APPLICANT'S SUBMITTAL

Appeal # 2026-12950-APPL of Case #2025-11753

Appeal of Development Plan approved by Planning Commission on June 4, 2026

Address of Properties that are subject of the Appeal: 1750 and 1802 Cerrillos Road, 1361 Fourth Street and 3 RD Berry Ave.

Submitted to Land Use Director and Appellant on November 9, 2026

Applicant: Amatren, LLC

Appellant: Thomas Trust Holdings, LLC

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Via Email - hllamboy@santafenm.gov

November 9, 2026

Heather Lamboy, City of Santa Fe Land Use Director
200 Lincoln St.
Santa Fe, NM 87501

Re: Applicant's Witness List
Appeal #2026-12950 – Appeal of Case # 2025-11753 (the "Appeal")
Development Plan for 1802 and 1750 Cerrillos Road, 1361 Fourth Street and 3 RD Berry Ave. (the "Property")

Dear Ms. Lamboy:

On behalf of Applicant Amatren LLC, and in accord with the Resolution 2011-24 §VIII.A.1.A, following is the witness list for the appeal hearing scheduled before the Governing Body on November 18, 2026. The Applicant anticipates that the following witnesses will testify at the appeal hearing:

Joseph Karnes, project developer's land use counsel, testifying regarding legal and factual deficiencies of the Appeal.

Lisa Martinez, project developer's land use and planning consultant, testifying regarding project intent and overview.

Drew Dolan and/or Brian Walsh, DXD Capital/project developer, presentation of project details.

Frank Culver, property owner, testifying about his experience with the property and need for redevelopment.

David Barker, property owner's real estate broker, testifying regarding the need for this project.

Sincerely,

Joseph M. Karnes

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November 9, 2026

Santa Fe Governing Body
c/o Heather Lamboy, Land Use Director
200 Lincoln St.
Santa Fe, NM 87501

Re: Appeal #2026-12950 – Appeal of Case # 2025-11753 (the "Appeal") Development Plan for 1802 and 1750 Cerrillos Road, 1361 Fourth Street and 3 RD Berry Ave. (the "Property")

Dear Mayor and Councilors:

On behalf of Applicant Amatren LLC, this letter addresses the Appeal of the Planning Commission's unanimous approval of a Development Plan for a self-storage facility, creative workshop space and community offices. Based on the following, we request that you approve Development Plan and deny the Appeal.

The property at 1802 Cerrillos has been vacant since Empire Builders closed in 2019. The proposed project would demolish the 60+ year old concrete building and revitalize that property and three lots on the east side of Fourth Street to provide low-impact climate controlled self-storage units, creative workshop spaces available for rent on a monthly basis to entrepreneurs and small businesses and public amenities including a community meeting room, a dog park and two new murals by local artis(s) on the primary building; one a reproduction of the existing Empire Builders mural, which has severely deteriorated and cannot be salvaged.

City staff reviewed and recommended approval of the Development Plan, subject to 44 conditions of approval and 44 technical corrections, which the Applicant has accepted. The Planning Commission determined that the application meets all of the criteria set forth in the City Code for approval of a Development Plan and also unanimously approved a Special Use Permit to allow for the self-storage use, which approval is final and not part of the Appeal before you, because the Appellant's appeal was filed after the applicable deadline passed, as was his mailing to property owners for this Appeal.

The Appellant owns Santa Fe Self-Storage located at 1591 Third Street, across the street from the subject property. He testified to the Planning Commission as to his opinions that self-storage does not belong on a main commercial corridor and that the project developer, DXD Capital "practices aggressive pricing", indicating a concern about competition to his own business. Neither of these opinions have any relation to the sole question before the Governing Body: whether the Development Plan complies with the

approval criteria set forth in the City Code.

The Appeal raises a host of grievances, none of which establish any basis for overturning the Planning Commission's unanimous approval of the Development Plan. The Applicant responds to the issues raised in the Appeal as follows.

1. The Appeal claims approval of the Development Plan would adversely affect the public interest because the Application included analysis of truck access and members of the public raised concerns about safety, including effects on operation of the fire station across the street on the north side of Cerrillos. Initially, the Appeal does not identify any Land Use Code standard that the Development Plan allegedly violates. City staff and the Planning Commission determined the Development Plan meets all applicable Code sections, which by their adoption embody the City's standards as to what is *in* the public interest. In other words, a project that meets the Code, by definition, is in the public interest.

The Appeal fails to identify any traffic-related Code standard that the project would violate and asserts that because truck turning templates were properly included in the traffic assessment, accommodation of trucks by the project is contrary to the public interest. This argument is meritless. The traffic assessment properly demonstrated that the design of the project accommodates vehicles, including trucks, the use of which is an inherent part of all self-storage facilities including the one owned by the Appellant. Accommodation of trucks in no way compels a conclusion that the approval of the development plan would be contrary to the public interest.

The Appeal also asserts, without any substantive basis, that the project would interfere with operations of the fire station on the north side of Cerrillos, compelling a decision that the project would be contrary to the public interest. The record includes Fire Marshal Geronimo Griego's review of the Development Plan application, which concluded that "the application will meet applicable standards" provided the correct year of IFC compliance is referenced. As with all development projects, the Fire Department reviewed the application and identified no issues with the project design or operation. The Appellant's unsubstantiated opinions in no way preclude the Planning Commission's or a Governing Body finding that the Development Plan will not adversely affect the public interest.

2. The Appeal contends that the finding of compatibility was not established on the record presented because the "record included material concerns about corridor character, landscaping, screening, pedestrian conditions, traffic safety and the design's relationship to the surrounding area." Again, City staff reviewed the application with respect to all relevant standards set forth in the City Code and concluded that, with implementation of the recommended conditions, the application is consistent with those standards. The Planning Commission took the public's concerns into account and unanimously decided that the use and buildings are compatible with existing uses and buildings in the vicinity, including the Appellant's own self storage business across the street. Consideration of concerns expressed by members of the public does not preclude

the Planning Commission or Governing Body from deciding that the use and buildings are compatible with the surrounding area, particularly in a case where not a single Code violation has been alleged either by City staff or the public, including the Appellant.

As to adaptability, the Appeal complains that the staff report did not cite evidence showing that a substantial alternative use could actually be accommodated by the approved building and site and that the relatively low parking requirement for self-storage mandates provision of more parking so that other more intense uses could be accommodated on the subject property. The Planning Commission and Governing Body are not limited to reliance on the staff report, but rather all information presented in the record. As the Application stated, the building design lends itself to being adaptable to other uses. Indeed, a portion of the building has been dedicated to space available for community meetings. The building could certainly accommodate other uses, such as offices. City staff and the Planning Commission concluded that the Development Plan meets the applicable parking regulations and the City Code contains no requirement that additional parking be provided to accommodate a potential more intensive future use.

3. The Appeal contends that the conditions of approval and technical correction imposed as part of the approval preclude approval of the Development Plan. The Appeal misapprehends the development review process, which the City controls. Approval of a Development Plan does not require submittal of detailed construction-level plans. Rather, such detail is required for a construction permit application. By imposing conditions and technical corrections, such as for drainage and lighting infrastructure, City staff properly determined that compliance with the requirements is feasible and must be satisfied before a construction permit is issued. The City Code does not compel the level of detail contained in construction plans at the Development Plan stage and the imposition of conditions and technical corrections is part of every such application considered by the City.

4. The Appeal asserts that if the Special Use Permit was denied, then the Development Plan could not be considered. As addressed above, the Planning Commission's unanimous approval of the Special Use Permit is final.

Conclusion. The Appeal fails to identify a single City Code standard or regulation that the Development Plan does not meet. Instead, the Appeal raises unsupported concerns raised during the review process about "larger vehicles" the existence of a fire station across the street, opinions about compatibility and technical issues not affecting viability of the project that City staff will require be resolved at the construction permit stage. None of these arguments warrant overturning the Planning Commission's unanimous approval, which will facilitate revitalization of the subject property.

Based on the foregoing, we request that you deny the Appeal and affirm the Planning Commission's unanimous approval of the Development Plan.

Sincerely,

Joseph M. Karnes