Appeal of Planning Commission Approval- Case No. 2025-11380 (AC Marriott Hotel)

Appellant: Old Santa Fe Association

Presented by:
Katherine Rivera, Sean Noonen, & Aurora Martinez

Incomplete, missing, misrepresented data does not support the substantial evidence requirement

Appeal Summary

The recommendation for approval rests on an incomplete record required by Santa Fe Code Chapter (SFCC) §14.3.8(C)(1), the City TIA Guidelines and Appendix C (Aug 29, 2024); there are 12 discrepancies in total including critical traffic data and evidence demonstrating that traffic data is reliable, validated, and consistent with NMDOT standards, documented NMDOT coordination or decision, and complete water and drainage assurances that must be in the record before approval:

- (1) Partial / Incomplete
- (6) Missing
- (1) Present / Partial
- (2) Missing / Incomplete
- (1) Present Conflicting / Underestimated
- (1) Conflicting / Unclear

Chapter 14 requires that the materials and evidence relied on be in the administrative record at the time of decision; absent those materials, the approval is subject to appeal for lack of substantial evidence.

Procedural Defects

- **City Traffic Engineer written Methods & Assumptions Summary** (TIA Guidelines Sec. 3.C, p.4.) **missing:** a full list of modeling assumptions, trip generation worksheets, and signed certification are not filed as discrete exhibits
- **Scoping Letter conflicts with TIA Guidelines**: the scoping letter ignored required traffic impact analysis requirements explicitly required in the City's TIA Guidelines adopted on August 29, 2024.
- **Traffic evidence missing or not supported** (TIA Guidelines- Data Collection, Sec. 5, p.8; Appendix C; NMDOT Traffic Monitoring Standards): the record does not demonstrate that the traffic data used in the TIA was collected, transmitted, or validated consistent with NMDOT Traffic Monitoring Standards (NMSTMS), including required raw data submission for QA/QC and processing; key analysis inputs (e.g., queueing, access operations) cannot be verified from the record.
- **State access not documented:** No dated NMDOT access decision/permit or verifiable application and coordination notes in the record.
- **Water and drainage gaps:** AFY calculations (Acre Feet Per Year) incomplete and hydrology reruns (V100) not staff-accepted; no executed ACD (Agreement to Construct & Dedicate) in record.

Decision relied on an incomplete record; Chapter 14 (SFCC §14.3.8(C)(1)) requires evidence in the record at time of decision

Chapter 14 Evidence Requirement

Submittals Must Be in the Record at Time of Decision

- **Rule:** SFCC §14.3.8(C)(1) requires the materials and evidence relied on to be in the administrative record at decision.
- **Fact:** The Commission recommended approval "subject to Conditions and technical corrections," leaving foundational materials open at the vote.
- **Consequence:** Approval with lack of substantial evidence risks real harms to traffic, safety, emergency access, infrastructure costs, and drainage.

The packet shows missing, incomplete, or preliminary items were allowed to be submitted after-the- fact under "subject to Conditions and technical corrections," contrary to Chapter 14's record requirement.

Substantial Evidence Missing, Incomplete, or Partial at Time of Decision (part 1)

Item	Required?	Source(s)	Present in record / application?	Note
Turning movement counts (TMC; 15-min intervals; underlying data validation)	Yes	City TIA §4.B.5 Data Collection; TIA Appendix C (references MS2/NMDOT); NMDOT State Traffic Monitoring Standards (NMSTMS- Traffic Data Summarization & Data Transmittal)	Partial / Incomplete	TIA §5 requires 15-minute TMCs and Appendix C points to MS2; record shows summaries but **no raw 15-minute TMC files or MS2 upload proof** for QA/QC.
Raw 24-hour (15-min intervals; underlying data validation)	Yes	City TIA §4.B.5 Data Collection; TIA Appendix C; (references MS2/NMDOT); NMDOT State Traffic Monitoring Standards (NMSTMS - Traffic Data Summarization & Data Transmittal)	Missing	TIA requires 24-hour counts; NMSTMS expects raw unaggregated PRN export to upload for quality evaluation, processing, and reporting no proof of PRN uploaded to SFMPO / NMDOT MS2
Synchro files	Yes (for reproducibility /verification)	City TIA §3 .C Analysis Methods / City TIA § 4.B.1 Study Area; standard traffic-engineering practice.	Missing	Model files are not explicitly listed in TIA in the study area's scoping meeting topics for Traffic analysis tools and their attributes but are necessary to reproduce LOS/queue results; no Synchro/assignment files provided.

Only NMDOT can change the requirements in writing

Substantial Evidence Missing, Incomplete, or Partial at Time of Decision (part 2)

Item	Required	Source(s)	Present in record / application?	Note
Signal timing/controller files	Yes as analysis input; file submission not explicit	City TIA §4.B.9 Capacity Analysis: City TIA §4.B.10 Traffic Signal Needs; traffic engineering practice	Present / Partial	Controller timing information appears to be included for certain intersections, but the record must still show that final timing assumptions were used consistently in queueing and access analysis
Queue & storage worksheets (Queue & storage analysis support)	Yes	City TIA §4.B.12 Queuing Analysis	Missing / Incomplete	TIA Guidelines- Queuing Analysis, Sec. 4(B)(12) p.12 supporting documentation is incomplete or insufficient to verify corridor performance, especially where rail preemption and driveway access are affected.
Growth / background traffic assumptions	Yes	City TIA §4.B.3 Background (Non-Site) Traffic Volume Forecasts; TIA Appendix C (SFMPO/NMDOT references); NMSTMS (growth/MAF defaults); Santa Fe Chapter 14 (regulatory basis)	Present Conflicting / underestimated	TIA allows MPO/model or allowable growth rates provided by NMDOT for State Highways; Appendix C defers to MS2 for state highways. Record shows alternate growth but lacks raw data, MAF calculations, or NMDOT concurrence for deviations.
Explanation of discrepancy with regional/state counts	Yes (expected when differences exist)	City TIA §3.C Analysis Methods and Assumptions; TIA Appendix C; NMSTMS / MS2 guidance	Missing	No reconciliation memo comparing study counts to MS2 or explanation of differences is provided.

Substantial Evidence Missing, Incomplete, or Partial at Time of Decision (part 3)

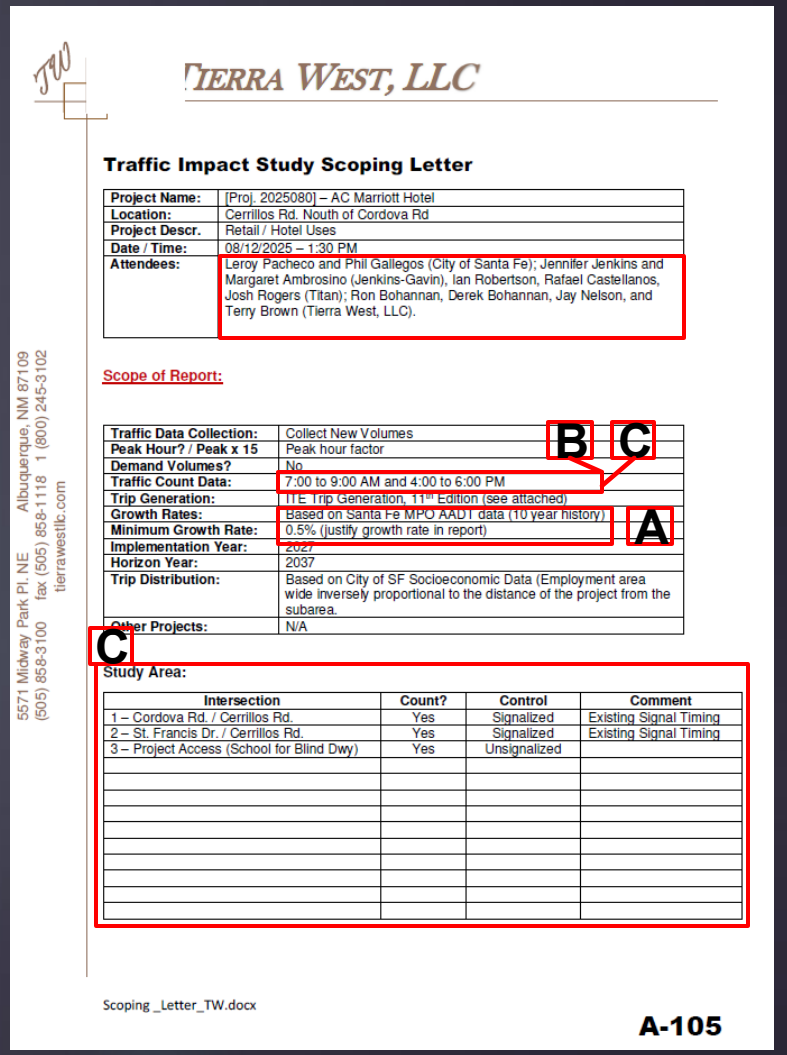
Item	Required	Source(s)	Present in record / application?	Note
MS2 Annualized export	Yes (when state highway reconciliation is relevant)	TIA Appendix C (MS2 reference); NMSTMS (MS2 as authoritative repository)	Missing	Implicit State Highways: TIA Guidelines-Appendix C NMDOT New Mexico State Traffic Monitoring Standards. MS2 serves as the authoritative reference dataset under Appendix C.
NMDOT coordination / meeting notes	Yes (when state highway affected)	NMAC 18.31.6; City TIA §3.C Analysis Methods and Assumptions (notes NMDOT coordination)	Missing / Incomplete	When state facilities and right-of-way are affected, dated NMDOT coordination is required; no meeting notes or emails shown. NMDOT not present during scoping meeting.
Dated, written NMDOT access decision / permit	Yes (if access affects state highway)	NMAC 18.31.6; NMDOT permitting procedures	Missing	If project affects state access, a dated NMDOT decision/permit is required; none provided.
Resolution of rail-related queueing / preemption analysis	Yes	City TIA §4.B.12 Queuing Analysis; Santa Fe Chapter 14 (local code authority); NMDOT / NMAC (if state ROW or state highway operations affected).	Missing	TIA requires queuing analysis; no rail preemption analysis, storage diagrams, or rail operator coordination are in the record. Told in scoping meeting only to address in text. "No analysis necessary."
Driveway movement definition (Driveway B clarity)	Yes	City TIA §4.B.1 Study Area and §4.B.5 (Data Collection); NMDOT SAMM / NMAC 18.31.6 (if on state facility)	Conflicting / Unclear	TIA requires stating full vs limited movement and turn-lane needs; Driveway B permitted movements and agency concurrence are not clearly documented.

Unauthorized Override- Scoping Meeting

Traffic evidence nullified: City Engineer bypassed FHWA → NMDOT → City hierarchy for the AC Marriott Level 2 TIA

Omitted Data Collection-
The engineer waived an existing-conditions analysis (relying on a 2027 No-Build proxy), omitted 24-hour and multimodal counts, declined queuing analysis, and limited Rail Runner impacts to narrative text with no intersection or queuing analysis, removing the technical elements needed to assess safety, queuing, and multimodal exposure.

No state concurrence-
No NMDOT representative attended the scoping meeting and no written concurrence from NMDOT (or FHWA where required) was documented; without formal state approval, these scope reductions lack the authorization required for state-route impacts.



TIERRA WEST, LLC

Traffic Impact Study Scoping Letter

Project Name:	[Proj. 2025080] – AC Marriott Hotel
Location:	Cerrillos Rd. Nouth of Cordova Rd
Project Descr.	Retail / Hotel Uses
Date / Time:	08/12/2025 – 1:30 PM
Attendees:	Leroy Pacheco and Phil Gallegos (City of Santa Fe); Jennifer Jenkins and Margaret Ambrosino (Jenkins-Gavin), Ian Robertson, Rafael Castellanos, Josh Rogers (Titan); Ron Bohannan, Derek Bohannan, Jay Nelson, and Terry Brown (Tierra West, LLC).

Scope of Report:

Traffic Data Collection:	Collect New Volumes
Peak Hour? / Peak x 15	Peak hour factor
Demand Volumes?	No
Traffic Count Data:	7:00 to 9:00 AM and 4:00 to 6:00 PM
Trip Generation:	ITE Trip Generation, 11th Edition (see attached)
Growth Rates:	Based on Santa Fe MPO AADT data (10 year history)
Minimum Growth Rate:	0.5% (justify growth rate in report)
Implementation Year:	2027
Horizon Year:	2037
Trip Distribution:	Based on City of SF Socioeconomic Data (Employment area wide inversely proportional to the distance of the project from the subarea.
Other Projects:	N/A

B C A C

Study Area:

Intersection	Count?	Control	Comment
1 – Cordova Rd. / Cerrillos Rd.	Yes	Signalized	Existing Signal Timing
2 – St. Francis Dr. / Cerrillos Rd.	Yes	Signalized	Existing Signal Timing
3 – Project Access (School for Blind Dwy)	Yes	Unsignalized	

5571 Midway Park Pl. NE Albuquerque, NM 87109
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tierrawestllc.com

Scoping _Letter_TW.docx

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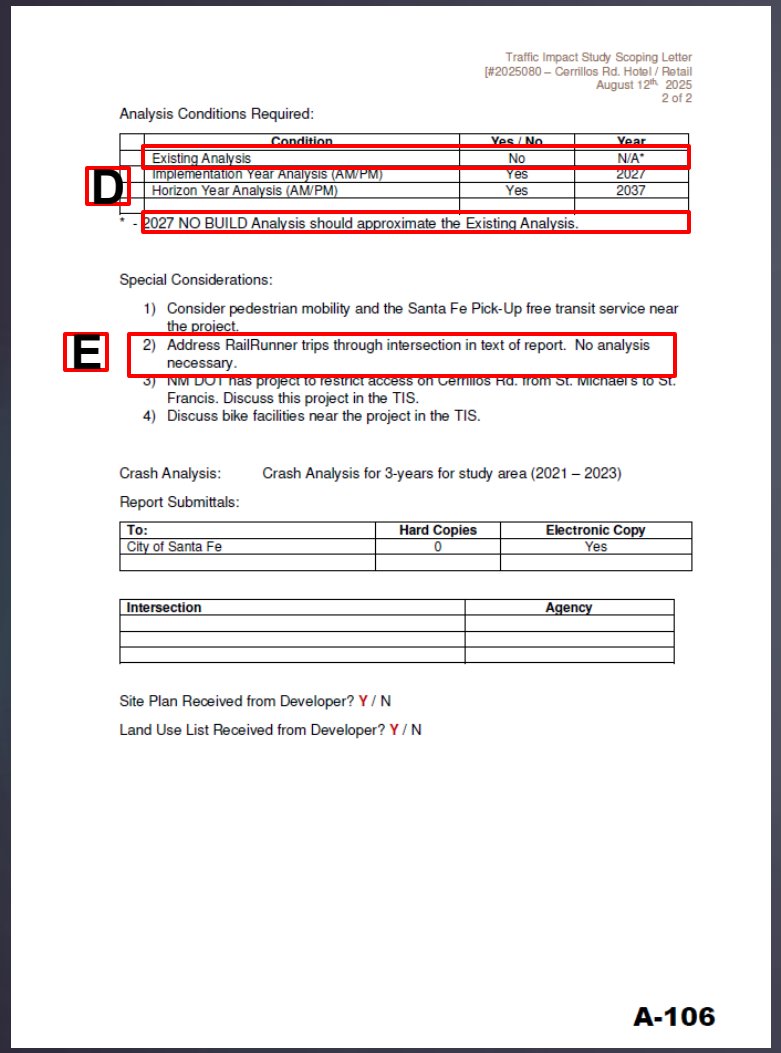
Scoping Meeting



Traffic Impact Study Scoping Letter
[#2025080 – Cerrillos Rd. Hotel / Retail
August 12th, 2025
2 of 2

Analysis Conditions Required:

	Condition	Yes / No	Year
	Existing Analysis	No	N/A*
D	Implementation Year Analysis (AM/PM)	Yes	2027
	Horizon Year Analysis (AM/PM)	Yes	2037

* - 2027 NO BUILD Analysis should approximate the Existing Analysis.

Special Considerations:

1) Consider pedestrian mobility and the Santa Fe Pick-Up free transit service near the project.
E 2) Address RailRunner trips through intersection in text of report. No analysis necessary.
3) NM DOT has project to restrict access on Cerrillos Rd. from St. Michael's to St. Francis. Discuss this project in the TIS.
4) Discuss bike facilities near the project in the TIS.

Crash Analysis: Crash Analysis for 3-years for study area (2021 – 2023)

Report Submittals:

To:	Hard Copies	Electronic Copy
City of Santa Fe	0	Yes

Intersection	Agency

Site Plan Received from Developer? Y / N

Land Use List Received from Developer? Y / N

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TIA Requirements Not Followed:

A. Background (Non-Site) Traffic Volume Forecast: TIA § 4.B.3 pg 8
"Use available travel demand modeling (typically the Santa Fe MPO model); reference NMDOT growth rates for state highways."

B. Analysis Time Period: TIA § 4.B.3 pg 8:
"Analyze weekday AM and PM vehicular peak hours; if the study area peak occurs outside normal AM/PM, include those peak hours as well."

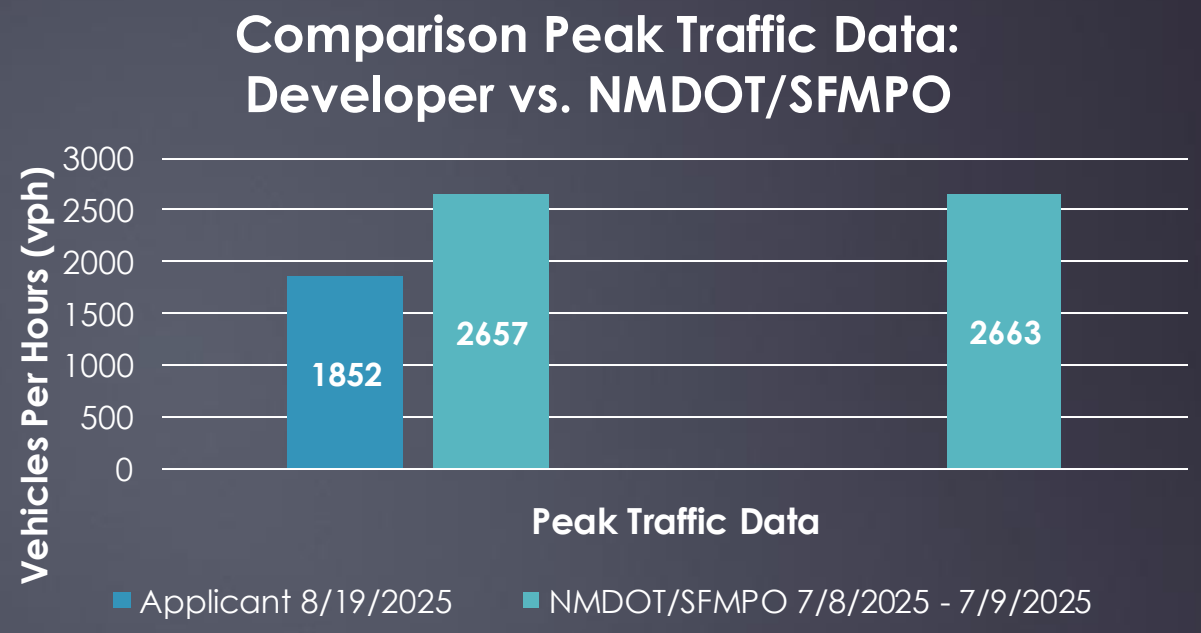
C. Data Collection - 24-hour traffic counts: TIA § 4.B.5 pg 9:
"Conduct 24-hour traffic counts, including non-motorized users, on major roadways serving the site; schedule counts during higher-volume periods (e.g., tourist season)."

D. Introduction pg 2: TIA § 2- TIA **shall** address the following - The ***current transportation*** system and operational characteristics in the vicinity of the site for all anticipated modes.
"The TIA shall address the current transportation system and operational characteristics in the vicinity of the site for all anticipated modes."

E. Queuing Analysis pg 12: TIA § 4.B.12
"If the site has queuing potential (drive-throughs, gated entries, schools), provide peak-hour trip generation and a queuing analysis for internal and external impacts."

The TIA Input Is 43% Lower Than Available State & Santa Fe MPO Data

Developer and NMDOT Counts are 42 days apart: the record does not explain or reconcile the discrepancy.



That difference is large enough to change required turn lanes, queue, and movement limits. The issue is that the record does not explain why the applicant's TIA uses substantially lower volumes than available NMDOT / MS2 monitoring data

TIA = applicant's traffic Study

MS2 = State & Santa Fe MPO Traffic Monitoring dataset

Level of Service Impact: Based on 43% Understated Traffic

- The developer's TIA states the overall LOS for the project area is a Level C, meaning each vehicle will experience a delay of (15-25 seconds)
- Their analysis is based on traffic data that is shown to be inconsistent with available corridor monitoring data, which is 43% higher
- An additional 811 vehicles per hour reflected in NMDOT / MS2 monitoring data could materially affect delay, queues, storage needs, and mitigation.
- Without reconciliation or rerun analysis, the record does not show whether LOS C remains valid under higher observed corridor volumes.

If accurate traffic data were used,
would the Level-of-Service result in a grade of "E" or "F"?

Missing NMDOT Coordination Items

Coordination item required at decision	Status in packet	Source
Dated NMDOT access decision or signed permit	**Missing**	NMAC 18.31.6.6
Dated NMDOT application receipt (if permit pending)	**Missing / No proof**	NMAC 18.31.6.6
Dated NMDOT coordination memos / meeting notes resolving movements	**Missing**	NMAC 18.31.6.6; TIA Guidelines-Sec. 3.C, p.4.
NMDOT-required plan sheets or permit conditions	**Missing**	NMAC 18.31.6.6
Staff report citation of NMDOT exhibits (filename/date) and staff verification	**Missing**	NMAC 18.31.6.6
Staff report comment re Driveway B (District 5 view recorded)	**Present — staff comment only; insufficient**	NMAC 18.31.6.6

The required NMDOT coordination items are missing from the record. State access and any conditions that would alter traffic, access, or drainage were not fixed in the record at decision

NMDOT Coordination Was Omitted from the Required Traffic Analysis Basis

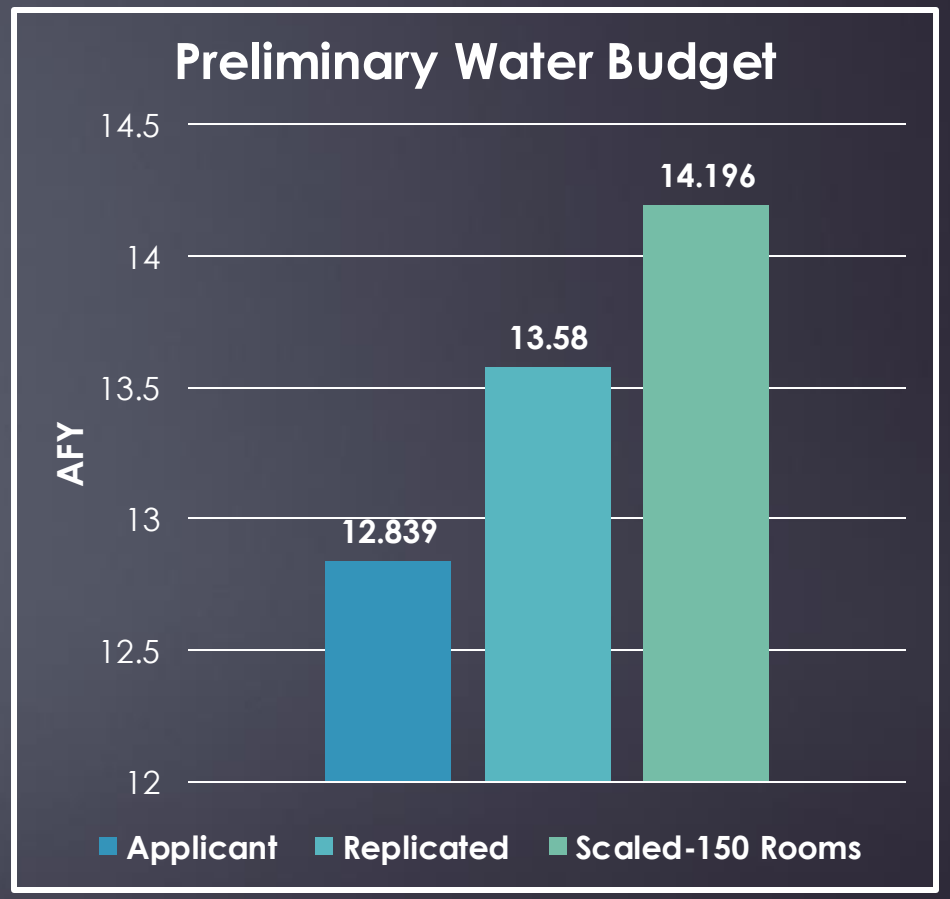
Level	Fact	Source
Federal	FHWA / 23 CFR set national minimums for traffic monitoring; federal requirements apply where federal funding, the NHS, or federal statutes apply.	23 CFR Part 500; FHWA Traffic Monitoring Guide (TMG)
State (NMDOT)	NMSTMS requires MS2/PRN formats; 15-minute summaries; minimum 48 consecutive hours for short counts; Truth-in-Data raw exports; written NMDOT approval for local factor groups.	New Mexico State Traffic Monitoring Standards (NMSTMS, Oct 2023)
Practical effect for state highways	NMSTMS data-collection standards apply to all state highways and cannot be waived except by documented NMDOT exception that includes FHWA written concurrence.	NMSTMS (2023)- Exceptions require NMDOT approval with FHWA concurrence
Access / Permits	NMDOT enforces access permitting for state highways; no direct vehicular access may be constructed or modified without an NMDOT access permit.	NMAC 18.31.6.6(E); NMDOT State Access Management Manual (SAMM)
City (TIA Guidelines)	TIA scoping must state “need for other agency involvement”; SAMM governs recommendations for state highways within Santa Fe; any study affecting a state route requires NMDOT concurrence.	City TIA Guidelines- Sec. 3.C, p.4; p.1 (SAMM reference)

State Highway Access Was *NOT* in the Record / Application

“Preliminary” Water Budget Plan: Acre-Feet-per-Year Underestimated

- Preliminary: Water Budget (SFCC §14.3.8(C)(1)) is understated by ~9.6%.
- Using their data we were not able to replicate the developers reported AFY.
- In fact, using the data provided and standard industry methodology we calculated 14.196 AFY.
- Resulting in an underestimated Water Budget Plan of 1.357 AFY (~442,224 gal/yr)

**AFY = Acre-feet-per-year*



See Exhibit B-1

Third Most Hazardous Intersection in Santa Fe

Crash History:

Adding hundreds of peak-hour trips at this high-crash intersection increases the risk of increased collisions, pedestrian exposure, and queue-related incidents that affect safety and emergency access.

Cerrillos Rd./StFrancis Dr.: (Developer TIA)		
5 - Year (2019-2023)		
Total Crashes		**186**
Pedestrian Involvement		1
By Year	2023	51
	2022	41
	2021	25
	2020	26
	2019	43
By Type of Crash	Front-to-Rear	52
	Not Available	43
	Sideswipe	21
	Front-to-Side	12
	Front-to-Front	2
	Other Vehicle - From Opposite Direction	0%
	Other Vehicle - From Same Direction/Both Going Straight	3%
	Other Vehicle - From Same Direction/Rear End Collision	11%

Traffic Peak Video

Filmed: Friday June 19, 2026, and June 22, 2026

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Citywide residents have signed a petition opposing the AC Marriot Hotel development at the proposed intersection at Cerrillos and St. Francis

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Our presentation has shown that City and State processes were not followed. Required standards and data were not used.

- Incomplete, missing, misleading data does not support the substantial evidence requirement.
- Conditional data is not a substitute for required substantial evidence at time of application.

Proposed Action

Grant the appeal based on the facts presented. There was **not substantial evidence** to support the Planning Commission's February 5, 2026, decision.

Appendix

Slide	Appendix Item	Source
2	Summary statement: Approval rests on an incomplete administrative record; 12 discrepancies identified.	SFCC) §14.3.8(C)(1); the City TIA Guidelines and Appendix C (Aug 29, 2024)
3	Procedural defects: Missing Methods & Assumptions Summary; scoping conflicts with City TIA Guidelines.	City TIA Guidelines — Sec. 3.C, p.4
5–7	Data & model inputs missing: Raw 15-min TMC files; PRN/MS2 uploads; Synchro/model files; queue worksheets.	NMSTMS (referenced in record)
7	State coordination missing: MS2 annualized export; dated NMDOT coordination notes; dated NMDOT access decision/permit.	City TIA Guidelines — p.1 (SAMM reference)
8–9	Unauthorized scoping reductions: City scope reductions (24-hour counts, queuing) occurred without NMDOT attendance or written concurrence.	Scoping Document; City TIA Guidelines
10–11	Data discrepancy: Applicant peak hourly input ~1,852 vph vs NMDOT/SFMPO ~2,657–2,663 vph (~43% difference).	Developer TIA; NMDOT / SFMPO MS2 Data
12	Missing NMDOT coordination items: Dated access decision/permit; application receipt; coordination memos; plan sheets; staff verification.	NMAC 18.31.6.6
13	Regulatory hierarchy (TIA context): FHWA/23 CFR (federal) → NMDOT/NMSTMS & SAMM (state) → City TIA Guidelines (local). State data standards and access permitting govern state highways.	NMSTMS (2023); NMAC 18.31.6.6(E); City TIA Guidelines Sec. 3.C, p.4; p.1
14	Hydrology / water budget gaps: AFY replication shows higher AFY than applicant; V100 hydrology reruns required “Prior to Recordation.”	

Stormwater & Terrain: Technical Corrections Not Resolved

Staff Report Flagged V100-year Calculation Errors and Required Hydrology reruns “Prior to Recordation.”

- **Record status:** Staff-accepted reruns or final hydrology exhibits are **not** in the administrative record; the condition was not met or documented.

A staff condition requiring hydrology reruns prior to recordation must be satisfied and documented in the record; absent those final exhibits, the technical correction condition remains unresolved at decision.

Traffic Impact

What 811 More Cars Looks Like for People

- **Traffic:** Longer waits for drivers, transit riders, and parents; queues can spill back and block driveways, school drop offs, and side streets, slowing routine trips and peak period circulation. (TIA Guidelines — Queuing Analysis, Sec. 12, p.12 and Traffic Analysis / Capacity, pp.10–12)

- **Safety:** More stop and go conditions and blocked turn lanes increase rear end and turn related crashes and raise exposure for pedestrians and cyclists near schools and transit stops. (TIA Guidelines — Queuing Analysis, Sec. 12, p.12 and Traffic Analysis / Capacity, pp.10–12)

- **Emergency response:** Increased congestion and queue spillback raise the risk of delayed ambulance and fire truck response during peak periods. (TIA Guidelines — Queuing Analysis, Sec. 12, p.12 and Traffic Analysis / Capacity, pp.10–12)

Sources

A. Traffic Impact Analysis (TIA) & Local Requirements

1. City of Santa Fe: Traffic Impact Analysis Guidelines (Aug. 29, 2024)
2. Santa Fe Code (SFCC) §14.3.8(C)(1)

B. State Highway Requirements (NMDOT)

3. New Mexico State Traffic Monitoring Standards (NMSTMS), October 2023
4. NMAC 18.31.6: State Highway Access Management Requirements
5. NMDOT State Access Management Manual (SAMM)

C. Federal Requirements

6. 23 CFR Part 500: Traffic Monitoring System Requirements
7. FHWA Traffic Monitoring Guide (TMG)

D. Supporting Data Sources

8. NMDOT Traffic Monitoring Program / MS2 System
9. Santa Fe MPO Traffic Count Program

Speaker Credentials

- Aurora Martinez has nearly two decades of public-sector experience in program implementation, research, data analysis, and program compliance, including former leadership at NMDOT overseeing statewide traffic monitoring under federal standards, implementing MPO traffic data collected by MRCOG, and FHWA Traffic Monitoring Certified for traffic data analysis and traffic data compliance. Subsequent federal program work at NM DFA focused on data analysis and evaluation, research, and compliance.

- Sean Noonen holds an MBA in Financial Management (UNM Anderson) and FHWA Traffic Monitoring Certified. Formerly served as a NMDOT's Statewide Traffic Monitoring Program Manager for six years, leading improvements to compliance processes, traffic data analysis, modernization of collection equipment, and processing end of year annualization of traffic data. Additional federal program work at NM DFA focused on data analysis, program compliance, and grant management.