# CITY OF SANTA FE

# VERIFIED APPEAL PETITION
# PLUD-17

## APPELLANT INFORMATION

Name: Thomas Trust Holdings, LLC

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

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

RECEIVED
AUG 10 2026
BY: KL

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

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

Correspondence Directed to: ☐ Appellant ☐ Applicant ☑ Both

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

Company Name: Amatren, LLC

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

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

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

Phone: E-mail Address:

## AGENT AUTHORIZATION (IF APPLICABLE)

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

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

Signed: _____ Date: _____

Signed: _____ Date: _____

## SUBJECT OF APPEAL

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

Applicant or Owner Name: Amatren, LLC

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

Case Number: 2025-11753 | Permit Number (if applicable) :

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

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

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

## LAND USE STAFF ONLY

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

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

Development Plan 2026-012950

CITY OF SANTA FE

# VERIFIED APPEAL PETITION
# PLUD-17

## BASIS OF STANDING

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

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

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

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

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

## SIGNATURE & VERIFICATION

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

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

Agent Signature: Date:

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

Appellant/s

[signature]
Signature

Forrest R. Thomas
Print Name

Signature

Print Name

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

[signature]
NOTARY PUBLIC

My commission expires:
4/6/2030

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

# PLUD-17 CONTINUATION SHEET

**DXD Self-Storage / Empire Self Storage Project - Case 2025-11753 | Development Plan Appeal**

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

## Appellants and Contact

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

## Standing and Harm

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

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

## Authorized Basis for Appeal

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

Without waiving that position, if corresponding current provisions are determined to govern, Appellants assert the same record-based challenges under current SFCC Section 14-2.1(F)(4)(V)(b) and other applicable current provisions. Current SFCC Section 14-1.9(D) is preserved as additional transitional support to the extent its application-completeness requirement is satisfied.

## Final Action and Timeliness

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

## Applicant / Owner and Agents

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

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

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

## Relief Requested

**Primary Relief.** Reverse the Planning Commission's approval of Case 2025-11753. Reversal of the Special Use Permit would also require corresponding disposition of the Development Plan; this Development Plan appeal independently seeks reversal on the grounds stated in its attached Statement of Grounds.

**Alternative Relief.** If the Governing Body does not grant reversal, vacate the approval and remand for proceedings and findings supported by substantial evidence and consistent with the applicable provisions of Chapter 14.

# STATEMENT OF GROUNDS SUPPORTING VERIFIED APPEAL PETITION

**Case 2025-11753 - Development Plan | DXD Self-Storage / Empire Self Storage Project**

**CENTRAL ISSUE.** The Planning Commission could approve the Development Plan only upon the findings and showing required by Chapter 14. The record presented did not establish those prerequisites before approval was granted. Material questions concerning public interest, compatibility and adaptability, traffic and access, drainage, lighting, and other compliance matters remained unresolved. The City's own technical review confirms that material compliance required by Chapter 14 had not yet been demonstrated.

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

Current SFCC Section 14-2.1(B)(5)(IV)(b) limits this appeal to noncompliance with Chapter 14, incorrect application of Chapter 14, and lack of substantial evidence. The Development Plan appeal invokes all three grounds as supported by the record. It is independent of the Special Use Permit appeal, although the two approvals concern the same Project and rely on overlapping public-interest finding and the mandatory finding of compatibility and adaptability.

The Staff Report states that the applications were received in December 2025 and were reviewed under the prior Land Development Code. Former SFCC Section 14-3.8(D)(1) required the Planning Commission to find, among other things, that approving the Development Plan would not adversely affect the public interest and that the use and associated buildings were compatible with and adaptable to nearby properties. Those findings were prerequisites to approval and had to be supported by the record presented to the Commission. (Staff Report, pp. 10-11.)

Appellants rely primarily on the former substantive criteria actually applied by the City. Without waiving that position, if corresponding current provisions are determined to govern, the same challenges are asserted under current SFCC Section 14-2.1(F)(4)(V)(b), which contains materially parallel public-interest finding and the mandatory finding of compatibility and adaptability, and other applicable current provisions. Current SFCC Section 14-1.9(D) is preserved as additional transitional support to the extent its application-completeness requirement is satisfied.

## 2. The required public-interest finding was not established by the traffic and access record. [Authorized Grounds 2 and 3]

Former SFCC Section 14-3.8(D)(1) required the Commission to find that approving the Development Plan would not adversely affect the public interest. The applicant relied in part on the characterization of self-storage as low intensity with relatively little traffic. Yet the traffic assessment describes Cerrillos Road as a principal arterial with higher traffic and speed, bike lanes, and a local bus route; the Staff Report identifies four vehicular entry points and a pedestrian connection between the project sites; and the development-plan materials include turning templates for an SU-40 single-unit truck. (Staff Report, pp. 7-11; Impact of Traffic Assessment, pp. 1-3; Development Plan/Paving materials.)

Staff further told the Commission that access, frontage coordination, and fire-station operations were distinct issues and that the traffic assessment was not being presented as fire-operations clearance. Public and hearing comments raised pedestrian, traffic, fire-station, emergency-operation, and larger-vehicle concerns. Because the traffic evidence focused on trip quantity, the record needed evidence addressing the character of the Project's larger-vehicle traffic and the associated site-specific safety concerns - not merely a low aggregate trip count - to support the required public-interest finding for the physical access and circulation plan. (Staff Report, p. 14; June 4 hearing, approximately 23:46-24:34 and 1:25:52-1:26:17.)

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

The applicant and Staff relied on zoning compliance, reduced height and lot coverage, increased open space, architectural treatment, and redevelopment of the vacant site. Those facts were relevant, but the required finding concerned whether this use and its associated buildings were compatible with and adaptable

to buildings, structures, and uses of abutting and nearby properties. The record included material concerns about corridor character, landscaping, screening, pedestrian conditions, traffic safety, and the design's relationship to the surrounding area. One commissioner described the building as "extremely out of character" for the neighborhood and later agreed that landscaping and screening concerns raised in public comment were well taken. (Staff Report, pp. 10-11, 14; June 4 hearing, approximately 1:39:30-1:40:03 and 1:51:45-1:52:25.)

The adaptability component was not separately established. In its Applicant Response, the applicant stated: "The self-storage building design lends itself to being adaptable to other uses. The self-storage units within the building shell can be modified to adapt to different uses." Staff's response focused on compatibility and did not identify evidence showing that a substantial alternative use could actually be accommodated by the approved building and site. The Development Plan calculates 69 required parking spaces and provides 73 for the entire Project. Former Table 14-8.6-1 required only one space per 10 mini-warehouse storage areas, while materially greater ratios applied to representative alternative uses, including one per 350 square feet of net leasable area for non-medical office, one per 400 square feet for neighborhood grocery/laundromat, and one per 500 square feet for warehouse/distribution. The record contains no analysis showing whether a substantial conversion could meet those parking requirements or other site and building requirements applicable to the alternative use. (Staff Report, pp. 10-11; Development Plan, Sheet A.101; former Table 14-8.6-1.)

Taken together, the site-specific compatibility concerns and the absence of a demonstrated adaptability analysis leave the mandatory combined finding without substantial evidentiary support. The applicant's general assertion that the self-storage units within the building shell can be modified to adapt to different uses does not establish that the proposed use and associated buildings are compatible with and adaptable to the surrounding buildings, structures, and uses as required by former SFCC Section 14-3.8(D)(1).

### 4. The City's own technical review confirms that material compliance remained unresolved when the Development Plan was approved. [Authorized Grounds 1, 2 and 3]

The City's Conditions of Approval and Technical Corrections ("Attachment A" in the administrative record) confirm the broader problem. Technical Correction 39 states: "Current analysis shows a violation: an increase in peak stormwater flows is not allowed per city code 14-8.2(D)(4)(b)(i)." The same review required additional drainage analyses, verification of runoff-volume calculations because the Rational Method is not acceptable for that purpose, and an acceptable runoff-volume analysis for the stormwater-quality event. Technical Correction 37 separately states that the photometrics "do not meet Code requirements." These matters were assigned for correction prior to recordation rather than resolved before the June 4 approval. (Attachment A, Conditions 32-34; Technical Corrections 37, 39-44.)

The significance of these identified deficiencies extends beyond the underlying stormwater and lighting corrections. They constitute the City's own contemporaneous evidence that material Chapter 14 compliance had not yet been demonstrated when the Commission made the required findings and approved the Development Plan. They therefore reinforce the authorized appeal grounds of noncompliance with Chapter 14, incorrect application of Chapter 14, and lack of substantial evidence.

### 5. Relationship to the Special Use Permit

The Development Plan and Special Use Permit authorize the same Project. The Special Use Permit is the discretionary authorization for the self-storage use in the C-2 district. Reversal of that authorization would eliminate the land-use approval necessary for the Project to proceed as approved and would require corresponding disposition of the Development Plan. Independently, the Development Plan should be reversed on the record-based grounds stated above.

### 6. Taken together, the record did not establish the prerequisites for Development Plan approval. [Authorized Grounds 1, 2 and 3]

The Commission was required to make affirmative public-interest finding and the mandatory finding of compatibility and adaptability and to apply Chapter 14 to a Development Plan supported by the record. The unresolved traffic and access questions, site-specific compatibility and adaptability concerns, and City-identified compliance problems show that the necessary evidentiary and compliance showing had not been

made when approval was granted. Deferring material corrections until prior to recordation did not itself supply the evidence needed to support the findings at the time of approval.

The stormwater and lighting deficiencies are significant because they are concrete examples from the City's own review demonstrating that the broader requirements for approval had not yet been established. Taken together with the unresolved traffic, access, compatibility, and adaptability issues, they place the Development Plan approval within the Code's authorized appeal grounds of noncompliance, incorrect application of Chapter 14, and lack of substantial evidence.

## 7. Relief

**Primary Relief.** The Governing Body should reverse the Planning Commission's approval of Case 2025-11753. The record presented did not establish the mandatory public-interest finding and the mandatory finding of compatibility and adaptability or demonstrate the material Chapter 14 compliance necessary to support approval.

**Alternative Relief.** If the Governing Body does not grant reversal, Appellants request vacatur and remand for a determination based on a record demonstrating Chapter 14 compliance and substantial evidence for the required findings. Appellants also request any other relief authorized by law.

# City of Santa Fe

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

## INVOICE (INV-00118795)

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

| INVOICE NUMBER | INVOICE DATE |
|---|---|
| INV-00118795 | 08/10/2026 |

| REFERENCE NUMBER | FEE NAME |
|---|---|
| 2026-012950--APPL | Appeal Fee - F |
| 1802 Cerrillos Rd Santa Fe, NM 87505 | |

**REMITTANCE INFORMATION**
City of Santa Fe
PO Box 909
Santa Fe, NM 87504

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

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

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

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

$400.00

Subtotal $400.00
Total $400.00

Tenders
CREDIT CARD $400.00
MasterCard

Change due $0.00

Paid by: LLC, THOMAS TRUST HOLDINGS

Signature: _____

Thank you for your payment

CUSTOMER COPY
DUPLICATE RECEIPT

| NVOICE DESCRIPTION |
|---|
| ONE |

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

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