1, p. 10; Exs. 4–5, pp. 16–18 (four meeting renderings and the building-height illustration).

The applicant indicated that the storage building could be modified for other uses. The approved plan provides 73 parking spaces for the project, which meets the stated requirement for the proposed use. Condition 6 requires a permanent arrangement connecting the parking across the two sites. The plans do not identify where additional parking would go if a future use needed it. The comparison below shows why parking is a practical part of evaluating whether the building could be adapted.

June 4 packet, pp. 75–80, 88, 245, 280–290. Attachment A, Condition 6. DP Evidence Packet: Ex. 1, p. 10.

The two signed neighboring-owner letters (DP Evidence Packet, Exs. 7–8, pp. 21–24) express the owners' concerns about project-related vehicle movements, neighborhood compatibility, and potential reuse. They are supporting owner statements, not traffic-engineering analyses.

Illustrative parking capacity for other uses

Example use	Former Code parking ratio	Area supported by 73 spaces
Flea market	1 space per 500 sq. ft. of vendor area	36,500 sq. ft.
Neighborhood grocery or laundromat	1 per 400 sq. ft. net leasable	29,200 sq. ft.
Nonmedical office	1 per 350 sq. ft. net leasable	25,550 sq. ft.
Selected retail sales and services	1 per 200 sq. ft. net leasable	14,600 sq. ft.
Building 1 — ACTUAL size	**Gross floor area including basement (not a parking ratio)**	**89,648 sq. ft. gross**

Each example assigns all 73 spaces to one hypothetical use, although the spaces serve the whole project. The table measures net leasable or vendor area. Building 1 has 89,648 square feet of gross floor area, including the basement, which is a different measure. These examples illustrate the parking constraint and do not establish the requirement for any actual conversion.

Former SFCC Table 14-8.6-1. June 4 packet, pp. 245, 280. Source and Calculation Schedule, §3 (DP Evidence Packet, p. 8). DP Evidence Packet: Ex. 1, p. 10.

Drainage review and the approved layout

Staff's Technical Correction 39 says the analysis under review showed increased peak stormwater flows. The applicant's C-302 and C-303 drawings show lower modeled peak flows for basin B1 under the comparisons listed on those sheets. We could not tell from those pages whether the numbers addressed the same comparison staff flagged. Technical Corrections 40–44 also called for more drainage information before recordation.

Put simply, City staff identified increased peak stormwater flows requiring additional analysis, while the applicant's drainage tables show lower modeled flows in certain basin comparisons. The cited pages do not establish whether they use the same comparison, or how staff's concern and the applicant's figures were reconciled before approval.

June 4 packet, pp. 93–94, 259–260. Source and Calculation Schedule, §4 (DP Evidence Packet, p. 8). DP Evidence Packet: Ex. 6, pp. 19–20 (highlighted).

The practical question is whether that work could be completed within the approved layout. A change in grading could affect measured building height. Changes to drainage facilities or paving could affect parking or circulation. That is why we are pointing to both the staff corrections and the applicant's drawings when the Governing Body considers the plan as approved.

June 4 packet, pp. 93–94, 245, 259–260. DP Evidence Packet: Ex. 1, p. 10; Ex. 6, pp. 19–20.

The June 4 packet also identifies landscaping and lighting corrections required before recordation. TC24 reports that parking-island permeable areas appeared to be 60 square feet where 90 were required. TCs27–28 called for parking screening and corridor-frontage landscaping; TCs32–33 called for fencing details and completion of the irrigation layout. TC37 reported 74 photometric measurement points exceeding the stated maximum illumination. These corrections were identified as outstanding at the time of approval; the cited pages do not establish whether they were subsequently resolved. They matter to the approved site layout and to the Commission's compatibility assessment.

Application completeness and the applicable Code

The City identified December 19, 2025 as the date it received the application. The packet shows the Development Review Team intake on February 9, 2026 and further review that month. Those records show when review was underway. They do not tell us when the City deemed the application complete. We asked the City for that date and the basis for applying the former Chapter 14. The October 21 response did not supply that date. If a different edition governed, the plan needs to be evaluated under that edition's standards.

June 4 packet, pp. 88, 95–103. October 13 and 21 correspondence (DP Evidence Packet: Ex. 9, pp. 45–48). August 10 verified petition, PDF p. 3. Former SFCC §14-1.8(D)(4) and current §14-1.9(D).

The cited June 4 Planning Commission packet pages are the printed page numbers in the City's 415-page packet. The DP Evidence Packet has consecutive page numbers across the Notes, Source and Calculation Schedule, Witness Designation, and documentary exhibits. Other June 4 source pages, including Fire One FC-101 and drainage drawings C-302/C-303, are cited but not reproduced as separate exhibits.

DOCUMENTARY SOURCE AND CALCULATION SCHEDULE

Development Plan Appeal 2026-012950-APPL | City Case 2025-11753 | 1802 Cerrillos Road

Appellants: Thomas Trust Holdings, LLC; TP-SFSS, LLC; Thomas Properties-NM, LLC. Prepared by Forrest R. Thomas, Manager.

Scope: This two-page schedule identifies record facts and separately labeled appellant calculations relating to subjects raised in the August 10, 2026 Verified Appeal Petition (Statement of Grounds §§2–4). It neither amends the petition nor requests new relief. Original records control over this summary.

Contents: Traffic and access (DP Evidence Packet p. 7); parking, drainage, and architecture (p. 8).

1 | Traffic-study inputs and published estimates

The Souder, Miller & Associates Impacts of Traffic Assessment identifies the following proposed land uses and peak-hour trip estimates. Values below reproduce its Table 2, including the published combined totals. (June 4, 2026 Planning Commission packet, pp. 316–317.)

ITE land use / activity	Assessment input	AM trips	PM trips
151 - Mini-Warehouse, main storage	628 units	7	12
495 - Community space	900 sq. ft.	2	3
414 - Dog park	3,000 sq. ft.	0	1
151 - Mini-Warehouse, creative/workshop suites	14 units	0	0
712 - Small office building	320 sq. ft.	1	1
PUBLISHED COMBINED TOTAL		10	17

Source distinction: The assessment includes community space and dog-park categories; it assigns zero peak-hour trips to the 14 creative/workshop suites modeled as ITE 151. The separate self-storage-versus-retail comparison discussed at the June 4 hearing did not include community or dog-park activity (hearing transcript approx. 59:24–1:00:04).

2 | Access, vehicle template, and future roadway drawings

Record item	Documented depiction / location
Project access and cross-street parking	Four vehicular entries: Site 1 from Fifth and Fourth; Site 2 from Fourth and Berry. Site plan shows the proposed pedestrian crossing of Fourth between sites. Packet pp. 76–77, 245 (DP-103). DP Evidence Packet Ex. 1, p. 10 (staff report at original packet p. 76 is cited but not reproduced).
Vehicle turning template	Fire One Plan FC-101 depicts SU-40 single-unit truck turning paths. Packet p. 256. It is a depicted vehicle template, not a study of all truck/trailer combinations. This source drawing is not appended as an independent exhibit.
NMDOT design context	DP Evidence Packet Exs. 2–3, pp. 11–15, show proposed NMDOT corridor linework over aerial imagery. Original NMDOT S100681 sheets 3-42 through 3-46 and 3-0D are cited separately, not reproduced here. These depict proposed, not existing, roadway geometry.

Evidence-location note: DP Evidence Packet, Ex. 1 (DP-103, p. 10); Exs. 2–3 (aerial views with NMDOT project lines, pp. 11–15); Exs. 4–5 (four meeting rendering screenshots and height illustration, pp. 16–18); Ex. 6 (highlighted technical corrections, pp. 19–20). References to the "Planning Commission packet" mean the City's original 415-page packet, not the condensed Evidence Packet.

DOCUMENTARY SOURCE AND CALCULATION SCHEDULE | continued

3 | Parking supply and illustrative alternate-use calculation

Site / area	Parking required	Parking provided	Primary source
Site 1	63	39	DP-103 / packet p. 245; Ex. 1, DP Evidence Packet p. 10
Site 2	6	34	DP-103 / packet p. 245; Ex. 1, DP Evidence Packet p. 10
TOTAL	69	73	Staff report p. 76; DP-103 p. 245; Ex. 1, DP Evidence Packet p. 10

The staff report identifies a condition connecting the standalone parking area to the development in perpetuity (packet p. 76; Attachment A, Condition 6). Building 1 gross floor area is 89,648 sq. ft. including its basement; Site 2 adds 12,448 sq. ft., for total development gross area of 102,096 sq. ft. (DP-103, packet p. 245). The site plan is reproduced as DP Evidence Packet Ex. 1, p. 10; the staff report remains a cited City packet source and is not separately reproduced.

The hypothetical alternate-use parking comparison, including the actual 89,648 sq. ft. gross area of Building 1, appears once in the Notes on the Evidence (DP Evidence Packet, pp. 4–5). This schedule supplies the supporting source facts and calculations.

Illustrative ratios are not proposed conversion approvals. Net leasable/vendor area is not equivalent to gross building area. Source: former SFCC Table 14-8.6-1; see Notes (DP Evidence Packet, pp. 4–5).

4 | Drainage and other technical-correction entries

Technical Correction 39 states that the current analysis shows a violation involving increased peak stormwater flows. TC40–44 request added storm analyses, conveyance details, runoff coefficients, runoff-volume method verification, and a 0.68-inch water-quality event analysis; the entries are marked prior to recordation. TC37 separately identifies 74 photometric points exceeding the stated maximum. (June 4 packet, pp. 93–94.) Reproduced as highlighted DP Evidence Packet Ex. 6, pp. 19–20.

The applicant's C-302/C-303 tables show modeled basin B1 peak-discharge values: 25-year, 6.5 pre- / 4.7 post-development cfs; 100-year, 8.5 pre- / 6.6 post-development cfs. TC39 reports staff's concern with the analysis then under review. These plan figures are the applicant's modeled values for basin B1; the cited entries do not establish whether they address the same drainage comparison. (June 4 packet, pp. 94, 259–260.) Original C-302/C-303 sheets are not appended; the plain-language staff–applicant comparison appears in the Notes on the Evidence (DP Evidence Packet pp. 3–6).

5 | Architectural features and applicant representation

The site plan reports Building 1 height as 29 ft. 6 in. and identifies its 89,648 sq. ft. gross area. Staff describes a development of four buildings with an approximately 41,000 sq. ft. combined footprint, stucco and accent treatments, and a mural; elevations show the building façades and designated mural location. The applicant states that the storage building shell can be modified for different uses. (June 4 packet, pp. 75, 80, 245, 285–290.) DP Evidence Packet Ex. 1, p. 10 provides the site plan. Four selected meeting-rendering screenshots and the separate building-height illustration are reproduced as Exs. 4–5, pp. 16–18. Architectural elevations remain record sources and are not included as standalone exhibits.

Primary-source reference: "packet" throughout means the 415-page June 4, 2026 Planning Commission agenda packet for cases 2025-11753 and 2025-11756; its page numbers are the printed packet page labels. Supplement 23 appendix references are PDF page numbers. "DP Evidence Packet" page numbers identify physical pages in the combined, consecutively numbered submission. All computations reproduce the prior working schedule; no table values are changed.

Witness Designation

Development Plan Appeal 2026-012950-APPL | City Case 2025-11753

1802 Cerrillos Road, Santa Fe, New Mexico

Hearing scheduled for November 18, 2026

Appellants: Thomas Trust Holdings, LLC, TP-SFSS, LLC, and Thomas Properties-NM, LLC

Designated Witness
Forrest R. Thomas, Manager and authorized representative of each appellant LLC.

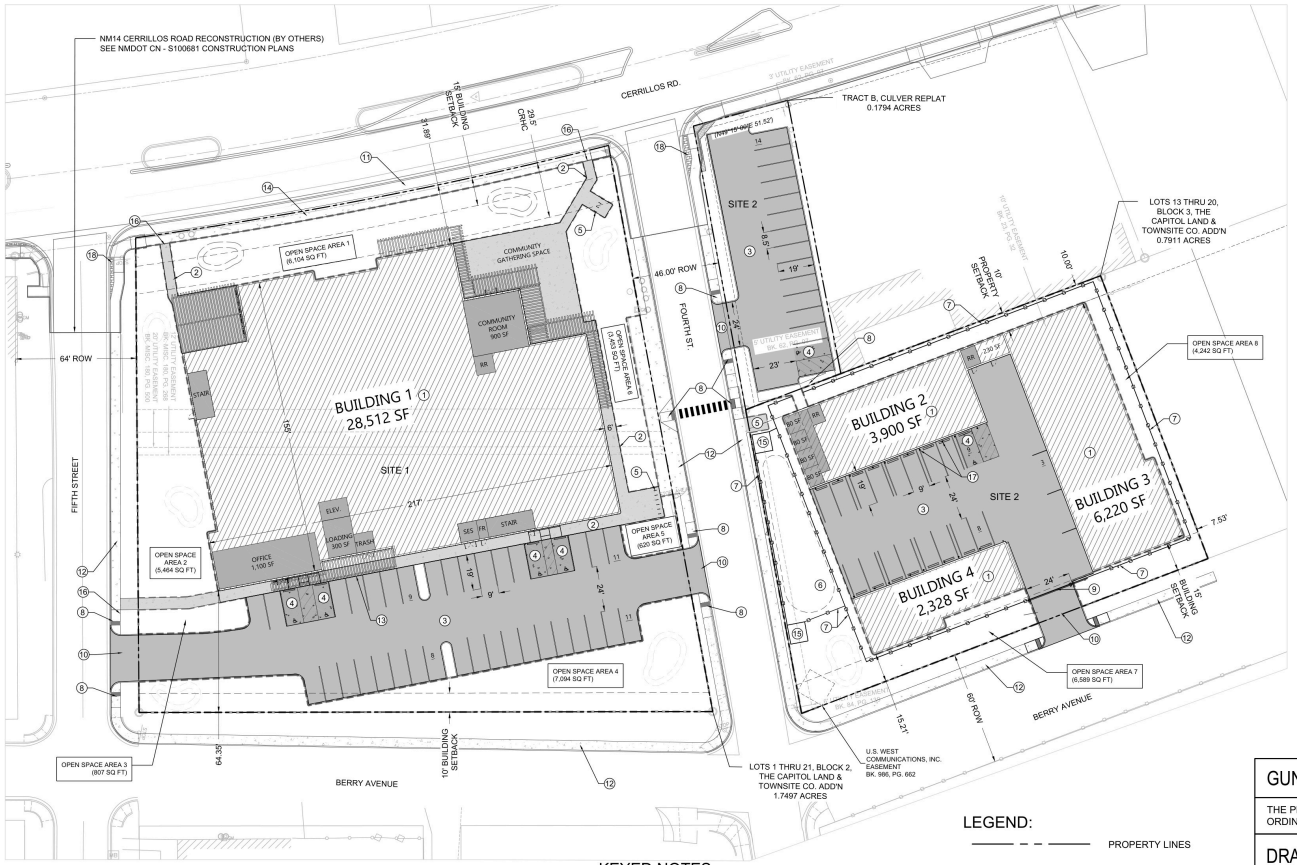
Basis of Anticipated Testimony
Mr. Thomas is familiar with the property and surrounding area and has participated in the Development Plan appeal, including relevant communications and review of the appeal documents and exhibits.

Summary of Anticipated Subject Matter
The proposed Development Plan and neighborhood conditions, access and circulation, vehicle types and turning movements, cross-site parking, public interest, compatibility and adaptability, the NMDOT drawings, and the documents and communications bearing on application completeness, drainage, lighting, and approval conditions. His factual testimony will be based on his own knowledge and his identification of the documents he reviewed.

The appellants offer the two signed supporting letters as DP Evidence Packet Exs. 7–8, pp. 21–24. The letter authors are not designated in this document as witnesses expected to appear in person.

Witness designation: DP Evidence Packet, p. 9.

EMPIRE SELF STORAGE
DEVELOPMENT PLAN

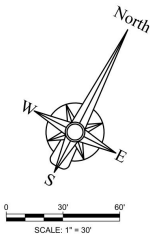


KEYED NOTES:

1. PROPOSED BUILDING
2. PROPOSED 6' SIDEWALK (ON-SITE)
3. PROPOSED ASPHALT PARKING
4. PROPOSED ADA PARKING
5. PROPOSED BIKE RACKS
6. PROPOSED DOG PARK
7. PROPOSED 6' FENCING
8. PROPOSED ADA CURB RAMP
9. PROPOSED VEHICLE GATE
10. PROPOSED DRIVEPAD
11. PROPOSED 5' LANDSCAPE BUFFER (SEE NMDOT CN - S100681)
12. PROPOSED 5' PUBLIC SIDEWALK
13. PROPOSED LOADING AREA
14. PROPOSED 6' PUBLIC SIDEWALK (SEE NMDOT CN - S100681)
15. PROPOSED SALLY PORT
16. PROPOSED PUBLIC SIDEWALK CONNECTION
17. PROPOSED BOLLARD TYP.
18. CONCRETE MEDIAN PAVEMENT 4" (COLORED AND PATTERNED) (SEE NMDOT CN - S100681)

LEGEND:

- PROPERTY LINES
- PROPOSED FENCE
- PROPOSED SITE LIGHTING
- PROPOSED BUILDING
- PROPOSED CONCRETE
- PROPOSED PUBLIC SIDEWALK
- PROPOSED ASPHALT
- PARKING
- PROPOSED PEDESTRIAN ROAD CROSSING



SITE DATA:

ZONING: C2 (GENERAL COMMERCIAL)

LEGAL DESCRIPTION: Lots 1 Thru 21, Block 2, The Capitol Land & Townsite co. add'n
Lots 13 Thru 17, Block 3, The Capitol Land and Townsite Co, Add'n
Lots 18 Thru 20, Block 3, The Capitol Land and Townsite Co, Add'n
Tract B, Culver Replat

SITE AREA:
SITE 1: Lots 1 Thru 21, Block 2, The Capitol Land & Townsite co. add'n:±1.7479 ACRES

SITE 2: Tract B, Culver Replat: ±0.1794 ACRES &
Lots 13 Thru 17, Block 3, The Capitol Land and Townsite Co, Add'n: ±0.5561 ACRES
Lots 18 Thru 20, Block 3, The Capitol Land and Townsite Co, Add'n:±0.2350 ACRES

GROSS FLOOR AREA (GFA):
SITE 1:
Basement Storage = 32,550 sf
1st Floor Storage (gsf) = 27,512 sf
Community Room = 900 sf
Community Space Restroom = 100 sf
2nd Floor (gsf) = 28,586 sf
Total = 89,648 sf

SITE 2:
Total = 12,448 sf

LOT COVERAGE (per SFCC Table 14-7.3-1):

SITE 1:	SITE 2:
Maximum Allowable: 60%	**Maximum Allowable:** 60%
Proposed: 28,512 sf / 37%	**Proposed:** 12,448 sf / 29%

BUILDING HEIGHT (per SFCC Table 14-7.3-1):

SITE 1:	SITE 2:
Maximum Allowable: 45 feet	**Maximum Allowable:** 45 feet
Proposed : 29'-6"	**Proposed :** 16'-0"

BUILDING SETBACKS:
SITE 1:
Street (Cerillos Road): Min. required 15' : Provided 31.89' min.
Rear: Min. required 10' : Provided 64.35' min
Side (west): Min. required none
Side (east): Min. required none

SITE 2:
Street (Berry Avenue): Min. required 15' : Provided 15.00' min.
Rear: Min. required 10' : Provided 10.00' min
Side (ease): Min. required none
Side (west): Min. required none

OPEN SPACE (per SFCC §14-7.5(D):

SITE 1:		SITE 2:	
Required:	19,034 sf (25%)	**Required:**	10,568 sf (25%)
Provided:	23,542 sf / 30.91%	**Provided:**	10,831 sf / 25.62%

PARKING CALCULATIONS (per SFCC Table 14-8.6):
Required: 1 Space / 10 Storage Units
1 Space / Every 350 sq.ft. of Non-Medical Office

SITE 1:		SITE 2:		TOTAL:	
Required:	63 Spaces	**Required:**	6 Spaces	**Required:**	69 Spaces
Provided:	39 Spaces	**Provided:**	34 Spaces	**Provided:**	73 Spaces

ACCESSIBLE PARKING:
SITE 1 & 2:
Required: 5 ADA Spaces Including 1 Van
Provided: 6 ADA Spaces Including 4 Van

BICYCLE PARKING (SFCC Table 14-8.6-3):

SITE 1:		SITE 2:	
Required:	10 Spaces	**Required:**	4 Spaces
Provided:	10 Spaces	**Provided:**	4 Spaces

GUNNISON'S PRAIRIE DOG NOTE

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISON'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

DRAINAGE FACILITIES DESIGN NOTE

ALL STORM WATER DETENTION / RETENTION AREAS SHALL DRAIN WITHIN 24 HOURS OF A STORM EVENT AS PER ARTICLE 14-8.2(D)(4)(c)(i)

CASE #: #2025-11753 & 11756

ADDRESS: 1802 CERRILLOS RD. SANTA FE, NM 87505
1361 FOURTH ST. SANTA FE, NM 87505
1750 CERRILLOS RD. SANTA FE, NM 87505
3 RD BERRY AVE. SANTA FE, NM 87505

SHEET NAME: DEVELOPMENT PLAN

SHEET #: DP-103

SHEET # 4 OF 4

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DEVELOPMENT PLAN

DXD CAPITAL

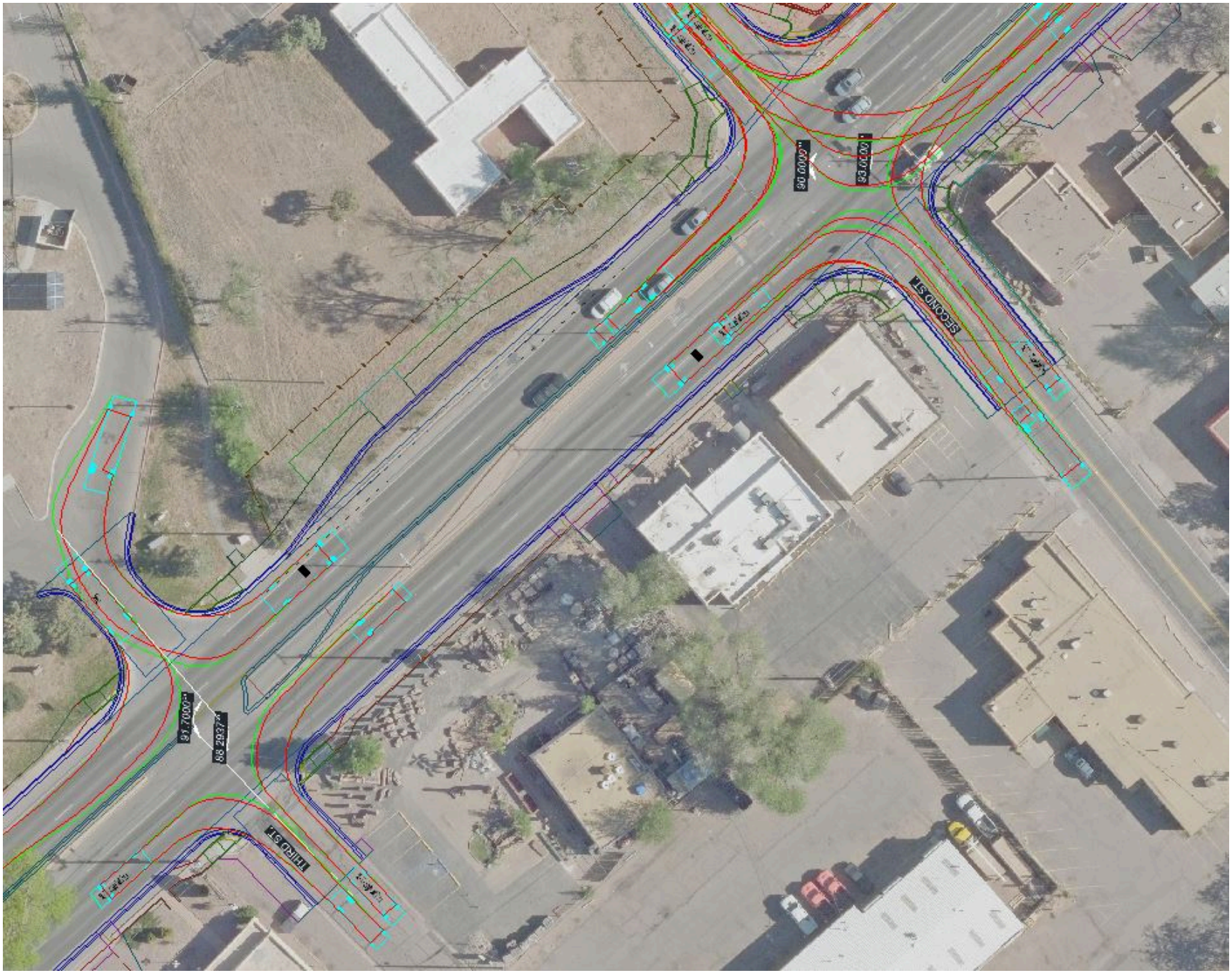
THIS DRAWING IS INCOMPLETE AND NOT TO BE USED FOR CONSTRUCTION UNLESS IT IS STAMPED, SIGNED AND DATED

Designed	Drawn	Checked
RJC	CLW	RJC

Date: April 2026

Original source reproduced; reindexed for this packet.

EXHIBIT 2 | Second and Third Streets overview



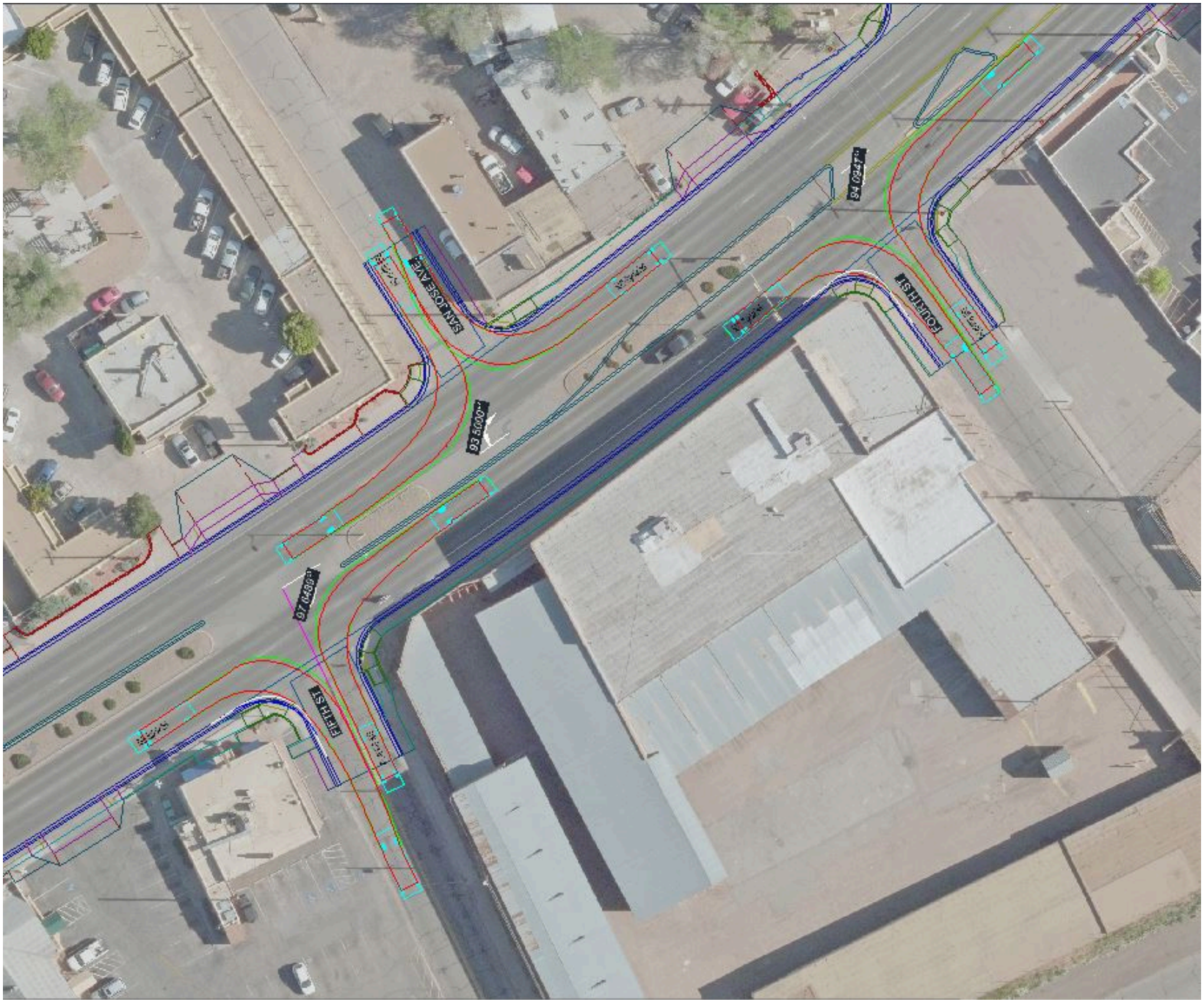
Aerial background with NMDOT future-design roadway linework

EXHIBIT 2 | Second Street close-up



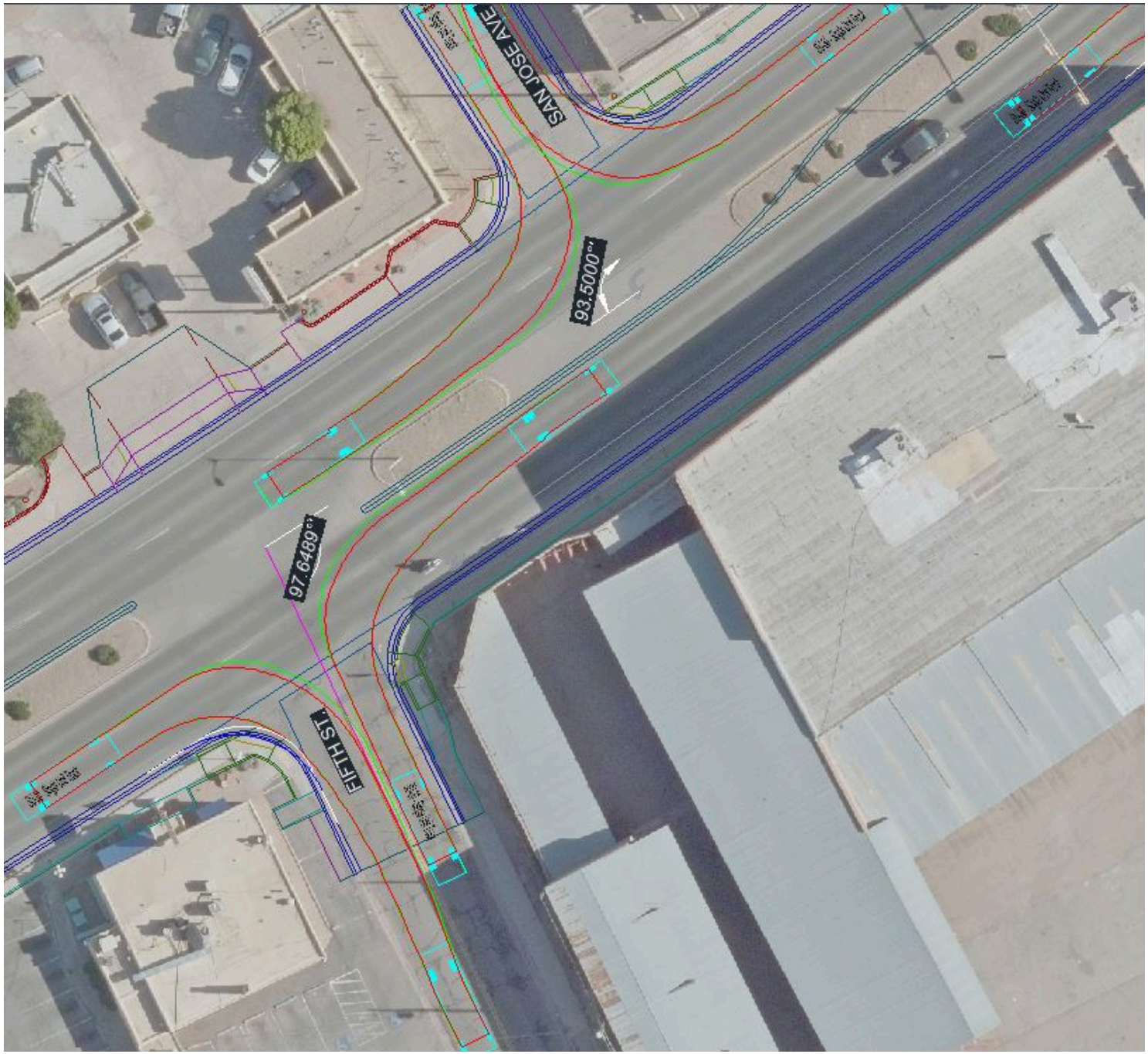
Aerial background with NMDOT future-design roadway linework

EXHIBIT 2 | Fourth and Fifth Streets overview



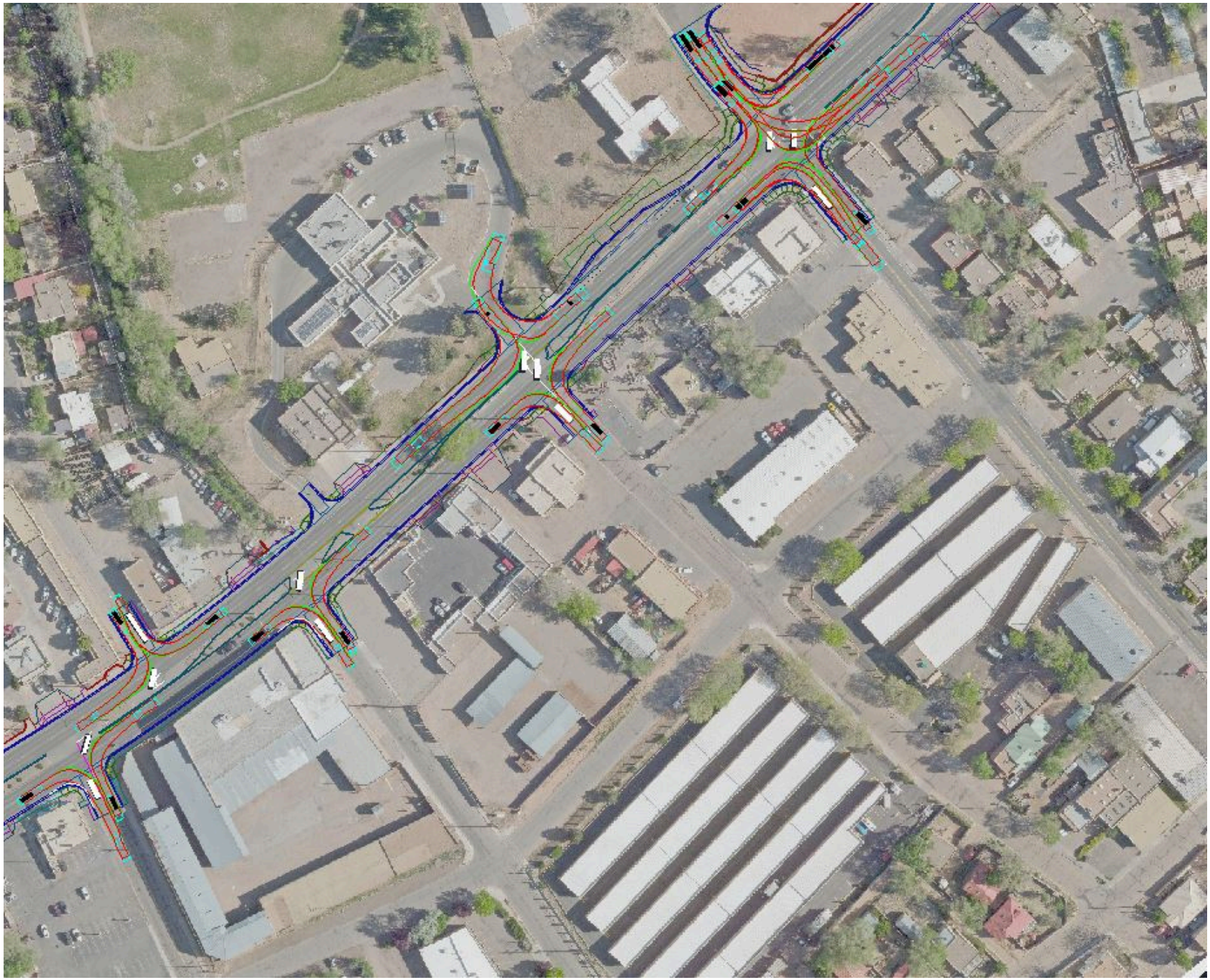
Aerial background with NMDOT future-design roadway linework

EXHIBIT 2 | Fifth Street close-up



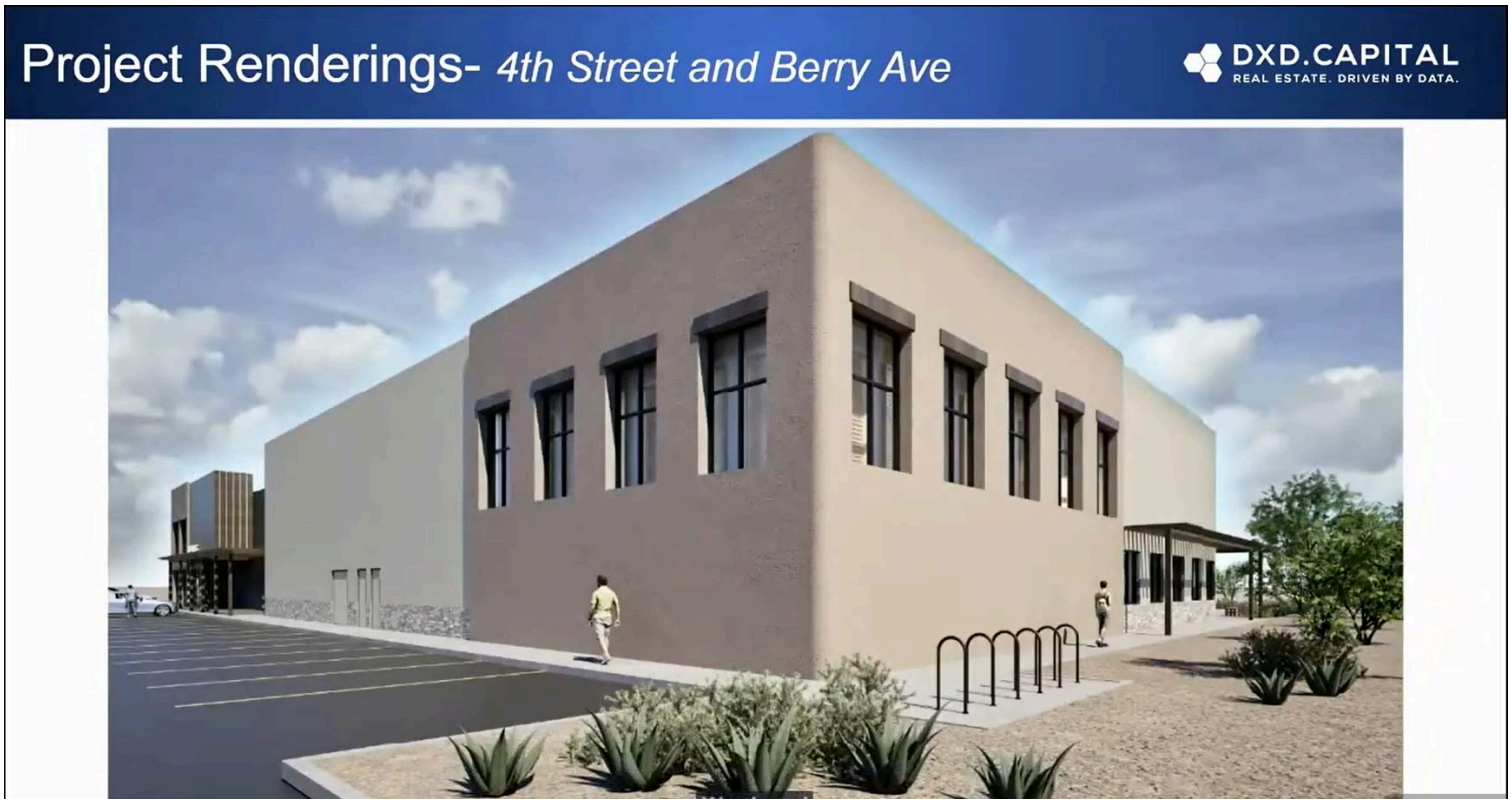
Aerial background with NMDOT future-design roadway linework

EXHIBIT 3 | Area streets · roadway context



Aerial map with proposed NMDOT alignment overlay; used for roadway context

Fourth Street and Berry Avenue

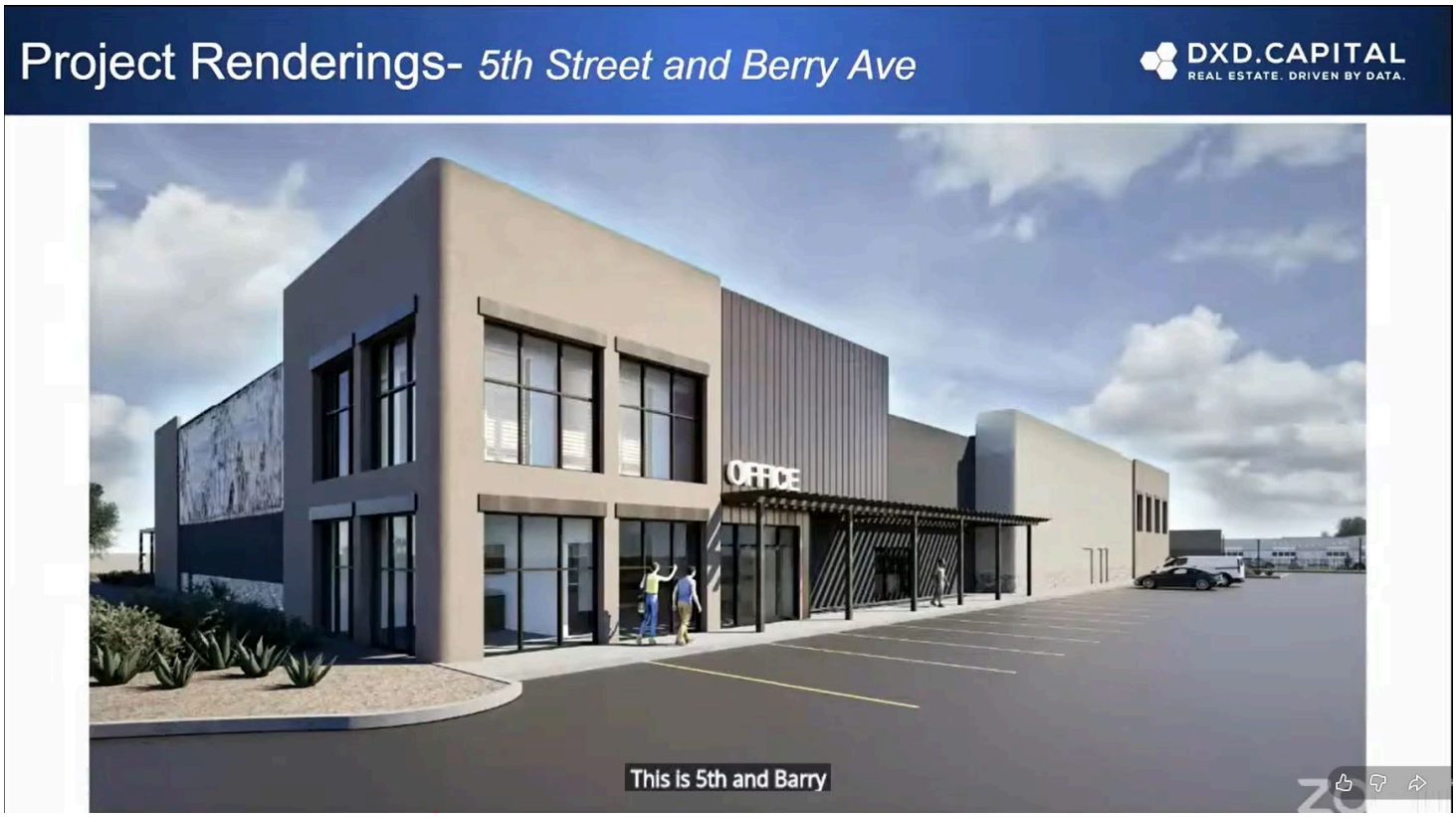


Fourth Street and Cerrillos Road



June 4, 2026 Planning Commission meeting screenshots supplied by Appellants

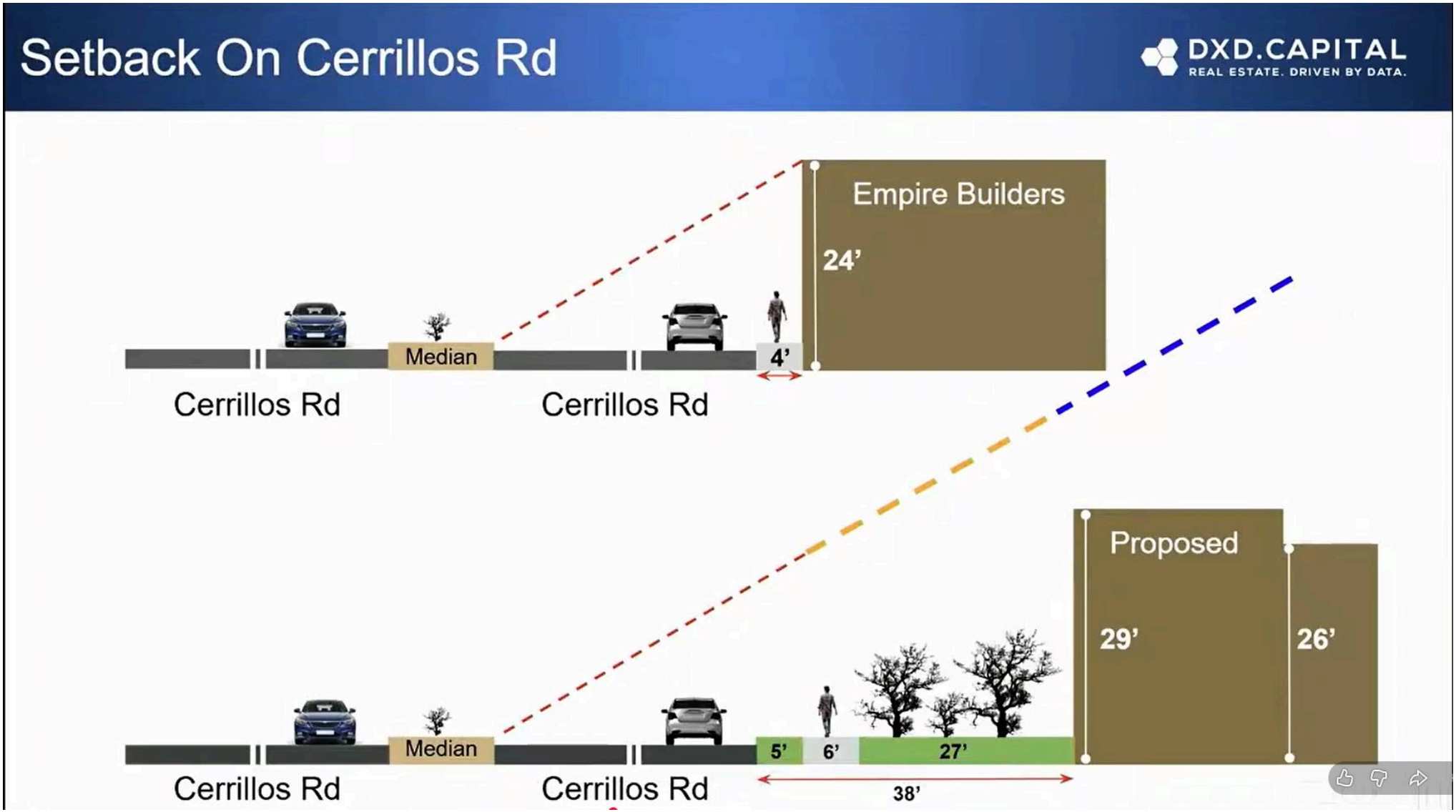
Fifth Street and Berry Avenue



Fifth Street and Cerrillos Road



June 4, 2026 Planning Commission meeting screenshots supplied by Appellants



Applicant-presentation screenshot supplied by Appellants; shown for scale comparison

Technical Corrections			
#	**Technical Correction**	**Dept. or Division**	**To be completed:**
24	Parking lot traffic islands appear to have 60 square feet of permeable surface. Code 14-8.4(H)(4)(IV) requires 90 square feet of permeable surface.	Landscaping	Prior to Recordation
25	Austrian pine at the main building at the southwest parking space is located to close to the curb and gutter. This tree at that location will cause curb and gutter and parking lot damage. Adjust tree to the center of the landscape area or choose a better size tree for this location. Entrance trees into the parking area should be centered in the planters to prevent future parking lot, curb, and gutter damage.	Landscaping	Prior to Recordation
26	The Landscape is bunched into the property boundaries, extend the Landscape to the perimeters of the proposed sidewalks at Berry Ave and Fifth St. Review for easements, before plant material and irrigation location placements.	Landscaping	Prior to Recordation
27	Provide shrubs to the landscape for parking lot screening at Cerrillos Road, Fourth St., and Berry Ave. per city code 14-8.4(H)(3).	Landscaping	Prior to Recordation
28	Provide frontage landscaping for CRHC zone 1 as required pre code 14-5.5 - HIGHWAY CORRIDOR PROTECTION DISTRICTS (B) CRHC Cerrillos Road Highway Corridor Protection District at the northeast parking lot.	Landscaping	Prior to Recordation
29	Provide shrub planting within the planter bed along the boundary wall at the northeast parking lot.	Landscaping	Prior to Recordation
30	Review plantings at traffic sight triangles for height compliance for a 3–8-foot visibility window.	Landscaping	Prior to Recordation
31	Utilize organic mulch within the landscape particularly at mass plantings. Provide wood mulch shredded or chipped 4-inches in depth without weed fabric.	Landscaping	Prior to Recordation
32	Provide fencing information and detail.	Landscaping	Prior to Recordation
33	Irrigation system design is incomplete. Provide the remaining zone layouts.	Landscaping	Prior to Recordation
34	Provide the correct details from the LIDS manual for the Manual Drain, Backflow Preventer.	Landscaping	Prior to Recordation
35	Provide a water budget for the first three months of the Turf establishment period.	Landscaping	Prior to Recordation
36	Turf grass sod or turf grass seed mixes installed within the city limits shall contain no more than twenty-five percent Kentucky Bluegrass.	Landscaping	Prior to Recordation
37	Photometrics do not meet Code requirements. See Article 14-8.6(D)(2) and revise for compliance. 74-points exceed the maximum illumination for any point. (Highlighted numbers attached are out of compliance)	Landscaping	Prior to Recordation
38	Include attached notes	Terrain Managem	Prior to Recordation

Yellow highlights added by Appellants; original text unchanged.

Technical Corrections			
#	**Technical Correction**	**Dept. or Division**	**To be completed:**
		ent	
39	Current analysis shows a violation: an increase in peak stormwater flows is not allowed per city code 14-8.2(D)(4)(b)(i)	Terrain Management	Prior to Recordation
40	Include 2 additional drainage analysis for the 1-year, 1-hour, and 100-year, 24-hour, required to show compliance for any frequency storm event up to the 100-year, 24-hour. Please See city code 14-8.2(D)(4)(b)(i) "except as otherwise required by this Section 14-8.2, the stormwater runoff peak flow rate discharged from a site shall not exceed pre- *development* conditions for any frequency storm event up to the one percent chance, twenty-four-hour storm event at each discharge point;"	Terrain Management	Prior to Recordation
41	Show on the drainage and terrain management plans: roof drain pattern and downspouts/canales, and means of stormwater conveyance (swales, catch basins, storm drainpipe, curb cuts, etc.) to stormwater control features	Terrain Management	Prior to Recordation
42	Please provide more information on how runoff Coefficients were selected from the NMDOT Manual, include the figure/table number, cover type, % impervious cover, etc.	Terrain Management	Prior to Recordation
43	Please Verify how the runoff volumes are calculated, The Rational Method is not an acceptable method to calculate runoff volume per NMDOT Drainage Design Manual, July 2018, section 403, Limitations: "Runoff volumes may not be computed with the Rational Formula Method or Modified Rational Formula Method (not included in this Drainage Design Manual".	Terrain Management	Prior to Recordation
44	Include an acceptable runoff volume analysis for stormwater quality volume for a 0.68-inch (90% percentile, or roughly the 1-year, 1-hour storm) event. This runoff volume must be contained/retained on site, to reduce pollution per EPA NPDES MS4, see city code 14-8.2(A)(13). This volume must infiltrate in 24 hours per city code 14-8.2(D)(4)(c)(ii), It is encouraged that the Stormwater quality volume design is incorporated into the landscape, to also comply with landscape code rainwater harvesting requirements 14-8.4(E)(1) "The *landscaping* plan shall include *passive water harvesting* for *landscape* irrigation purposes as a minimum requirement" the minimum recess depth for retention and water harvesting areas is 6 inches.	Terrain Management	Prior to Recordation

NYDES PROPERTIES LTD CO
PO BOX 4247
SANTA FE, NM 87502-4247
PH: 505-473-5956
Email: nydesproperties@gmail.com

To the Santa Fe Governing Body:

I am writing to express my opposition to the proposed DXD/Empire self-storage development at 1802 Cerrillos Road. Nydes Properties Ltd Co formerly owned by Virginia Nydes owns the neighboring property at 1718 Cerrillos Road, and I support the appeals of the Planning Commission's Development Plan and Special Use Permit approvals.

My primary concern is traffic safety along Cerrillos Road and at the nearby intersections. Traffic volumes and turning movements already present challenges in this area, and I am concerned that the proposed development could add to those difficulties, particularly with moving trucks and vehicles pulling trailers. These vehicles require additional space and time to maneuver, which can affect traffic flow and create potential safety concerns.

I recognize that traffic studies may project a relatively modest increase in overall vehicle trips. However, I believe it is also important to consider the types of vehicles using the facility and the practical difficulties associated with turning onto or crossing Cerrillos Road, particularly from Fifth Street. I would appreciate careful consideration of whether the proposed access arrangements adequately address these conditions.

I am also concerned about the scale and character of the proposed development. The substantial size of the buildings and their predominantly windowless design would have a lasting visual impact on this portion of Cerrillos Road. I believe the compatibility of the development with surrounding properties deserves careful consideration.

I recognize the importance of redevelopment and investment along Cerrillos Road. My concerns are not with redevelopment itself, but with whether this particular proposal is appropriate for the location. I respectfully ask the Governing Body to give careful consideration to traffic safety, access, building scale, and the potential effects on neighboring properties when reviewing the appeals.

For these reasons, I oppose the proposed development and support the appeals of both approvals.

Statement Concerning the Statutory Protest Provisions
I understand that NMSA 1978, § 3-21-6(C), provides a formal protest procedure for certain zoning decisions. I request that this letter be considered a written protest under that provision to the extent it is applicable to either the Development Plan or Special Use Permit approval.

If the property at 1718 Cerrillos Road qualifies under the applicable 100-foot proximity requirement, I request that its land area be included in determining whether the 20% protest

Original source reproduced; reindexed for this packet.

threshold has been met. My opposition applies to both approvals, regardless of the outcome of either appeal, and I request that this letter be included in the official records for both proceedings.

Thank you for your consideration.

Sincerely,

David Nydes
Nydes Properties Ltd Co
Managing member

SI-ASH, LLC
P.O. Box 4392, Santa Fe, NM 87505
Tel. 505-933-3359

October 27, 2026

Christine Thomas
P.O. box 4392
Santa Fe, NM 87502

To The Mayor and Members of the Santa Fe Governing Body:

Re: Opposition to DXD/Empire Self-Storage Development — Development Plan 2025-11753 and Special Use Permit 2025-11756

I own and manage entities that own property at 1500 Fifth Street and nearby properties on Fourth Street, all within 100 feet of the proposed DXD/Empire self-storage development at 1802 Cerrillos Road.
I oppose the project and support the pending appeals.

My concern is not simply that another development is being proposed nearby. It is that a project of this size and nature has been approved despite serious questions about traffic safety, parking, access, and its effect on surrounding properties.

Cerrillos Road is already busy and difficult to navigate. Adding traffic from a huge storage facility, including moving trucks and trailers, will make matters worse. Drivers traveling to and from the facility will have to negotiate the surrounding streets and, in many cases, turn across Cerrillos Road. That is a real safety concern.

The relationship between Fifth, Fourth and Second Streets, and Cerrillos Road, is particularly troubling. Vehicles waiting to turn, making awkward maneuvers, or looking for another way to reach the facility, can create problems well beyond the development itself.

Getting to the Second Street light to turn south onto Cerrillos is already difficult. A driver coming from Fifth Street has to cross eastbound traffic on Second Street and find a way into the westbound lane waiting for the light. That lane frequently backs up, and drivers are reluctant to let another vehicle in because the signal does not give them enough time to get through as it is. There are very few good opportunities to cross the eastbound traffic. I can only imagine how much worse this will be with moving trucks and trailers trying to make the same maneuver.

I own and manage properties in this immediate area, and I do not want access to my properties or their parking compromised because the developer has not adequately addressed these issues. The burden of accommodating the project's traffic and parking needs should remain with the developer, not fall on neighboring property owners.

Original source reproduced; reindexed for this packet.

I am also concerned about the project's long-term suitability. This is a purpose-built self-storage facility, not a conventional commercial building that can readily accommodate other businesses. Self-storage requires very little parking under the City's rules. Even warehouse use, which has one of the next-lowest parking requirements, requires nearly twice as much. The developer suggests these buildings could be adapted to other uses, but where would all those additional vehicles park? The project developer simply has not provided the parking needed for that kind of flexibility.

The scale and largely windowless appearance of the buildings are also difficult to reconcile with the surrounding properties. A project this large will have a lasting impact, and its appearance and usefulness should matter.

I want to see redevelopment of this site. However, redevelopment alone is not a reason to approve a project that may create lasting problems for nearby owners.

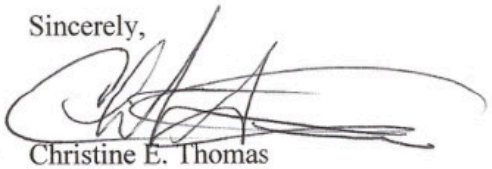
I ask the Governing Body to reverse the Planning Commission's approvals.

Formal protest concerning the Development Plan and Special Use Permit

As a property owner, and on behalf of the property-owning entities I represent, I expressly protest both the Development Plan and Special Use Permit approvals for this project. I have been advised of the protest provisions of NMSA 1978, § 3-21-6(C), and request that this letter be accepted as a formal written protest under that statute to the extent it applies to either approval or the zoning authorization resulting from them.

All the properties identified below are within 100 feet of the project property. I request that their qualifying land area be included in determining whether the statutory 20% threshold has been met. This protest applies to both approvals and is not withdrawn or limited if either appeal is dismissed or otherwise resolved separately. I request that it be included in the official records of both proceedings.

Sincerely,



Christine E. Thomas
Owner/Manager and Authorized Representative
SI-ASH, LLC

Properties represented:

- 1500 Fifth Street—SI-ASH, LLC
- 1420 Fourth Street — SI-ASH, LLC
- 1424 Fourth Street — Christine Thomas, Owner

Correspondence #1

From:
Forrest Thomas <thomasprop@newmexico.com>
Sent:
Monday, June 15, 2026 10:53 AM
To:
'agterry@santafenm.gov' <agterry@santafenm.gov>
Cc:
'LAMBOY, HEATHER L.' <hllamboy@santafenm.gov>
Subject:
Cases #2005-11753.1802 & #2025-11756.1802
Good morning,
I am writing to request the following items relating to the above referenced cases and the June 4, 2026 Planning Commission Hearing:
Final Notice of Decision / Final Conditions.
The Resolution, Motion and Minutes.
Also, if you would please let me know the deadline for the appeal and the specific appeal process.
Thank you,
Forrest Thomas
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #2

From:
Forrest Thomas <thomasprop@newmexico.com >
Sent:
Tuesday, June 16, 2026 10:32 AM
To:
TERRY, ADAM G. <agterry@santafenm.gov >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >
Subject:
RE: Cases #2005-11753.1802 & #2025-11756.1802
Good Morning,
I am following up from my e-mail yesterday.
The deadlines are tight and unforgiving, so please provide the information as soon as possible.
Thank you,
Forrest Thomas
Earlier Appeal-Process Correspondence

Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #3

From:
TERRY, ADAM G. <agterry@santafenm.gov>
Sent:
Tuesday, June 16, 2026 11:53 AM
To:
Forrest Thomas <thomasprop@newmexico.com>
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov>; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov>
Subject:
RE: Cases #2005-11753.1802 & #2025-11756.1802

Good morning Mr. Thomas,

Thank you for your emails. I have logged your request regarding Case #2025-11753 and Case #2025-11756.

The Planning Commission heard these cases on June 4, 2026 and voted to approve both applications with conditions. Staff is currently preparing the post-hearing written decision materials, including separate Findings of Fact and Conclusions of Law for each case and the updated conditions. Those final written decision documents have not yet been approved or finalized, and the official minutes/action record are not yet available.

Accordingly, the final Notice of Decision / final conditions, final motion/action record, and minutes are not available as final documents currently. Once those documents are available through the City's post-hearing and Clerk process, I can provide or direct you to the available materials.

Regarding the appeal process, the City uses the Verified Appeal Petition form, PLUD-17, for appeals under Section 14-3.17 SFCC. That form explains that only final actions may be appealed and that the date of final action for a land use board is generally tied to adoption of the written decision containing findings of fact and conclusions of law, or, if findings and conclusions are not adopted within the timeframe identified in the form, the date identified by that provision. Staff is preparing the findings of fact and conclusions of law is anticipation of a 8/2 Planning Commission adoption,.

The form also identifies different appeal periods depending on the type of final action. Because these matters include both a Development Plan and a Special Use Permit, and because the final written decision documents have not yet been adopted, I am confirming the precise case-specific appeal deadline and filing path before providing a final deadline calculation.

As a general procedural matter, an appeal is filed with the Land Use Department using the PLUD-17 Verified Appeal Petition form, must be verified/signed/notarized, must include the required filing fee, and must be served as required by the form. Please review the form carefully and consult your own legal counsel if you are considering an appeal.

Nothing in this email is intended to provide legal advice, determine standing, or waive, extend, or modify any applicable appeal deadline.

I will follow up once the final action documents and/or confirmed appeal timing information are available.

Thank you,

A. George Terry

Senior Planner
Community Development
(505)-649-3231 cell

Correspondence #4

From:
Forrest Thomas
Sent:
Thursday, July 16, 2026 10:52 AM MT
To:
'TERRY, ADAM G.' <agterry@santafenm.gov>
Cc:
'LAMBOY, HEATHER L.' <hllamboy@santafenm.gov>; 'ESQUIBEL, DANIEL A.' <daesquibel@santafenm.gov>
Subject:
RE: Cases #2005-11753.1802 & #2025-11756.1802
Good morning Mr. Terry,
I am following up to see if the finding of fact and conclusions of law have been incorporated into the record for the above cases.
Thank you,
Forrest Thomas
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St

Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #5

From:
TERRY, ADAM G.
Sent:
Thursday, July 30, 2026 8:28 AM
To:
'Forrest Thomas' <thomasprop@newmexico.com >
Cc:
CAULEY, NATALIE <nscauley@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >; LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; GURULE, GERALDINE A. <gagurule@santafenm.gov >
Subject:
Cases - 2025-11753 and 2025-11756 — 1802 Cerrillos Road

Good morning Mr. Thomas,

I am following up with supplemental procedural information regarding Case 2025-11753 and Case 2025-11756.

The City has clarified that when Findings of Fact and Conclusions of Law are not adopted within 35 days after the Planning Commission hearing, the final decision date is the 35th day after the hearing. For these cases, the Planning Commission hearing occurred on June 4, 2026. Accordingly, the final decision date is July 9, 2026.

The written FOFCOL materials are still expected to return to the Planning Commission process, currently anticipated for the August 6 Planning Commission meeting, due to the cancellation of the July 2 meeting and related packet scheduling. However, based on the City's clarification, the final decision date for the Planning Commission's June 4 action is July 9, 2026.

For appeal-process information, the City uses the PLUD-17 Verified Appeal Petition form for appeals under Section 14-3.17 SFCC . Please review that form carefully and consult your own legal counsel if you are considering an appeal. Here is the City's Application Forms and Fees page. And here is access to the complete, new Chapter 14 code.

I will continue to provide or direct you to final public materials as they become available through the City's process, including final written decision materials, final conditions, and minutes/action records when available.

Nothing in this email is intended to provide legal advice, determine standing, or waive, extend, or modify any applicable appeal deadline.

Thank you,

A. George Terry
Senior Planner
Community Development
(505)-649-3231 cell

Correspondence #6

From:
TERRY, ADAM G. <agterry@santafenm.gov >
Sent:
Thursday, July 30, 2026 9:23 AM
To:
Forrest Thomas <thomasprop@newmexico.com >
Cc:
CAULEY, NATALIE <nscauley@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >; LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; GURULE, GERALDINE A. <gagurule@santafenm.gov >
Subject:
SUPPLEMENTAL CLARIFICATION - RE: Cases - 2025-11753 and 2025-11756 — 1802 Cerrillos Road

Good morning again Mr. Thomas,
I am following up with one clarification to my prior email regarding appeal-process information for Case 2025-11753 and Case 2025-11756.
The City Attorney's Office has clarified that any appeal procedures for these cases should be reviewed under the current Chapter 14 appeal provisions, specifically SFCC Section 14-2.1(B)(5)(IV). Although the applications were reviewed under the former Chapter 14 because of the application submission date, any Planning Commission approval or denial occurred after January 1, 2026, so the current appeal procedure applies.
Accordingly, please refer to the current Chapter 14 appeal procedures, including SFCC Section 14-2.1(B)(5)(IV), rather than former SFCC Section 14-3.17.
The current City Code is available here:
https://library.municode.com/nm/santa_fe/codes/code_of_ordinances
The City's Development Application Forms and Fees page is available here:
https://santafenm.gov/land-use/current-planning/application-forms-and-fees
I will continue to provide or direct you to final public materials as they become available through the City's process.
Nothing in this email is intended to provide legal advice, determine standing, or waive, extend, or modify any applicable appeal deadline.
Thank you,
A. George Terry
Senior Planner
Community Development
(505)-649-3231 cell

Correspondence #7

From:
Forrest Thomas <thomasprop@newmexico.com >
Sent:
Friday, July 31, 2026 1:29 PM
To:
TERRY, ADAM G. <agterry@santafenm.gov >
Cc:
CAULEY, NATALIE <nscauley@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >; LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; GURULE, GERALDINE A. <gagurule@santafenm.gov >
Subject:
RE: SUPPLEMENTAL CLARIFICATION - RE: Cases - 2025-11753 and 2025-11756 - 1802 Cerrillos Road
Good Afternoon Mr. Terry,
It does not appear that the code has been updated online. The municode library version May 18, 2026 online shows 14.2 as :
14-2.1 - SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES
Table 14-2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of Chapter 14 and, particularly, the procedures set forth in Article 14-3 (Review and Approval Procedures). Other duties and responsibilities of these entities are set forth in the following sections of this article.
Would you kindly clarify the section which addresses the appeal procedure, or better yet send me that section by e-mail while the website gets corrected?
Without the relevant code section available to the public and no FOFCOL it is a challenge to provide an appeal.
Thank you

Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #8

From:
Forrest Thomas <thomasprop@newmexico.com >
Sent:
Friday, August 7, 2026 2:22 PM
To:
'LAMBOY, HEATHER L.' <hllamboy@santafenm.gov >; 'TERRY, ADAM G.' <agterry@santafenm.gov >
Cc:
'CAULEY, NATALIE' <nscauley@santafenm.gov >; 'ESQUIBEL, DANIEL A.' <daesquibel@santafenm.gov >; 'GURULE, GERALDINE A.' <gagurule@santafenm.gov >
Subject:
RE: SUPPLEMENTAL CLARIFICATION - RE: Cases - 2025-11753 and 2025-11756 - 1802 Cerrillos Road
Good Afternoon Ms. Lamboy,
Would it be possible to meet briefly Monday before 3:00 PM? I would like to drop of the finalized appeals and a revision to the request regarding the SUP appeal deadline following late night's Planning Commission Meeting.
Unfortunately, I was unable to attend in person after having a dental surgery yesterday afternoon.
Thank you,
Forrest
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #9

From:
"LAMBOY, HEATHER L." <hllamboy@santafenm.gov>
Sent:
Friday, August 7, 2026 3:41 PM MT
To:
Forrest Thomas <thomasprop@newmexico.com>
Subject:
RE: SUPPLEMENTAL CLARIFICATION - RE: Cases - 2025-11753 and 2025-11756 - 1802 Cerrillos Road
Good afternoon,
I have been meaning to write you all day to tell you about my conversation with the City Attorney's Office. When I asked about the appeal deadlines for the conditional use and development plan, it was determined that the 30-day deadline will apply to both cases. Please feel free to submit 2 appeals if you wish. Both were heard at the same Planning Commission hearing, and it wouldn't make sense to separate the deadlines.
I am available at 2:30 p.m. on Monday; does that work for you?
Best,
Heather L. Lamboy, AICP
Director, Planning & Land Use Department
200 Lincoln Ave, Box 909
Santa Fe, NM 87505
(505) 470-5281

Correspondence #10

Comcast Business automated transcription, September 15, 2026. Not independently checked against audio.

From:
Comcast Business <online.communications@alerts.comcast.net>
Date:
Tue, 15 Sep 2026 21:29:55 -0000
To:
thomasprop@newmexico.com; kgwthomasprop@newmexico.com
Subject:
New voicemail from 15054705281
Original notification identifies the voicemail caller as 15054705281.
AUTOMATED VOICEMAIL TRANSCRIPT — REPRODUCED VERBATIM
Hello, Forrest. This is Heather Lamboy, and I've been in and out of the office that has been the city attorney's office, and we finally have a response. There was a concern that was raised regarding the filing of the special use appeal and the timing, and the city attorney's office ultimately determined that the special use was not timely. So I wanted to give you the opportunity to withdraw it instead of just going through a dismissal, which we could do, and then also refund your $200. You know, honestly, I think that a lot of the issues can be addressed with the development plan, you know, the concerns that you have. So hopefully that will work out anyway. So please do give me a call and let me know what you would like to do. so that I can either proceed with refund or, you know, request a dismissal for the special use. The development plan still is on track. So once again, give me a call. My number is 505-470-5281. You can also text me or e-mail me. Thank you very much and have a good afternoon. Goodbye.
Source note: Transcription text is reproduced as generated in the Comcast Business email. Apparent recognition errors and
punctuation are preserved. The actual voicemail recording has not been supplied or independently checked against this text.
Original evidence: New voicemail from 15054705281(1).msg | SHA-256:
8615214459d9763843e1f0c0aca71dd28ba17560ce030674216f2a336176566b

Correspondence #11

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Wednesday, September 23, 2026 11:57 AM
To:
Joseph M. Karnes <josephk@sommerkarnes.com >; thomasprop@newmexico.com
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Mr. Thomas and Mr. Karnes,

Thank you for your patience as we determined next steps with Mr. Thomas's appeal of Case #2025-11753, the Development Plan issued for 1802 Cerrillos Road. After consultation with the City Manager, we would like to schedule the appeal to be heard at the Governing Body meeting on Wednesday October 28th. The meeting starts at 5:00pm but, for your awareness, land use appeals are typically heard towards the end of the evening meeting. Please let me know by this Monday September 28th if that date does not work for you. If either party is unavailable, we will have to reschedule to a Governing Body date in November.

As communicated with Mr. Thomas, we have asked him to withdraw his appeal of the Special Use Permit in Case #2025-11756, given the missed deadline. Once he confirms that withdrawal and both parties confirm availability, I will have the City Clerk put this matter on the relevant agenda.

The attached Resolution 2011-24 outlines the procedures for the appeal hearing. Relevant procedures are also found in SFCC 14-2.1(B)(5)(IV). Although Amatren LLC submitted the Application in 2025, the appeal will be governed by the current version of Chapter 14 as the Applicant does not have a vested right in the application of the former version. See Brazos Land, Inc. v. Bd. of Cnty. Comm'rs of Rio Arriba Cnty., 1993-NMCA-013, ¶ 16; Mandel v. City of Santa Fe, 1995-NMCA-052, ¶ 5.

Please let me know if you have any questions. Thank you for your attention.

Best,

Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #12

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Monday, September 28, 2026 10:38 AM
To:
Joseph M. Karnes <josephk@sommerkarnes.com >; thomasprop@newmexico.com
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures
Mr. Thomas - can you please respond with your availability for an appeal hearing on Wednesday October 28th and whether you intend to withdraw the SUP appeal?
Best,
Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #13

From:
Forrest Thomas <thomasprop@newmexico.com >
Sent:
Monday, September 28, 2026 11:08 AM
To:
CAULEY, NATALIE <nscauley@santafenm.gov >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
RE: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures
Dear Ms. Cauley and Ms. Lamboy:

Thank you for the scheduling information and procedures, and for confirming that the Development Plan appeal has been accepted and passed conformity review.
I believe it is premature to finalize the hearing date while important written decisions remain outstanding. I still have not received the Planning Commission's final signed written decisions for the Development Plan and Special Use Permit, including the adopted findings, conclusions, and conditions of approval. Please provide those documents and identify their adoption, signing, and filing dates.
I also have not received a formal written decision denying or dismissing my SUP appeal. Ms. Lamboy's email states that, if I do not withdraw, the appeal would be heard by the Governing Body with a staff recommendation for dismissal. That appears to describe a recommendation rather than a final disposition.
For clarity, I am not withdrawing the SUP appeal, and I do not agree that it was untimely. Please provide the written conformity review and the specific basis for that conclusion, including the deadline calculation and how my August 4 request for acceptance and separate processing was considered. If a formal denial or dismissal has already been issued, please provide it and identify the procedure and deadline for seeking review.
Ms. Cauley's email indicates that scheduling the DP appeal would follow withdrawal of the SUP appeal. Please clarify how both appeals will proceed given that I am maintaining both.
In response to the September 28 scheduling request, I ask that finalizing the October 28 hearing date be deferred until these documents and procedural questions have been addressed and I have had a reasonable opportunity to review them and prepare. Please confirm whether scheduling and related notice deadlines will be held pending that response. This request is not a withdrawal of either appeal or agreement with the City's position on timeliness.
Thank you,
Forrest Thomas
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #14

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Monday, September 28, 2026 11:41 AM
To:
Forrest Thomas <thomasprop@newmexico.com >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Mr. Thomas,

I have attached the Findings of Fact (and related Attachment) approved by the Commission for each case, which were adopted by the Commission on September 3, 2026. They are awaiting signature but will not substantively change. I will share the signed versions with both parties when they are available.

Regarding the appeal of 2025-11756, the Special Use Permit, Ms. Lamboy offered for you to withdraw your appeal so that you could be reimbursed the fee. As you have indicated you do not wish to withdraw, we will move forward with issuing the conformity review and scheduling the Governing Body to hear our recommendation regarding denial for October 28th. The conformity review will be provided to both parties with ample time to prepare for the October 28th hearing. If the Governing Body agrees with the recommendation to deny the appeal, you may appeal to the District Court. If the Governing Body does not accept the recommendation, the appeal will be scheduled for a later date.

As this resolves all of your outstanding questions and you have not indicated you are unavailable for October 28th in this email or your separate email regarding your unavailability, we will move forward with scheduling the appeal hearing for that date. I will be in touch when we have further information regarding the above matters.

Best,

Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #15

From:
Forrest Thomas <thomasprop@newmexico.com >

Sent:
Monday, September 28, 2026 3:02 PM
To:
CAULEY, NATALIE <nscauley@santafenm.gov >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
RE: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Dear Ms. Cauley:

Thank you for clarifying the proposed SUP proceeding and providing the link to the September 3 findings. As I explained in my September 4 email, I had already downloaded the August 17 findings and Attachment A from that meeting's packet. My request was for the signed and filed decisions and their execution and filing dates. I understand those signed decisions and the conformity review remain forthcoming.

Your statement that this resolves all of my outstanding questions does not accurately reflect the correspondence. I appreciate the information provided, including Resolution 2011-24 and the referral for mailing-label assistance. However, specific questions remain unanswered and requested materials have not been provided. I first requested the final decision materials and appeal instructions on June 15, followed up on June 16, and have continued seeking information since then. My August 27 requests, acknowledged by Mr. Terry on August 31 and renewed in subsequent emails, also remain unresolved in several respects. Assurances that materials will be provided later do not resolve those requests.

I can attend on October 28, and I understand that scheduling requires advance publication. However, my availability that evening does not establish that I will have adequate time to prepare. As I disclosed in my September 15 email, I will be out of state October 16 through October 20, inclusive. That preplanned travel substantially reduces my available preparation time during the period immediately preceding October 28 and must be considered when establishing record-delivery, submission, and notice deadlines. Providing materials shortly before or during that absence would leave a particularly compressed period for reviewing them and preparing my response.

I request that October 28 be limited to consideration of the City's proposed dismissal of the SUP appeal on timeliness grounds. If the Governing Body allows that appeal to proceed, I request that the SUP and Development Plan appeals be heard together on their merits at a later date. This would reduce duplication for the parties and make efficient use of the Governing Body's time. If the SUP appeal is dismissed, I request that the DP merits hearing likewise be scheduled for a later date, without waiving my right to challenge the SUP dismissal.

The applicant was afforded the efficiencies of having the related applications heard together. I request the same consideration for the related appeals, including avoiding duplicate notice expenses, preparation, and merits presentations.

Please address the following outstanding matters:

1. Record and hearing submissions. When will the assembled appeal record and an index identifying its contents be available to me? I understand that Resolution 2011-24 addresses submissions and hearing procedures. Please confirm the specific calendar dates, recipient, delivery method, and formatting or copy requirements for submitting documents, exhibits, witness lists, and written arguments for inclusion in the Governing Body's packet. Please also clarify which procedures apply to the proposed SUP timeliness proceeding, including my opportunity to present supporting material and respond to the City's or applicant's submissions.

2. Written determinations and review rights. Please provide the signed Planning Commission decisions and their signing and filing dates when available, together with the written conformity review and the factual and legal basis for the City's timeliness position, including its deadline calculation.

Please specifically address my August 4 acceptance request and Ms. Lamboy's August 7 email stating that, following consultation with the City Attorney's Office, "the 30-day deadline will apply to both cases." Please explain the subsequent change in that position. Please also identify the procedure and deadline for seeking review of any Governing Body dismissal.

3. Mailing lists and notice documents. I appreciate Ms. Lamboy's September 23 offer of assistance with mailing labels, her clarification that the notice boundary includes the sites across the street, and the subsequent referral to Philip

Pacheco. I still need confirmation of what will be supplied—mailing labels, a recipient list, an editable address file, and any separate neighborhood-association list—and when.

My August 27 request for the June 4 recipient lists and associated proof of mailing also remains outstanding. I requested these for comparison when preparing the appeal notices. I have not located them among the materials on the CivicClerk portal. Please provide them or identify their specific location.

Please confirm whether the City prepares the notice letter or requires me to prepare it for approval, and provide the

applicable mailing and proof-of-compliance instructions and deadlines. The notice must accurately distinguish the proposed SUP timeliness proceeding from a later merits hearing. Resolution 2011-24 describes an adverse conformity recommendation as a discussion item; please clarify whether the full appeal-hearing mailing and posting requirements apply to that proceeding. I am seeking an arrangement that avoids unnecessary duplicate mailings and proof-of-mailing costs.

4. Public notice sign and access to the property. I have been told that I must place the large yellow public notice sign on the building itself. I do not own or control that property and have no authorization to enter it or attach a sign to the building. Please confirm the actual posting requirement and explain how it can be satisfied without unauthorized entry onto or use of another party's property. Will the City arrange posting, obtain the owner's permission and coordinate access, or approve an alternative location? Please also identify who is responsible for maintaining the sign and documenting compliance.

5. Twenty-percent protest submission. My August 27 email asked whether the City has a form for requesting application of NMSA 1978, Section 3-21-6(C), and requested assistance obtaining the relevant parcel and ownership data. I intend to request application of that provision. Please provide any prescribed form and submission instructions, identify the required supporting documentation, and state where and by what deadline the submission must be made. If there is no prescribed form, please confirm that. Please also address my request for assistance obtaining the parcel and ownership data and clarify how the submission deadline relates to the proposed timeliness proceeding and any later merits hearing.

I appreciate the assurance that I will have ample time to prepare, but I need specific delivery dates and deadlines to plan that work. Reviewing the record, preparing exhibits and written arguments, arranging notices, and completing the protest submission require considerable time alongside my work responsibilities and other obligations. Even with all the information available now, that work must be scheduled. I cannot set aside my work responsibilities to focus exclusively on this appeal or make up for delayed delivery by compressing preparation into the days following my October 20 return.

Please respond to each of the outstanding items and confirm whether October 28 will be limited as requested. My willingness to attend a SUP timeliness proceeding that evening should not be treated as agreement to conduct either merits hearing or as confirmation that preparation time will be adequate regardless of when the materials are provided. I request a definite schedule that provides a meaningful opportunity to review the relevant record and the City's written position before my own submissions are due, taking my previously disclosed travel into account.

For scheduling any later merits hearing, please also retain the November 9–12 unavailability disclosed in my September 15 email.

I am maintaining both appeals. My participation in scheduling or notice arrangements should not be understood as agreement that the SUP appeal was untimely or that these procedural concerns have been resolved.

Thank you,

Forrest R. Thomas
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
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fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #16

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Thursday, October 1, 2026 12:04 PM
To:
Forrest Thomas <thomasprop@newmexico.com >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Good afternoon,

After further review, we have decided to schedule the City Attorney's recommendation to deny the SUP appeal for Case #2025-11756 on the October 14 Governing Body agenda. The recommendation on the October 14 agenda will be a discussion item for the Governing Body, and not a public hearing. As a result, neither party will be permitted to present evidence or argument.

For now, we will also keep the Development Plan appeal for Case #2025-11753 scheduled for October 28. I am meeting with the City Manager next week, however, to see if we can schedule the hearing for a special hearing date in November outside of Mr. Thomas's unavailability on the 9th-12th. This will allow the Development Plan appeal to be considered at the same time as the SUP appeal, if the Governing Body rejects the recommendation to deny the appeal on October 14. Otherwise, there would not be sufficient time to notice the SUP appeal before the October 28th hearing and the cases could not be considered together. I will let the parties know next week when I have further information.

Mr. Thomas, in response to your questions:

1. The majority of these questions are answered by Resolution 2011-24. The record shall be made available to the parties at the same time as the Governing Body, which shall be sufficiently in advance to permit the Body to review them. This is typically in the week preceding the hearing. The public record is already available online for your review in preparing your arguments. Deadlines for submission of the various documents in advance of the hearing can be calculated based on the language in the Resolution. Any necessary submissions can be made via email to the entities outlined in the Resolution, while copying the Applicant. As stated above, the Body's consideration of the recommendation to deny the SUP appeal does not allow an opportunity for an appellant to present evidence or respond.
2. The signed Commission decisions are attached. The conformity review will be provided when it is available.
3. I will provide the notice letter once we finalize the hearing date. Notice is not required for the October 14 consideration of the SUP appeal recommendation. I will respond in the email chain with Mr. Pacheco so we can address your other questions about notice, as appropriate.
4. This statement to you may have been a mistaken reference to former requirements in Code. There is no requirement in the current Chapter 14 to post a public notice sign at the property.
5. NMSA 3-21-6(C) does not apply here. The statute applies to changes in zoning regulations; neither the approval of the Special Use Permit nor the Development Plan are zoning regulations.

Best,

Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501

Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #17

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Tuesday, October 6, 2026 4:15 PM
To:
Forrest Thomas <thomasprop@newmexico.com >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures
Good afternoon,
After consultation with the City Manager, the appeal of the Development Plan will be heard by the Governing Body at a special hearing. This will be either Monday November 16 at 1pm or Wednesday November 18 at 1pm. I will let the parties know as soon as we finalize the date.
Further, the City Attorney's recommendation to the Governing Body to deny the appeal of the Conditional Use Permit is scheduled to be heard by the Governing Body at the October 28 evening meeting. As stated previously, neither party will be permitted to present evidence or argument at the meeting. If the Governing Body denies the recommendation and allows the appeal to go forward, it will be heard at the same time as the Development Plan appeal at November's special meeting.
I understand the Applicant's request that these items be heard sooner, but due to staff availability and the expected agendas for the regularly-scheduled Governing Body meetings, we were unable to fulfill that request.

Mr. Thomas, I will provide you the notice to be sent to neighboring properties on Thursday October 29, once we are certain whether the appeal of the Conditional Use Permit will be heard concurrently with the appeal of the Development Plan. To comply with the 15-day notice requirement, the notice must be sent via first-class mail by November 1, if the hearing is set for November 16, or November 3, if the hearing is set for November 18.
Best,
Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #18

From:
Forrest Thomas <thomasprop@newmexico.com >
Sent:
Tuesday, October 6, 2026 5:22 PM
To:
CAULEY, NATALIE <nscauley@santafenm.gov >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
RE: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Ms. Cauley,

Thank you for the update regarding the revised hearing schedule and notice timing. I appreciate the clarification and the additional preparation time created by the revised schedule.

I did want to follow up on a few procedural items so that I can make sure I am complying fully with the City's notice requirements.

The notice list previously provided to me does not appear to include all parties required to receive notice. At a minimum, the Casa Alegre Neighborhood Association was not included. My understanding is that the Association was similarly omitted when notice information was previously provided to the applicant. I have independently obtained the Association president's mailing address, but because the City is identifying the parties required to receive notice, I would appreciate receiving a corrected and complete notice list from the City. I am also concerned that there may be other required recipients omitted from the list of whom I am not independently aware.

I also note that, if the November 16 hearing date is selected, the November 1 mailing deadline falls on a Sunday. If the notice form and final mailing information are provided on Thursday, October 29, that effectively leaves only Friday, October 30 as a single business day to review the materials, prepare the notices, and arrange for mailing. Given my other ongoing work commitments, that is a challenging timeline. I would appreciate clarification regarding how the City anticipates that timing being handled and whether any flexibility is available to provide the notices earlier to allow sufficient time to process the notices.

I would also appreciate clarification regarding the required method of mailing. Your email refers to notice being sent by first-class mail, while the Land Use Director previously advised me that a certificate of mailing is required. Please confirm whether the notices are to be sent by first-class mail with a USPS certificate of mailing, or whether some other form of mailing or proof is required. I want to make sure I follow the City's instructions precisely.

As I previously advised the City, I have pre-existing travel commitments in October and November 9 through November 12. I appreciate the additional preparation time created by the revised hearing schedule and simply wanted to keep these previously disclosed commitments in view as the hearing date and remaining deadlines are finalized.

Finally, there remain several procedural and other questions that I previously submitted and for which I understood additional guidance would be provided with sufficient time for preparation and compliance. I recognize that the hearing schedule has been evolving, but I would appreciate responses to those outstanding questions as soon as practicable now that the possible hearing dates are becoming clearer.

Thank you again for the update and for your assistance in making sure the notice and hearing procedures are handled correctly.

Sincerely,

Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #19

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Friday, October 9, 2026 4:34 PM
To:
'Joseph M. Karnes' <josephk@sommerkarnes.com >; fthomas@thomasprop.com
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Case #2025-11753: DXD Storage Appeal Hearing Date and Procedures

Good afternoon,

The special hearing has been scheduled for Wednesday November 18 at 1pm. For your awareness, there will be three separate land use appeals heard at the hearing. I do not know in what order they will be heard, but I will share the agenda with you when it is ready.

Mr. Thomas, in response to your questions, the notices should be sent via first class mail with a certificate of mailing provided by the US Post Office. The certificates of mailing should then be provided to the Land Use Director prior to the hearing. I will respond to your question about the neighborhood association next week. You also mention other outstanding questions that remain unanswered. Please send the questions you feel have not been adequately addressed by my correspondence or the 2011 resolution. I will then respond or point you to where you can find an answer, as appropriate.

Best,

Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #20

From:
Forrest Thomas <FThomas@Thomasprop.com >
Sent:
Tuesday, October 13, 2026 1:40 PM
To:
CAULEY, NATALIE <nscauley@santafenm.gov >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
RE: Cases #2025-11753 and #2025-11756: DXD Storage Appeal Hearing Date and Procedures

Ms. Cauley,

Thank you for confirming the November 18 hearing date, clarifying the mailing requirements, and offering to address questions that remain unanswered.

You have referred me to Resolution 2011-24 and Chapter 14 for the applicable appeal procedures. I have reviewed those provisions and our correspondence. While they establish a general framework, several specific questions previously submitted, particularly in my September 28 email, remain unanswered. I have consolidated them below to facilitate a response.

1. Submission requirements and appeal record:

* What are the specific deadlines, recipients, and formatting or copy requirements for submitting written arguments, exhibits, witness lists, and supporting documents for inclusion in the Governing Body's hearing packet? Is email submission sufficient?
* Will all timely submitted materials be included in the packet, and how will their inclusion be confirmed?
* When will the complete written Planning Commission record be available to the parties, and will it be paginated or otherwise indexed so that the parties can cite accurately to the record in their appeal arguments?
* When will the assembled Governing Body packet, including staff analysis and other parties' submissions, be available to the parties?

My principal concern is having the written Planning Commission record, in a form that can be reliably cited, sufficiently in advance to prepare the appeal submission. We must also prepare our materials for inclusion in the Governing Body's packet before having the benefit of reviewing the completed packet. What procedure will allow us to review and respond to additional materials in writing before the hearing, and ensure that any response is provided to the Governing Body?

2. Submission deadlines:

Resolution 2011-24 establishes certain ten-day submission requirements. However, the tenth day preceding the November 18 hearing falls on Sunday, November 8. Please confirm the actual calendar deadlines, including how the intervening weekend and Veterans Day affect them.

3. SUP conformity determination and review rights:

My earlier requests regarding the SUP appeal's timeliness determination remain outstanding, including:

* The written conformity determination and the specific factual and legal basis for the City's position, including its deadline calculation and treatment of my August 4 acceptance request.
* An explanation of the change from Ms. Lamboy's August 7 written confirmation, following consultation with the City Attorney's Office, that the 30-day appeal deadline applied to both applications.
* The procedure and deadline for seeking judicial review should the Governing Body accept the recommendation to dismiss the SUP appeal.

I understand that the October 28 consideration will be a discussion item without party presentations. Please confirm when the written recommendation and supporting determination will be available and how the Governing Body's decision will be documented and communicated.

4. Notice recipients and prior mailing documentation:

I appreciate your commitment to address the omission of Casa Alegre Neighborhood Association next week. I also previously requested the June 4 Planning Commission notice-recipient lists and associated mailing documentation, which have not yet been provided or specifically identified.

Please confirm that the final appeal-notice list will include all required recipients, including applicable neighborhood associations, and identify where the earlier mailing documentation may be obtained.

5. Applicable code and 20% protest provision:

I previously requested confirmation of the Chapter 14 provisions applicable to the substantive review of each application and the application-completeness dates used to make that determination.

Regarding the 20% protest provision under NMSA 1978, § 3-21-6(C), I acknowledge the City's stated position that it does not apply. However, there is a legal question as to whether approval of a Special Use Permit authorizing a use not permitted as of right constitutes a change or supplementation of the applicable zoning regulation within the meaning of §

3-21-6(A)–(C).
Given this unresolved question, I intend to request application of the 20% protest provision and wish to ensure compliance with any applicable procedural requirements.
As previously requested, please advise whether the City has a prescribed protest form, specific filing or documentation requirements, applicable deadlines, or procedures for determining the qualifying property area and ownership percentages. If no prescribed form or procedure exists, please confirm that as well.
6. Attendance and participation at Governing Body proceedings:
For both the October 28 meeting and the November 18 special hearing, please clarify whether my personal attendance is required or would serve a procedural purpose.
For the October 28 consideration, will the parties be permitted to answer questions from Governing Body members even though testimony and argument are otherwise restricted?
For the November 18 merits hearing, please also confirm the procedures for party testimony, questioning of witnesses, and cross-examination, including whether I will be permitted to cross-examine witnesses, including City officials who testify.
I would appreciate clarification regarding the practical and procedural purpose of attendance at each proceeding so that I can plan accordingly.
Certain related records have also been requested through IPRA and remain pending. Because the appeal submission deadlines may arrive before those requests are completed, please provide through the appeal process any materials that are part of the record or necessary for preparation of the appeals, rather than requiring us to await the separate IPRA process.
I appreciate the additional preparation time afforded by the November 18 hearing date. My intent is to comply fully with the applicable procedures and ensure that the Governing Body receives a complete and appropriately informed presentation. Specific answers to these outstanding questions will help avoid unnecessary uncertainty and further correspondence as the hearings approach.
Please place this email and all related correspondence concerning these appeals in the record for Cases #2025-11753 and #2025-11756. Please also provide copies of all written decisions issued in connection with either case.
Thank you,
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505

ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #21

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Wednesday, October 21, 2026 11:20 AM
To:
Forrest Thomas <FThomas@Thomasprop.com >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Cases #2025-11753 and #2025-11756: DXD Storage Appeal Hearing Date and Procedures

Mr. Thomas,

Thank you for your email. Please be advised that Chapter 14 and the 2011 Resolution provide the procedures for the appeal hearing. I have regurgitated some of that information here, where applicable, but this should not be construed as legal advice. It is the responsibility of the parties to review and familiarize themselves with those documents.

Regarding the issue with the Casa Alegre Neighborhood Association, it seems the notice list that was provided to you was only for nearby neighbors under 14-2.1(B)(3)(V)(3)(i). As you have pointed out, there is an additional requirement under subsection ii that requires notice to nearby neighborhood associations. These neighborhood associations can be found through the City's online mapping tool. If you would like, I can connect you with colleagues to use the tool and ensure you have learned of all relevant neighborhood associations.

In response to the questions from your 10/13 email:

1. As detailed in my 10/1 email, any filings can be submitted to the Land Use Director via email, copying myself and the other party. All timely submitted materials will be included in the packet, and their inclusion will be confirmed in response to their submission. Please keep in mind that the greater number of materials that are submitted, the more difficult it will be for the Governing Body members to closely review all submissions (this is not legal advice, but simply a suggestion). Also, as detailed in the Resolution and my 10/1 email, the record will be prepared sufficiently in advance of the hearing to permit the Body to review them. This is typically in the week preceding the hearing. The assembled Governing Body packet will be available to the parties at least 72 hours in advance, in line with the Open Meetings Act. Because of the weekend, this will likely be on Friday November 13.

Your email seems to indicate a misunderstanding about the submissions to the Governing Body prior to the hearing. You indicate that you will need the final record so that it can be cited in your "appeal submission." But the 2011 Resolution does not provide for an additional brief to be submitted by the Appellant. Your Appeal Form was submitted in August. You may amend that Appeal Form, pursuant to the 2011 Procedures at (VI)(A). Apart from an amendment, the remaining submissions that are allowed from the parties include: A written response by the Applicant; a list of witnesses with short descriptions of the basis of their testimony and summary of the subject matter (from either party); the affidavit of any person who is unable to attend the hearing and what they would testify (from either party); and documents or written evidence upon which either party intends to rely at the hearing.

If you do wish to amend your Appeal Form, you will not have the official compiled record given the procedures and timeline I outline above. As a result, your citations will need to reference the specific documents and page numbers - e.g., Staff Report at 6, Findings of Fact at 2. There is no procedure for you to respond in writing to the Governing Body packet in advance of the hearing, but you can respond during your presentation at the hearing.

2. Thank you for bringing this to our attention. In line with SFCC 1987 Section 14-9(D), which governs the computation of time, the 10-day deadline will be moved to the follow Monday: November 9. Veterans Day and the intervening weekend will not affect the deadline.

3. I have attached the City Attorney's office written recommendation regarding the appeal in Case #2025-11756, which includes the Land Use Director's conformity review as an attachment. The Governing Body's decision on 10/28 will be documented via the recording of the meeting on YouTube (which can also be streamed live) and minutes produced at some time after the hearing. I will also communicate the decision to the parties. I am not able to provide legal advice on the procedures and deadline to seek judicial review should the Governing Body agree to dismiss the SUP appeal. That will require the parties to review the relevant District Court Rules or consult counsel.

4. The notice-recipient lists and associated requests will not be provided through this correspondence about the appeals as the Code and Resolution do not require that information to be provided. All materials that were provided to the Planning Commission in reaching their decision are available on Civic Clerk for the parties' access. These are the materials that will be presented to the Governing Body, in addition to any submittals from the parties in advance of the hearing, as outlined in the Resolution.

5. Because of the City's position that NMSA 1978, § 3-21-6(C) does not apply, we will not provide guidance on its application, relevant documentation, etc. If any party disagrees with that position, then the issue may be appealed to the District Court but I cannot provide guidance on that process.

6. For the October 28 meeting, your personal attendance is not necessary. If you do attend, Governing Body members may wish to ask you questions, but you will not be given the opportunity to present argument apart from answering any direct questions. There is the possibility, of course, that you are not asked any questions.
For the November 18 special hearing, Section VII of the 2011 Resolution outlines what may occur if you do not attend (including dismissal with prejudice) and the relevant procedures if both parties do attend. A specific outline of the procedures and relevant time-limits will be provided to the parties in the week prior to the hearing.
In response to the questions from your 10/20 email:
Regarding your questions about the Technical Corrections 39-44, many of your questions far exceed the scope of the issues you have standing to appeal. Per SFCC Section 14-2.1(B)(5)(IV), only final actions can be appealed, and "final action" has a specific, limited meaning: decisions of a Land Use Board after a public hearing, including the final approval or denial of a preliminary plat or preliminary development plan. Nothing permits an appellant to challenge Corrections, Technical Corrections, Drainage Analyses or revisions of those. Compliance with those requirements would occur after the project is approved and permitted, and the City's subsequent enforcement of these conditions or corrections is also excluded from appeals. See SFCC Section 14-2.1(B)(5)(IV)(a)(2): "Final action does not include: . . . (iv) A decision not to take enforcement action." For these reasons, there is no need to provide the additional information you have requested, as they address issues that are not the subject of any Land Use appeal.
Relatedly, SFCC Section 14-2.1(B)(5)(IV)(b), Basis for Appeal provides:
An appeal may only be filed for the following reasons:
1. To contest noncompliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978;
2. To contest the application of Chapter 14; or
3. To appeal a decision lacking substantial evidence to support it.
None of the information you seek has any bearing on the three permitted bases for appeal. As a result, City Staff will not respond to these inquiries..
Best,
Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303

nscauley@santafenm.gov

Correspondence #22

From:
Forrest Thomas <FThomas@Thomasprop.com >
Sent:
Friday, October 23, 2026 2:22 PM
To:
CAULEY, NATALIE <nscauley@santafenm.gov >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
RE: Cases #2025-11753 and #2025-11756: DXD Storage Appeal Hearing Date and Procedures

Ms. Cauley,

Thank you for your October 21 response.

I am not in a position to determine which neighborhood associations are sufficiently close to the property to require notice. I therefore request that you direct the appropriate City staff member to provide the complete and current mailing list, including addresses, for all neighborhood associations and other recipients required to receive notice of the Governing Body appeal hearings.

Given the approaching notice deadlines, I would appreciate receiving this information promptly so that I have sufficient time to prepare envelops for the required notices once they are made available.

Separately, yesterday I received the following delivery failure notice concerning an earlier email addressed to Mr. Karnes:

Delivery has failed to these recipients or distribution lists:
Server "sommerkarnes.com" returned an error:
josephk@sommerkarnes.com : message reached max retries

Because the earlier correspondence is included in the email chain below, I am bringing this delivery failure to Mr. Karnes's attention so he can review it. If I receive a similar failure notice for this email, I will attempt to resend it to him directly.

Thank you,

Forrest Thomas
Forrest R. Thomas
Thomas Properties-NM LLC
340 E Berger St
Santa Fe, NM 87505
ph: 505.983.3131
fax: 505.983.6252
www.ThomasProp.com
www.santafeselfstoragecompany.com

Correspondence #23

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Monday, October 26, 2026 2:25 PM
To:
Forrest Thomas <FThomas@Thomasprop.com >; 'Joseph M. Karnes' <josephk@sommerkarnes.com >

Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Cases #2025-11753 and #2025-11756: DXD Storage Appeal Hearing Date and Procedures
Hello all,
I made a mistake in my previous email from 10/21. I stated that the Appellant "may amend th[e] Appeal Form, pursuant to the 2011 Procedures at (VI)(A)." This was not accurate. The Appellant could have amended the Appeal Form "at any time until the time prior to the expiration of the time permitted for appeal." 2011 Procedures at (VI)(A). In other words, the Appeal Form could have been amended until August 10, the deadline for filing an appeal in Case #2025-11753. But because that date has now passed, the Appeal Form can no longer be amended. This restriction also aligns with the language of Chapter 14: "An appellant may amend an appeal until the time for appeal has expired." See SFCC 1987 14-2.1(B)(5)(IV)(f). As such, the only remaining documents that can be submitted by the parties are: A written response by the Applicant; a list of witnesses with short descriptions of the basis of their testimony and summary of the subject matter (from either party); the affidavit of any person who is unable to attend the hearing and what they would testify (from either party); and documents or written evidence upon which either party intends to rely at the hearing.
Also, Mr. Thomas - on Friday I emailed the Land Use Department about the neighborhood association list and copied you. Please let me know if you do not hear back within a couple days.
Best,
Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303
nscauley@santafenm.gov

Correspondence #24

From:
CAULEY, NATALIE <nscauley@santafenm.gov >
Sent:
Wednesday, October 28, 2026 6:59 PM
To:
Forrest Thomas <FThomas@Thomasprop.com >; Joseph M. Karnes <josephk@sommerkarnes.com >
Cc:
LAMBOY, HEATHER L. <hllamboy@santafenm.gov >; TERRY, ADAM G. <agterry@santafenm.gov >; MOORE, MAGGIE R. <mrmoore@santafenm.gov >; ESQUIBEL, DANIEL A. <daesquibel@santafenm.gov >
Subject:
Re: Cases #2025-11753 and #2025-11756: DXD Storage Appeal Hearing Date and Procedures
Good evening all,
As you may be aware, the Governing Body agreed with the City Attorney's recommendation and denied the appeal of the conditional use approval in case #2025-11756. Now that is decided, I have prepared and attached the notice for the November 18 hearing that will be mailed.
Best,
Natalie Cauley
Assistant City Attorney
City Hall | 200 Lincoln Avenue
Santa Fe, New Mexico 87501
Office: (505) 955-6303

nscauley@santafenm.gov

Correspondence #25

Text reproduced from the user-selected 35-message review copy; original native message not independently inspected in this assembly.

From: Forrest Thomas <FThomas@Thomasprop.com>
Sent: Thursday, October 29, 2026 2:56 PM
Subject: Request for Final Written Decision – October 28, 2026 – Appeal No. 2026-012949-APPL

Good Afternoon Ms. Cauley,
I am writing to request a copy of the final written decision reflecting the Governing Body's October 28, 2026 action denying my appeal concerning the Special Use Permit for the proposed self-storage development at 1802 Cerrillos Road (Appeal No. 2026-012949-APPL).
Please advise when the final written decision will be issued and provide me with a copy promptly upon issuance.
I also request that I receive notice and copies of any subsequent decisions, orders, or other official actions concerning this appeal.
Please include this email and your response in the official administrative record for this matter.
Thank you,
Forrest Thomas

Correspondence #26

Text reproduced from the user-selected 35-message review copy; original native message not independently inspected in this assembly.

From: Natalie Cauley, Assistant City Attorney
Date: October 29, 2026 — time not supplied
Subject: RE: Request for Final Written Decision – October 28, 2026

Mr. Thomas,
There will not be a written decision issued by the Governing Body, but the Body's minutes from last night's meeting will be available within a week or two. You may monitor Civic Clerk for their posting - they will be posted alongside the agenda and agenda packet.
Best,
Natalie Cauley
Assistant City Attorney