

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

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Bill Dimas, Dist. 4

Memorandum

To: Members of the Board of Adjustment

From: Zachary Shandler *38*
Assistant City Attorney

Re: Appeal by the Cellular Phone Task Force, Arthur Firstenberg and fifty-one citizens from the October 30, 2013 Decision of the Land Use Department to Issue a Building Permit #13-2097 to John Malone and Verizon Wireless regarding replacement of telecommunications antennas at 1402 Agua Fria.
Land Use Case No. 2013-116

Appeal by the Cellular Phone Task Force, Arthur Firstenberg and twenty-one citizens from the July 15, 2014 Decision of the Land Use Department to Issue a Building Permit #14-813 to John Malone and Verizon Wireless regarding replacement of telecommunications antennas at 1402 Agua Fria.
Land Use Case No. 2014-82

Date: April 10, 2015 for the May 5, 2015 Meeting of the Board of Adjustment

The Appeal

On November 14, 2013, the Cellular Phone Task Force (CPTF or Appellant) filed a Verified Appeal Petition (2013 Petition) appealing the October 30, 2013 issuance by the Land Use Department (LUD) of Building Permit No. 13-2097 (BP 13-2097) to Verizon Wireless (Verizon) for the replacement of existing telecommunications antennas (Project) on property owned by John Malone at 1402 Agua Fria (Property). Identical Verified Appeal Petition forms signed

Arthur Firstenberg and fifty-one other individuals were submitted with the Petition, but without the required fifty-one separate fees. As a result, these additional submittals do not constitute valid appeals, but instead we consider the signatories as joining in CPTF's appeal. (2013 Petition attached as **Exhibit A**; BP 13-2097 attached as **Exhibit B**). On August 8, 2014, CPFT filed another Verified Appeal Petition (2014 Petition) appealing the July 15, 2014 issuance by the LUD of Building Permit No. 14-0813 (BP 14-0813) to Verizon for the installation of telecommunications antennas at the Property. As with the 2013 Petition, Arthur Firstenberg and twenty-one other individuals joined in the 2014 Petition. (2014 Petition attached as **Exhibit C**; BP 14-0813 attached as **Exhibit D**). On February 11, 2015, the City Attorney's Office asked the City Council to dismiss this matter. It resulted in a 4-4 tie vote. The matter was postponed to the February 25, 2015 and then postponed to the March 11, 2015 meeting. It, again, resulted in a 4-4 tie vote and thus the matter was not dismissed and remains an active appeal and the Board of Adjustment is the body that hears appeals based on decisions from the Land Use Director (Minutes attached as **Exhibit H**).

As the 2013 Petition and the 2014 Petition (collectively, Petitions) address the same subject matter, we consider them together.

The Property

The Property is zoned C-2 (General Commercial) and is improved with a one-story structure (Building) occupied by a business called "Absolute Flooring and Materials". Verizon rents space on the Building roof. The Building is near the intersection of Hickox Street and Agua Fria and is across the street from the "Critters and Me" pet feed store.

History of the Case

In 2005, the City of Santa Fe issued Building Permit No. 05-0553 (2005 BP) to Verizon for the construction of electronic equipment shelters (Equipment Shelters) located on the Building roof. The 2005 Permit stated: "The permit is for the equipment shelter only—the antennas are not approved at this time—Separate permit is required." Verizon constructed the Equipment Shelters, box-like structures that are a few feet high, on the south (rear) portion of the Building roof. Verizon did not apply for or receive a separate permit for the installation of the antennas. Nevertheless, Verizon placed six antennas within the two Equipment Shelters, presumably close to the time the Equipment Shelters were constructed.

In 2013, Verizon applied for a building permit to replace the original six antennas and the LUD issued BP 13-2097. Shortly thereafter CPTF advised the City that Verizon had not applied for or been issued a building permit for the installation of the original six antennas. On November 14, 2013, CPTF filed the 2013 Petition, asserting that the installation of the original six antennas was done without a permit and without notice to the public. The filing of the 2013 Petition stayed the work under BP 13-2097.

Generally, the City seeks through its process to procure compliance with applicable Code, rather than to punish, although it also imposes penalties for violations of Code. Code § 14-11.4

establishes a variety of possible penalties when a party does unpermitted work. (Attached as **Exhibit E**) Typically, the LUD requires people who have performed unpermitted work to apply for and obtain a permit for that work and to pay a double application fee.

City Code (Code) establishes three levels of review for a request to install telecommunications antennas, depending upon a number of factors, such as zoning and facility type and design: (1) a simple building permit application; (2) administrative review, which includes written notice to the public and specific submittals; and (3) Planning Commission or Historic Districts Review Board review, which includes Early Neighborhood Notification meetings and specific submittals.

Code § 14-6.2(E)(3)(iii) provides that that “new towers or antennas in C-2, I-1 and I-2 districts” trigger administrative review. As noted above, the Property is zoned C-2.

On December 2, 2013, City staff wrote to Verizon stating that it needed to submit a new application for a building permit to provide for the unpermitted installation of the original six antennas and that the new application was subject to “administrative review.” In accordance with standard practice, the LUD required Verizon to pay a double application fee. Verizon re-applied and paid the double fee.

The new application, when submitted was numbered 14-813 and it incorporated the prior application numbered 13-2097 (collectively, the Application).

In February and March 2014, Verizon provided the required submittals to City staff. On March 26, 2014, City staff deemed the submittals to be complete. On April 25, 2014, an application was logged into the system. (Attached as **Exhibit F**) Verizon posted a sign at the property and on May 12, 2014, sent certified mail written notice (Notice) to property owners, tenants and registered neighborhood associations within 200 feet of the Property. The Notice included a site map. (Notice attached as **Exhibit G**). During this time, citizens were able to call and meet with City staff regarding the Application.

On July 15, 2014, the City issued BP 14-813, which incorporated the approvals included under BP 13-2097.

On July 26, 2014, Verizon posted BP 14-813 on the Property, providing notice to interested parties of its issuance. On August 8, 2014, CPTF filed the 2014 Petition.

Basis of Appeal

CPTF makes two general claims under the 2013 Petition (numbered LUD Case No. 2013-116): (1) unpermitted activity and (2) lack of public notice. Both these claims, however, were addressed when Verizon, in late 2013, was required by the City to obtain a building permit and provide notice to the public in accordance with Code requirements.

CPTF makes two general claims under the 2014 Petition (numbered LUD Case No. 2014-82): (1) violation of maximum height standards and (2) lack of public notice.

Because the claims under the 2013 Petition have been addressed, this memorandum will focus on the claims made under the 2014 Petition, but the Governing Body should make a motion that includes both LUD cases for the record.

CPTF cites the following specific bases for appeal:

Height Issues:

1A. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(5)(b) (the shelters and antennas exceed the height of the structure) (Claim 1A).

1B. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(8) (failure to have a height waiver) (Claim 1B).

Public Notice Issues:

2A. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10) (failure to provide notice) (Claim 2A).

2B. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10)(b) (failure to have an Early Neighborhood Notification meeting) (Claim 2B).

2C. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(4) (failure to have a public hearing before the Planning Commission) (Claim 2C).

2D. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-11.4(A) (failure to remove illegal structures) (Claim 2D).

Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA¹ (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

¹ Section 3-21-8 B. NMSA 1978 provides in pertinent part: “Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ...”

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney's Office (CAO) has reviewed the Petition and for the reasons set forth below concludes that the appeal it does not state a valid basis for reversal of the Director's decision under any of the foregoing provisions.

General Claims. With respect to CPTF's claim on height issues, rules of statutory and ordinance construction explain why placing antennas within the electronic equipment shelters did not violate maximum height requirements. With respect to CPTF's claims on public notice, Verizon provided notice during the 2014 review process and paid a double fee for its prior non-compliance.

With respect to CPTF's claims on public health, case law has instructed that these matters are not subject to review in this type of hearing. Courts have uniformly interpreted Section 704 of the Federal Telecommunications Act (codified at 47 U.S.C. § 332(c)(7)(b)(iv))² according to its plain terms, holding that it expressly preempts state and local governments from regulating wireless facilities on the basis of the alleged environmental effects of RF emissions, such as health concerns. *See, e.g., New Par v. City of Saginaw*, 301 F.3d 390, 398 (6th Cir. 2002) ("the Act explicitly prohibits local board decision-making on the basis of the environmental effects of radio frequency emissions"); *Cellular Phone Taskforce v. FCC*, 205 F.3d 82, 88 (2d Cir. 2000) ("the Act preempted state and local governments from regulating the placement, construction or modification of personal wireless service on the basis of the health effects of RF radiation"); *Merrick Gables Association v. Town of Hempstead*, 691 F. Supp. 2d 355, 363 (E.D.N.Y. 2010) ("[t]he [TCA] clearly prohibits Hempstead from preventing the installation of wireless service equipment based on concerns about the health risk associated with the equipment"); *T-Mobile Northeast LLC v. Town of Ramapo*, 701 F. Supp. 2d 446, 460 (S.D.N.Y. 2009) ("environmental effects within the meaning of the provision include health concerns about the biological effects of RF radiation").

As explained below, the LUD's actions have been consistent with Chapter 14 and CPTF's general claims do not fall within any of the three bases for appeal cited above and should be denied.

Claim 1A. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(5)(b)*

CPTF asserts that Code under the "Maximum Height" subsection provides that: "Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located." SFCC 1987, § 14-6.2(E)(5)(b) The term "telecommunications facilities" is defined as "[t]he plant, equipment and property, including but

² 47 U.S.C. § 332(c)(7)(b)(iv) reads: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC's] regulations concerning such emissions."

not limited to, fiber optic lines, cables, wires, conduits, ducts, pedestals, towers, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunication services.” SFCC 1987, § 14-12.1. The term “structure” means “[a]nything that is considered or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings...walls.....” SFCC 1987, § 14-12.1. .

One rule of statutory construction is “[i]n discerning legislative intent, we look first to the language used and the **plain meaning** of that language.” State v. Trujillo, 2009-NMSC-012, § 11, 146 N.M. 14, 18. The plain language of the definition of “telecommunications facilities” covers things like the technical equipment, the wires, the electronics that are used to transmit and receive the cell phone signals. The plain language of the definition of “structures” covers the classic bricks and mortar of a built item.

In 2005, Verizon obtained the 2005 Permit and constructed two Equipment Shelters on the Building roof. These structures, which are similar in appearance to a roof parapet or screening wall, increased the overall height of the Building within the limits permitted by the Code. Therefore, the plain reading of the Code is that the Equipment Shelters are part of the overall structure. The Equipment Shelters are not part of the “telecommunications facilities” because they are mortar walls and are incapable of transmitting and receiving cell phone signals.

This begs the question: “does City Code allows a cell phone company to build a new 50 foot tower on top of a one-story existing building?”³ The answer is “yes, if that tower is surrounded by a type of brick and mortar structure and as long as the antennas do not exceed the height of the structure.” The concept of screening telecommunication electronics is consistent with the City Code’s focus and emphasis on “landscape screening and innovative camouflaging techniques.” SFCC 1987, § 14-6.2(E)(1)(d)(iii). This begs another question: “won’t a 50 foot brick and mortar screen wall on top of a one-story existing building be an eyesore?” The answer is that the “Aesthetic Requirements” subsection of the Code provides a check and balance on the process. The “Aesthetic Requirements” subsection states “telecommunications facilities shall be designed, installed and maintained in such a manner as to minimize the visual impact upon adjacent lands, public rights of way and residentially zoned property.” SFCC 1987, § 14-6.2(E)(5)(c)(ii). This means it is possible that a 50-foot brick and mortar tower could be permitted under the “Maximum Height” subsection, but it is not guaranteed to be approved if it does not comply with the “Aesthetic Requirements” subsection.

In summary, the antennas at 1402 Agua Fria are not taller than the structure. The equipment shelters are “structures” that raise the permissible height of the overall structure. They do not cause a visual impact on the adjacent lands. The telecommunications antennas do not extend above over these shelters. In fact, citizens and city officials have driven past the Building for years unaware of the existence of the antennas.

³ The “50 foot” number is chosen as a random numeric example, the maximum actual height may also depend on permissible building height based on the commercial zoning requirements.

In addition, another rule of statutory construction is that related items should be read together to ascertain the legislative intent. The State Supreme Court has stated: “In ascertaining legislative intent, the provisions of a statute must be read together with other statutes **in pari materia** under the presumption that the legislature acted with full knowledge of relevant statutory and common law.” State ex rel. Quintana v. Schnedar, 1993-NMSC-033, ¶ 4, 115 N.M. 573, 575.

Code reads: “Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located *unless otherwise allowed under this section.*” SFCC 1987, § 14-6.2(E)(5)(b) (emphasis added). The next sentence of the subsection reads: “Telecommunications facilities located on new structures shall not exceed the maximum height for buildings otherwise allowed as set forth in Chapter 14 with the *exception* that in C-2, I-1 and I-2 districts the height limit of telecommunications facilities shall be one hundred feet.” Code § 14-6.2(E)(5)(b) (emphasis added). Reading the two sentences together, the “Exception” language means that towers within the C-2, I-1 and I-2 districts can have a maximum height of 100 feet. One could also read the “Exception” language to mean this tower could be built on a new structure provided in the first sentence or an existing structure provided in the second sentence.

Therefore, CPTF has failed to state a valid basis for appeal under the “Maximum Height” subsection regarding BP 14-813 under Chapter 14.

Claim 1A does not fall within any of the three bases for appeal cited above and should be denied.

Claim 1B. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(8).*

If Claim 1A is denied, then there is no need to analyze whether a variance from the height requirements was required. Therefore, Appellant has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 1B does not fall within any of the three bases for appeal cited above and should be denied.

Claim 2A. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10).*

Code § 14-6.2(E)(10) provides the three steps for public notice under the “administrative review” process. It requires certified mail written notice to property owners, tenants and registered neighbor associations within 200 feet of the proposed project site. It requires putting up a sign. It requires the sign to generally describe the project site and proposal. In 2014, Verizon completed all these steps. Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2A does not fall within any of the three bases for appeal cited above and should be denied.

Claim 2B. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10)(b).*

Code § 14-6.2(E)(10)(a) provides the three steps for public notice under the “administrative review” process. It does not require an Early Neighborhood Notification (“ENN”) meeting. This is only a requirement if the Application had to go the Planning Commission under Code § 14-6.2(E)(10)(b). Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2B does not fall within any of the three bases for appeal cited above and should be denied.

Claim 2C. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(4).*

Code § 14-6.2(E)(10) provides the three steps for public notice under the “administrative review” process. It does not require a public hearing before the Planning Commission. Therefore, CPTF has failed to state a valid basis for appeal regarding Building Permit #14-813 under Chapter 14.

Claim 2C does not fall within any of the three bases for appeal cited above and should be denied.

Claim 2D. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-11.4(A).*

The 2014 Petition states: “The facility has operated illegally for nine years.” The 2014 Petition requests “requiring the removal of illegal structures.” First, the Equipment Shelters were legally permitted structures. The structures should not be removed. Second, the LUD has a variety of penalties it can impose for non-compliance and the most common is a double fee. Verizon had to pay a double application fee. This is a discretionary decision by the LUD. Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2D does not fall within any of the three bases for appeal cited above and should be denied.

Conclusion

CPTF has not effectively alleged that the BP 14-813 does not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, CPTF appeal should be denied.



LUD Use Only

Time Filed: 1:30
 Fee paid: \$ 100
 Receipt attached:

(date stamp)

R E C E I V E D

NOV 14 2013

LAND USE DEPARTMENT

Case # 0013-116

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Cellular Phone Task Force

Address: P.O. Box 6216
Santa Fe, NM 87502

Phone: (505) 471-0129 E-mail Address: info@cellphonetaskforce.org
 Additional Appellant Names: Arthur Firshenberg, President

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (organization alleging injury to its economic, environmental and aesthetic interests)

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

Description of the final action appealed from, and date on which final action was taken:
 Issuance of a building permit on October 30, 2013

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



Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) Our organization's president and some of its members live in the vicinity of this facility. The facility has operated for nine years without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of their neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Emotional distress. (4) Violation of any other rights we may have under New Mexico or federal law.

Explain the Basis of Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Arthur Firstenberg, President Date: Nov. 13, 2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Arthur Firstenberg, 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 my/our own knowledge.

Petitioner/s:

Arthur Firstenberg
Signature

Signature

Arthur Firstenberg
Print Name

Print Name

Subscribed and sworn to before me this 13th day of November, 2013.

Shirley A. Riggs
NOTARY PUBLIC
My commission expires:
05/29/2016



LUD Use Only

Time Filed: _____
Fee paid: \$ _____
Receipt attached:)

(date stamp)

**VERIFIED APPEAL
PETITION**

****Two originals of this form must be filed. The Land Use Department director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Firstenberg, Arthur
Last First M.I.
Address: 247 Barela Street
Street Address Suite/Unit #
Santa Fe, NM 87501
City State ZIP Code
Phone: (505) 471-0129 E-mail Address: bearstar@fastmail.fm
Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
authorize _____ to act as my/our agent to execute this application.
Signed: _____ Date: _____
Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

**Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)**

Basis for

Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

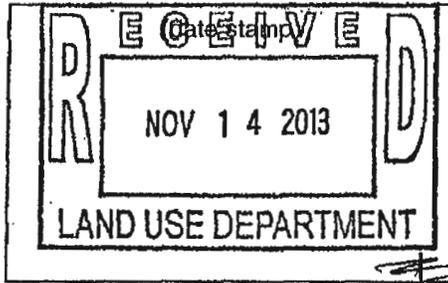


LUD Use Only

Time Filed: 1:30

Fee paid: \$ 100

Receipt attached:)



**VERIFIED APPEAL
PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Delair Melissa

Address: 1408 Agua Fria M.I. _____

Santa Fe, NM 87505 Suite/Unit # _____

Phone: (505) 1299-9949 City Santa Fe State NM ZIP Code 87505

E-mail Address: melissadelair14@aigmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

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Final Action Appealed:

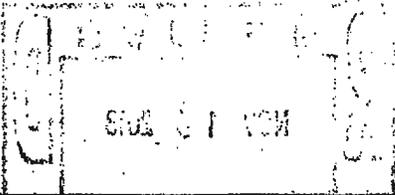
Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013



Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property. (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC.2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: M. Adair Date: 11-12-13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Melissa Adair, 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 my/our own knowledge.

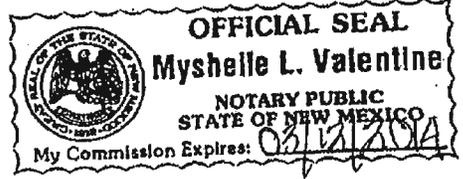
Petitioner/s:
M. Adair
Signature

Signature

Melissa Adair
Print Name

Print Name

Subscribed and sworn to before me this 12 day of November, 2013.



Myshelle L. Valentine
NOTARY PUBLIC (for Melissa Adair)
My commission expires: 03/12/2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and Initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Garcia Cecilia M
Last First M.I.

Address: 710 Camino Parvenir
Street Address

Santa Fe N.M. 87505
City State ZIP Code

Phone: (505) 983-6878 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

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Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

**Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)**

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

description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Cecilia M Garcia Date: NOV-9-2012

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Cecilia Garcia, 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 my/our own knowledge.

Petitioner/s:

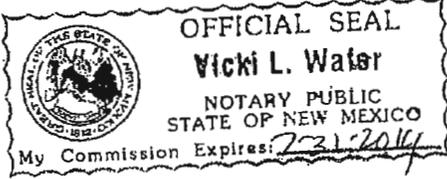
Cecilia M Garcia
Signature

Signature

Cecilia Garcia
Print Name

Print Name

Subscribed and sworn to before me this 11th day of November, 2013.



Dick L. Wagoner
NOTARY PUBLIC
My commission expires: July 31, 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: GARCIA Julio R
Last First M.I.

Address: 710 CAMINO PORVENIR _____
Street Address Suite/Unit #

SANTA FE, NEW MEXICO _____
City State ZIP Code

Phone: (505) 983 6878 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

**Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)**

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

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Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Julio R. Garcia Date: 9-NOV-2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Julio GARCIA, 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 my/our own knowledge.

Petitioner/s:

Julio R. Garcia
Signature

Signature

Julio R. GARCIA
Print Name

Print Name

Subscribed and sworn to before me this 11th day of November, 2013.



Vicki L. Water
NOTARY PUBLIC
My commission expires: NOV 31 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Calderon Lucia

Address: 1408 Agua Fria M.I. _____
 Street Address Santa Fe Suite/Unit # NM 87505
 City State ZIP Code

Phone: (505) 577-2291 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013



LUD Use Only

Time Filed: _____
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**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: GALINDO MAZATL
Last First M.I.

Address: 1408 AGUA FRIA
Street Address Suite/Unit #

SANTA FE NM 87505
City State ZIP Code

Phone: (505) 5772290 E-mail Address: mazatlgalindo@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: MARTINEZ JOSE C
Last First M.I.

Address: 1404 AGUA ST.
Street Address

SANTA FE NM 87505
City State ZIP Code

Phone: (505) 983-4437 E-mail Address: _____

Additional Appellant Names: THERESA T. MARTINEZ

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

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Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Chavez Melvin C.
Last First M.I.

Address: 1707 Lena St.
Street Address

Santa Fe N.M. 87505
City State ZIP Code

Phone: (505) 466-7543 E-mail Address: Mtoni Chavez @msn.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

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Basis for

Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Chavez Chris M.
Last First M.I.

Address: 208 Valle Romero
Street Address

Santa Fe NM 87506
City State ZIP Code

Phone: (505) 470-0000 E-mail Address: cmchavez28@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
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Basis of Standing (see Section 14-3.17(B) SFCC 2001):
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Signature and Verification

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Appellant Signature: [Signature] Date: 11.11.2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We _____, 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 my/our own knowledge.

Petitioner/s:

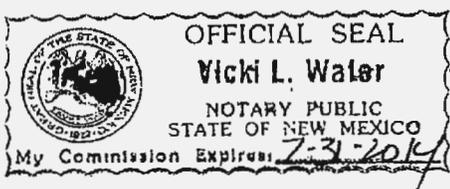
[Signature]
Signature

Signature

11.11.2013
Print Name

Print Name

Subscribed and sworn to before me this 11th day of November, 2013.



[Signature]
NOTARY PUBLIC
My commission expires: 11/31/2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Anaya Victor

Address: 7030 Cam. P.venir M.I. _____
 Street Address Santa Fe Suite/Unit # NM 87505
 City State ZIP Code

Phone: () _____ E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

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**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Johnson Connie L
Last First M.I.

Address: 1200 Bandolin Rd
Street Address

Santa Fe NM 87501
City State ZIP Code

Phone: (505) 629-7077 E-mail Address: Conniejohnson52@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
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Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

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Final Action Appealed:

Issuance of Building Permit

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Signature and Verification

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Appellant Signature: _____

Date: 11/7/13

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We Connie Johnson, 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 my/our own knowledge.

Petitioner/s:

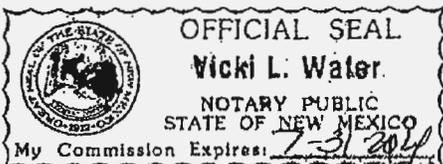
Signature _____

Signature _____

Print Name Connie Johnson

Print Name _____

Subscribed and sworn to before me this 7th day of November, 2013.



Vicki L. Water
NOTARY PUBLIC
My commission expires: July 31, 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Romero Bernadette L

Address: Last P.O. Box First 28243 M.I.: _____
 Street Address Santa Fe, N.M. Suite/Unit # 87592
 City State ZIP Code
 Phone: 505 204-8480 E-mail Address: bernadette.rome658@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests)

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Appellant Signature: X Bernadette Romero Date: 11-6-13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

WE X Bernadette Romero, being first duly sworn, depose and say: WE have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

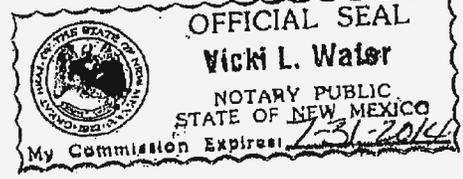
X Bernadette Romero
Signature

Signature

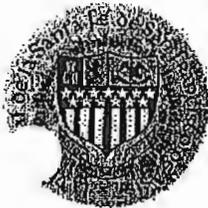
X Bernadette Romero
Print Name

Print Name

Subscribed and sworn to before me this 7th day of November, 2013.



Vicki L. Water
NOTARY PUBLIC
My commission expires: July 31, 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Schilling Brad K
Last First M.I.

Address: 519 Silva St. Santa Fe NM 87505
Street Address City State ZIP Code

Phone: (505) 795-1705 E-mail Address: bschilling@adelanteconsulting.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
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Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Brad Schilling Date: 11/11/13

Agent Signature: Brad Schilling Date: 11/11/13

State of New Mexico)
) ss.
County of Santa Fe)

I/We Brad Schilling, 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 my/our own knowledge.

Petitioner/s:

Brad Schilling
Signature

11/11/13
Signature

Brad Schilling
Print Name

Print Name

Subscribed and sworn to before me this 11 day of NOVEMBER, 2013.



Daniel V. [Signature]
NOTARY PUBLIC
My commission expires:
7/9/2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Schilling Kelley B.
Last First M.I.

Address: 519 Silva St.
Street Address

City: Santa Fe State: NM Suite/Unit #: 87505
City State ZIP Code

Phone: 505 795-1486 E-mail Address: kellybennett2@comcast.net

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Kelly B Schilling Date: 11/11/2013
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Kelly Schilling 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 my/our own knowledge.

Petitioner/s:

Kelly B Schilling
Signature

Signature

Kelly Schilling
Print Name

Print Name

Subscribed and sworn to before me this 11 day of November, 2013.

Daniel V. [Signature]
NOTARY PUBLIC
My commission expires:
7/19/2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed with the Land Use Department Director or his/her designee within the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Shapiro Deborah H
Last First M.I.

Address: 619 Camino Santa Ana
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: 505 690 9663 E-mail Address: dhs201@aol.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

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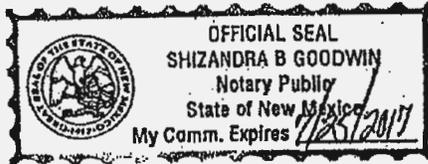
Signature and Verification

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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Deborah H Shapiro Date: 11/12/13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)



I/We Deborah H Shapiro, 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 my/our own knowledge.

Petitioner/s:

Deborah H Shapiro
Signature

Signature

Deborah H Shapiro
Print Name

Print Name

Subscribed and sworn to before me this 12th day of November, 2013.

Shizandra B Goodwin
NOTARY PUBLIC
My commission expires:
July 25, 2017



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two original copies of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. (See Section 14-3-17(D) SFCC 2001 for the procedure.)**

Appellant Information

Name: Stromberg DANNE
Last First M.I.

Address: 1427 Agua Fria St. Front
Street Address Suite/Unit #

Santa Fe NM 87501
City State ZIP Code

Phone: 505 982-8315 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

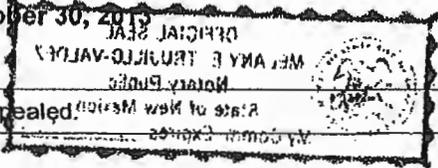
Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests);
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Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented

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Issuance of a building permit on October 30, 2013



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

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Claire Stromberg Date: 11/12/2013
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Claire Stromberg, 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 my/our own knowledge.

Petitioner/s:

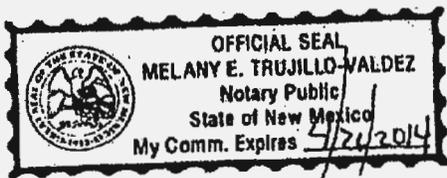
Claire Stromberg
Signature

Signature

Claire Stromberg
Print Name

Print Name

Subscribed and sworn to before me this 12th day of November, 2013



Melany E. Trujillo-Waldez
NOTARY PUBLIC
My commission expires: 4/24/2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or an S/he must sign, will permit the date and time of receipt, and initial both originals. See Section 14-3-17(D) S.F.C.C. 2001 for the procedure.**

Appellant Information

Name: Vigil Katherine h
Last First M.I.

Address: 503 Silva St
Street Address

Santa Fe New Mexico 87505
City State ZIP Code

Phone: () _____ E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) S.F.C.C. 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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Appellant Signature: Katherine H. Vigil Date: 11/11/13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

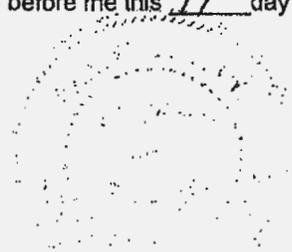
I/We Katherine H. Vigil, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

Katherine H. Vigil 11/11/13
Signature Signature

Katherine H. Vigil _____
Print Name Print Name

Subscribed and sworn to before me this 11 day of November, 20 13



Daniel V. [Signature]
NOTARY PUBLIC
My commission expires: 7/9/2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: REED EBEN C.
Last First M.I.

Address: 514 SILVA
Street Address

SANTA FE N.M. 87505
City State ZIP Code

Phone: 505 995-8872 E-mail Address: N/A

Additional Appellant Names: N/A

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

✓ Appellant Signature: EHBEN C. REED Date: 11/8/13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We EHBEN C. REED, 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 my/our own knowledge.

Petitioner/s:

✓ EHBEN C. REED
Signature

Signature

EHBEN C. REED
Print Name

Print Name

Subscribed and sworn to before me this 12 day of NOVEMBER, 2013



Justice Adams
NOTARY PUBLIC

My commission expires:
6-22-2017



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.

Appellant Information

Name: REED M. FORREST
Last First M.#

Address: 514 SILVA
Street Address

SANTA FE N.M. 87502
City State ZIP Code

Phone: (505) 995-8872 E-mail Address: N/A

Additional Appellant Names: N/A

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: M. Forrest Reed Date: 11/8/13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We M. FORREST REED, 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 my/our own knowledge.

Petitioner/s:

M. FORREST REED
Signature

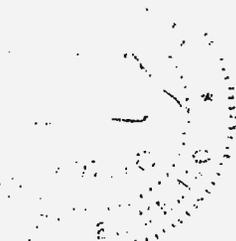
Signature

M. FORREST REED
Print Name

Print Name

Subscribed and sworn to before me this 12 day of NOVEMBER, 2013

Lesley Adams
NOTARY PUBLIC
My commission expires: 6-22-2017





LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

**Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.*

Appellant Information

Name: Boen Arthur D.
Last First M.I.

Address: 1418 Agua Fria St.
Street Address

Santa Fe N.M. 87505
City State ZIP Code

Phone: (505) 501-3221 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 ned: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
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Signature and Verification

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Appellant Signature: Arthur D. Baca Date: 11-8-13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Arthur D. Baca, 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 my/our own knowledge.

Petitioner/s:

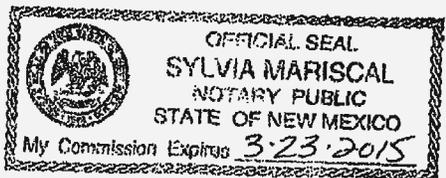
Arthur D. Baca
Signature

Signature

Arthur D. Baca
Print Name

Print Name

Subscribed and sworn to before me this 8 day of November, 2013.



Sylvia Mariscal
NOTARY PUBLIC
My commission expires:
March 23, 2015



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will keep the date and time of filing of individual originals. See Section 14-3-17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Boca Sophia Grace
Last First M.I.

Address: 1418 Agua Fria
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: 505 946 8327 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

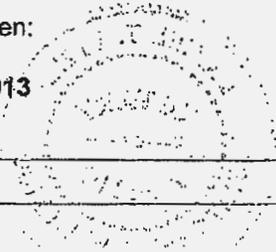
Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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





LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Elliott Charlie F
Last First M.I.

Address: 6151 Airport Rd. #135
Street Address Suite/Unit #

Santa Fe NM 87507
City State ZIP Code

Phone: (505) 470-1965 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and Initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Vigil Debbie L.
Last First M.I.

Address: 513 Silva St Santa Fe NM 87505
Street Address Suite/Unit # City State ZIP Code

Phone: (505) 986-1144 E-mail Address: deborah.vigil057@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

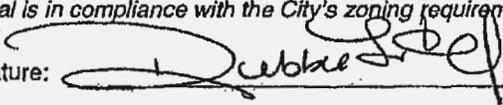
Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:  Date: 11-7-13

Agent Signature: _____ Date: _____

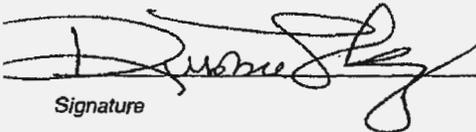
State of New Mexico)

) ss.

County of Santa Fe)

I/We Debbie Vigil, 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 my/our own knowledge.

Petitioner/s:

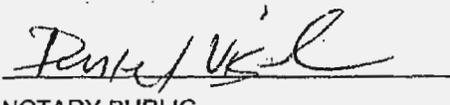

Signature

Signature

DEBBIE VIGIL
Print Name

Print Name

Subscribed and sworn to before me this 7 day of November, 2013.


NOTARY PUBLIC

My commission expires:
7/9/2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:) _____

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Vigil Cristal M
Last First M.I.

Address: 513 SILVA ST.
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 9810-1144 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached: ()

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: VIGIL Daniel T.
Last First M.I.

Address: 513 Silva St
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 986-1144 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

**Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)**

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property. (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Daniel Vigil Date: 11/7/2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Daniel Vigil 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 my/our own knowledge.

Petitioner/s:

Daniel Vigil
Signature

Signature

Daniel Vigil
Print Name

Print Name

Subscribed and sworn to before me this 7 day of NOVEMBER, 2013.

Daniel Vigil
NOTARY PUBLIC
My commission expires:
7/9/2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Varela Darelene J
Last First M.I.

Address: 5854 Colour de Lila
Street Address Suite/Unit #

Santa Fe NM 87507
City State ZIP Code

Phone: (505) 424-2788 E-mail Address: N/A

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without zoning permission. Expansion of an already illegal facility further violates the rights of Santa Feans who have an interest in the character and environment of their city. (2) Violation of Due Process. (3) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property. (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Darlene J. Varela Date: 11/7/2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Darlene J. Varela, 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 my/our own knowledge.

Petitioner/s:

Darlene J. Varela
Signature

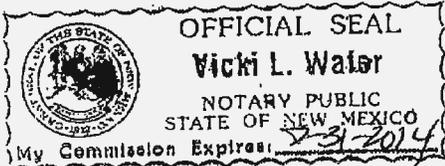
Signature

Darlene J. Varela

Print Name

Print Name

Subscribed and sworn to before me this 7th day of November, 2013.



Vicki L. Water
NOTARY PUBLIC
My commission expires: July 31 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Romero Georgette

Address: 1414 1/2 Agua Fria, # A M.I. _____
Santa Fe NM Suite/Unit # 87505
 City State ZIP Code
 Phone: (505) 1003-1494 E-mail Address: GeoRom111@aol.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

Originals on this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.

Appellant Information

Name: Lopez Duane A
Last First M.I.

Address: 507 Silva Street
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 350-0570 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
 Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Duane A Lopez Date: Nov 12, 2013

Agent Signature: _____ Date: _____

State of New Mexico)
)ss.
County of Santa Fe)

I/We Duane Lopez , 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 my/our own knowledge.

Petitioner/s:

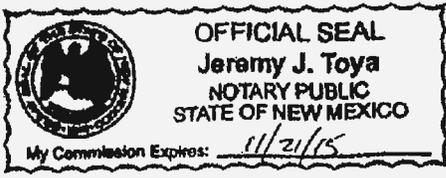
 Duane A Lopez
Signature

Signature

 Duane A Lopez
Print Name

Print Name

Subscribed and sworn to before me this 12 day of NOV , 20 13 .



 Jeremy J Toya
NOTARY PUBLIC
My commission expires:
 11/21/15



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed with the Land Use Department Director or his/her designee with the amount and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Copeland Catherine
Last First M.I.

Address: 522 SILVA ST.
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 460-8321 E-mail Address: cat@karsanta.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests;
 Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years near my house without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property. (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Catherine Copeland Date: 11/12/13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss:
County of Santa Fe)

I/We CATHERINE COPOLAND, 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 my/our own knowledge.

Petitioner/s:

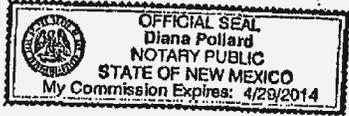
Catherine Copeland
Signature

Signature

CATHERINE COPOLAND
Print Name

Print Name

Subscribed and sworn to before me this 13 day of Nov, 2013



NOTARY PUBLIC
My commission expires: _____



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: ALARID AGNES M.
 Last First M.I.
 Address: 1410 AGUA FRIA
 Street Address Suite/Unit #
SANTA FE, - NEW MEXICO 87505
 City State ZIP Code
 Phone: (505) 930-0194 E-mail Address: N/A.
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explanation of Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Agnes Alarid Date: _____

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.

County of Santa Fe)

I/We Agnes Alarid, 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 my/our own knowledge.

Petitioner/s:

Agnes Alarid
Signature

Signature

AGNES ALARID
Print Name

Print Name

Subscribed and sworn to before me this 13th day of November, 2013.

(Alina Cuernera)
NOTARY PUBLIC

My commission expires:
February 13, 2017



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: KOSH GRANT A
Last First M.I.

Address: 469 Vista Joya
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 310-0649 E-mail Address: GKOSH@aol.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property. (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: [Signature] Date: 11-11-13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We GRANT KOSHA, 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 my/our own knowledge.

Petitioner/s:

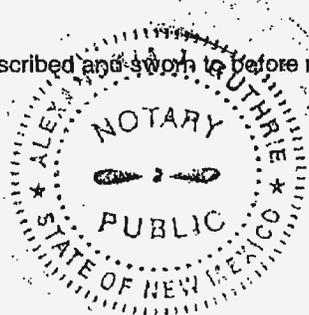
[Signature]
Signature

Signature

GRANT KOSHA
Print Name

Print Name

Subscribed and sworn to before me this 13th day of November, 2013.



[Signature]
NOTARY PUBLIC
My commission expires: June 30, 2017



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Gallegos Grace V. M.I.
 Last First
 Address: 6184 JIRON ST. Suite/Unit #
Santa Fe, New Mex. 87505
 City State ZIP Code
 Phone: (505) 983-9253 E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two original forms must be filed with the Land Use Department. Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: George Trujillo
Last First M.I.

Address: 620 BACA St.
Street Address

SANTA FE N.M. 87505
City State ZIP Code

Phone: () _____ E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

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Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

X Appellant Signature: George Trujillo Date: 11-08-13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We George Trujillo, 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 my/our own knowledge.

Petitioner/s:

X George Trujillo _____
Signature Signature

X George Trujillo _____
Print Name Print Name

Subscribed and sworn to before me this 8th day of November, 2013.

Danette J. Martinez
NOTARY PUBLIC
My commission expires:
Sept. 21 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Muller John J
Last First M.I.

Address: 1542 Hickox St
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: 505 470-9007 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:
 Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Appellant Signature: John Muller Date: Nov 13 2013
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We John Muller, 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 my/our own knowledge.

Petitioner/s:

John Muller
Signature

Signature

John Muller
Print Name

Print Name

Subscribed and sworn to before me this 13 day of November, 2013.

Danette G. Martin
NOTARY PUBLIC
My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both in originals. See Section 14-3-17(D) SFCC 2001 for the procedure.**

Appellant Information

Name: Trujillo Mary

Address: 620 BACA St. M.I. _____
Santa Fe N.M. 87505
 City State ZIP Code

Phone: () _____ E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

X Appellant Signature: Mary Trujillo Date: 11-08-13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss:
County of Santa Fe)

I/We Mary Trujillo 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 my/our own knowledge.

Petitioner/s:

X Mary Trujillo
Signature

Signature

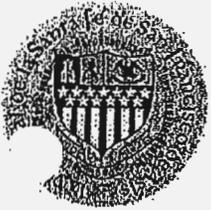
X Mary Trujillo
Print Name

Print Name

Subscribed and sworn to before me this 8th day of November, 2013.

Darutti Jim Martinez
NOTARY PUBLIC

My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

Two originals of this form must be filed. The Planning Department Director or his/her designee will date, time and time of receipt and initial both originals. See Section 14-3-17(B) SFCC 2001 for filing procedure.

Appellant Information

Name: Trujillo Patricia
Last First M.I.

Address: 620 BACA Street
Street Address

Santa Fe New Mexico 87505
City State ZIP Code

Phone: (505) 982-1315 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

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(date stamp)

**VERIFIED APPEAL
 PETITION**

Two originals of this form must be filed. The Planning and Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCO 2001 for the procedure.

Appellant Information

Name: Martinez Margarita
Last First M.I.

Address: 612 Baca St.
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 982-0602 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

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**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Martinez Danette Juliete
Last First M.I.

Address: 612 Baca St
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 982 0602 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Anaya Benjamin J
Last First M.I.

Address: 608 Baca Santa Fe NM 87505
Street Address Suite/Unit # State ZIP Code

Phone: (505) 795-4713 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

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Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Benjamin J Anaya Date: 11-8-13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Benjamin J. Anaya, 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 my/our own knowledge.

Petitioner/s:

Signature

Benjamin J Anaya
Signature

Print Name

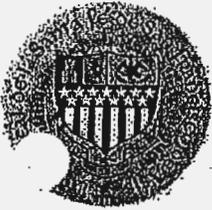
Benjamin J Anaya
Print Name

Subscribed and sworn to before me this 8th day of November, 2013.

Danette J. Martin
NOTARY PUBLIC

My commission expires:

Sept. 21 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

Two originals of this form must be filed. Applicant/Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(C) SFCC 2001 for the procedure.

Appellant Information

Name: ANAYA Carmen C
Last First M.I.

Address: 608 Baca ST
Street Address

Santa Fe New Mexico 87505
City State ZIP Code

Phone: (505) 9837972 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

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Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Carmen C Anaya Date: Nov 8-2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Carmen C Anaya, 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 my/our own knowledge.

Petitioner/s:

Signature

Carmen C Anaya
Signature

Print Name

Carmen C Anaya
Print Name

Subscribed and sworn to before me this 8th day of November, 2013.

Danette G. Marking
NOTARY PUBLIC
My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

Two originals of this form must be filed. The Land Use Department Director or his/her designee will handle the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.

Appellant Information

Name: AWAYA Benjamin C.
Last First M.I.

Address: 608 Baca St
Street Address

Santa Fe N. Mex 87505
City State ZIP Code

Phone: (505) 983-7972 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

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Signature and Verification

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Appellant Signature: Benjamin C Anaya Date: 11-8-13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Benjamin C Anaya, 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 my/our own knowledge.

Petitioner/s:

Signature

Benjamin C. Anaya
Signature

Print Name

BENJAMIN C. ANAYA
Print Name

Subscribed and sworn to before me this 8th day of November, 2013.

Danette J. Martinez
NOTARY PUBLIC

My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: METoyer, Elizabeth J.

Address: 618 1/2 Jiron St M.I. _____
Santa Fe, N. Mex. 87505 Suite/Unit # _____
 City 9253 State _____ ZIP Code _____
 Phone: (505) 983-9253 E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Sanchez Tomacita G
Last First M.I.

Address: 905 Don Juan St.
Street Address

Santa Fe New Mexico 87501
City State ZIP Code

Phone: 505 984 2064 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: MULLER DANIEL J
Last First M.I.

Address: 1542 HICKOX ST
Street Address Suite/Unit #
SANTA FE NM 87505
City State ZIP Code

Phone: (605) 690-5281 E-mail Address: sm1542@msn.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Daniel Muller Date: NOV 11 2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We DANIEL MULLER, 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 my/our own knowledge.

Petitioner/s:

Daniel Muller
Signature

Signature

DANIEL MULLER
Print Name

Print Name

Subscribed and sworn to before me this 11 day of NOVEMBER, 2013.

Danette J. Martz
NOTARY PUBLIC
My commission expires:
Sept. 21 2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:) _____

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Muller Shirley R
Last First M.I.

Address: 1542 Huckox St.
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 670-8370 E-mail Address: sm1542@msm.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:
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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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Shirley Muller

Date: Nov 11 2013

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We Shirley Muller, 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 my/our own knowledge.

Petitioner/s:

Shirley Muller
Signature

Signature

Shirley Muller
Print Name

Print Name

Subscribed and sworn to before me this 11th day of November, 2013.

Danette J. Martini
NOTARY PUBLIC
My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Lucero Jose F
Last First M.I.

Address: 1274 Senda del Valle
Street Address

Santa Fe NM 87507
City State ZIP Code

Phone: 505 471-0575 E-mail Address: mapjfl@aig.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Padilla Mary A
Last First M.I.

Address: 1274 Senda del Valle
Street Address

Santa Fe NM 87507
City State ZIP Code

Phone: 505 471-0575 E-mail Address: mapjfl@q.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: _____ Date: _____

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We Mary A. Padilla, 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 my/our own knowledge.

Petitioner/s:

Mary A Padilla
Signature

Mary A Padilla
Signature

Mary A. Padilla
Print Name

Mary A. Padilla
Print Name

Subscribed and sworn to before me this 13 day of November, 2013.

Danette J. Martz
NOTARY PUBLIC

My commission expires:
Sept. 21 2016



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Valentim Myrshell L.

Address: 1000 Paseo de Perceña
Santa Fe NM 87501

Phone: 505 982-4466 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without zoning permission. Expansion of an already illegal facility further violates the rights of Santa Feans who have an interest in the character and environment of their city. (2) Violation of Due Process. (3) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: *Maureen* Date: 11/11/13
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe :)

I/We X *Maureen C. Valentine* 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 my/our own knowledge.

Petitioner/s:

X *Maureen*
Signature

Signature

X *Maureen C. Valentine*
Print Name

Print Name

Subscribed and sworn to before me this 11th day of November, 2013.



Maureen
NOTARY PUBLIC

My commission expires: 11/17/2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: WINKLER TODD M
Last First M.I.

Address: 1414 AGUA FRIA ST.
Street Address

SANTA FE N.M 87505
City State ZIP Code

Phone: (505) 231-8375 E-mail Address: TODD.WINKLER@ROCKETMAIL.COM

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless – NM4 Silva – AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit on October 30, 2013

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: [Signature] Date: 11.14.13

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We TODD WINKLER, 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 my/our own knowledge.

Petitioner/s:

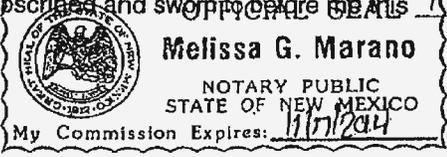
[Signature]
Signature

Signature

TODD WINKLER
Print Name

Print Name

Subscribed and sworn to before me this 14th day of November, 2013.



[Signature]
NOTARY PUBLIC
My commission expires: 11/17/2014



LUD Use Only

Time Filed: _____
 Fee paid: \$ _____
 Receipt attached:)

(date stamp)

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Winkler Anne M
Last First M.I.

Address: 1414 Agua Fria St.
Street Address

Santa Fe NM 87505
City State ZIP Code

Phone: (505) 231-8374 E-mail Address: westonwink@yahoo.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 13-2097

Final Action Appealed:

Issuance of Building Permit

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed notice for the application giving rise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE REQUIRED TO BE MAILED NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, FILED; Section 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Section 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated, and/or misrepresented

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Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific): **THE ILLEGAL FACILITY SHOULD BE REMOVED.**

(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (failure to post the building permit on the property). (3) Violation of any other laws of New Mexico or the United States that expansion of this illegal facility may implicate.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Anne M. Winkler Date: 11-14-2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I We Anne M. Winkler, 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 my/our own knowledge.

Petitioner/s:

Anne M. Winkler

Signature

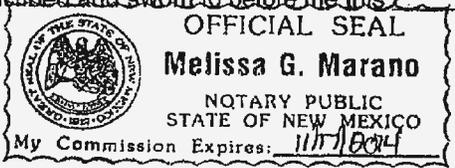
Signature

Anne M. Winkler

Print Name

Print Name

Subscribed and sworn to before me this 14th day of November, 2013.



Melissa G. Marano

NOTARY PUBLIC

My commission expires: 11/11/14

CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909

***** BUILDING PERMIT *****

Application Number 13-00002097 Date 10/30/13
Property Address 1402 AGUA FRIA ST
Application type description TELECOMMUNICATION TOWER
Subdivision Name DORIS LUNA LOT LINE
Property Zoning GENERAL COMMERCIAL
Application valuation 30000

Owner

MALONE, JOHN
1402 AGUA FRIA RD.
SANTA FE NM 87505
(505) 232-4884

Contractor

TSI TOWER SERVICES INC
515 WHEELER AVE SE
ALBUQUERQUE NM 871102
(505) 247-6480

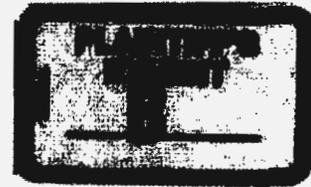
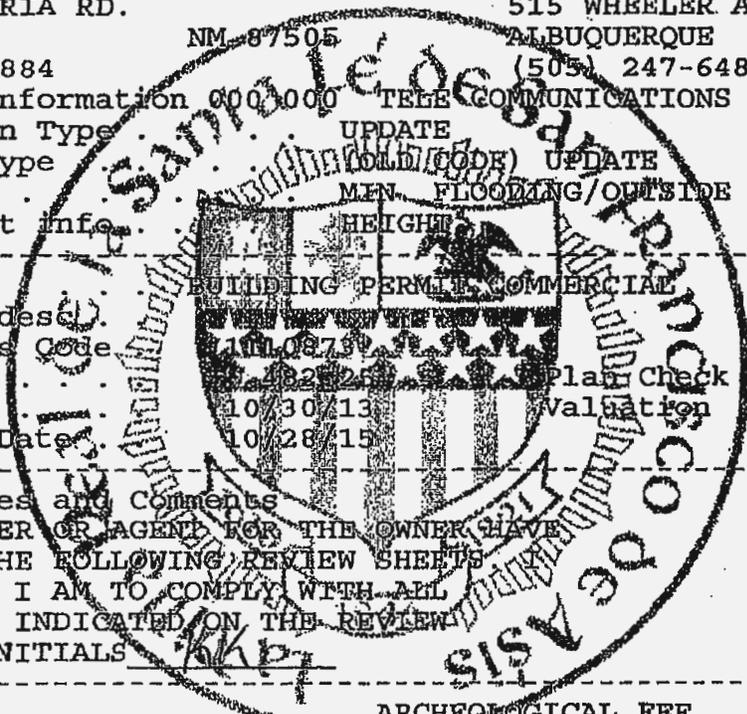
--- Structure Information 000.000 TELE COMMUNICATIONS RR HEADS
Construction Type UPDATE
Occupancy Type (COMM/CODE) UPDATE
Flood Zone MEN FLOODING/OUTSIDE 500
Other struct info HEIGHT ROOF MOUNT ANTE

Permit BUILDING PERMIT COMMERCIAL
Additional desc
Phone Access Code 101.0875
Permit Fee 325.25 Plan Check Fee 331.69
Issue Date 10/30/13 Valuation 30000
Expiration Date 10/28/15

Special Notes and Comments

I, THE OWNER OR AGENT FOR THE OWNER HAVE
RECEIVED THE FOLLOWING REVIEW SHEETS
UNDERSTAND I AM TO COMPLY WITH ALL
CONDITIONS INDICATED ON THE REVIEW
SHEETS. INITIALS *AKP*

Other Fees ARCHEOLOGICAL FEE 10.00



For permits issued AFTER 08/01/2009, you MUST use VIPS
for scheduling inspections! Call in by 3:00 PM for a next-
day inspection (based on availability) 955-6110

APPROVED BY _____ DATE 10-30-13
APPLICANT *John Malone* DATE 10/30

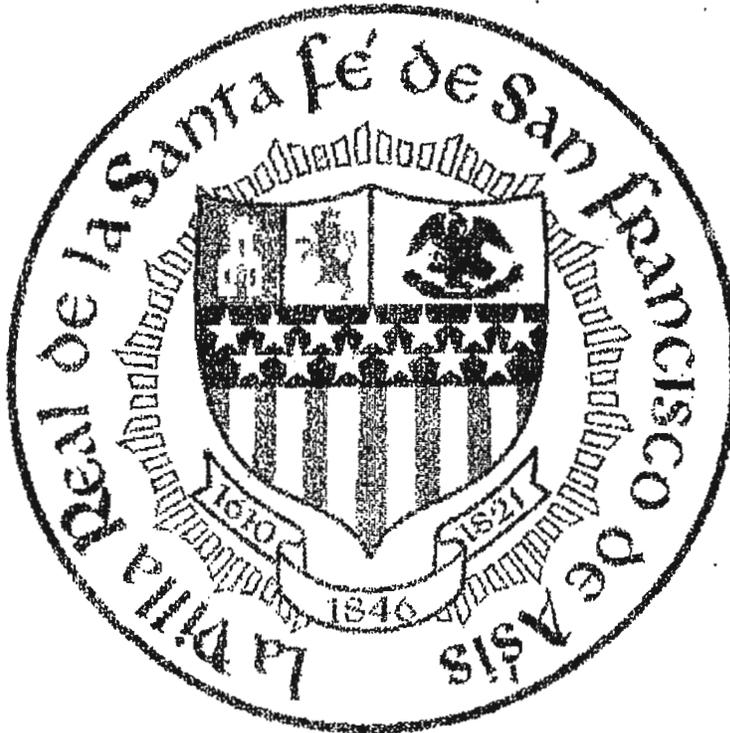
By signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is
n permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of
its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building,
alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I
also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done
during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909

***** BUILDING PERMIT *****

Application Number 13-00002097 Page 2
Date 10/30/13

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	482.25	482.25	.00	.00
Plan Check Total	331.69	331.69	.00	.00
Other Fee Total	10.00	10.00	.00	.00
Grand Total	823.94	823.94	.00	.00



For permits issued AFTER 08/01/2009, you MUST use VIPS for scheduling inspections! Call in by 3:00 PM for a next-day inspection (based on availability) 955-6110

APPROVED BY [Signature] DATE 10-30-13
APPLICANT [Signature] DATE 10/30

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

* * * * * B U I L D I N G P E R M I T * * * * *

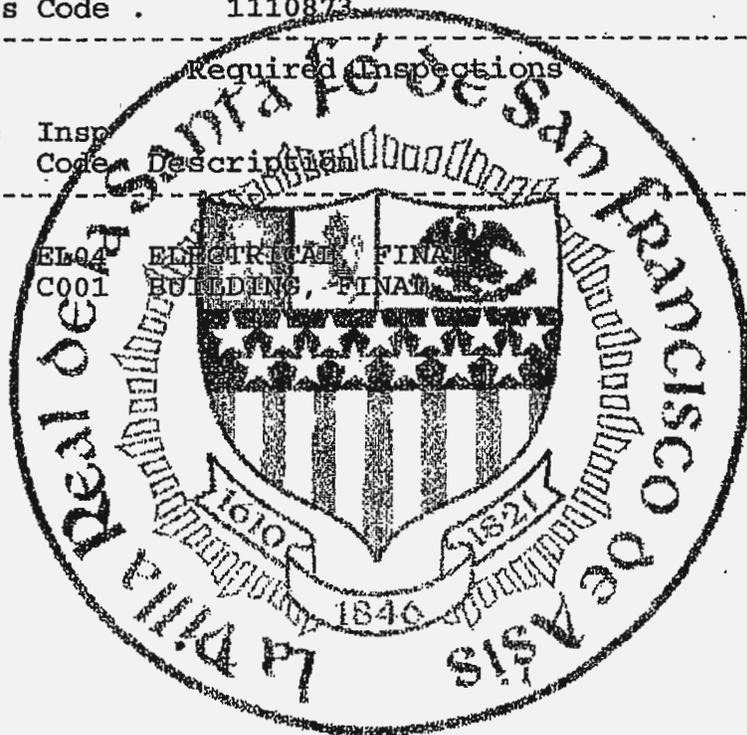
Application Number 13-00002097 Page 3
Property Address 1402 AGUA FRIA ST Date 10/30/13
Application description TELECOMMUNICATION TOWER
Subdivision Name DORIS LUNA LOT LINE.
Property Zoning GENERAL COMMERCIAL

Permit BUILDING PERMIT COMMERCIAL

Additional desc . . .
Phone Access Code . . . 1110873

Required Inspections

Seq	Phone Insp#	Insp Code	Description	Initials	Date
10	499	EL04	ELECTRICAL FINISH		
1000	199	C001	BUILDING FINISH		

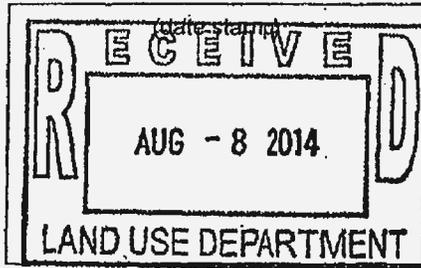


By signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.



LUD Use Only

Time Filed: 1:35 PM
 Fee paid: \$ 100.00
 Receipt attached:



Case# 2014-82

**VERIFIED APPEAL
PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: CELLULAR PHONE TASK FORCE

Address: P.O. BOX 6216
SANTA FE, NM 87502

Phone: (505) 471-0129 E-mail Address: info@cellphonetaskforce.org
 Additional Appellant Names: Arthur Firstenberg, President

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to ^{organization} economic, environmental and aesthetic interests; ~~Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).~~ ^{its})

Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or

Description of the final action appealed from, and date on which final action was taken:
Issuance of a building permit. Building permit was posted on the property on July 25, 2014.

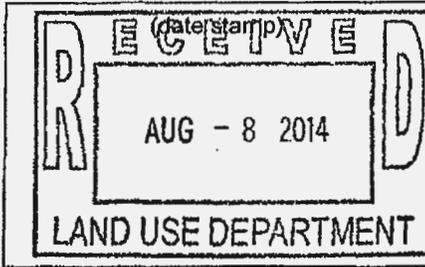


Check here if you have attached a copy of the final action that is being appealed.



LUD Use Only

Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:



**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and Initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Adair Melissa
 Address: 1408 Agua Fria M.I. _____
Santa Fe Suite/Unit # NM 87505
 City State ZIP Code
 Phone: (505) 1099-9949 E-mail Address: melissaadair44@gmail.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:
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Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice); Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests); Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

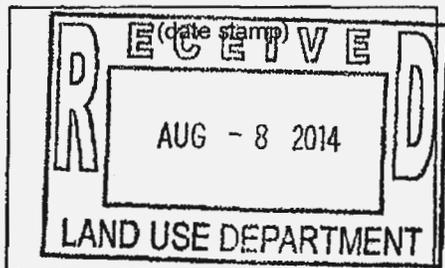
Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit. Building permit was posted on the property on July 25, 2014.

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



LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:



**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: GALINDO MAZATL
Last First M.I.
 Address: 1408 AGUA FRÍA
Street Address Suite/Unit #
SANTA FE NM 87505
City State ZIP Code
 Phone: (505) 577-2290 E-mail Address: MAZATLGALINDO@GMAIL.COM
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-B13

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

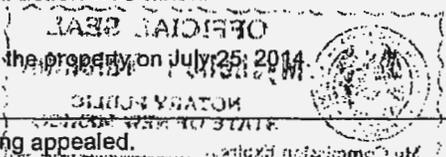
Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice);
 Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests);
 Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit. Building permit was posted on the property on July 25, 2014



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



LUD Use Only

Time Filed: 1:35 PM
 Fee paid: \$ 100.00
 Receipt attached:

(date stamp)

RECEIVED

AUG - 8 2014

LAND USE DEPARTMENT

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and Initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Vigil DEBBIE L.
Last First M.I.

Address: 513 Silva Street
Street Address

Santa Fe Nm 87505
City State ZIP Code

Phone: (505) 986-1144 E-mail Address: deborah.vigil057@gmail.com

Additional Appellant Names: DANIEL VIGIL

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505.

Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit. Building permit was posted on the property on July 25, 2014.

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated illegally for nine years. Issuance of a building permit for an illegal, industrial-type facility violates the rights of neighbors who have an interest in preserving the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of due process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the removal of illegal structures.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:

Debbie Vigil

Date:

8-3-14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We

Debbie L. Vigil + Daniel Vigil

, 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 my/our own knowledge.

Petitioner/s:

Debbie Vigil

Signature

Daniel Vigil

Signature

DEBBIE L. Vigil

Print Name

DANIEL VIGIL

Print Name

Subscribed and sworn to before me this

3

day of

August, 2014.

Daniel Vigil

NOTARY PUBLIC

My commission expires:

7/9/2016



LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:

(date stamp)
RECEIVED
 AUG - 8 2014
LAND USE DEPARTMENT

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Martinez Joseph E
 Last First M.I.
 Address: 602 Velarde Street
 Street Address Suite/Unit #
Santa Fe New Mexico 87505
 City State ZIP Code
 Phone: (505) 988-4176 E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:
 Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).

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

Description of the final action appealed from, and date on which final action was taken:

Issuance of a building permit. Building permit was posted on the property on July 25, 2014.

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

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

(1) The facility has operated illegally for nine years. Issuance of a building permit for an illegal, industrial-type facility violates the rights of neighbors who have an interest in preserving the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of due process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the removal of illegal structures.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: X [Signature] Date: 8/3/2014
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We [Signature], 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 my/our own knowledge.

Petitioner/s:

[Signature] _____
Signature Signature

X Joseph Martinez _____
Print Name Print Name

Subscribed and sworn to before me this 3 day of August, 2014.

[Signature]
NOTARY PUBLIC
My commission expires: 7/9/2016



LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:

(date stamp)
RECEIVED
 AUG - 8 2014
 LAND USE DEPARTMENT

**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Wenger Tuscany P
Last First M.I.
 Address: 516 Silva St.
Street Address Suite/Unit #
Santa Fe New Mexico 87505
City State ZIP Code
 Phone: 505 591-0541 E-mail Address: monsterfactory@comcast.net
 Additional Appellant Names: Geoff Banzhaf

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:
 Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).

Basis for Appeal: The facts were incorrectly determined; Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:
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Check here if you have attached a copy of the final action that is being appealed.

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(1) The facility has operated illegally for nine years. Issuance of a building permit for an illegal, industrial-type facility violates the rights of neighbors who have an interest in preserving the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of due process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the removal of illegal structures.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:

Date:

7/29/14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We 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 my/our own knowledge.

Petitioner/s:

Signature

Signature

Print Name

Print Name

? Subscribed and sworn to before me this 29 day of July, 2014.

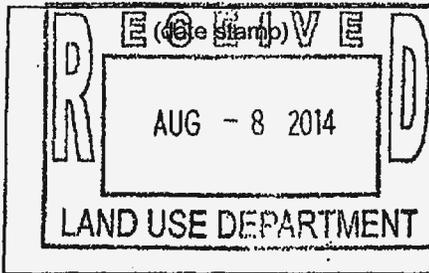
NOTARY PUBLIC

My commission expires:

7/19/2016



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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Chavez Michael

Address: 515 Silva St
 Street Address Santa Fe Suite/Unit # NM 87505
 City State ZIP Code

Phone: (505) 501-5703 E-mail Address: _____

Additional Appellant Names: Evaristo I. Chavez

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

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Signature and Verification

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Appellant Signature:

Date:

8/13/14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe

I/We & 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 my/our own knowledge.

Petitioners:

Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this 3 day of August, 2014.

NOTARY PUBLIC

My commission expires:

7/9/2016



LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:

RECEIVED
 AUG - 8 2014
 LAND USE DEPARTMENT

**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information
 Name: REED M. FORREST
Last First M.I.
 Address: 514 SILVA
Street Address
SANTA FE N.M. 87505
City State ZIP Code
 Phone: 505 995-8872 E-mail Address: N/A
 Additional Appellant Names: EBBEN C. REED

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)
 I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:
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Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests; Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).

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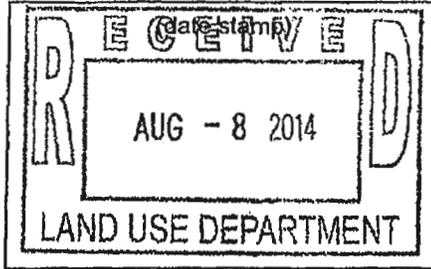
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Check here if you have attached a copy of the final action that is being appealed.



LUD Use Only

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Appellant Information

Name: Hurtado Orlando R
Last First M.I.
 Address: 1403 Agua Fria (WORKS AT THE CRITTERS & ME)
Street Address Suite/Unit #
Santa Fe NM 87507
City State ZIP Code
 Phone: 505 920-0190 E-mail Address: Orlandohurtado23@gmail.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

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Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice);
Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests);
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 PETITION**

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Appellant Information

Name: Zenon Stacy Zenon C
 Last First M.I.
 Address: 1679 Camino McMillin
 Street Address Suite/Unit #
Santa Fe NEW MEXICO 87507
 City State ZIP Code
 Phone: (505) 270 2967 E-mail Address: ZENONSTACY@GMAIL.COM
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
 Case Number: _____ Permit Number (if applicable): 14-813

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Signature and Verification

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Appellant Signature: _____

Date: _____

8/8/14

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We _____, 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 my/our own knowledge.

Petitioner/s:

Signature

ZENON STACY

Print Name

Signature

Print Name

Subscribed and sworn to before me this 8TH day of August, 2014.

NOTARY PUBLIC

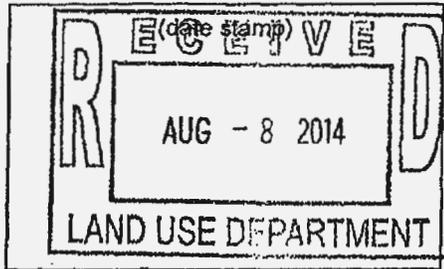
My commission expires:

7/9/2016



LUD Use Only

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: DEWING GENEVIEVE R
Last First M.I.

Address: 1403 AGUA FRIA ST (WORKS AT CRITTERS & ME)
Street Address Suite/Unit #
SANTA FE NM 87505
City State ZIP Code

Phone: (505) 982-5040 E-mail Address: genevieve.dewing@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:

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Appellant Information

Name: Soens-Blon Ingrid W
Last First M.I.
 Address: 1403 Agua Fria (works at their offices above)
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
 Phone: (505) 982-5040 E-mail Address: _____
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
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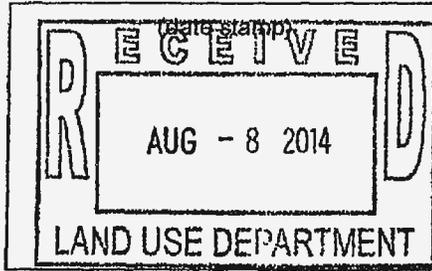
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Appellant Information

Name: Simons John G
 Address: 35 Black Canyon Rd (works at The Cutters and me)
 Street Address: 4000A SE Suite/Unit #: NM 87508
 City: Santa Fe State: NM ZIP Code: 87508
 Phone: 505 670-7299 E-mail Address: John.Simons@q.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
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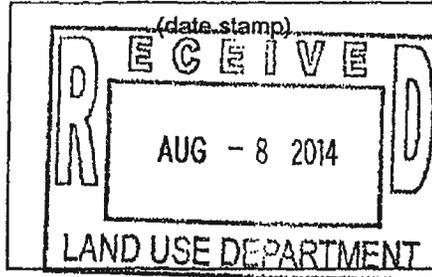
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Appellant Information

Name: MOORE LAURA J.
Last First M.I.
 Address: 1403 AGUA FRIA ST
Street Address SANTA FE NM 87505
City State ZIP Code
 Phone: (505) 982-5040 E-mail Address: Laura@Cnittersandme.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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(1) The facility has operated illegally for nine years. Issuance of a building permit for an illegal, industrial-type facility violates the rights of neighbors who have an interest in preserving the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of due process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the removal of illegal structures.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Laura Moore Date: 8/8/16

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

I/We _____, 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 my/our own knowledge.

Petitioner/s:

Laura Moore
Signature

Signature

Laura Moore
Print Name

Print Name

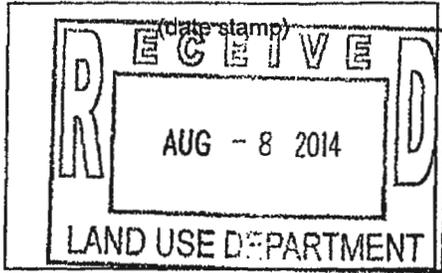
Subscribed and sworn to before me this 8 day of August, 2016.

David V. G
NOTARY PUBLIC
My commission expires:
7/19/2016



LUD Use Only

Time Filed: 1:35pm
 Fee paid: \$100.00
 Receipt attached:



**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Urban Open
Last First

Address: 3002 Calle Queta (works at Critters and me)
Street Address

Santa Fe NM 87507
City State ZIP Code

Phone: () E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 14-813

Final Action Appealed:

Issuance of Building Permit Other Final Determination of LUD Director

Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice); Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests); Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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

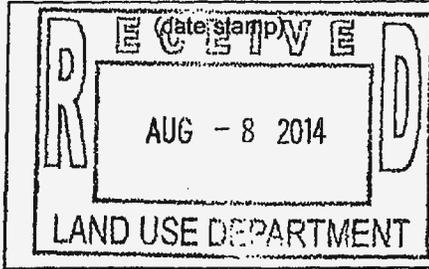
Description of the final action appealed from, and date on which final action was taken:
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Check here if you have attached a copy of the final action that is being appealed.



LUD Use Only

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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: McGuire James M
Last First M.I.
 Address: 1206 Agua Fria St. (works a Critters + Me) 1463 Agua Fria
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
 Phone: (505) 966-6511 E-mail Address: ledgerskate@gmail.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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Explain the Basis for Appeal

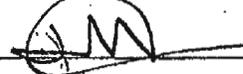
Please detail the basis for Appeal here (be specific):

(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the removal of illegal structures.

Signature and 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, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:



Date:

8/8/14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We _____, 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 my/our own knowledge.

Petitioner/s:



Signature

8/8/14

Signature

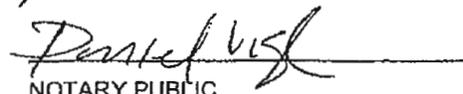
James McGuire

Print Name

Print Name

Subscribed and sworn to before me this

8 day of August, 2014



NOTARY PUBLIC

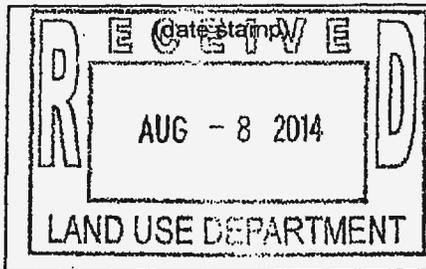
My commission expires:

7/9/2016



LUD Use Only

Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:



**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Lester Adam

Address: 321 Tesque Dr (Works at the Center in me) Santa Fe NM 87505

Phone: (315) 491-0184 E-mail Address: ajester23@gmail.com

Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva

Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)

Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505

Case Number: _____ Permit Number (if applicable): 14-813

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Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice); Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic interests); Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)

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LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:

RECEIVED
 AUG - 8 2014
 LAND USE DEPARTMENT

**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Romero Georgette
Last First M.I.
 Address: 1414 1/2 Agua Fria, #A
Street Address Santa Fe NM 87505 Suite Apt #
 Phone: 505, 603-1494 E-mail Address: Georom11@aol.com
City State ZIP Code
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
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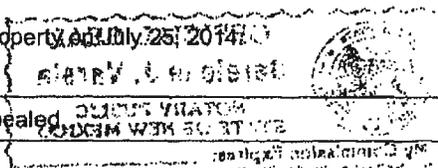
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Appellant Signature:

Georgette Romero

Date:

8/8/14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We

Georgette Romero

, 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 my/our own knowledge.

Petitioner/s:

Georgette Romero
Signature

Signature

Georgette Romero
Print Name

Print Name

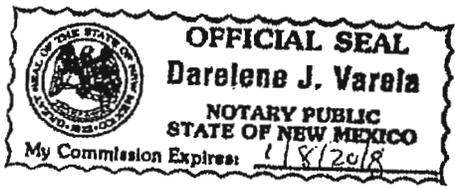
Subscribed and sworn to before me this

8th

day of

August

2014.



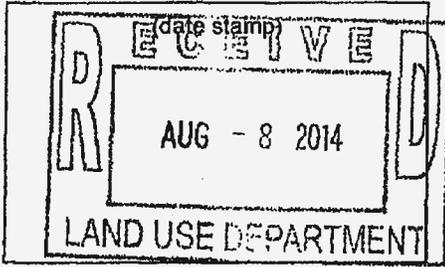
Darelene J. Varela
NOTARY PUBLIC

My commission expires:

Jan. 8, 2018



LUD Use Only
 Time Filed: 1:35 PM
 Fee paid: \$100.00
 Receipt attached:



**VERIFIED APPEAL
 PETITION**

****Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: FIRSTENBERG ARTHUR
Last First M.I.
 Address: 247 BARELA STREET
Street Address Suite/Unit #
SANTA FE, NM 87501
City State ZIP Code
 Phone: (505) 471-0129 E-mail Address: bearstar@fastmail.fm
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (If applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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Appellant Signature: Arthur Firstenberg Date: Aug. 8, 2014
Agent Signature: _____ Date: _____

State of New Mexico)
) ss.
County of Santa Fe)

We ARTHUR FIRSTENBERG, 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 my/our own knowledge.

Petitioner/s:

Arthur Firstenberg
Signature

Signature

ARTHUR FIRSTENBERG
Print Name

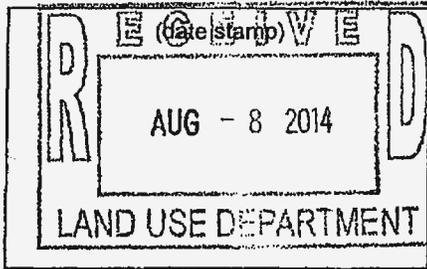
Print Name

Subscribed and sworn to before me this 8 day of August, 2014.

Fernel V. J.
NOTARY PUBLIC
My commission expires:
7/9/2016



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**VERIFIED APPEAL
 PETITION**

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Appellant Information

Name: Shapiro Deborah H
Last First M.I.
 Address: 619 Camino Santa Ana
Street Address Suite/Unit #
Santa Fe, NM. 87505
City State ZIP Code
 Phone: (505) 690-9663 E-mail Address: dhs201@iol.com
 Additional Appellant Names: _____

Correspondence Directed to: Appellant Agent Both

Agent Authorization (if applicable)

I/We: _____
 authorize _____ to act as my/our agent to execute this application.
 Signed: _____ Date: _____
 Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva
 Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
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Check here if you have attached a copy of the final action that is being appealed.

***** BUILDING PERMIT *****

Application Number 14-00000813 Date 7/15/14
Property Address 1402 AGUA FRIA ST
Application type description TELECOMMUNICATION TOWER
Subdivision Name DORIS LUNA LOT LINE
Property Zoning GENERAL COMMERCIAL
Application valuation 30000

Owner

Contractor

MALONE, JOHN
1402 AGUA FRIA
SF NM
SANTA FE NM 87505
(505) 480-2822

BROKEN ARROW COMMUNICATIONS IN
8316 CORENA LOOP
ALBUQUERQUE NM 87113
(505) 877-2100

Structure Information 000 000

Construction Type UPDATE
Occupancy Type (OLD CODE) UPDATE
Flood Zone UPDATE

Permit BUILDING PERMIT COMMERCIAL

Additional desc
Phone Access Code 1137264
Permit Fee 532.75 Plan Check Fee 331.69
Issue Date 7/15/14 Valuation 30000
Expiration Date 7/12/16

Special Notes and Comments

I, THE OWNER OR AGENT FOR THE OWNER HAVE RECEIVED THE FOLLOWING REVIEW SHEETS. I UNDERSTAND I AM TO COMPLY WITH ALL CONDITIONS INDICATED ON THE REVIEW SHEETS. INITIALS: *JS*

Fee summary Charged Paid Credited Due



For permits issued AFTER 08/01/2009, you MUST use VIPS for scheduling inspections! Call in by 3:00 PM for a next-day inspection (based on availability). 955-6110

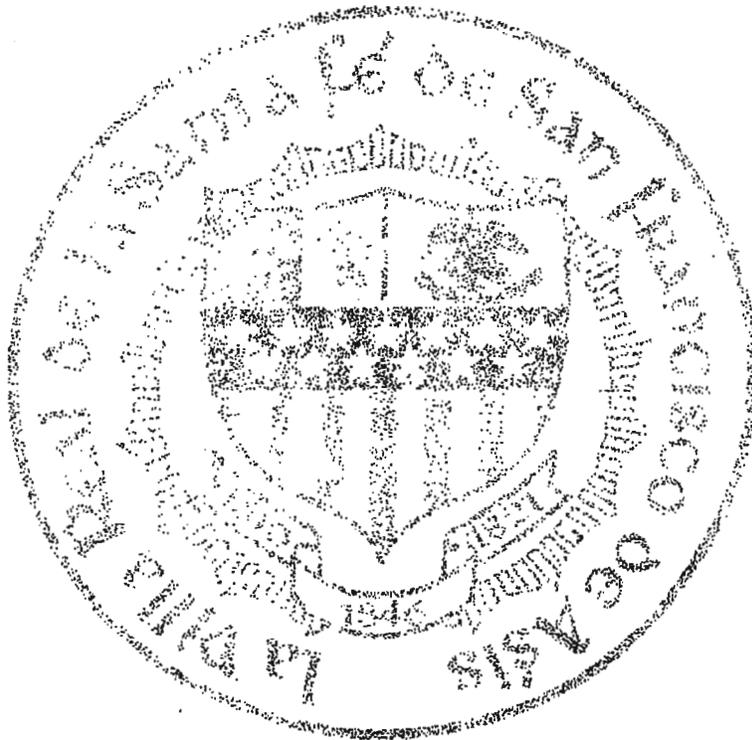
APPROVED BY *[Signature]* DATE *7-19-14*
APPLICANT *[Signature]* DATE *7-19-14*

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909

***** BUILDING PERMIT *****

Application Number	14-00000813		Page	2
			Date	7/15/14
Permit Fee Total	532.75	532.75	.00	.00
Plan Check Total	331.69	331.69	.00	.00
Grand Total	864.44	864.44	.00	.00



For permits issued AFTER 08/01/2009, you MUST use VIPS for scheduling inspections! Call in by 3:00 PM for a next-day inspection (based on availability). 955-6110

APPROVED BY [Signature] DATE 7-15-14
APPLICANT [Signature] DATE 7-15-14

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

14-11.4 REMEDIES AND PENALTIES

(A) Remedies

(1) If a *structure* is erected, constructed, reconstructed, *altered*, repaired, converted or maintained; or a *structure* or *property* is used in violation of Chapter 14; or if any other violation of this chapter occurs, the *governing body*, *city* attorney, enforcement officer or other proper *city* official may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or to mandate compliance.

(2) The *land use director* may:

- (a) withhold or revoke construction *permits*;
- (b) withhold or revoke *certificates of occupancy*;
- (c) withhold the recording of *plats* or *development* plans;
- (d) order discontinuance of illegal use of land or *structures*;
- (e) order discontinuance of any illegal work being done;
- (f) order removal of illegal *structures* or *alterations*; and
- (g) order that any land or *structure* modified in violation of this Chapter be restored to compliance.

(3) The *land use director* may use one or more of the remedies and penalties provided in this Article 14-11 without limiting the authority of the *land use director* or other officials to take other enforcement actions provided in this Code, including the suspension or revocation of a *permit* by the *building official* pursuant to Chapter 7 Building and Housing.

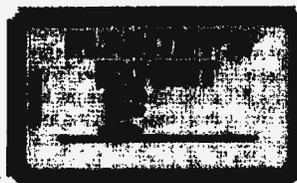
(B) Fines, Imprisonment

Violations of Chapter 14 or of terms of approvals made pursuant to this chapter may be punished as provided in Article 1-3 (General Penalty) of the Santa Fe City Code.

(C) Civil Penalties

In addition to other penalties or remedies, a penalty fee may be assessed for construction without proper *permit* approvals in accordance with a schedule adopted by resolution of the *governing body*.

(D) Revocation of Approvals



Land use and *development* approvals such as special use *permits*, *development* plan approvals, variances, design approvals by the HDRB or BCDDRC and construction *permits* may be revoked by whichever body or official approved them, upon determining that there exists a substantial, continuing or recurring violation of any of the conditions of approval or other provisions of this Code and that revocation is an appropriate remedy given the nature of the violation.

(1) The procedure to revoke an approval shall be similar to the procedure for its issuance.

(a) For an approval that was granted by a *land use board* or the *governing body*, a public hearing shall be required at the same body to consider revocation. The *land use director* shall provide public notice of the revocation hearing by publication of the meeting agenda and/or a public hearing notice and by posting the *property* as required for the approval hearing. The *land use director* shall also provide notice fifteen days prior to the hearing by certified mail with return receipt requested to the permittee and to any *person* who has filed a written complaint concerning the violation.

(b) The *land use director* or other administrative official may revoke an approval that he or she has granted upon written notice delivered to the permittee by hand, by posting a notice on the *property* where the violation occurs, or by certified mail with return receipt requested.

(2) Vacation of recorded subdivision *plats* shall be as provided in Section 3-20-12 NMSA 1978. Revocation of approved amendments to the *general plan* future land use map or the official zoning map shall be as provided for *city*-initiated amendments to those maps. (Ord. No. 2014-31 § 49)



CONSTRUCTION PERMIT FEES

City of Santa Fe – Land Use Department - Building Permit Division

PRIMARY PERMIT FEES

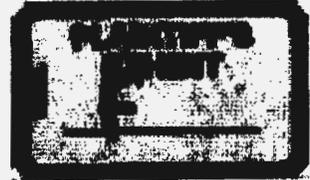
TOTAL VALUATION	FEE
Administrative Fee	\$40
\$1 to \$500	\$25
\$501 to \$2,000	\$25.35 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000, plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$275,000	\$993.75 for the first \$100,000 plus \$5.93 for each additional \$1,000, or fraction thereof, to and including \$275,000
\$275,001 to \$500,000	\$1,830 for the first \$275,000, plus \$7.30 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$501,000 to \$1,000,000	\$3,518.37 for the first \$500,000, plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,000 and up	\$5,893.37 for the first \$1,000,000 plus \$4.40 for each additional \$1,000, or fraction thereof
<i>The valuations above shall be assessed using the most recent building valuation data established by the International Code Council in the publication Building Safety Journal or its successor's trade publication. Regional multipliers shall not be utilized.</i>	
Other Inspections and Fees:	
Residential Plan Review	50% of Permit Fee
Commercial Plan Review	75% of Permit Fee
Revision Review Fee	\$60 (minimum charge - 2 hours)
Re-Inspection Fee	\$60 (minimum charge - 2 hours)
Additional Inspection Fee	\$60 (minimum charge - 2 hours)
After-Hours Inspection Fee	\$85 per hour
Demolition Permit Fee	\$40 Residential \$60 - Commercial (per unit)
Move Unit Through Town	\$30 (per unit)
Building Without a Permit Fee	Double the Permit Fee



Application Tracking #

City of Santa Fe

BUILDING PERMIT APPLICATION



PLEASE USE A BALL POINT PEN (PRESS FIRMLY)

Type _____ Class _____ Accepted by _____ Date Accepted _____

Amount Paid: Plan Check Fee _____ Water Budget Fee \$ _____ Balance Due Permit Fee \$ _____

Land Use Classification: Encroachment Floodplain Historical

Type of Construction: _____ Occupancy Group _____ Division: _____

Zone District _____ Occupant Load _____

TO BE COMPLETED BY APPLICANT

SITE ADDRESS 1402 Agua Fria Street Santa Fe NM 87505 Suite or Space # _____

Subdivision _____ Lot _____ Block _____

Lot Square Footage Total _____

PROPOSED WORK: (Check all that apply)

- New Construction
 - Additions
 - Exterior Alterations/Repairs
 - Interior Remodel
 - Walls/Fences
 - Grading/Utilities/Landscaping
 - Pools, Sheds
 - Other
 - Signs:
 - Free Standing
 - Wall Mounted
- Existing # _____ sq. ft. _____
- Proposed # _____ sq. ft. _____
- Total _____

DESCRIPTION OF WORK: i.e. Bathroom addition, new 4 room residential addition, new 8 room residence, new commercial building, etc. (Note: Work listed herein must be depicted on accompanying plans and/or information if consideration of review requested)

6 new antenna installations

PROPOSED USE: describe what facility is to be used for i.e. new single family residence, new fast food restaurant, new time share residence, new grocery store, etc. Telecommunications

Construction Valuation \$ <u>30,000</u>	SQUARE FOOTAGE			Type of Sewage Disposal	
	Existing	Proposed	Total	<input type="checkbox"/> Public Sewer	<input type="checkbox"/> Private System
Heated	_____	_____	_____	No. of buildings _____ No. of stories _____	
Garage	_____	_____	_____	Will the proposed construction result in an increase in the number of residential units?	
Patio /Porch	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No How many? _____	
Total Roofed	_____	_____	_____	Will the proposed construction result in an increase in water use? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Square Footage	_____	_____	_____	Urinals _____ Water Fountains _____ Other _____	
Number of Plumbing Fixtures Proposed					
Sinks _____ Showers _____ Tubs _____ Toilets _____					

Property Owner <u>John Malone</u>	Contractor <u>To be determined</u>
Mailing Address <u>1402 Agua Fria Road Santa Fe NM 87505</u>	Mailing Address _____
OWNER/BUILDER <input checked="" type="checkbox"/> CONTRACTOR <input type="checkbox"/>	State License # _____ City License # _____
Daytime Telephone # <u>505 480 2822</u>	Daytime Telephone # _____

I hereby certify that I am the duly appointed agent authorized to act on behalf of the property owner. I also certify that the information provided in this application is true and correct and it represents the current and proposed status of the subject property; that the plans submitted with this application are complete and in compliance with the building standards set forth in the Santa Fe City Code; and that the plans illustrate all public and private easements located on the property. I also certify that plans and submittals have been prepared in accordance with the submittal checklist. I further understand that failure to follow submittal checklist will result in the delay or rejection of my application.

Contact Name Sherry Peshlakai Address 4520 Montgomery #5 ABO NM 87109

Daytime Telephone 505 232 4884 Signature Applicant/Agent Kayla Fullert Date 4/25/14 159



CITY OF SANTA FE - LAND USE DEPARTMENT

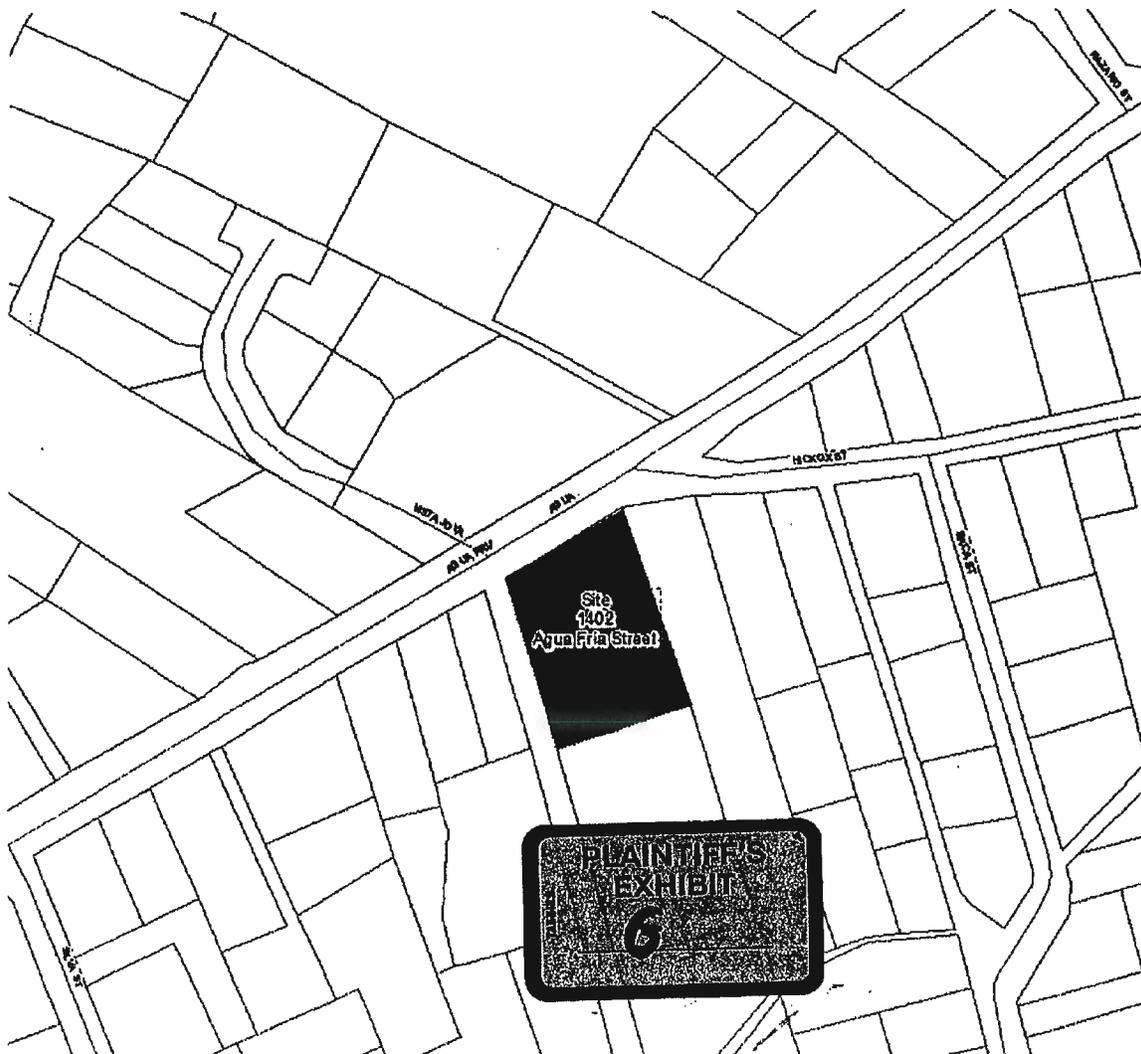
Current Planning Division
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909

NOTICE OF ADMINISTRATIVE REVIEW

Date: May 9, 2014

Notice is hereby given that the City of Santa Fe Land Use Department has received an application for administrative review for the installation of telecommunication antennas and related equipment by Verizon Wireless at 1402 Agua Fria Street. A construction permit is expected to be issued following the successful completion of the administrative review of the application.

Questions may be directed to the City of Santa Fe Current Planning Division staff at (505) 955-6587.



Lawrence Garcia, Acting Director, Environmental Services Division, said his Division has been charged with the enforcement, noting there is one enforcement officer with plans to commission two more. He said when the bag ban was passed initially, there were issues where stores were still giving out plastic bags. He said they send enforcement out to educate the businesses, noting once they educated those businesses, they have not see other businesses utilizing plastic bags that fall within that certain mil range.

- Councilor Bushee assumed we would get to a fee. She asked Ms. Sopoci-Belknap the Commission is considering recommending that we ban.

Ms. Sopoci-Belknap said they have had discussions about recommending the banning of plastic bottles in conjunction with a discussion the Council had when the ordinance was adopted initially. However, this report is limited to the plastic bag ordinance so they have no formal recommendations tonight.

Councilor Bushee said, "I would love to have your Commission to present to us more regularly so we can keep up with what is going on."

Ms. Sopoci-Belknap said, "Great. Thank you. We'd be happy to do that."

Councilor Bushee asked them to consider banning Styrofoam.

15. **CASE NO. 2014-116: REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF THE SANTA FE ALLIANCE FOR PUBLIC HEALTH AND SAFETY, MARY LAYNE, CELLULAR TASK FORCE, ARTHUR FIRSTENBERG FROM THE DECEMBER 2, 2014 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #13-2503 TO NEW CINGULAR PCS, LLC (D/B/A AT&T), AT ST. JOHN'S METHODIST CHURCH AT 1200 OLD PECOS TRAIL. (ZACHARY SHANDLER)**

A Memorandum dated February 2, 2015 for the February 11, 2015 meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, as set out above, is incorporated herewith to these minutes as Exhibit "3."

Zachary Shandler, Assistant Attorney, presented information regarding this matter from Exhibit "3." Please see Exhibit "3," for specifics of this presentation.

Councilor Bushee said, "Zach did you say we were to have a public hearing."

Mr. Shandler said, "No, no public hearing. But at this time, the Council has a decision. If you accept the City Attorney's recommendation, there is a motion written into our recommendation. We actually scripted the motion. If you agree with this opinion then you can vote to dismiss the appeal. If you



disagree, which you can as a policymaker, then you will refer this matter to the Board of Adjustment for a public hearing.

Councilor Bushee said, "And the original H-Board hearing was the only public venue for people to speak to this issue in this instance."

Mr. Shandler said, "I believe so, although it preceded my time, but in reviewing the record, I believe the Board of Adjustment also was involved in the 2010-2011 time period, and they did have a public hearing on this."

Councilor Bushee said, "Okay, because we never had one at the Council level."

Mr. Shandler said there was a public hearing in May 2011 of the appeal of the Historic District Board's decision.

Mayor Pro-Tem Ives said, "If I might ask the attorney, in terms of the issues that a Governing Body can examine, versus those that we are prohibited from considering as a matter of federal law, I think that's always a distinction that is not necessarily easily understood, but is very necessary in this particular instance, if you could address that."

Ms. Brennan said, "That is correct. We are limited by federal law and thus you are considering what our Code provides and the requirements set by our Code. Federal law, in relevant part says, '*No state or local government or instrumentality thereof may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radiofrequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions, and environmental effects under federal law includes health effects.*'"

Mayor Pro-Tem Ives noted in the basis of the appeal, Mr. Shandler, you mentioned number 2, which was, '*A building permit for the replacement of antennas within the tower damages the streetscape,*' but you're saying that the replacement antennas functionally are identical to the existing antenna which has already been through various processes through the City, including Historic Design Review, and been approved and is that a final decision."

Mr. Shandler said, "Mr. Mayor Pro-Tem, I agree with your statement. Yes."

Mayor Pro-Tem Ives said he meant it as a question.

Ms. Brennan said, "The facility is a stealth facility. It is a tower constructed to look like a bell tower adjacent to the church surrounding a chimney. And so the antennas may be different, but we can't see them. They have no visual or esthetic effect. In other words, the external structure remains visually unchanged and the Historic Board heard two matters. They heard a status decision on the church itself, and then they heard the antenna design matter. And then it was the status decision I believe was what was appealed to the Council, so there were multiple hearings."

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to accept the recommendation of the City Attorney and dismiss the appeal in Case No. 2014-116, and to accept the Findings of Fact and Conclusions of Law by the Historic Design Review Board in Case #H-11-004A and Case #H-11-004B.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Dominguez.

Explaining his vote: Mayor Pro-Tem Ives said, "On the basis of what has been presented in terms of our capacity to examine this, I say yes."

Explaining her vote: Councilor Bushee said, "On this one, Yes."

16. **CASE NO. 2013-116 & 2014-82: REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND FIFTY-ONE CITIZENS FROM THE OCTOBER 30, 2013 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #13-2097 AND THE APPEAL BY THE CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND TWENTY-ONE CITIZENS FROM THE JULY 15, 2014 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #14-813 TO JOHN MALONE AND VERIZON WIRELESS REGARDING REPLACEMENT OF TELECOMMUNICATIONS ANTENNAS AT 1402 AGUA FRIA. (ZACHARY SHANDLER)**

A Memorandum dated January 30, 2015 for the February 11, 2015 meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, in this matter as set out above, is incorporated herewith to these minutes as Exhibit "4."

Zachary Shandler, Assistant Attorney, presented information regarding this matter from Exhibit "4." Please see Exhibit "4," for specifics of this presentation.

Councilor Lindell asked, "Mr. Shandler, when the notice was sent out, do you know how many people responded to that."

Mr. Shandler said, "I did ask the City staff about that and they said there were just a few, but I don't have a written document to establish the number for the record. Just that testimony that was provided to me."

Ms. Brennan said, "Several people contacted me and I met with them and explained the issues the City faces in these kinds of circumstances, and our policy to secure compliance rather than punish, and the restrictions which federal law puts on us."

Councilor Lindell said, "Less than 10, Ms. Brennan."

Ms. Brennan said, "I probably spoke to 3 or 4 people."

Councilor Bushee said, "Well, part 2 of that would be how many people received notice of the hearing. The process I guess, no hearing."

Mr. Shandler said, "It's my understanding it had to be sent to all property owners within 200 feet, all tenants and neighborhood associations within 200 feet, but I don't have an exact number of how many mailings."

Councilor Bushee asked, "What was this doubled fee that they paid?"

Mr. Shandler said, "I was pausing to see if I have that on Exhibit F. And I don't see that number right in front of me in the exhibits."

Councilor Bushee said, "Well, I'm just going to suggest to my colleagues that this case is different than the last case, in that there was no effort... well it was illegally installed, the antennas to start, it seemed back board to me, and I see no reason why we can't take the time to send this to the Board of Adjustment for a public hearing, and that would be my motion, well am I upholding the appeal in that case, or am I, I don't know if I'm going to get a second, but that's how I feel."

Ms. Brennan said, "You would be not accepting the City Attorney's recommendation and voting to hold the public hearing. There's a motion at the bottom of the Memo that you can use."

Councilor Bushee said, well, okay, that was my motion if there is a second.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, that the Governing Body not accept the recommendation of the City Attorney to dismiss the appeals in Case No. 2013-116 and Case No. 2014-82, and that the appeals be consolidated for hearing by the Board of Adjustment.

DISCUSSION: Councilor Maestas said, "As I was paging through the petitions, I'm just growing a little more concerned about the impacts of this action. I realize whenever someone does something without appropriate permits, we kind of punish them after the fact, but we don't make them undo what they did, and I know we've done that in the past, so perhaps that's a past practice of what we do. But in the case of this case, our decision may disproportionately impact a certain part of our community that doesn't necessarily have a voice to speak out and be heard. And so I think we ought not to get too caught up in just perpetuating past practice without thinking about the circumstances of the decision. And I'm concerned about the impact to this neighborhood and these folks. And just in looking at the petitions, I

saw a lot of Spanish surnames, and I've received a lot of communications from the area residents that they would simply like to be heard. They didn't say Councilor please vote against this, they just wanted to be heard."

Councilor Maestas continued, "And I too am appealing to my colleagues that we think about these decisions and the impacts they have and the fact they could be disproportionate on culturally significant parts of our neighborhood, disadvantaged populations, minority populations. I realize Santa Fe is almost 50% Hispanic, but I think in this case, there is a predominance of Hispanic residents that are being impacted by, really, it was an illegal installation of a telecommunications tower. Not because the Land Use Department said it was okay and they slapped them on the hand. The impacts still remain and so, I am going to stand in support of the motion. That's all I have, Mr. Chair."

Councilor Bushee said, "I just want to mention that our hands are also tied up here. A lot of folks did call and write me from in and around the Agua Fria area, and it was not something that I could respond to, so I'm letting folks know, that might be paying attention this evening, that I did receive their concerns and listened to them."

Councilor Rivera asked, "Zach, what happens after it goes to the Board of Adjustment for a public hearing. What's the process after that."

Ms. Shandler said, "The Board of Adjustment will make a decision that is also an appealable decision to this Governing Body."

Councilor Rivera said, "And that comes back to the Governing Body to, Kelley..."

Ms. Brennan said, "I'm sorry. I don't believe that's true. I think there's one appeal now, and then the appeal goes to the Court. We modified the Appeals Ordinance some time ago to change it so people have one appeal and that's it. So because this is an appeal from the issuance of a building permit, it will go to the Board of Adjustment. If the Board of Adjustment had made a decision in another matter, a Land Use case of a different kind, that decision, because it was a decision of a Board would come to this Council, but each would still have one appeal."

Councilor Trujillo said, "Every City Attorney has always told me that anything dealing with health and all this, we don't consider. So how does that pertain to these calls we've gotten, because that's what it's going to end up coming down to."

Ms. Brennan said, "You are correct, if the matter is heard by the Board of Appeals [Adjustment], we will have to advise the Board of Appeals [Adjustment] that they cannot consider health concerns in making their decision regarding the matter."

Councilor Maestas said Option 1 asked us to clarify that the action pertains to the 2013 and 2014 Petition, but since the motion made was Option 2, and that is that we don't wish to dismiss the appeal, does it apply to the 2013 and 2014 Petition."

Ms. Brennan said, "Yes. It directs that the recommendation not be approved and that the appeals be consolidated for hearing, so it would include those cases."

Mayor Pro-Tem Ives said, "And just so I'm clear, your point with regard to the appeal is if the appeal were approved here, the matter would go back to the Board of Adjustment for a determination of the appropriateness of the decision of the Land Use Director, and if that decision were going to be appealed by anybody, it would be then to the District Court."

Ms. Brennan said, "Mayor Pro-Tem, that is correct."

Mayor Pro-Tem Ives said, "One question I had, and I do see in Exhibit E, 14-11.4 Remedies and Penalties, it talks about civil penalties, and two questions on this provision. It says, '*In addition to other penalties or remedies, a penalty fee may be assessed for construction without proper permit approvals in accordance with the scheduled adoption by Resolution of the Governing Body.*' And of course, on page 158 in the packet, which is the Construction Permit Fees, which I believe is the provision that section is referring to at the bottom of the page, it says, '*Building without a Permit Fee Double the Permit Fee.*' So that appears to be a remedy specifically called out in the Code for somebody who has built without a proper building permit. Am I reading that correctly?"

Mr. Shandler said, "Yes, and that's why we put the exhibit in."

Mayor Pro-Tem Ives said, "And it says, in addition to other penalties or remedies, and so the ones that appear above under Sub-A through G, are discretionary. And so really what we're saying in this case, the Land Use Director chose to impose the double permit fee called for on page 158 in the packet, as opposed to any other type of penalty. Is that correct?"

Mr. Shandler said, "Yes."

Mayor Pro-Tem Ives said, "And I notice on the following page, which is the building permit application, it noted the construction evaluation at \$30,000 and on page 158 it does talk about the fees to be paid, and if a total valuation is between \$25,001 and \$50,000, it's \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, up to and including the \$30,000. So presumably, it would have been a fee somewhere in the nature of \$800, or \$840."

Mr. Shandler said, "If you said \$864.44, you would be right. That's on pages 154-155 in the packet."

Mayor Pro-Tem said, "Thank you. I couldn't do the math quickly enough. I suppose the question I have is, assuming this goes back down to the Board of Adjustment then they can't consider any issues relating to health and those types of issues, and we have a circumstance where a remedy called for under the Code has been applied. And I presume the erection of these towers at that location is, assuming a building permit had been applied for, was that something that could have been denied in the first instance or not."

Ms. Brennan said, "I would have to say no, because it was within Code that also we are, by federal law, prohibited from taking actions that effectively prohibit telecommunication services within the City. So when we deny something, there is a standard we have to meet. There have to be written findings to that effect, and it's a fairly rigorous standard, so we would always advise that if it complies with Code requirements and it was approved that it not be overturned because it would violate federal law."

Mayor Pro-Tem Ives asked if there is anything that implies we are not complying with the Code.

Mr. Shandler said, "Mr. Pro-Tem, I imagine the appellants would disagree with the City Attorney's position that the shelter constitutes an addition to the structure, so that might be one issue still in dispute."

Mayor Pro-Tem Ives asked him to explain that a little more, "because I'm not clear."

Mr. Shandler said, "So the City Code says you can't have your antennas higher than a structure. And so their argument is those antennas are taller than the one-story building. It is our analysis that those electronic structures sit on top of the roof, thus raising the permissible height of the structure, and therefore the antennas are not technically higher than the structure. They are massed lower than the structure."

Ms. Brennan said, "Mayor Pro-Tem, in other words, if the structures on the roof had been erected to conceal an air conditioner, they were permissible. They were permissible under the existing height limits for the District, and therefore whatever was inside them doesn't make them impermissible. So they were constructed in accordance with the Code."

VOTE: The motion failed to pass on the following Roll Call vote, which was a tie vote:

For: Councilor Bushee, Councilor Dominguez, Councilor Lindell and Councilor Maestas.

Against: Mayor Pro-Tem Ives, Councilor Rivera, Councilor Trujillo and Councilor Dimas.

Councilor Bushee said, "I would like to be instructed as to how to make a motion to reconsider this at the next meeting when we have a full complement on the Governing Bod."

Ms. Brennan said, "I think you can postpone action on the item until the next meeting. This has not been a public hearing, so they can read it from the record."

MOTION: Councilor Bushee moved, seconded by Councilor Lindell to postpone a decision in this matter to the next meeting of the Governing Body on February 25, 2015.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

The Mayor Pro-Tem then moved to the Evening Session for Petitions from the Floor

EVENING SESSION

F. PETITIONS FROM THE FLOOR

David McQuarie, 2997 Calle Cerrada, said he is here this evening to comment on a newspaper article and comments by the Mayor that he wants to make the downtown business symbols for restrooms to be gender neutral. My suggestion is, it may be a good idea, but before the Council passes a Resolution, would you please send your comments for review by Mayor's Committee on Disabilities. He said all of the parking signs downtown are in violation of State law and federal regulations. I would recommend you change your protocol for gender neutral restrooms and all signage should be white on blue. This is the traditional color combination, there is no mandatory color, there is only traditional. Four years ago when the new Convention Center was finished I posed a question why the restroom signs are white on brown instead of white on blue. There were comments like it was more esthetic and so forth, but the comment that got his attention, was they are brown so they will remember to flush."

*Following the Petitions from the Governing Body
The Mayor Pro-Tem resumed the Agenda for the Afternoon Session.*

17. MATTERS FROM THE CITY MANAGER

Mr. Snyder reminded the Governing Body that on Friday we are having the second Joint City/County meeting, and they are working on the agenda right now, so more information will be going out to you shortly.

18. MATTERS FROM THE CITY ATTORNEY EXECUTIVE SESSION

**IN ACCORDANCE WITH THE OPEN MEETINGS ACT NMSA 1978, SEC. 10-15-1(H)(7),
DISCUSSION REGARDING PENDING OR THREATENED LITIGATION IN WHICH THE CITY OF
SANTA FE IS OR MAY BECOME A PARTICIPANT, INCLUDING WITHOUT LIMITATION
JOINING OR FILING AN AMICUS BRIEF FOR CASE NO. 1:14-CV-00254, STATE OF TEXAS
ET AL V. UNITED STATES OF AMERICA.**

Ms. Brennan said, "I circulated, some of you may have seen earlier today, and I'm sorry it took me a while to get here, an email with a corrected brief. The brief that had been circulated by Terrie Rodriguez

14. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR MARCH 25, 2015: BILL NO. 2015-6: AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT (COUNCILOR LINDELL AND MAYOR GONZALES). (KATE NOBLE)**

Disclosure: Councilor Ives said, "I think I have to recuse myself because the Trust for Public Lands still holds the conservation easement, so I abstain from the matter.

Mayor Gonzales asked to be added as a cosponsor of the bill.

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Recused: Councilor Ives.

15. **CASE NO. 2013-116 & 2014-82: REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND FIFTY-ONE CITIZENS, FROM THE OCTOBER 30, 2013 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #13-2097 AND THE APPEAL BY THE CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND TWENTY-ONE CITIZENS FROM THE JULY 15, 2014 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #14-813 TO JOHN MALONE AND VERIZON WIRELESS REGARDING REPLACEMENT OF TELECOMMUNICATIONS ANTENNAS AT 1402 AGUA FRIA. (ZACHARY SHANDLER) (Postponed at February 11, 2015 City Council Meeting) (Postponed to March 11, 2015 City Council Meeting)**

This item is postponed to the City Council meeting of March 11, 2015.

Mayor Gonzales moved Items #16 through #19 from the Afternoon Session to the end of the Evening Agenda

Break 8:00 to approximately 8:15

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Bushee

Abstain: Councilor Lindell.

Explaining her vote: Councilor Lindell said, "I'm going to abstain on this because I don't really feel I have enough information to support it."

Explaining his vote: Councilor Dominguez said, "A long range water plan. I think about that all of the time when this issue comes up. I vote yes."

13. **CASE NO. 2013-116 & 2014-82: REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND FIFTY-ONE CITIZENS, FROM THE OCTOBER 30, 2013 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #13-2097 AND THE APPEAL BY THE CELLULAR PHONE TASK FORCE, ARTHUR FIRSTENBERG AND TWENTY-ONE CITIZENS FROM THE JULY 15, 2014 DECISION OF THE LAND USE DEPARTMENT TO ISSUE A BUILDING PERMIT #14-813 TO JOHN MALONE AND VERIZON WIRELESS REGARDING REPLACEMENT OF TELECOMMUNICATIONS ANTENNAS AT 1402 AGUA FRIA. (ZACHARY SHANDLER) (Postponed at February 25, 2015 City Council Meeting)**

A Memorandum dated January 30, 2015, for the February 11, 2015 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, in this matter, is incorporated herewith to these minutes as Exhibit "4."

Disclosure: *Mayor Gonzales said, "I'm going to transfer the mantle to Councilor Ives. For the record, I want to disclose that some of my family members own a business that owns and operates one telecommunications tower and one radio tower in the City. And, while I do not have any ownership interest in that business, some requests relating to telecommunications or radio facilities that come before this body may create a conflict of interest requiring me to recuse myself. Although the family businesses leases space on the telecommunications tower to Verizon, my vote on Item 13 will not result in any pecuniary gain or loss to my family members. However, while I don't perceive there to be a conflict, I don't want even the possibility of a conflict to be in place, so I am going to recuse myself from participating on the discussion relating to Item 13, and remove myself from the chambers. Councilor Ives."*

Mayor Pro-Tem Ives said, "I am advised that the Council may be ready to move forward on this matter, Zach. I don't mean to put you off because I do enjoy your presentations to us very very much always. But let me just ask, what is the pleasure of the Council first. Councilor Bushee."

Councilor Bushee asked the proper wording for the motion.

Mr. Shandler said it is the bottom sentence on page 8 of his Memorandum of January 30, 2015.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, that the Governing Body not accept the recommendation of the City Attorney to dismiss the appeals in Case No. 2013-116 and Case No. 2014-82, and that the appeals be consolidated for hearing by the Board of Adjustment.

DISCUSSION: Councilor Maestas said at the previous Councilor meeting, we had considerable discussion about this issue, but there was nothing in the minutes, and the minutes just said that we decided to postpone this. He asked if that is typically what we do, saying, "Because as I recall, we had a lengthy, lengthy discussion and there were absolutely no minutes on that. It's not that I forgot what I said, but it's always good to go back and look at the record instead of reinventing the wheel. Was there a reason why there were no minutes. It just says Motion to Postpone. That was a general question."

Councilor Ives said, "I was just hoping that we could clarify, among these options, the law in regard to this type of appeal before the Governing Body. I was just going to ask for a brief statement clarifying generally on a case like this, again just the appeals process for this type of matter coming out of the Planning Commission."

Ms. Brennan said, "Is this a question about where this appeal will go."

Councilor Ives said, "My recollection is that at a prior meeting, we spent some time talking about the appeals process, and it sounds like that is a part of the record that did not make it into the minutes, so I was just hoping for a very brief restatement before we move to a vote on this matter."

Ms. Brennan said, "Based on this motion, it would be heard by the Board of Appeals [Adjustment] because there would still be a pending appeal. In other words, it would not have been dismissed. So without a vote on the other side, it will be heard by the Board of Adjustment, excuse me, and any appeal from a Board of Adjustment decision would be to the Court. There was an amendment to the Appeals Ordinance a couple of years ago that provided everyone would have one appeal, not multiple appeals on the same matter."

Councilor Bushee said, "I'm going to briefly speak to my motion. I tried to make this effort this last meeting and we may not have the appropriate amount of votes here tonight and we may end up in a tie. But what I will say is this is a unique situation as far as these telecommunication appeals in my mind. This utility moved forward without a building permit and there were no public hearings on this issue, and I think it's time that we air this very clearly with the public. And it's important that we, in this instance, send this back to the Board of Adjustment. And I hope that enough of you will consider doing that. There are lots of folks in the area that would love a chance to justify. I would love to give them that opportunity."

Councilor Dominguez asked, if this goes to the Board of Adjustment, is it heard *de novo*.

Ms. Brennan said, "Essentially yes. It would be an appeal. It would be its first and only hearing before the City, and if this motion fails, it will go to the Board of Adjustment. If there was an opposite motion, it wouldn't. If the Motion succeeds, it goes to the Board of Adjustment. If the motion fails it goes to the Board of Adjustment."

Councilor Bushee said that was not explained the last meeting.

Councilor Dominguez asked Ms. Brennan to explain it a little bit more.

Ms. Brennan said, "If the motion fails, in other words, if you do not accept the recommendation of the City Attorney and it is a 4-4 vote, which I believe is what happened the last time, the motion will fail, but there will still be an appeal, and thus the appeal will be heard."

Councilor Maestas said, "I'm not going to regurgitate what I said at the last meeting, but one thing I do see, I see a disconnect here and it's probably out of our realm of influence, but it seems the FCC approved the installation of these towers, and I can't understand why there isn't some kind of local government notification or some similar permitting process to let us know that these telecommunication towers are going to be installed, because I think that is kind of one of the major issues in this case, but yet, we don't have any kind of authority when it comes to telecommunications towers. Kelly can you just comment. Isn't there any kind of public involvement process by the federal government when they do approve the installation of these antennas and towers."

Ms. Brennan said, "Basically the FCC sets standards and if they fall within those standards, they can be approved and they operate under those standards. Our local process does provide for notice via permitting and depending on what type of application it is, sometimes public hearings. This was an unusual case where that simply didn't happen and was done, one, after the fact."

Councilor Maestas said we all know about the Federal Register. It is the federal government's mechanism to inform the public about federal decisions and consequential actions, so I'm still dumbfounded why there is no kind of federal register notification that these telecommunications antennas will be installed at this location. Is there any way we can communicate with our federal delegation, because we have a lot of folks just concerned about living in close proximity to these types of facilities. At the very least, I think our federal delegation should perhaps weigh-in with the FCC if that's possible and try and implement some kind of public notification requirements whenever they do take actions in cities such as ours. Is that possible Kelley."

Ms. Brennan said, "You could certainly start a resolution that would ask the federal delegation to do that. I think it would be mostly a notice requirement. I think the issues that the federal government has preempted on are highly unlikely to be modified generally."

Councilor Maestas would like to explore that later down the line.

Yolanda Vigil, City Clerk, said, "Mayor Pro-Tem my response to Councilor Maestas's request. The minutes that you are referring to that you remember the long discussion, that was at the February 11th meeting. And then we postponed at the last meeting to this meeting, so those minutes were in the February 11th meeting."

Mayor Pro-Tem Ives asked, "The original construction of these towers without an appropriate building permit occurred when."

Mr. Shandler said this is the 2005 time period.

Councilor Ives asked, "Was there any action by anybody in opposition to those before this present matter?"

Mr. Shandler said, "This was brought to the attention of the City in 2013."

Councilor Ives said, "So a period of roughly 8 years, no action being taken. And the action arose because in 2013 there is a filing to modify. Is that stating it correctly?"

Mr. Shandler said, Mr. Mayor Pro-Tem, "It was a replacement."

Councilor Ives said, "And as I understand it, once the prior failure was discovered, a penalty was imposed under our existing Ordinances, against Verizon which was charging half the new permitting fee. Is that correct?"

Mr. Shandler said, "Mr. Mayor Pro-Tem, we had that exchange where you calculated almost to the correct dollar. Yes."

Mayor Pro-Tem said, "If I had to summarize this. We had a violation that occurred in 2005, which existed without complaint through 2013. Then there was a request by the companies to replace the towers which resulted in the discovery of the previous failure and appropriate penalty was imposed, and then pursuant to law, they did those replacements. Or is that still a pending matter?"

Mr. Shandler said, "Mr. Mayor Pro-Tem, the summary is correct. There was a red tag initially put on it, but it's been a series of years now. It is my understanding the replacements are up there."

Mayor Pro-Tem said, "Thank you, those are all of my questions."

Councilor Maestas said, "I had one question on the Land Use Department's policy of rendering sanctions. If someone does something without getting a permit, is it an established policy, or is it an established practice where we make them go back through the whole permitting process, but you pay a double fine. Is that policy or practice?"

Mr. Shandler said, "As part of the record, we do provide it on the matrix of options. It is written in there, but I think that's the most common administration of the matrix."

Councilor Maestas said, "In the past, we have heard similar matters where somebody did not get a permit when they should have, and I think I embraced the philosophy of not being so punitive, but making it a learning experience. But I want to make this comment that not all permit violations are the same. And that's why I would like for us to revisit that policy. I realize Land Use has a wide latitude and discretion to render sanctions or double fines or whatever, but I think here's a clear case where all permit violations are not equal. And I think we really need to be careful and maybe look at that policy. And maybe differentiate consequences of certain permit violations and other factors. That's all I had."

VOTE: The resulting roll call vote was a tie vote, and the motion was defeated for lack of attaining a majority vote, as follows:

For: Councilor Bushee, Councilor Lindell, Councilor Maestas and Councilor Dominguez.

Against: Councilor Rivera, Councilor Trujillo, Councilor Dimas and Councilor Ives.

Recused: Mayor Gonzales.

Mayor Pro-Tem Ives said, "There is certainly the question if there are any other motions to be made in connection with this matter, but that probably would have very little other consequence."

Mr. Shandler said, "So, for the record, in the absence of the City Attorney's Office being able to persuade five Councilors to dismiss it, then the case will be remanded to the Board of Adjustment and we'll set that up as soon as we can."

14. REQUEST FOR APPROVAL OF CITY OF SANTA FE CONTRIBUTION TOWARD NCRTD'S "MOUNTAIN ROUTE" PILOT PROJECT. (JON BULTHUIS)

An email memorandum to Jon R. Bulthuis, from Benny Abruzzo, regarding Ski Santa Fe, is incorporated herewith to these minutes as Exhibit "5."

Mr. Bulthuis presented information from his Memorandum of March 5, 2015, with attachments, to Mayor Gonzales and City Councilors, regarding NCRTD "Mountain Trail" Route Pilot Project, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

Mr. Bulthuis introduced George Brooks, Ski New Mexico, who is in attendance to speak in favor of the proposal as necessary. He said Anthony Mortillaro, Executive Director, NCRTD and his staff Stacy McGuire also are present. He said, "Randy Randall, Tourism Santa Fe's Executive Director was unable to be here this evening due to a prior a commitment, but wanted to voice his strong support for the proposal."



City of Santa Fe, New Mexico

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Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

Memorandum

To: Members of the Governing Body

From: Zachary Shandler *38*
Assistant City Attorney

Via: Kelley Brennan *KAB*
City Attorney

Re: Appeal by the Cellular Phone Task Force, Arthur Firstenberg and fifty-one citizens from the October 30, 2013 Decision of the Land Use Department to Issue a Building Permit #13-2097 to John Malone and Verizon Wireless regarding replacement of telecommunications antennas at 1402 Agua Fria.
Land Use Case No. 2013-116

Appeal by the Cellular Phone Task Force, Arthur Firstenberg and twenty-one citizens from the July 15, 2014 Decision of the Land Use Department to Issue a Building Permit #14-813 to John Malone and Verizon Wireless regarding replacement of telecommunications antennas at 1402 Agua Fria.
Land Use Case No. 2014-82

Date: January 30, 2015 for the February 11, 2015 Meeting of the Governing Body

The Appeal

On November 14, 2013, the Cellular Phone Task Force (CPTF or Appellant) filed a Verified Appeal Petition (2013 Petition) appealing the October 30, 2013 issuance by the Land Use

Exhibit "F"

Department (LUD) of Building Permit No. 13-2097 (BP 13-2097) to Verizon Wireless (Verizon) for the replacement of existing telecommunications antennas (Project) on property owned by John Malone at 1402 Agua Fria (Property). Identical Verified Appeal Petition forms signed Arthur Firstenberg and fifty-one other individuals were submitted with the Petition, but without the required fifty-one separate fees. As a result, these additional submittals do not constitute valid appeals, but instead we consider the signatories as joining in CPTF's appeal. (2013 Petition attached as Exhibit A; BP 13-2097 attached as Exhibit B). On August 8, 2014, CPFT filed another Verified Appeal Petition (2014 Petition) appealing the July 15, 2014 issuance by the LUD of Building Permit No. 14-0813 (BP 14-0813) to Verizon for the installation of telecommunications antennas at the Property. As with the 2013 Petition, Arthur Firstenberg and twenty-one other individuals joined in the 2014 Petition. (2014 Petition attached as Exhibit C; BP 14-0813 attached as Exhibit D).

As the 2013 Petition and the 2014 Petition (collectively, Petitions) address the same subject matter, we consider them together.

The Property

The Property is zoned C-2 (General Commercial) and is improved with a one-story structure (Building) occupied by a business called "Absolute Flooring and Materials". Verizon rents space on the Building roof. The Building is near the intersection of Hickox Street and Agua Fria and is across the street from the "Critters and Me" pet feed store.

History of the Case

In 2005, the City of Santa Fe issued Building Permit No. 05-0553 (2005 BP) to Verizon for the construction of electronic equipment shelters (Equipment Shelters) located on the Building roof. The 2005 Permit stated: "The permit is for the equipment shelter only—the antennas are not approved at this time—Separate permit is required." Verizon constructed the Equipment Shelters, box-like structures that are a few feet high, on the south (rear) portion of the Building roof. Verizon did not apply for or receive a separate permit for the installation of the antennas. Nevertheless, Verizon placed six antennas within the two Equipment Shelters, presumably close to the time the Equipment Shelters were constructed.

In 2013, Verizon applied for a building permit to replace the original six antennas and the LUD issued BP 13-2097. Shortly thereafter CPTF advised the City that Verizon had not applied for or been issued a building permit for the installation of the original six antennas. On November 14, 2013, CPTF filed the 2013 Petition, asserting that the installation of the original six antennas was done without a permit and without notice to the public. The filing of the 2013 Petition stayed the work under BP 13-2097.

Generally, the City seeks through its process to procure compliance with applicable Code, rather than to punish, although it also imposes penalties for violations of Code. Code § 14-11.4 establishes a variety of possible penalties when a party does unpermitted work. (Attached as

Exhibit E) Typically, the LUD requires people who have performed unpermitted work to apply for and obtain a permit for that work and to pay a double application fee.

City Code (Code) establishes three levels of review for a request to install telecommunications antennas, depending upon a number of factors, such as zoning and facility type and design: (1) a simple building permit application; (2) administrative review, which includes written notice to the public and specific submittals; and (3) Planning Commission or Historic Districts Review Board review, which includes Early Neighborhood Notification meetings and specific submittals.

Code § 14-6.2(E)(3)(iii) provides that that “new towers or antennas in C-2, I-1 and I-2 districts” trigger administrative review. As noted above, the Property is zoned C-2.

On December 2, 2013, City staff wrote to Verizon stating that it needed to submit a new application for a building permit to provide for the unpermitted installation of the original six antennas and that the new application was subject to “administrative review.” In accordance with standard practice, the LUD required Verizon to pay a double application fee. Verizon re-applied and paid the double fee.

The new application, when submitted was numbered 14-813 and it incorporated the prior application numbered 13-2097 (collectively, the Application).

In February and March 2014, Verizon provided the required submittals to City staff. On March 26, 2014, City staff deemed the submittals to be complete. On April 25, 2014, an application was logged into the system. (Attached as **Exhibit F**) Verizon posted a sign at the property and on May 12, 2014, sent certified mail written notice (Notice) to property owners, tenants and registered neighborhood associations within 200 feet of the Property. The Notice included a site map. (Notice attached as **Exhibit G**). During this time, citizens were able to call and meet with City staff regarding the Application.

On July 15, 2014, the City issued BP 14-813, which incorporated the approvals included under BP 13-2097.

On July 26, 2014, Verizon posted BP 14-813 on the Property, providing notice to interested parties of its issuance. On August 8, 2014, CPTF filed the 2014 Petition.

Basis of Appeal

CPTF makes two general claims under the 2013 Petition (numbered LUD Case No. 2013-116): (1) unpermitted activity and (2) lack of public notice. Both these claims, however, were addressed when Verizon, in late 2013, was required by the City to obtain a building permit and provide notice to the public in accordance with Code requirements.

CPTF makes two general claims under the 2014 Petition (numbered LUD Case No. 2014-82): (1) violation of maximum height standards and (2) lack of public notice.

Because the claims under the 2013 Petition have been addressed, this memorandum will focus on the claims made under the 2014 Petition, but the Governing Body should make a motion that includes both LUD cases for the record.

CPTF cites the following specific bases for appeal:

Height Issues:

1A.BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(5)(b) (the shelters and antennas exceed the height of the structure) (Claim 1A).

1B.BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(8) (failure to have a height waiver) (Claim 1B).

Public Notice Issues:

2A.BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10) (failure to provide notice) (Claim 2A).

2B. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10)(b) (failure to have an Early Neighborhood Notification meeting) (Claim 2B).

2C. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(4) (failure to have a public hearing before the Planning Commission) (Claim 2C).

2D. BP 14-813 for antennas within the electronic equipment shelters was issued in violation of Section 14-11.4(A) (failure to remove illegal structures) (Claim 2D).

Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA¹ (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

¹ Section 3-21-8 B. NMSA 1978 provides in pertinent part: “Any aggrieved person... affected by a decision of an administrative... commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ...”

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney's Office (CAO) has reviewed the Petition and for the reasons set forth below concurs with the determination of the LUD Director that it does not conform to the requirements of Code §14-3.17 in that it does not state a valid basis for appeal under any of the foregoing provisions.

General Claims. With respect to CPTF's claim on height issues, rules of statutory and ordinance construction explain why placing antennas within the electronic equipment shelters did not violate maximum height requirements. With respect to CPTF's claims on public notice, Verizon provided notice during the 2014 review process and paid a double fee for its prior non-compliance. As explained below, the LUD's actions have been consistent with Chapter 14 and CPTF's general claims do not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 1A. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(5)(b)*

CPTF asserts that Code under the "Maximum Height" subsection provides that: "Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located." SFCC 1987, § 14-6.2(E)(5)(b) The term "telecommunications facilities" is defined as "[t]he plant, equipment and property, including but not limited to, fiber optic lines, cables, wires, conduits, ducts, pedestals, towers, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunication services." SFCC 1987, § 14-12.1. The term "structure" means "[a]nything that is considered or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings...walls...." SFCC 1987, § 14-12.1.

One rule of statutory construction is "[i]n discerning legislative intent, we look first to the language used and the plain meaning of that language." State v. Trujillo, 2009-NMSC-012, § 11, 146 N.M. 14, 18. The plain language of the definition of "telecommunications facilities" covers things like the technical equipment, the wires, the electronics that are used to transmit and receive the cell phone signals. The plain language of the definition of "structures" covers the classic bricks and mortar of a built item.

In 2005, Verizon obtained the 2005 Permit and constructed two Equipment Shelters on the Building roof. These structures, which are similar in appearance to a roof parapet or screening wall, increased the overall height of the Building within the limits permitted by the Code. Therefore, the plain reading of the Code is that the Equipment Shelters are part of the overall structure. The Equipment Shelters are not part of the "telecommunications facilities" because they are mortar walls and are incapable of transmitting and receiving cell phone signals.

This begs the question: “does City Code allows a cell phone company to build a new 50 foot tower on top of a one-story existing building?”² The answer is “yes, if that tower is surrounded by a type of brick and mortar structure and as long as the antennas do not exceed the height of the structure.” The concept of screening telecommunication electronics is consistent with the City Code’s focus and emphasis on “landscape screening and innovative camouflaging techniques.” SFCC 1987, § 14-6.2(E)(1)(d)(iii). This begs another question: “won’t a 50 foot brick and mortar screen wall on top of a one-story existing building be an eyesore?” The answer is that the “Aesthetic Requirements” subsection of the Code provides a check and balance on the process. The “Aesthetic Requirements” subsection states “telecommunications facilities shall be designed, installed and maintained in such a manner as to minimize the visual impact upon adjacent lands, public rights of way and residentially zoned property.” SFCC 1987, § 14-6.2(E)(5)(c)(ii). This means it is possible that a 50-foot brick and mortar tower could be permitted under the “Maximum Height” subsection, but it is not guaranteed to be approved if it does not comply with the “Aesthetic Requirements” subsection.

In summary, the antennas at 1402 Agua Fria are not taller than the structure. The equipment shelters are “structures” that raise the permissible height of the overall structure. They do not cause a visual impact on the adjacent lands. The telecommunications antennas do not extend above over these shelters. In fact, citizens and city officials have driven past the Building for years unaware of the existence of the antennas.

In addition, another rule of statutory construction is that related items should be read together to ascertain the legislative intent. The State Supreme Court has stated: “In ascertaining legislative intent, the provisions of a statute must be read together with other statutes *in pari materia* under the presumption that the legislature acted with full knowledge of relevant statutory and common law.” State ex rel. Quintana v. Schnedar, 1993-NMSC-033, ¶ 4, 115 N.M. 573, 575.

Code reads: “Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located *unless otherwise allowed under this section.*” SFCC 1987, § 14-6.2(E)(5)(b) (emphasis added). The next sentence of the subsection reads: “Telecommunications facilities located on new structures shall not exceed the maximum height for buildings otherwise allowed as set forth in Chapter 14 with the *exception* that in C-2, I-1 and I-2 districts the height limit of telecommunications facilities shall be one hundred feet.” Code § 14-6.2(E)(5)(b) (emphasis added). Reading the two sentences together, the “Exception” language means that towers within the C-2, I-1 and I-2 districts can have a maximum height of 100 feet. One could also read the “Exception” language to mean this tower could be built on a new structure provided in the first sentence or an existing structure provided in the second sentence.

Therefore, CPTF has failed to state a valid basis for appeal under the “Maximum Height” subsection regarding BP 14-813 under Chapter 14.

² The “50 foot” number is chosen as a random numeric example, the maximum actual height may also depend on permissible building height based on the commercial zoning requirements.

Claim 1A does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 1B. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(8).*

If Claim 1A is denied, then there is no need to analyze whether a variance from the height requirements was required. Therefore, Appellant has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 1B does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2A. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10).*

Code § 14-6.2(E)(10) provides the three steps for public notice under the “administrative review” process. It requires certified mail written notice to property owners, tenants and registered neighbor associations within 200 feet of the proposed project site. It requires putting up a sign. It requires the sign to generally describe the project site and proposal. In 2014, Verizon completed all these steps. Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2A does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2B. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(10)(b).*

Code § 14-6.2(E)(10)(a) provides the three steps for public notice under the “administrative review” process. It does not require an Early Neighborhood Notification (“ENN”) meeting. This is only a requirement if the Application had to go the Planning Commission under Code § 14-6.2(E)(10)(b). Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2B does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2C. *The 2014 building permits for antennas within the electronic equipment shelters was issued in violation of Section 14-6.2(E)(4).*

Code § 14-6.2(E)(10) provides the three steps for public notice under the “administrative review” process. It does not require a public hearing before the Planning Commission. Therefore, CPTF has failed to state a valid basis for appeal regarding Building Permit #14-813 under Chapter 14.

Claim 2C does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2D. *The 2014 building permit for antennas within the electronic equipment shelters was issued in violation of Section 14-11.4(A).*

The 2014 Petition states: “The facility has operated illegally for nine years.” The 2014 Petition requests “requiring the removal of illegal structures.” First, the Equipment Shelters were legally permitted structures. The structures should not be removed. Second, the LUD has a variety of penalties it can impose for non-compliance and the most common is a double fee. Verizon had to pay a double application fee. This is a discretionary decision by the LUD. Therefore, CPTF has failed to state a valid basis for appeal regarding BP 14-813 under Chapter 14.

Claim 2D does not fall within any of the three bases for appeal cited above and should be dismissed.

Conclusion

CPTF has not effectively alleged that the BP 14-813 does not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, CPTF has failed to state a valid basis for appeal under Code §14-3.17(A)(2).

Option #1: The CAO recommends that the Governing Body dismiss CPTF’s appeals under both the 2013 Petition and the 2014 Petition.

[MOTION: I move that the Governing Body accept the recommendation of the City Attorney and dismiss the appeals in Case No. 2013-116 and Case No. 2014-82.]

Option #2: If the Governing Body does not wish to dismiss CPTF’s appeal(s), the appeals will be set for a de novo hearing (with testimony, exhibits and witnesses) before the Board of Adjustment. Section 14-2.4(C) states the Board of Adjustment sits as the administrative adjudicator of de novo appeals of decisions made by the LUD.

[MOTION: I move that the Governing Body not accept the recommendation of the City Attorney to dismiss the appeals in Case No. 2013-116 and Case No. 2014-82 and that the appeals be consolidated for hearing by the Board of Adjustment.]