



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
FEBRUARY 11, 2015
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 2/6/15 TIME 4:15pm

PREPARED BY

SIGNED BY Alicia Hartung

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – January 28, 2015
9. PRESENTATIONS
 - a) Proclamation – Children's Oral Health Month – February 2015. (Councilor Ives) (5 Minutes)
 - b) Climate Action Task Force Update and Recommended Energy Initiatives. (David Coss) (10 Minutes) (**Postponed to February 25, 2015**)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 1 to Professional Services Agreement – Additional Engineering Services for Santa Fe River Trail Crossing – St. Francis/West Alameda; Parsons Brinckerhoff, Inc. (Desirae Lujan)
 - b) Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe Municipal Airport Terminal Expansion Task Order 119R; Molzen Corbin. (Mary MacDonald)
 - 1) Request for Approval of Budget Adjustment – Project Fund.
 - c) Request for Approval of Professional Services Agreement – Environmental Consulting Services for Public Utilities and Wastewater Division; Environmental Engineering & Technology. (Alex Puglisi)
 - 1) Request for Approval of Budget Adjustment – Water Fund.



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- d) Request for Approval of Memorandum of Agreement – Santa Fe County Detention Center Electronic Monitoring Program Assisting Santa Fe Municipal Court and Police Department With Receipt and Processing of Bonds; Santa Fe County. (Judge Yalman)
- e) Request for Approval of Agreement Between Owner and Architect – Municipal Sports Complex (MRC) Soccer Valley Improvements & Expansion (RFP #15/16/P); Design Office, Claudia Meyer Horn. (Jason Kluck)
- f) Request for Approval of Procurement Under State and Federal Price Agreements – City-Wide Utility Services and Voice Communication Lines for ITT Communications Division; Qwest Corporation d/b/a CenturyLink and Verizon Wireless. (Renee Martinez)
- g) Request for Approval of Professional Services Agreement – Information Security Posture Assessment on City's Network and Application System Infrastructure; Computational Analysis and Network Enterprise Solutions, LLC a/k/a CAaNES. (Renee Martinez)
 - 1) Request for Approval of Budget Adjustment – ITT Communications Fund.
- h) Request for Approval of Procurement Under State and Cooperative Price Agreements – ITT Communications Related Equipment and Services; Various Vendors. (Renee Martinez)
- i) CONSIDERATION OF RESOLUTION NO. 2015-____. (Mayor Gonzales)
A Resolution Directing Staff to Collaborate With the Metropolitan Planning Organization (MPO) and the Bicycle and Trails Advisory Committee (BTAC) to Study the Costs, Benefits and Potential Locations to Implement a Pilot Project to Install and Evaluate Green Colored Pavement Markings in Bicycle Lanes at High-Risk Intersections Within the City of Santa Fe; Work With The MPO, BTAC and Other Stakeholders to Conduct a Study of Existing Bicycle Safety Issues; Review the Metropolitan Bicycle Master Plan Project Recommendations for On-Road Bikeway Improvements; and Develop an Implementation Plan Over the Next Five Years Targeted at Improving On-Road Bicycle Safety Within the City of Santa Fe. (Keith Wilson and John Romero)



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- j) CONSIDERATION OF RESOLUTION NO. 2015-____. (Councilor Bushee)
A Resolution Urging the New Mexico Department of Transportation (NMDOT), in the Interest of Public Safety, to Expedite the Construction of the NM 599/Via Veteranos (CR70) Connection Interchange Project. (Keith Wilson and John Romero)
- k) CONSIDERATION OF RESOLUTION NO. 2015-____. (Mayor Gonzales)
A Resolution Establishing a City of Santa Fe Veterans' Advisory Board That Will Address Matters Affecting Veterans, Propose Solutions to Address the Needs of Local Veterans and Advise the Governing Body on Strategies and Solutions on Such Matters. (Terrie Rodriguez)
- l) CONSIDERATION OF RESOLUTION NO. 2015-____. (Councilor Lindell)
A Resolution Authorizing the Continuation of the Additional One Dollar (\$1.00) Parking Fee at the Sandoval Parking Garage on All Users after 6:00 P.M. on Those Evenings When the Lensic Performing Arts Center has Events; and Dedicating the Additional Funds for the Support of Educating Local Youth About the Performing Arts. (Noel Pinto Correia)
- m) Request to Publish Notice of Public Hearing for March 11, 2015:
 - 1) Bill No. 2015-5: An Ordinance Relating to Youth League Fees for Use of City Sports Fields; Amending Subsection 23-4.13 and 23-7.5 SFCC 1987 to Require Youth League Representatives to Participate in the Keep Santa Fe Beautiful Cleanup Events in Exchange for the Reduced Youth League Fees the City Offers and Making Such Other Grammatical and Typographical Changes as are Necessary. (Councilors Dominguez and Councilor Dimas) (Richard Thompson)
 - 2) A Resolution Authorizing the Reallocation of 2012 Parks and Trails Bond Funds, in the Amount of \$533,300, that are Currently Allocated for the Skate Features at Franklin Miles Park, Ragle Park and West De Vargas Park to be Reallocated for a Skate Feature at Genoveva Chavez Community Center. (Councilor Trujillo) (Richard Thompson)
- n) CONSIDERATION OF RESOLUTION NO. 2015-____.
A Resolution Relating to a Request for Approval of Second Quarter Budget Adjustments for Fiscal Year 2014/2015 Ending December 31, 2014. (Cal Probasco and Andy Hopkins)



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- o) Request for Final Approval of Lease Agreement for Aerial Rights Containing 87.5 Square Feet for an Outdoor Seating and Food and Drink Service Area Over and Above a Portion of the Public Sidewalk Adjoining the Southerly Boundary of 60 E. San Francisco Street by 60 E. San Francisco Street Ltd. Co. d/b/a Santa Fe Arcade. (Matthew O'Reilly)
- p) Request for Approval of Amendment No. 4 to Agreement between Owner and Architect -- Southwest Activity Node (SWAN) Park Phase I; Surroundings Studio, LLC. (Mary MacDonald) (**Postponed at January 28, 2015 City Council Meeting**)
 - 1) Request for Approval of Budget Adjustment -- Project Fund.
- 11. CONSIDERATION OF RESOLUTION NO. 2015-____. (Councilor Ives)
A Resolution Supporting Proposed State Legislation, House Bill 64 ("HB 64"), Relating to Creating a New Section to the Income Tax Act For Home Energy and Water Efficiency Income Tax Credit. (John Alejandro)
- 12. CONSIDERATION OF RESOLUTION NO. 2015-____. (Councilor Trujillo)
A Resolution Supporting Proposed State Legislation, House Bill 148 (HB 148) -- Amending and Enacting Sections of the Motor Vehicle Code to Prohibit Smoking in Any Vehicle When a Minor is Present and Establish Penalties for Such Violations. (Melissa Byers)
- 13. CONSIDERATION OF RESOLUTION NO. 2015-____. (Councilor Maestas)
A Resolution Supporting Proposed State Legislation, House Bill 92 (HB 92) -- Relating to Capital Expenditures; Creating a Fund; Authorizing the Issuance of Severance Tax Bonds for Transportation Projects and Making an Appropriation. (Jon Bulthuis)
- 14. Single Use Bag Ordinance Implementation Report in Accordance With Section 21-8.6(E) SFCC 1987. (Katherine Mortimer)
- 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 Phone 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)



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16. **Case # 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)
17. MATTERS FROM THE CITY MANAGER
18. MATTERS FROM THE CITY ATTORNEY

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.
19. Action Regarding Joining or Filing an Amicus Brief for Case No 1:14-CV-00254, State of Texas et al. v. United States of America. (Marcos Martinez)
20. MATTERS FROM THE CITY CLERK
21. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR



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G. APPOINTMENTS

- Community Development Commission
- Mayor's Youth Advisory Board
- Transit Advisory Board

H. PUBLIC HEARINGS:

- 1) Request from El Agave Mexican Restaurante, LLC for a Restaurant Liquor License with Patio Service (Beer and Wine with On-Premise Consumption Only) to be Located at El Agave Mexican Restaurante, 31 Burro Alley. (Yolanda Y. Vigil)
- 2) Request from Goler Fine Imported Shoes for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Champagne at Goler Fine Imported Shoes, 125 East Palace Avenue. This Location is Within 300 Feet of The Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for the Presentation of the Donald J. Pliner Company Spring 2015 Shoe Collection to be Held On March 21, 2015 from 12:00 p.m. to 6:00 p.m. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL NO. 2015-1: ADOPTION OF ORDINANCE NO. 2015-____. (Councilor Lindell, Councilor Bushee and Councilor Dominguez)
An Ordinance Relating to the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987; Amending Section 5-8 to Establish that it is Unlawful to Trap Animals on City Property and to Establish that it is Unlawful to Use Certain Types of Trapping Devices Within the Municipal Boundaries of the City of Santa Fe. (Johnny Martinez)
- 4) **Case #2014-91 & Case #2014-92 - Consolidated Appeals.** Allen Jahner (Applicant Appellant) and Old Santa Fe Association (Organization Appellant) Both Appeal the September 9, 2014 Decision of the Historic Districts Review Board (HDRB) in Case #H-11-105 Approving the Application with Conditions at 237 & 239 East de Vargas Street Located in the Downtown and Eastside Historic District. (David Rasch and Zachary Shandler) (Postponed at November 12, 2014 City Council Meeting) **(Postponed to March 25, 2015 City Council Meeting)**

I. ADJOURN



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Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
February 11, 2015**

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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	Approved	24-26
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ITEM**ACTION****PAGE #**

CONSIDERATION OF BILL NO. 2015-1: ADOPTION OF ORDINANCE NO. 2015-2. AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE

Approved

40-42

CASE #2014-91 & CASE #2014-92 – CONSOLIDATED APPEALS. ALLEN JAHNER (APPLICANT APPELLANT) AND OLD SANTA FE ASSOCIATION (ORGANIZATION APPELLANT) BOTH APPEAL THE SEPTEMBER 9, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-11-105 APPROVING THE APPLICATION WITH CONDITIONS AT 237 & 239 EAST DE VARGAS STREET, LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT

Postponed to 03/25/15

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ADJOURN

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
February 11, 2015**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Peter N. Ives, on Wednesday, February 11, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Mayor Javier M. Gonzales

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said he would like to add a Muchas Gracias presentation as 9(a) on the afternoon agenda.

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to approve the agenda as amended.

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to approve the following Consent Calendar, as amended.

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.

10. CONSENT CALENDAR

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL ENGINEERING SERVICES FOR SANTA FE RIVER TRAIL CROSSING – ST. FRANCIS/WEST ALAMEDA; PARSONS BRINCKERHOFF, INC. (DESIRAE LUJAN)**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL AIRPORT TERMINAL EXPANSION TASK ORDER 119R; MOLZEN-CORBIN. (MARY MacDONALD)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENVIRONMENTAL CONSULTING SERVICES FOR PUBLIC UTILITIES AND WASTEWATER DIVISION; ENVIRONMENTAL ENGINEERING & TECHNOLOGY. (ALEX PUGLISI)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – WATER FUND**
- d) **REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT – SANTA FE COUNTY DETENTION CENTER ELECTRONIC MONITORING PROGRAM ASSISTING SANTA FE MUNICIPAL COURT AND POLICE DEPARTMENT WITH RECEIPT AND PROCESSING OF BONDS; SANTA FE COUNTY. (JUDGE YALMAN)**
- e) ***[Removed for discussion by Councilor Lindell]***

- f) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND FEDERAL PRICE AGREEMENTS – CITY-WIDE UTILITY SERVICES AND VOICE COMMUNICATION LINES FOR ITT COMMUNICATIONS DIVISION; QWEST CORPORATION D/B/A CENTURYLINK AND VERIZON WIRELESS. (RENEE MARTINEZ)
- g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – INFORMATION SECURITY POSTURE ASSESSMENT ON CITY'S NETWORK AND APPLICATION SYSTEM INFRASTRUCTURE; COMPUTATIONAL ANALYSIS AND NETWORK ENTERPRISE SOLUTIONS, LLC A/K/A CaaNES. (RENEE MARTINEZ)
 - 1) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – ITT COMMUNICATIONS RELATED EQUIPMENT AND SERVICES; VARIOUS VENDORS. (RENEE MARTINEZ)
- h) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE AND COOPERATIVE PRICE AGREEMENTS – ITT COMMUNICATIONS RELATED EQUIPMENT AND SERVICES; VARIOUS VENDORS. (RENEE MARTINEZ)
- i) CONSIDERATION OF RESOLUTION NO. 2015-14 (MAYOR GONZALES, AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO COLLABORATE WITH THE METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE BICYCLE AND TRAILS ADVISORY COMMITTEE (BTAC) TO STUDY THE COSTS, BENEFITS AND POTENTIAL LOCATIONS TO IMPLEMENT A PILOT PROJECT TO INSTALL AND EVALUATE GREEN COLORED PAVEMENT MARKINGS IN BICYCLE LANES AT HIGH-RISK INTERSECTIONS WITHIN THE CITY OF SANTA FE; WORK WITH THE MPO, BTAC AND OTHER STAKEHOLDERS TO CONDUCT A STUDY OF EXISTING BICYCLE SAFETY ISSUES; REVIEW THE METROPOLITAN BICYCLE MASTER PLAN PROJECT RECOMMENDATIONS FOR ON-ROAD BIKEWAY IMPROVEMENTS; AND DEVELOP AN IMPLEMENTATION PLAN OVER THE NEXT FIVE YEARS TARGETED AT IMPROVING ON-ROAD BICYCLE SAFETY WITHIN THE CITY OF SANTA FE. (KEITH WILSON AND JOHN ROMERO)
- j) *[Removed for discussion by Councilor Trujillo]*
- k) *[Removed for discussion by Councilor Rivera]*
- l) CONSIDERATION OF RESOLUTION NO. 2015-15 (COUNCILOR LINDELL AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING THE CONTINUATION OF THE ADDITIONAL ONE DOLLAR (\$1.00) PARKING FEE AT THE SANDOVAL PARKING GARAGE ON ALL USERS AFTER 6:00 P.M., ON THOSE EVENINGS WHEN THE LENSIC PERFORMING ARTS CENTER HAS EVENTS; AND DEDICATING THE ADDITIONAL FUNDS FOR THE SUPPORT OF EDUCATING LOCAL YOUTH ABOUT THE PERFORMING ARTS. (NOEL PINTO CORREIA)

- m) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR MARCH 11, 2015:**
- 1) **BILL NO. 2015-5: AN ORDINANCE RELATING TO YOUTH LEAGUE FEES FOR USE OF CITY SPORTS FIELDS; AMENDING SUBSECTION 23-4.13 AND 23-7.5 SFCC 1987, TO REQUIRE YOUTH LEAGUE REPRESENTATIVES TO PARTICIPATE IN THE KEEP SANTA FE BEAUTIFUL CLEANUP EVENTS IN EXCHANGE FOR THE REDUCED YOUTH LEAGUE FEES THE CITY OFFERS AND MAKING SUCH OTHER GRAMMATICAL AND TYPOGRAPHICAL CHANGES AS ARE NECESSARY. (COUNCILORS DOMINGUEZ AND COUNCILOR DIMAS). (RICHARD THOMPSON)**
 - 2) **A RESOLUTION AUTHORIZING THE REALLOCATION OF 2012 PARKS AND TRAILS BOND FUNDS, IN THE AMOUNT OF \$533,300, THAT ARE CURRENTLY ALLOCATED FOR THE SKATE FEATURES AT FRANKLIN MILES PARK, RAGLE PARK AND WEST DeVARGAS PARK TO BE REALLOCATED FOR A SKATE FEATURE AT GENOVEVA CHAVEZ COMMUNITY CENTER (COUNCILOR TRUJILLO). (RICHARD THOMPSON)**
- n) **CONSIDERATION OF RESOLUTION NO. 2015-16. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF SECOND QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2014/2015, ENDING DECEMBER 31, 2014. (CAL PROBASCO AND ANDY HOPKINS)**
- o) **REQUEST FOR APPROVAL OF LEASE AGREEMENT FOR AERIAL RIGHTS CONTAINING 87.5 SQUARE FEET FOR AN OUTDOOR SEATING AND FOOD AND DRINK SERVICE AREA OVER AND ABOVE A PORTION OF THE PUBLIC SIDEWALK ADJOINING THE SOUTHERLY BOUNDARY OF 60 E. SAN FRANCISCO STREET BY 60 E. SAN FRANCISCO STREET LTD. CO. D/B/A SANTA FE ARCADE. (MATTHEW O'REILLY)**
- p) ***[Removed for discussion by Councilor Lindell]***

Councilor Maestas said he failed to move to amend the main agenda, regarding Item #16. He would like to move Item #16 to follow Petitions from the floor, after the evening session.

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to reconsider the previous approval of the agenda, to move Item #16 from the Afternoon Session to follow Petitions from the Floor in the Evening Session, and to approve the Amended Agenda as amended.

DISCUSSION PRIOR TO SECOND OF THE MOTION: Councilor Bushee asked if that action means it will then be a public hearing, and Councilor Maestas said no. Councilor Bushee said she would prefer to have a public hearing and postpone it this evening.

SECOND: Councilor Rivera seconded the motion for purposes of discussion.

DISCUSSION: Councilor Dominguez asked the City Attorney if we can take something off the Afternoon Agenda and move it to the Evening Agenda.

Kelley Brennan, City Attorney, said, "I believe we have moved things before. What I would say about this, is this is specifically a discussion item and not a public hearing. You vote on it. If you vote to have it heard as a public hearing and an appeal, that would be the public hearing, but under our rules, it is specifically a discussion item.

Councilor Maestas said, "The reason for my request for this Motion to amend, is, of course I don't want to request a full blown public hearing, but some concerned citizens have expressed a desire to be heard prior to the vote and I felt like they could have that opportunity under Petitions from the Floor, prior to the vote. It's not a formal public hearing, but I felt obligated to at least hear them out before we vote on that issue. It would be a separate agenda item, of course, the vote itself, from the Petitions from the Floor.

Ms. Brennan said, "Also, I would add that generally, under our rules, people do not speak under Petitions from the Floor on matters that are under discussion later in the evening."

Councilor Maestas said, "I don't see any harm. I think it's going to be very close to the seven o' clock hour and I don't see any problem with them speaking their mind on that issue prior to the vote."

VOTE: The motion was defeated on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee and Councilor Maestas.

Against: Councilor Dimas, Councilor Lindell, Councilor Dominguez, Councilor Rivera, Councilor Trujillo.

Explaining his vote: Councilor Dominguez said, "I'm going to vote no out of respect for all of those who do have public hearings tonight.

Explaining her vote: Councilor Bushee said, "Yes, but I do believe it should be a public hearing, a separate....., and I think we should postpone it, but I'll talk about that later.

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 28, 2015.

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of January 28, 2015, as amended.

VOTE: The motion was approved on a voice vote with Mayor Pro-Tem Ives, Councilors Bushee, Dimas, Dominguez, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

9. PRESENTATIONS

(a)(1) MUCHAS GRACIAS

Mayor Pro-Tem Ives presented a Muchas Gracias Certificate to Andrew Phelps who is leaving the City to assume the position of Director of Emergency Management Services in the State of Oregon, which is a huge new responsibility.

Mr. Phelps said it has been an honor and pleasure to serve the people of Santa Fe, and it will be difficult to leave all the relationships he has built as he moves forward on the next exciting adventure of his life.

Mayor Pro-Tem Ives said he reviewed the City Code when he was appointed Mayor Pro-Tem, and there is but a single mention of that position in the City Code, which provides in the absence of Mayor the Mayor Pro-Tem has the authority to declare a state of emergency, which is the one power you never want to use. He said having Mr. Phelps in his position always gave him the confidence to know, if called upon to make that decision, it would be the right decision. He wished him good luck and safe travel..

a) PROCLAMATION – CHILDREN'S ORAL HEALTH MONTH – FEBRUARY 2015. (COUNCILOR IVES)

Mayor Pro-Tem Ives read a proclamation into the record declaring February 2015 as Children's Oral Health Month, and February 6, 2015 as Children's Oral Health Day.

Mayor Pro-Tem Ives introduced **Rudy Blea, Program Director, Office of Oral Health, New Mexico Department of Health**, and thanked him for his work.

Mr. Blea thanked the Governing Body for its support of childrens oral health in Santa Fe. Mr. Blea introduced Barbara Sandoval and Veronica Macias of the State staff who work in the Santa Fe Schools. He talked about their partners which include Presbyterian Medical Services and the funding for uninsured kids to see a dentist, Santa Fe Community College assistance program and clinic and the Villa Teresa Catholic Clinic which provides services free of charge, the Santa Fe County Schools and other private dentists, and the City of Santa Fe, especially Alex Puglisi. Last year, the Department provided services to 1,600 kids in Santa Fe in Head Start and 1st, 2nd and 3rd grade, along with other pre-school programs. They provided service, education and oral health incentives.

Mr. Blea said he would like to showcase one of the teachers from Cesar Chavez School, Arturo Lujan. Mr. Lujan is a first grade teacher and he promotes making sure everybody brushes their teeth after lunch, and he has been working closely with the Schools in their program to get one of the highest consent rates of parental permission to have the kids participate in the State program.

Mr. Lujan thanked Mr. Blea, Ms. Sandoval and Ms. Macias for the opportunity to be here, which is an honor. He said one of the most valuable lessons we learn in our lives – in kindergarten, first and second grade – waiting in line, forgive others and brushing your teeth. He said we try every day to instill these habits in the classroom, and hope the kids still have these habits when they become adults.

Mayor Pro-Tem Ives thanked Mr. Lujan for all that he does.

Veronica Macias, Dental Hygienist, State of New Mexico, said she provides a lot of the program services Mr. Blea mentioned this evening. Ms. Macias presented a Certificate of Recognition to Arturo Lujan for his daily encouragement of students toward good oral health. She said Mr. Lujan takes his class to brush their teeth every day, and he's the only teacher whom she has seen do us, and they thank him for that valuable service

b) CLIMATE ACTION TASK FORCE UPDATE AND RECOMMENDED ENERGY INITIATIVES. (DAVID COSS) (Postponed to February 25, 2015)

This item is postponed to the Council meeting of February 25, 2015.

CONSENT CALENDAR DISCUSSION

10(e) REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT – MUNICIPAL SPORTS COMPLEX (MRC) SOCCER VALLEY IMPROVEMENTS AND EXPANSION (RFP #15/16/P); DESIGN OFFICE, CLAUDIA MEYER HORN. (JASON KLUCK)

Councilor Lindell asked if the approximately \$230,000 appropriated is going to be used to repair existing fields, to design new fields, or exactly how is this money going to be used.

Mr. Gluck said it will be used primarily to renovate the existing fields. He said there are funds for programming and master planning of the entire project in Phase 1, because it seems necessary in the big picture and also deals directly with Phase 1 which is also renovation. He noted the funds aren't specifically for renovation, but most of the funds are to be used for that purpose.

Councilor Lindell asked how much of the \$230,000 is going to be used on existing fields. She said under Phase 1 Scope of Services, there is an approximate price tag of \$2.25 million, and we're working with \$230,000.

Mr. Kluck said, "I may not be able to answer your question exactly, but programming is \$11,500, and then schematic design is \$7,000, design phase is \$12,000 and design for construction is \$5,000 which totals \$37,467 for design."

Councilor Lindell said that adds up \$35,000.

Mr. Pfeifer said, "He's giving you generic numbers. He isn't putting in the odd dollars. He's saying \$11,000, it was \$11,474."

Councilor Lindell said these are the amounts that are going to the existing fields, so there is \$37,000 and asked if there are other figures to include.

Mr. Kluck said he needs to study the figures before providing the answer, and Councilor Lindell told him to take his time.

After discussion and consultation with Mr. Pfeifer, Mr. Kluck said the programming is \$51,850, so some percentage will go toward the overall master planning and said, "I believe that's as specific as I can be at the moment. I'm happy to delve into that further, if you like."

Councilor Lindell said, "So, from what you said, approximately \$89,000 of the \$230,000 is going to renovate the existing fields."

Mr. Kluck said, "No. I'm revising my original statement. I'm looking at the contract, which you have, which is the clearest and most current point. In the contract under 11.5 Evaluation Programming in the Planning Phase is \$51,840. So without know the exact numbers, which I can get for you, some percentage of that is going to the overall master planning of the entire development, but a significant part will be for the renovation of the existing fields."

Councilor Lindell said, "So say all of that was for the existing fields, and then the other \$37,000, that comes out to, rounded off, \$90,000. That's not the vast majority of the \$230,000 going to renovate the existing fields, correct."

Mr. Kluck said the planning phase is \$51,840, schematic design phase is \$48,000, design development is \$35,170, construction documents are \$35,170, bidding \$3,030 and construction phase services is \$27,000 and then there's an allowance of \$5,000 for miscellaneous design work that may or may not happen. So some portion will be allocated to work other than renovation and the other funds will be allocated specifically to design of the renovation of existing fields. So the bulk of the \$230,000 will go toward renovation of the fields, some small fraction won't, such as the \$5,000 "which is a wild guess."

Mr. Pfeiffer said, "It isn't broken out the way you're asking for it, so it is an extrapolation. So, I'm going to take my best guess at it. About \$190,000 is going to the renovation and approximately \$40,000 is going to the design development of future phases of the master planning. \$190,000 and \$40,000."

Councilor Lindell said that makes it a little clearer. She said, "So all of it has to do really with design work and doing any actual renovation. Is that correct."

Mr. Kluck said, "Yes. This is the design contract."

Councilor Lindell said part of this is to determine the cost of the renovation on the existing fields.

Mr. Kluck said that's correct, so the \$225,000 is only an estimate at this point, commenting they need hard numbers from the designer.

Councilor Rivera asked the source of this money.

Mr. Kluck said the money came from a State Legislative grant.

Councilor Rivera asked if there are matching funds from the City.

Mr. Kluck said we have a \$5,000 MOU with the County, but at this time there are no matching funds required of the City that he is aware of.

Councilor Rivera said then it is primarily Legislative funding, and Mr. Kluck said that is correct.

Councilor Rivera said since the Legislature appropriated the funds for a specific purpose, are you able to use these funds in other areas.

Mr. Kluck said, "Not that I'm aware of."

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve this request.

DISCUSSION: Mayor Pro-Tem Ives said in looking through the contract documents there were references to a \$2 million plus figure and \$1.7 in phase 1 and phase 2. He asked what is to be accomplished in each of the phases with these funds, and the anticipated source of those funds.

Mr. Kluck said, "The very brief answer is all of the verbiage under Programming Site Evaluation and Planning Construction Phase 1, Existing Fills Restoration and Associated work on page 1 – everything under that title, that's what will be covered with the \$2.25 million, and these are round numbers we're working on, based on assumptions."

Mayor Pro-Tem Ives said, "Then the second phase deals with the proposed expansion, that's the [inaudible] \$750,000."

Mayor Pro-Tem Ives where do we plan to find those funds, and Mr. Kluck said he can't speak to that.

Mr. Pfeiffer said, "I think the plan is, hopefully, for legislative funding to come in, if you continue down that road, similar to SWAN Park."

Mayor Pro-Tem Ives said, "I think Councilor Lindell's question is, given our budget circumstance and anticipated limited funding, I understand these funds are coming from the Legislature and are focused on this specific project, so that's relatively straightforward. And it sounds like \$190,000 and \$40,000 are going toward the Phase 1 future. With something like this and the proposal to take on an additional \$4 million, to have a plan ready to spend \$4 million does beg the question of where we think the funding is coming from. I think that's a very important one. I know many members of the Governing Body have said let's not do another plan if we're not going to be able to build something, although we also recognize the need for shovel-ready projects. It's a little bit of a challenge from that perspective, certainly for me, getting my head around ways that original funding is coming from. If the understanding is we're going to be approaching the Legislature and other organizations responsible for securing this funding for the design, we'll be looking to the Legislature for additional funding, that puts me in a more comfortable spot in terms of moving on this. But I suppose the follow up and response is, I would love to have as a part of a large process like this."

Councilor Dominguez said, "From my experience, many times the Legislature will not fund money for capital projects unless there is some engineering and design that already has happened. I know things change over there all the time. I don't even know if that's the case today, but that has been the case in the past. I think when it comes time, if we have by some change, an opportunity get capital monies for a facilities that needs some of those improvements and we do not engineering and design for it, then I'm worried that we could lose out on that opportunity. I just wanted to make that comment."

Councilor Maestas said, "I made several comments on this, but I did want to restate one of them, when this came before Finance. The project team is quite extensive. Three Santa Fe firms responded to the RFP and this particular firm, like the others, did get a local preference in their scoring. But if you look at their team, they have 10 sub-consultants and only one is from Santa Fe, one is from Denver. I would hope as we go forward in assessing our criteria for selecting consultants for these professional services, especially for large ticket projects and given the emphasis on buying locally and trying to service local businesses, that we do consider the overall portion of the project that is subcontracted to non-local consultants. I've seen past criteria in selecting consultants, and many cases we allocate 20% of the score for past performance, and I don't think that's as important as looking to how much of the contract is subbed to consultants from outside Santa Fe. Maybe this is rare. I'm not sure I've seen it a lot, but I think on a potentially large contract like this one, we should reassess our selection criteria to really incentivize not only local consultants from Santa, but encourage the prime consultants to submit proposals on these RFPs. Just an observation."

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.

Explaining his vote: Mayor Pro-Tem Ives said, "Yes, but I would want to make a statement at the end.

Mayor Pro-Tem Ives said, "The one comment I would make, is that this appears to have come through Capital Outlay Projects, so clearly the intent was to fund design to some degree. I will say in the memo it says 'to plan, design, construct, equip, furnish, renovate and expand the soccer fields.' And I really have no idea what the Legislature understood what actually would be accomplished with the \$225,000 that they put toward the project. We're doing strictly design work with that entire amount, so I hope we're not letting anybody down there in terms of what we're doing, nor have created any false impression that this might result in a project being completed, because that will significantly impact our ability to see additional funds. Know those are some of the issues, that as I look at this kind of project, and I would remind you I always think it's great we're securing funds from the Legislature for projects in Santa Fe. I applaud those efforts. I guess I would like to see it a little better developed, so thank you very much."

10(j) CONSIDERATION OF RESOLUTION NO. 2015-17 (COUNCILOR BUSHEE). A RESOLUTION URGING THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT), IN THE INTEREST OF PUBLIC SAFETY, TO EXPEDITE THE CONSTRUCTION OF THE NM 599/VIA VETERANOS (CR70) CONNECTION INTERCHANGE PROJECT. (KEITH WILSON AND JOHN ROMERO)

Disclosure: Councilor Trujillo said, "As always with anything dealing with the NMDOT, I remove it, just to state that I work for the New Mexico Department of Transportation, and there is no conflict of interest, so I would move for approval."

MOTION: Councilor Trujillo moved, seconded by Councilor Bushee, to approve this adopt Resolution No. 2015-17, as presented by staff.

DISCUSSION: Councilor Bushee asked where the County is on this, noting she has had inquiries from the public asking if we ever got through to the County to get them to pass something similar, because any funding needed would have to come from the Legislature this session.

Ms. Byers said she forwarded the Resolution to the County Commissioners and their Assistants. She said she believes Keith and John have had contact with the County. She said Councilor Chavez is interested in pursuing something, but never heard if he introduced something.

Keith Wilson, MPO Planner, said this item is on their Policy Board Agenda, noting at the meeting last month there was discussion and the agenda item was brought forward by the County. He said he is unsure if the County is moving forward with a separate Resolution.

Mr. Snyder said, "In my meeting today with Katherine Miller, County Manager, she said Commissioner Chavez was moving forward with something, but I didn't get any detail regarding this item."

Councilor Bushee said, "Whoever wants to take it on, you need to remind them that it is a 60-day session that is coming to a close eventually, so if there's any efforts we could make, that would be great."

Councilor Ives said when the Transportation Commission met in Santa Fe at the beginning of the Legislature, he was in attendance and Commissioner Chavez was there as well, and made the point of putting aside money for this construction. And several folks that addressed the Commission, noted the work on this interchange is important. So the Commission has heard directly from the County and the City, and in moving this forward would be a reinforcement of that.

Councilor Bushee said we'll contract Mark Duran and see where we are in terms of potential funding.

Councilor Maestas said,, "I don't know what the circumstances were as to who ultimately would be responsible for the roadway after it was built, 599, but we know it is a designated WIPP By-Pass Route. I would like to explore other communities who have received roadway funding from the DOA who have sought approval from the DOE since it would add to the original facility. Again, it is a WIPP Route. Is it a possibility to seek funding from the DOE since they did fund the initial construction."

Mr. Wilson said, "I don't know if that's the case, but the roadway is maintained by the New Mexico Department of Transportation in said jurisdiction. It is a national highway system roadway, but I can forward that inquiry to the District Office to see if they've been exploring or not."

Councilor Maestas said the road is getting up and years, and the maintenance isn't that bad, but it does require significant improvements like grade separated interchanges which he thinks are needed at this intersection. He sees no harm in approaching the DOE to see if they're willing to set aside some funds to provide major improvements to the existing WIPP Transportation facilities.

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.

10(k) CONSIDERATION OF RESOLUTION NO. 2015-18 (MAYOR GONZALES AND COUNCILOR BUSHEE). A RESOLUTION ESTABLISHING A CITY OF SANTA FE VETERANS' ADVISORY BOARD THAT WILL ADDRESS MATTERS AFFECTING VETERANS, PROPOSE SOLUTIONS TO ADDRESS THE NEEDS OF LOCAL VETERANS AND ADVISE THE GOVERNING BODY ON STRATEGIES AND SOLUTIONS ON SUCH MATTERS. (TERRIE RODRIGUEZ)

A proposed amendment sheet to this item, proposed by Mayor Pro-Tem Ives, is incorporated herewith to these minutes as Exhibit "1."

Councilor Rivera said he pulled this to make sure the amendments were included in the Resolution, the ones in the packet as well as the one on our desk.

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to adopt Resolution No. 2015-18, with the amendments in the packet and the amendment on the desk [Exhibit "1"]..

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.

10(p) REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT BETWEEN OWNER AND ARCHITECT – SOUTHWEST ACTIVITY NODE (SWAN) PARK PHASE I; SURROUNDINGS STUDIO, LLC. (MARY MacDONALD). (Postponed at January 28, 2015 City Council Meeting)

1) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.

Councilor Lindell said we've talked about this before, and it is a contract which was awarded for approximately \$500,000, and we've had 4 amendments on it, and it's up to almost \$830,000. She said, "I don't like seeing so many amendments. The contract is so over, whether it's been that we've had scope creep, or that things have cost more, this just doesn't seem like the way to run a contract to her. She we have a contractor which has \$330,000 that hasn't been bid."

Councilor Lindell said, "Exhibit 2 is in the packet, but Amendments 1 and 3 are not in the packet. And more specifically on Amendment #4 proposal, on some these on the task status it says that the task has been completed." She asked staff to update her on all of this.

Ms. MacDonald said, "I would like to first address, your first question about the different amendments on this. And of course, for the size of this contract, the one that really seems to be questionable is Amendment 2. This current one, I think was explained pretty well in the Memo, is due to

delay in the construction that was never part of their contract, as part of the contractor's contract. But on Amendment 2, what happened was, whoever estimated how much design money to put into SWAN Park Phase 1, and they actually did for the bond amount for design, estimated \$500,000 for this project. And that was certainly adequate to get us... given the scope of work, was certainly adequate to get us up through bidding. And then we said from the get-go, put in the Memos, had it in the contract and everything, there was absolutely no construction phased services whatsoever. Not even the most basic of basic services, like processing payments and things like that. So that work needed to be added, and the appropriate people to add it were the people who did the design. Wilson and Company, the consultant, had quite a bit of work in this design and they also provided as well as basic construction phased service, the processing of payments, inspections, like weekly type visit. A lot of the basic stuff was provided by both consultants, but Wilson and Company also provided a quite excellent construction inspector, a person who specializes in...."

Councilor Lindell said, "They were paid for that, yes."

Ms. MacDonald said, "The cost of that was included in Amendment 2. It was for the expected duration of the construction contract which was originally 9 ½ months."

Councilor Lindell said, "When you said, whoever, originally, who is whoever."

Ms. MacDonald said, "It wasn't me, I can tell you that, and I'm sure it wasn't David. That came from whoever put together the bonds. In other words, they did not come to project management, to Facilities Director and say, for the scope of work we're looking at such and such, what is a reasonable amount for design completely through construction, because that's the best way to put these out for an RFP, Councilor. But it didn't work out that way, so we did have to add construction services. And having good construction services, and a product inspector who is one of the best in the business in New Mexico actually saved us a lot of money. Very very good 3 days a week on-site calling out as the contractor proceeded where things needed to change. Okay."

Ms. MacDonald continued, "The second item, I think you're asking me about are the other amendments that are cited or something. If I'm understanding your second question, is it involving, on the second page of the amendment, are you asking the question about Paragraphs A(1)..."

Councilor Lindell said, "No. I'm asking about Exhibit 2."

Ms. MacDonald said, "You're right Councilor, some of the tasks did get completed because we were moving so fast forward and didn't get to expanding the contract as far into time as we would need it. And so logically, we should have come back to the Governing Body ahead of November and expanded it, at least for that first phase of time for the month of November, and I apologize, we did not. But for the rest of it, it was how long the contract was going to take, as far as continuing it in the Spring and how much time it was going to take with finally getting a complete picture of that toward the end of November. There was a bit of an overlap."

Councilor Lindell said, "The other thing I don't understand, on the current contract basis, is how come we have Amendment #2 in here which was February to November 2014, which I believe Amendment 2 is the one you spoke about that was almost \$270,000. Why aren't Amendments #1 and #3 here also."

Ms. MacDonald said, "I apologize, but I need to have clarification to be able to answer. Are we taking about Amendments #1 and #3 to the contract."

Councilor Lindell said she is still on Exhibit "2."

Ms. MacDonald, "That must be current contract basis, Amendment 2, Construction. I don't know why they put that in there. I guess they put it in there to say that the original contract time came from Amendment 2, and their services and what they proposed for Amendment 2, all the basic support and inspection all went from February 10 to November 10. That was the time frame on which Amendment 2 services were based. I think that's what they're saying by referring to that at the top."

Councilor Lindell said, "I have in my packet Exhibits A, B, C, D, E, F and K. I don't have a G, H, I, which you referenced, which are from previous [amendments]."

Ms. MacDonald said, "I can clear that up. In the past, and in fact in this one, the paralegal often likes us to rewrite a particular article in its entirety from the contract if we are amending that particular article. And we have, in fact, since I put this together, we have had a discussion about that and how A1, A2 and A3, even though we're just reiterating that particular section, Article 11, that particular paragraph, 11.3, those first 3 actually pertain to previous amendments, just causing confusion. we don't plan to amend contracts that way in the future by repeating sections that don't apply to this particular amendment. We get right down to the paragraph and section of an Article that we are adding or changing."

Councilor Lindell said, "G, H and I, are missing, but J, which refers to previous....."

Ms. MacDonald said, "J's not included either, only K is the new exhibit."

Councilor Lindell said, "So K is included but the others aren't included."

Ms. MacDonald said that is correct and they are in the previous amendments.

Councilor Lindell said, "Just as a technical note, on page 6 of the actual Amendment, which is Exhibit 1, there are two Item 3's."

Ms. MacDonald apologized saying the second 3 should have been 4.

Councilor Trujillo asked, "Regarding the project management and inspection, did you say there is a person who is there for 3 days..."

Ms. MacDonald said, "3 days a week for 9 months. "

Councilor Trujillo said, "Then we have a project going on and the contractor is only working 3 days a week."

Ms. MacDonald said, "That was just the construction inspector from Wilson, and we had other representatives from both consulting teams, in fact, 3-4 different consulting teams contributed, but primarily Surroundings and Wilson had actual consultants – the landscape architects."

Councilor Trujillo said then there was nobody inspecting from the City.

Ms. MacDonald said, "We did use spot inspections out there, both myself and Parks Division, had a representative."

Councilor Trujillo said, "Then there wasn't somebody there constantly. I'm doing a project on the highway, I'm having inspectors there, someone to see the contractor does their job and not taking the consultants but it's gotten done. And everything is being inspected, the concrete and all that. I can understand spot checks, but unless we as a City watch you do construction, they could try to cut costs... this is my concern. I don't know if management can do that, but don't know about a policy about having somebody there from the City. I know when we have projects, like Cerrillos Road, we always have an inspector there all the time, doing core samples and such."

Mr. Snyder said, "City-wide, it's on a project by project basis, but I can speak that a majority of the projects do not have full time City staff there. They're running multiple jobs at any one time, so they're running from project site, to project site to project site. They are, for example, from the utilities perspective, they have to leave a trench open for a certain amount of time until they go back and inspect. There are certain criteria that are established at the beginning of any project, but I don't think it's realistic that a City employee be there all the time at anyone project. We don't have enough staff, or it's cost prohibitive to have full time, all day, every day inspection. So it would be strategic on what staff we have there in combination with the consultant construction manager staff to balance that. So in this case, I can't speak to the specifics of it, but I can speak in generality, City-wide, we try to get good coverage between City staff and construction management staff to make sure we get a good end product."

Councilor Trujillo thanked him, saying that answered his questions.

Councilor Dominguez said, "Just to be clear, the City is doing final inspection on this project."

Ms. MacDonald said, "We had several representatives from the City participating in the substantial completion inspections and the final inspection. And we also had things, like we had requirements within the contract for inspections by Water Division when the water line was being put in, even though we didn't fill it, the 8-inch water line, we had inspections from Water Division, appropriate times when the Fire Marshal was out there. We had someone from consulting or the City every day at least. Every single day and often, more than once a day, or more than one person involved."

Councilor Dominguez said, "Then the inspector for the consultant or project manager, really for the project manager's purposes, and making sure that they are complying with what they need to comply with. It's not really the public safety inspection that we typically do on buildings and public facilities. This is an internal inspection that they do. It's not the official City inspection."

Ms. MacDonald said, "Yes. The answer is yes."

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to approve this request.

DISCUSSION: Councilor Dominguez said, "First of all, I want to thank staff for the work they're done on this project. It's going to be a project that is going to greatly benefit that constituency on a side of town that needs these kinds of amenities. And I can tell you that I've been on this Council long enough to see projects way smaller than this have way more amendments that have cost more. I don't know if there's a standard, \$5 million should have an expected amendment of some percentage. But I can tell you with the work that has had to be done out there, the coordination and collaboration that it requires between not only the City, but with adjoining developers and others, I think they're done a great job."

Councilor Dominguez continued, "I think we can maybe tighten our procurement policies and make sure we don't have as many amendments or have a policy in place that says you only get X number of amendments. However, I don't know if that's really realistic, especially on a project like this, because it's virgin ground. It's brand new ground. It's not so easy to anticipate some things when it's brand new like that. It was a piece of land that had nothing on it. I'm proud of it. I think, maybe, we could do things to make things a little tighter in the future. I've seen Councilors come and try it before and maybe there are improvements, but it's going to take a large effort to really change and tying up some of our procurement processes. And I'll leave it at that. Thank you Mayor Pro-Tem."

Mayor Pro-Tem Ives said on page 1 of the Memorandum, "Amendment 3 talks about the money....
'...authorizing the consultant to work with PNM on the electric supply from the paved end of Jaguar to the transformer in SWAN Park to provide a survey of the installed line and to design and provide related construction services for a one inch diameter potable water line from near the main on Contenta Ridge to the southeast corner of the Park, Phase 1.' And the next line in the bottom line says, 'When constructed started, offsite utilities (potable water and electrical power) were to be provided by the developer.' As I recall we also, in December, possibly in January, approved ultimately an additional \$120,000 to the contractor because of the delay over the winter in the contract and work that was not completed."

Mayor Pro-Tem Ives continued, "So on the one hand I'm reading in the Memo that these things that caused the delay were the responsibility of the developer. And I'm looking at what's stated about Amendment 3 and I look at the work to be accomplished under this most recent amendment, and it talks about easements for water and other utilities, electrical PNM off site line extension right survey, and all of a sudden what seemed to have been covered in Amendment 3 is now appearing in Amendment 4. And it appears that this oversight valued at approximately 50% of the actual construction being done. I think Councilor Lindell is correct that it's really hard to follow what's presented in the packet and feel that all is well in the world out there, in terms of how the City is spending our money."

Mayor Pro-Tem Ives continued, "From my perspective, the fact that we weren't able to complete it this last year, means we've spent close to another \$175,000 to do that work, which presumably we might have been able to avoid. I would only express disappointment that we're really not managing these things, or at least appear not to be managing these things as well as we might, or demanding of the people doing the work that they actually get it accomplished within the time frames. And I know there probably are extenuating circumstances in terms of the effluent permit and those types of things. But it's a large additional penny on an already expensive project. And I don't disagree for an instant that it's going to be a fabulous park when we get there. But it is challenging to see amendment after amendment and see an apparent repeat of services, those types of things. So that's my two cents here and I would only urge hopefully, no more amendments, at least on this phase of SWAN Park."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Lindell.

Explaining her vote: Councilor Bushee said, "I agree with Councilor Lindell and share some of her concerns with regard to monies being expended for receiving no real work, but I have to say that I support the project, so yes.

Explaining his vote: Mayor Pro-Tem Ives said, "Yes, with the understanding that it's only going to get tougher."

END OF CONSENT CALENDAR DISCUSSION

11. CONSIDERATION OF RESOLUTION NO. 2015-19 (COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, HOUSE BILL 64 ("HB 64"), RELATING TO CREATING A NEW SECTION TO THE INCOME TAX ACT FOR HOME ENERGY AND WATER EFFICIENCY INCOME TAX CREDIT. (JOHN ALEJANDRO)

John Alejandro presented information regarding this Resolution from the Legislative Summary and the proposed Resolution which are in the Council packet. Please see these documents for specifics of this presentation.

Councilor Bushee asked the chances of HB64 "making it out alive." She said we're supporting it, but where is it going to go.

Mr. Alejandro said it was passed without recommendation by the House Energy & Environment Committee to the House Ways & Means Committee.

Councilor Bushee asked the number of committee referrals.

Mr. Alejandro said 2 in the house, before going to the Senate, if it is passed by the Ways & Means Committee. He doesn't know if the bill would be scheduled for a committee hearing, if at all.

Councilor Bushee said Senator Wirth told her that if it had the word "solar" in it, it was not likely to get off of the fourth floor.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-19, as presented by staff.

DISCUSSION: Mayor Pro-Tem Ives noted he will introduce a measure in support of the corresponding Senate measure later this evening.

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.

12. **CONSIDERATION OF RESOLUTION NO. 2015-20 (COUNCILOR TRUJILLO, COUNCILOR DOMINGUEZ AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, HOUSE BILL 148 (hb 148) – AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE CODE TO PROHIBIT SMOKING IN ANY VEHICLE WHEN A MINOR IS PRESENT AND ESTABLISH PENALTIES FOR SUCH VIOLATIONS. (MELISSA BYERS)**

Melissa Byers presented information regarding this matter from the Legislative Summary and the Resolution which are in the Council packet. Please see these documents for specifics of this presentation.

Councilor Dominguez and Mayor Pro-Tem Ives asked to be added as cosponsors.

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-20, as presented by staff.

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 Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Maestas.

13. **CONSIDERATION OF RESOLUTION NO. 2015-21 (COUNCILOR MAESTAS). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, HOUSE BILL 92 (HB 92) – RELATING TO CAPITAL EXPENDITURES; CREATING A FUND; AUTHORIZING THE ISSUANCE OF SEVERANCE TAX BONDS FOR TRANSPORTATION PROJECTS AND MAKING AN APPROPRIATION. (JON BULTHUIS)**

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-21, as presented by staff.

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 Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Maestas.

14. **SINGLE USE BAG ORDINANCE IMPLEMENTATION REPORT IN ACCORDANCE WITH SECTION 21-8.6(E) SFCC 1987. (KATHERINE MORTIMER)**

A copy of *Bag to Differ*, Single-Use Bag Ordinance Implementation Report dated December 14, 2014, is incorporated herewith to these minutes as Exhibit "2."

Katherine Mortimer introduced Bianca Sopoci-Belknap, Chair of the Sustainable Commission, the author of the report, who will be presenting the report and its findings.

Blanca Sopoci-Belknap of the Sustainable Santa Fe Commission, reviewed the Report. Please see Exhibit "2," for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Councilor Maestas thanked Ms. Sopoci-Belknap for the report. He said when this was considered initially, there was question about our legal authority to impose a tax on the bags. He asked Ms. Brennan if anything has changed, and if charging a fee will get us around the prohibition of imposing a tax on grocery bags.

Ms. Brennan said, "The way the Ordinance was structured last year, it was an impermissible tax. What we will be proposing and I think it's on the introduction sheet tonight, is a fee where the merchant will keep a percentage to cover their cost of collecting and accounting for it. The fee would be turned over to the City, and the City will spend it on purposes related to the Ordinance, like reusable bags, education and those kinds of things."

- Councilor Maestas asked if this is legally permissible.

Ms. Brennan said, "It is a fee. A fee bears a relationship to the cost of regulation."

- Councilor Maestas said, "I know reusable bags are the way to go, but I'm a little concerned about the City actually providing the bags. It could be a health issue. The reusable bags come in contact with meat and dairy products, and in time, if not disinfected or cleaned, could present a health risk to folks. Has that been an issue through your research. Have other localities who have imposed a similar ordinance and a disincentive experienced problems. I would rather have it so people have an option to use reusable bags or means other than a paper bag. Can we talk a little about the health risks associated with reusable bags, and should we be concerned about that. It's the City's program, assuming this service fee passes and we dedicate the revenues to providing reusable bags. Should we be concerned about health risks."

Ms. Sopoci-Belknap said she isn't the best person to answer the question, and she wants to honor the work BQL did in preparing this Ordinance and the public hearings. She said she did participate and there were discussions about public health issues regarding reusable bags and that did come up in some of their reviews of other communities. However, she thinks when we hand out reusable bags, and the issue of liability for the City, is fairly removed from the actual use of them. However, she would defer to counsel to determine whether or not the fee would be best put toward further distribution of reusable bags, or an environmental survey in a different capacity such as education."

Ms. Sopoci-Belknap continued, saying "In the report, there are several examples of how other communities have use those fees, and distribution of reusable bags is just one thing on that list. She reminded the Council the fee has to be used in the implementation of waste reduction efforts at the City and environmental stewardship efforts, specifically." She asked Ms. Mortimer if she had anything to add in terms of what was covered by the Business & Quality of Life Committee regarding health.

Ms. Mortimer there was discussion when the first Ordinance was passed that if people left mold or other contaminants in their bags without washing them, there could be contamination. Other cities that have considered this have looked at that risk and said it is the responsibility of people who choose to use the bags to make sure they are clean, and the incidence of illness has not been found, but she would have to go back and look at what that testimony was at the time. There were studies which were referred to, but she doesn't have them with her.

- Councilor Maestas said if a customer brings in a reusable bag that isn't clean and it comes in contact with groceries, that he, as a grocer, would be concerned about the groceries they just purchased coming in contact with the reusable bag that was contaminated before they brought it into the store.

- Councilor Maestas continued, "I could be splitting hairs, but this was a big issue when people started using reusable bags and I want to be sure we don't present a legal risk to the City, especially by giving reusable bags as a part of this program. So I'm okay with that. Kelley is there any reason to be concerned about the legal risks associated with contamination in these reusable bags."

Ms. Brennan said, "I would expect that there would be minimal risk and that it would not be the City's, it would belong to the manufacturer of the bag and not the distributor. And we, of course, have some protections under the Tort Act and negligence, but I would consider that minimal. We can certainly look into it to see if it has presented a problem in any other jurisdictions that have distributed reusable bags."

- Councilor Maestas said his last issue is on packet page 6, in the middle paragraph, where you talked about some fees that have been imposed in other localities, but this is for single use bags. He said, "If you recommend that we impose a service fee on paper grocery bags, do you have a range, a recommendation for a fee based on your research. Can you share that with us, because I don't think you put it in your recommendations."

Ms. Sopoci-Belknap said, "We are recommending 10¢. That was sort of the outcome of our deliberations and our review of other cities, because the range was 5¢ to 25¢. In other ones that we reviewed, we thought 10¢ was a good solid number in the middle. Boulder which is of similar size population, imposed 10¢ cents, and they raised \$136,000 in the first 6 months, and their bag use dropped from 22 million to 2.3 million in the first 6 months. That is an example of a similar model we felt was informative."

Mr. Mortimer it is also the most common number, and most of the places they surveyed charged 10¢, with 1-2 charging 5¢ and 1-2 charged 25¢, but the vast majority chose 10¢ cents, so that seemed like a good number.

- Councilor Maestas said in recommendations #2 and #3 you allude to elements of the program that we can launch that would be funded by the proceeds from the bag tax. He asked, "Have you thought about developing a plan first before setting the price for the fee on the grocery bags. In general it sounds good, but will the revenues from the recommended 10¢ per paper bag be enough, especially when we launch the effort which will require a lot of resources up front, and then things should smooth out after it's implemented. Have you thought about doing that first before specifically recommending a fee."

Ms. Sopoci-Belknap said they discussed what the rollout should be for the fee versus the program. She said, "One thing to consider as you pointed out, not only would there be costs in the re-implementation of this Ordinance with the fee structure added to it, but the revenue generated isn't going to be constant and remain the same. As people quickly experience the disincentives they will bring their reusable bags or they will use boxes or find other ways. So what we've seen in looking at other communities' revenues from similar program is a large chunk of money at the

beginning and then it peters off, as the plan works and the Ordinance is effectively implemented.

Ms. Sopoci-Belknap continued, "What we're suggesting is the City consider working at expanding a program that already exists and we give some examples of what others have done, but you wouldn't want to rely on this revenue to create a whole new program that you don't have other sources of revenue for, because it's not a sustainable source of income in any significant amount of income. It could augment current services, expand current services, including a big outreach push around the fee so the public feels they are being supported, and the disincentives is paired with a lot of education and support for them shifting their daily practice. We're happy to go back to the drawing board and do more work if you would like a more detail recommendation. At this point we just wanted to bring forward a menu of opportunities for you all to consider and let us hear from you what you feel the next steps are.

- Councilor Maestas asked the experience of other municipalities when the revenue drops off.

Ms. Sopoci-Belknap said within the first 6 months, with no disincentives, we saw a shift in behavior, and with a disincentive it normally happens within the first 6 months. She thinks we should be looking at a one-year time frame to implement programs or program-expansion.

- Councilor Trujillo asked if there are recommendations to make this a full City-wide plastic bag ban, because this targets certain businesses, while the retail and high end stores downtown have continued using the thicker plastic bags. He asked if there are recommendations for a real City-wide plastic bag ban so that the entire City is treated fairly and equally, which isn't happening now.

Ms. Sopoci-Belknap said this report and the recommendations within are limited to a discussion of the impacts of the Ordinance as it was passed, so it is limited to the single use plastic bag ban which went into effect last year. The Commission had conversations about the impacts on the different retailers and the desire to really do away with all disposable bags. .

- Councilor Trujillo said this is a ban of single use bags. He said a plastic bag isn't a single use at this household – he uses it in the garbage can, he uses it when he pulls weeds. He said he is talking to people and when they get a paper bag, they bring their groceries in, they fold it and stick it into the recycle bin. He said, "I don't know if we're creating a bigger problem now." He said what he's heard most people say, is that since you banned plastic bags, now you're killing more trees. He remains opposed to charging 10¢ per bag. He thinks there is still more work to be done here, and he believes this targets the working people. He is concerned about bags that are contaminated that contaminate the food in the store and who will be liable – the store or the City because we implemented the law. He reiterated a lot more work needs to be done. He said he would be on board with this if there had been a true, all-around, plastic bag ban.
- Councilor Bushee asked if there have been any enforcement issues.

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

was the brief by the State's Attorney General. I attached the Brief, which addresses similar issues to be signed by Mayors for cities. And I suggested I didn't feel we had to go into Executive Session to have the discussion, because I don't feel there are any issues that would be a matter of protected discussion by the Council. The Council, of course can always go into executive session, but I don't feel there is anything that is compromised by the discussion. And Marcos [Martinez] is ready to talk to you about what the Brief accomplished."

Councilor Bushee asked if the Brief was sent electronically and if it is somewhere in a hard copy.

Ms. Brennan said, "Yes. I sent the correct one today, but Marcos can describe it. It's a fairly straightforward proposition."

Councilor Dominguez asked if this requires a motion to hear the Executive Session publicly.

Ms. Brennan said, "I think you can go forward and hear it in open session. There is no Executive Session triggered, and you'll take an action afterwards."

Mayor Pro-Tem Ives asked if anyone on the Governing Body would like to move to go into Executive Session on this matter, and no one indicated they would like to do so.

Councilor Bushee said, "I would love to have the Brief."

Marcos Martinez, Assistant City Attorney, said, "I'm before you to discuss the City *Amicus* for the case of *The State of Texas, et al. vs the United States of America*. He said, "Briefly, on December 3, 2014, the State of Texas and 19 other States, 4 Governors, the Attorney General of Michigan, sought to overturn federal immigration enforcement prerogatives, including through an injunction of the deferred action policies that the President announced on November 20, 2014. The United States has responded in two ways. First, they've said that the Plaintiff, the States, lack standing to complain about the immigration priority, but even if the Plaintiffs had standing, the United States contends that the Court should deny the request for a release because the Plaintiffs States cannot show irreparable harm, the likelihood of success on the merits, that the balance of the equities favors these States and that the public interest favors an injunction."

Mr. Martinez continued, "And on that final point, the public interest, the Mayors of New York and Los Angeles, and the Mayors of 31 additional cities, the United States Conference of Mayors and the National League of Cities filed an *Amicus* Brief in opposition to the Plaintiffs' Motion for Preliminary Injunction. The *Amicus* focuses on that final element of an injunction with a local perspective on why a grant of preliminary injunctive relief against the President's Executive Action would be strongly contrary to the public interest."

Mr. Martinez continued, "The cities support the Executive Action which would allow eligible, undocumented children or adults to apply for expanded, deferred action for childhood arrivals and eligible undocumented parents of U.S. citizen and lawful permanent resident children to apply for deferred action

for parental accountability. The position of the cities is that the Executive Action will fuel economic growth in cities across the country. The Executive Action will increase public safety by encouraging more immigrant residents to trust and cooperate with local law enforcement, and the Executive Action will facilitate the full integration of immigrant residents in cities across the country and promote family unit."

Mr. Martinez continued, "So the question before the Council is whether the City of Santa Fe Council wants to join these *amici* Mayors and City Councilors, and on that I would stand for any questions."

Mayor Pro-Tem Ives said, "I assume that joining as an *amici* doesn't involve any cost associated with this, other than adding the City of Santa Fe as an additional signatory."

Mr. Martinez said, "That's correct."

19. ACTION REGARDING JOINING OR FILING AN AMICUS BRIEF FOR CASE NO. 1:14-CV-00254 STATE OF TEXAS ET AL. V. UNITED STATES OF AMERICA. (MARCOS MARTINEZ)

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to join the *Amicus* Brief.

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.

20. MATTERS FROM THE CITY CLERK

Yolanda Vigil, City Clerk, wished everyone a wonderful Valentine's Day.

21. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of February 11, 2015, is incorporated herewith to these minutes as Exhibit "5."

Councilor Rivera

Councilor Rivera said he has no communications.

Councilor Trujillo

Councilor Trujillo said he has no communications.

Councilor Lindell

Councilor Lindell introduced an Ordinance creating a new Section 10-11 SFCC 1987, to prohibit the sale of single serving containers of alcoholic beverages, in sizes of eight ounces or less, within the municipal boundaries of the City of Santa Fe, noting the cosponsors are Councilors Dominguez, Rivera, Dives, Ives and Bushee. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Dominguez

Councilor Dominguez introduced the following on behalf of the Finance Committee:

1. An Ordinance amending Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987, to require that prior to authorizing a reallocation of proceeds from a voter-approved General Obligation Bond or Tax that deviates materially from the information provided to the electorate that the Governing Body authorize such reallocation through the adoption of an Ordinance. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "7."

Councilor Dominguez introduced the following:

2. A Resolution directing staff to propose an operational plan and programming options for the establishment of a teen center that would benefit the youth of Santa Fe. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Mayor Pro-Tem Ives, Councilor Rivera, Councilor Dimas and Councilor Bushee asked to be added as cosponsors of Councilor Dominguez's Resolution regarding the teen center.

Councilor Dimas

Councilor Dimas wished his wife Candy a Happy Valentine's Day.

Councilor Maestas

Councilor Maestas introduced an Ordinance amending Section 2-22 SFCC 1987, to rename the "Internal Audit Department," the Accountability and Performance Management Department; establish a position of a Fraud Auditor to investigate fraud, waste and abuse allegations and increase efficiency throughout City operations by identifying opportunities for recovery of revenue or other assets, and making such other changes as are necessary to clarify certain provisions of the Accountability and Performance Management Ordinance.

Councilor Maestas said at the last meeting he requested an update from the Lobbyist, and said he sent us a written report, but he thought we had asked him to appear in person to field questions and give him recent developments since his written update.

Mr. Snyder said, "I understood the direction to be written only. However, he is scheduled to be on the next Council meeting agenda and one other time before the end of the Legislature. He will be providing written updates as well."

Councilor Bushee

Councilor Bushee said she would like to cosponsor Councilor Ives' Ordinance regarding the single-use bag ordinance. She is also cosponsoring Councilor Ives' Resolution regarding water conservation.

Councilor Bushee wants said she would like to have the Public Works Department check on the pedestrian bridge across the Arroyo Mascaras across from the De Vargas Mall, which is in dire need of paint, and she would love to see it to be repainted as soon as possible.

Mayor Pro-Tem Ives

Mayor Pro-Tem Ives introduced the following:

1. An Ordinance relating to the Single-Use Bag Ordinance, section 21-8 SFCC 1987, amending Subsection 21-8.1 to modify the legislative findings related to paper grocery bags; amending Subsection 21-8.4 to establish the requirement that retail establishments collect a paper grocery bag charge for each paper grocery bag provided to customers; amending Subsection 21-8.6 to establish a 60-day implementation period; and making such other changes as are necessary.

Mayor Pro-Tem Ives asked, in addition to the Committee schedule, that this Ordinance also be directed to the BQL for its March meeting before coming back for action at Council.

2. A Resolution supporting proposed State Legislation, Senate Bill 279 (SB 279) and Senate Bill 280 (SB 280) – relating to water conservation measures.

There was a short break from 7:30 p.m. to 7:40 p.m.

END OF AFTERNOON SESSION AT APPROXIMATELY 7:40 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Pro-Tem Peter N. Ives, at approximately 7:40 p.m. Roll Call indicated the presence of a quorum as follows:

Members Present

Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Absent

Mayor Javier M. Gonzales

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Done previously.

G. APPOINTMENTS

Community Development Commission

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointments to the Community Development Commission:

Tobe Bott-Lyons – Reappointment – term ending 3/2016;
Carla Lopez – Reappointment – term ending 03/2017;
John Padilla – Reappointment – term ending 03/2017;
Silas Peterson – Reappointment – term ending 03/2017; and
Paul Goblet – to fill unexpired term ending 03/2015.

MOTION: Councilor Trujillo moved, seconded by Councilor Dimas, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Dimas, Lindell, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilors Maestas, Bushee and Dominguez absent for the vote.

Mayor's Youth Advisory Board

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointment to the Mayor's Youth Advisory Board:

Amanda Ingram Jacobs (Santa Fe Prep) – to fill unexpired term ending 12/02/16.

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve this appointment.

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Dimas, Lindell, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilors Maestas, Bushee and Dominguez absent for the vote.

Transit Advisory Board

Mayor Pro-Tem Ives, on behalf of Mayor Gonzales, made the following appointment to the Transit Advisory Board:

Paul Thompson (Tourism Representative) – to fill unexpired term ending 03/02/16.

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to approve this appointment.

VOTE: The motion was approved unanimously on a voice vote with Mayor Pro-Tem Ives and Councilors Dimas, Dominguez, Lindell, Rivera and Trujillo voting in favor of the motion, none voting against, and Councilors Maestas and Bushee absent for the vote.

H. PUBLIC HEARINGS

Disclosure: Councilor Maestas said, "I want to make a brief statement. I have disclosed it before. I have an interest in a family owned business that owns an inter-local dispenser license which is current for sale. I have asked the City Attorney if it is okay for me to vote on tonight's agenda items, specifically H(1) and H(2), and she says I can, so I will."

- 1) **REQUEST FROM EL AGAVE MEXICAN RESTAURANTE, LLC, FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT EL AGAVE MEXICAN RESTAURANTE, 31 BURRO ALLEY. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of February 5, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said it will be with patio service, noting the patio will in Burro Alley and will be fully enclosed, with on-premise consumption only. Ms. Vigil said the location is not within 300 feet of a church or school, there are staff reports in the packet regarding litter, noise and traffic and staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Maestas, to approve the request from El Agave Mexican Restaurante, LLC, for a Restaurant Liquor License with patio service (beer and wine with on-premise consumption only), to be located at El Agave Mexican Restaurante, 31 Burro Alley, with all conditions of approval as recommended by staff.

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.

- 2) **REQUEST FROM GOLER FINE IMPORTED SHOES FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/CONSUMPTION OF CHAMPAGNE AT GOLER FINE IMPORTED SHOES, 125 EAST PALACE AVENUE. THIS LOCATION IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF SAINT FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR THE PRESENTATION OF THE DONALD J. PLINER COMPANY SPRING 2015 SHOE COLLECTION TO BE HELD ON MARCH 21, 2015 FROM 12:00 P.M. TO 6:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of February 6, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. There is a

letter in the packet from the Very Rev. Adam Lee Ortega y Ortiz, Rector, The Cathedral Basilica of St. Francis of Assisi, indicating they are fine with this event going forward and with La Casa Sena providing alcoholic beverage service for this event. Ms. Vigil said staff recommends this business be required to comply with all of the City's Ordinances as a condition of doing business in the City.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to grant the waiver of the 300 foot location restriction and approve the dispensing/consumption of champagne at Goler Fine Imported Shoes, 125 East Palace Avenue for the presentation of the Donald J. Pliner Spring 2015 Shoe Collection to be held on March 21, 2015 from 12:00 p.m. to 6:00 p.m., with all conditions of approval as recommended by staff.

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.

- 3) **CONSIDERATION OF BILL NO. 2015-1: ADOPTION OF ORDINANCE NO. 2015-2 (COUNCILOR LINDELL, COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ). AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE. (JOHNNY MARTINEZ)**

The staff report was presented by Officer Johnny Martinez from the Legislative Summary and Ordinance which are in the Council packet. Please see these documents for specifics of this presentation.

Councilor Bushee asked if the County has looked into this at all, commenting the majority of the trapping is happening beyond the City limits. She said this is a new Ordinance and would like Officer Martinez to communicate with the County Animal Control Services.

Officer Martinez said he is in contact with him and the County Officer is very familiar with the things we're looking at, and he's documenting it and taking it to his people. However, everything is on hold at their end until somebody pushes it forward, but they are keeping track of the changes we're making in hopes of adopting the whole thing in general.

Councilor Dimas said Officer Martinez brought it to his attention that we are having a real problem with raccoons in Santa Fe, and the State wants to eradicate them rather than trap them and relocate them.

Officer Martinez said the State's idea is that if they relocate them they "won't make it anyway, because their natural habitat they're used to is coming into the City and going to the dumpster or into the yards to eat the cat food or dog food. So they're thinking whether or not they are euthanized on trapping, or if they're relocated, they're not going to make it either way."

Ms. Brennan said, "The State regulates fur-bearing animals and other things, and the idea of this Ordinance is to prevent accidents to domestic pets and people. There have been incidents.... Melissa did some research on this, so we're trying not to bump up against State regulations, but there is already a disconnect in our Ordinance and what they hope to do with not just raccoons, but skunks, but raccoons are in the distinguished group of fur-bearing animals, whereas skunks aren't."

Councilor Dimas said, "Then you answered my question, but I'm still a little concerned about what we're going to do with the raccoons. Personally, I would hate to see them euthanized or destroyed, because I like animals."

Councilor Rivera said there are some amendments, and it says the amendments are proposed. He asked, if there is a motion to approve, is it assumed the amendments are automatically in the document, or do we have to accept proposed amendments.

Ms. Brennan said, "The motion should say, with the amendments included in the packet, just to be perfectly clear."

Councilor Lindell thanked staff and her cosponsors on this bill. She said, "Anytime we move something forward, it provides another provision for protection of domestic animals and even children, and we're headed in the right direction. I really appreciate the help with this. I appreciate the help of staff and Mr. Martinez, thank you for your help."

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to adopt Ordinance No. 2015-2, with the amendments in the packet.

DISCUSSION: Councilor Bushee said she hopes the County will do something, although she knows it would be tough to enforce because there's a lot more ground to cover. Councilor Bushee spoke about her horrific experience when she lived in the National Forest area several years ago on Christmas while walking with her dogs when she came upon 3 animals in coyote traps, and was able to get them out with little or no knowledge about how to go about it.

Officer Martinez get they get occasional calls and they pursue criminal charges against them for animal cruelty.

Councilor Bushee said people are raising cattle, putting out coyote traps and domestic animals are getting caught in them, commenting it is a horrible thing to witness.

Officer Martinez said they have humane traps that they loan out through their office, noting the County has these as well. They recommend people use these instead of the old model traps.

Councilor Bushee reiterated her hope that the County picks this up, and Officer Martinez said he will continue to work with them on that.

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.

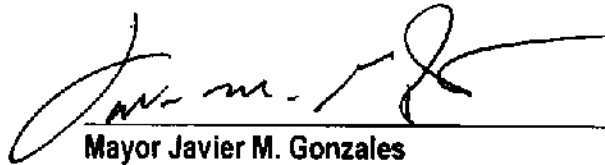
- 4) **CASE #2014-91 & CASE #2014-92 – CONSOLIDATED APPEALS. ALLEN JAHNER (APPLICANT APPELLANT) AND OLD SANTA FE ASSOCIATION (ORGANIZATION APPELLANT) BOTH APPEAL THE SEPTEMBER 9, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-11-105 APPROVING THE APPLICATION WITH CONDITIONS AT 237 & 239 EAST DE VARGAS STREET, LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (DAVID RASCH AND ZACHARY SHANDLER) (Postponed at November 12, 2014 City Council Meeting). (Postponed to March 25, 2015 City Council Meeting)**

This item was removed from the agenda and postponed to the meeting of March 25, 2015.

I. ADJOURN

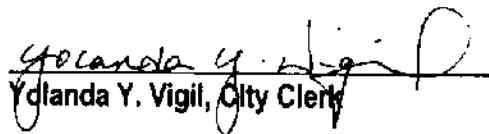
The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 8:00 p.m.

Approved by:



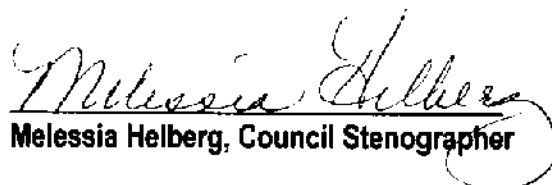
Mayor Javier M. Gonzales

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-____
Veterans' Advisory Board**

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-____:

1. On page 3, line 13, *delete* "released" and *insert* "discharged" in lieu thereof
2. On page 3, line 13, after "veterans" *insert* "who"
3. On page 4, line 22, *insert* the following:
 - "An outdoor oriented non-profit
 - Arts oriented non-profit
 - Animal oriented non-profit
 - Or other relative programs"
4. On page 4, line 22, *delete* "appointee"
5. On page 4, line 22, *delete* "be" and *insert* "appoint" in lieu thereof
6. On page 5, line 10, after "as" *delete* "determined by the Board but not less than once a quarter" and *insert* "necessary" in lieu thereof
7. On page 5, line 13, *insert* the following resolve provision:

"BE IT FURTHER RESOLVED that staff is directed to issue a public service announcement on an annual basis, no later than December of each year, informing the public that there is an option on PIT-1 New Mexico Personal Income Tax Form, line 40 to make voluntary contribution from a taxpayer refund towards the Veterans National Cemetery Fund."

Respectfully submitted,

Peter Ives, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "1"



SINGLE-USE BAG ORDINANCE

IMPLEMENTATION REPORT

December 16, 2014

Exhibit "2"

Report Prepared by the Sustainable Santa Fe Commission

Bianca Sopoci-Belknap, chair

Esha Chiocchio, vice chair

Glenn Schiffbauer

Amanda Hatherly

Andrea Romero

Louise Pape

Kim Kelly

ESD Staff

Katherine Mortimer

Lawrence Garcia

Rand Marco



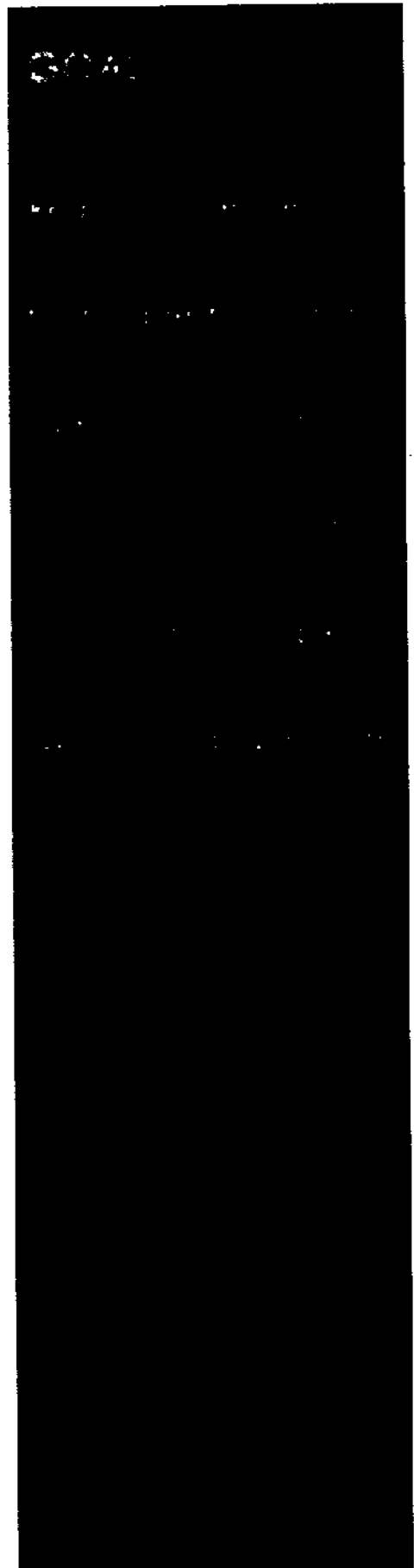
SINGLE-USE BAG ORDINANCE

Implementation Report

BACKGROUND

The City of Santa Fe passed Ordinance 2013-29 eliminating the single-use plastic bags from most retail stores and requiring a ten cent fee for single-use paper bags over a specific size. Subsequently it was discovered that the fee, as written in the ordinance, was beyond the City's authority to require and was eliminated through Ordinance 2014-08, making the implementation of the fee optional at the discretion of each retail store. The rules governing cities' authority differ from state to state. Here in New Mexico, Santa Fe does not have the authority to require a third party (retail stores) to collect a fee for bags. The City Attorney was directed to explore all available options within the authority of Santa Fe as a Home Rule NM City.

The ordinance, as amended, went into effect on February 27, 2014. The Environmental Services Division was charged with collecting data regarding the financial impact to stores and the Sustainable Santa Fe Commission was charged with developing this report on the progress and effectiveness of the ordinance one year from its effective date on February 27, 2015. In order to provide information that would be helpful in resolving the increased use of paper bags due to the elimination of the fee, the following report has been prepared ahead of schedule and includes recommendations to mitigate paper bag use.



INTENT

Reducing the impacts of solid waste involves reducing the volumes of waste, reusing waste materials several times, and recycling the remainder, in that order. The greatest reduction in impacts comes from the hierarchy of these actions. Reusing shopping bags therefore has a greater reduction in impacts than recycling single-use bags. This ordinance is intended to promote the use of reusable bags as much as possible.

SUMMARY OF FINDINGS

The Ordinance has effectively eliminated the use of single-use plastic bags in Santa Fe's retail stores. Retail stores across the City have complied with the Ordinance by no longer providing single-use plastic bags at the checkout counter. Most stores continue to offer single-use paper bags for free, some stores implemented a small fee for paper bags to encourage reusable bag use and recoup the difference in cost between plastic and paper, and a few stores eliminated the use of all single-use bags and only offer free boxes or reusable bags for sale at the checkout for customers.

The research conducted found that people have largely exchanged using single-use plastic bags for single-use paper bags when they were available for free with little increase in reusable bags. While small retail stores that were surveyed did not experience significant financial burden due to the ordinance, some of the City's larger retail stores indicated that they have been financially impacted. The increased cost for large stores is a result of the high volume of sales at these stores each day and the increased volumes of paper bags used for customer's purchases due to the elimination of single-use plastic bags. The unit cost of a single-use paper bag is higher than that of a single-use plastic bag.

Implementation of the ordinance has not resulted in significant public complaint. The majority of the 60 customers, who were randomly surveyed at four of the largest retail grocers in Santa Fe as part of the research for this report, were either indifferent or supported the implementation of a 10 cent fee on paper bags in order to encourage reusable bag use and dis-incentivize paper bag use so long as the fee was used for an environmental fund. Both customer respondents and store manager respondents articulated the need for more customer education – through signage, advertising, and incentives/disincentives in order to increase the use of reusable bags.

Though the number of people currently bringing reusable bags is a small percentage of overall store customers (11-18% observed and self-reported), the number of people bringing reusable bags appears to be increasing over time. While this does not meet the goal of significantly reducing single-use bag usage, it has reduced the number of plastic bags that can get into the environment which then persist over time. Paper bags are less likely to blow into the environment and when they do, they readily breakdown. Therefore, while the ordinance has not met all the goals it was designed to meet, it has reduced the amount of plastic in the environment.

RECOMMENDATIONS

The Sustainable Santa Fe Commission recommends that the City:

1. Adopt and implement a service fee to discourage the use of paper bags and encourage the use of reusable bags.
2. Use the proceeds from the service fee to fund recycling education programs that encourage the use of reusable bags; provide additional reusable bags to the public at no charge; and fund a program administered by the City that provides an environmental benefit to the general public.
3. Require retail stores to both train their staff about the ordinance and display signage reminding customers to bring their own bags. Retailers should be able to choose whether to print the signage made available through Environmental Services for free or to design their own signage. Parking lot signage should be encouraged as well as signage at the door.

METHODOLOGY

The City did not have baseline data that measured single-use plastic or paper bag use before the Ordinance. Nor was the City able to collect comprehensive quantitative data on single-use paper bag use after the Ordinance was implemented. The reason for this limitation is that information about single-bag use is tied to sale volumes and many of the large retail store establishments in the City made it clear that they would be unable to provide this proprietary information due to the need to protect their “trade secrets”. Therefore, the methodology developed by the City and partners in reviewing the Ordinance’s impact has significant limitations. The City relied upon the observed impacts of the Ordinance as communicated by retail store management and customer surveys. The data collected is not statistically significant and cannot be extrapolated to the City as a whole. However data collected does provide insights into the ways in which some stores view the impact and the behaviors and opinions of some of the customers who have been impacted.

Vendor Data

The Environmental Services Division developed the following methodology for collecting qualitative data from retail stores to assess the impacts of the ordinance. Stores were contacted during two separate interview times, at two and four months after implementation of the ordinance. The City was divided into three geographical areas: downtown and surrounding area, mid-town, and southside. Thirty two stores were selected to be surveyed, ten to eleven in each of the three areas. The first survey was conducted 2 months after implementation and a second was conducted 4 months after implementation.

During the Ordinance's development, some members of the community expressed concern that small businesses would experience financial hardship as a result of the Ordinance. Therefore, the Environmental Services Division wanted to assess the Ordinance's impact on those stores specifically. The first survey focused on medium and small retailers that are locally-owned and typically have only one location. Ten retail stores that are large users of single-use bags from across the City were added to the second survey. The survey questions from the first survey focused on the financial impacts and perceptions of the public's feelings towards the ordinance. The same questions were asked a second time during the subsequent survey in order to identify changes. However the second survey also included additional questions to understand how the ordinance was being implemented internally at the business and to get any data available regarding actual reductions in single bag use. Survey respondents were store managers at these establishments. The Environmental Services Department identified managers as a credible source due to their relationship with purchasing single-use paper bags, their role managing staff, and managing communications and messaging throughout the store. A survey of Ordinances throughout the country found that this methodology was used by many cities across the country in order to assess the impact of their Ordinances which can be found at <http://www.surfrider.org/pages/plastic-bag-bans-fees>.

That report found that only 26 percent used reusable bags or no bags which was down from 29 percent prior to the ban. It also reported that in cities with a 25 cent fee for all single-use bags, nearly 90 percent of shoppers use no bags or use reusable bags. [Monterey Herald, 2/28/14]. Other cities with bag ordinances either have a fee on all single-use bags (4%) or have banned all single-use bags (2%).

Customer Data and Vendor Observations

Between 6 and 7 months after implementation of the ordinance, Earth Care Youth Allies program leaders who serve as the Youth Advisory Board to the Sustainable Santa Fe Commission and who participated actively in the development of the Ordinance and its passage conducted surveys at four large chain grocery stores in Santa Fe in order to determine the effectiveness of the plastic bag ban in serving the purpose for which it was created. Surveyors asked questions about customers' knowledge of the plastic bag ban, their opinions on how it could be better implemented, etc. They also tallied the observed prevalence of paper bags and the behaviors of cashiers at the stores. Surveyors visited each establishment on two separate occasions once during the week after work hours and once during the weekend in order to collect data during the busiest store hours. A total of 60 voluntary interviews with customers were conducted – 15 at each store.

The Questions

Store Survey 1:

1. Have you seen a financial impact, either positive or negative, as a result of the ban?
2. Are you providing paper bags? If so, are you charging a fee? If so, how much?
3. About what percentage of your customers are bringing in their own bag?
4. Have you had complaints from your customers about the ban? If so, about what percentage of your customers have voiced complaints?
5. Is there anything else that has resulted from the ban that you would like to tell us?

Additional questions included in Store Survey 2:

6. Did your checkout staff receive training about the ordinance? If so, in what format and by whom?
7. Do your checkout staff ask customers if:
 - a. They'd like a bag before bagging their items with a paper bag?
 - b. They brought their own bag before bagging their items with a paper bag?
 - c. Both
 - d. None of the above – they automatically bag customers merchandise unless the customer asks them not to or offers a reusable bag.
8. Does your store make cardboard boxes available at the checkout? Why or why not?
9. Has your store incorporated signage at the checkout?
10. Has your store incorporated signage in the parking lot?
11. What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Customer Survey:

1. Are you aware that the City of Santa Fe passed a reusable bag ordinance, last year? It banned single-use plastic bags, and encouraged community members to use re-usable shopping bags, in order to reduce waste and promote environmental stewardship. a. Yes or b. No
2. Have you seen this logo before? a. Yes or b. No
3. How often do you bring a reusable bag?
 - a. Never
 - b. Occasionally
 - c. Most of the time
 - d. All of the time
4. Does the checkout staff ask you if you would like a bag before they started bagging?
 - a. Never
 - b. Rarely
 - c. Some of the time
 - d. Most of the time
5. What could the store do to help you use fewer paper bags? (For example: parking lot signage, checkout counter signage, more reusable bags for sale, store incentives, offering re-usable boxes in the front of the store.)
6. How would you feel if the city imposed a small fee, like other cities, on paper bags to encourage people to bring their own?
 - a. Bad idea
 - b. Don't care either way
 - c. Good idea
7. Would you prefer if part, or all, of the bag fee went to a community environmental fund?
 - a. No
 - b. Does not matter
 - c. Yes

Results

Limitations of Analysis

This research does not include a statistically significant sample and therefore cannot be extrapolated to retail practices across Santa Fe. However, it does provide qualitative insight into some of the benefits as well as some of the issues and limitations of the current Ordinance. Questions relating to how stores are implementing the ordinance help us understand the context for how effective the ordinance is at meeting its goal of reducing single-use bag usage.

Key Findings

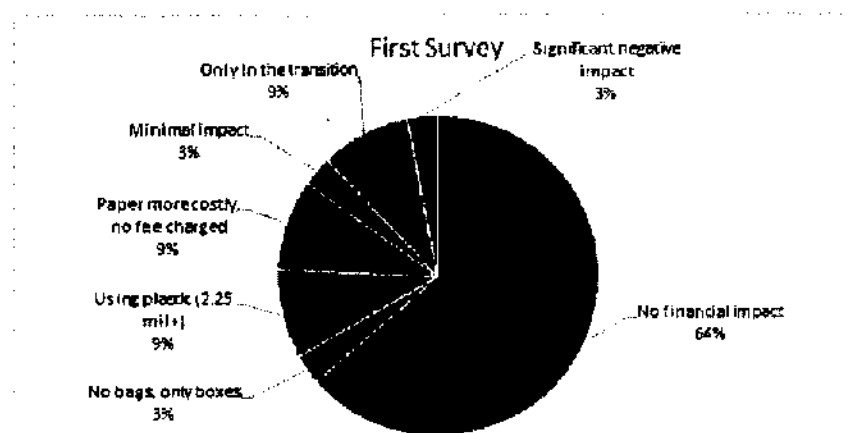
- Stores with the highest percentage of customer's that bring their own bags provided their staff with at least some training.
- Stores with greater training and internal outreach to their customers tended to report fewer complaints.
- Some of the smaller stores reported a significant financial impacts as a result of the ordinance. Most of the stores that are large users of single-use bags reported significant financial impacts due to the increased demand for paper bags which are more costly.
- Between the first and second survey, the percentage of people bringing their own bags increased. This indicates that customers are getting into the habit of remembering to bring their bags.
- Most people are either in favor of a fee on paper bags or are indifferent (62%). Almost all of the people surveyed thought that any fee should be used for a community environmental fund or had no option what the funds should be used for (89%).

DATA AND ANALYSIS

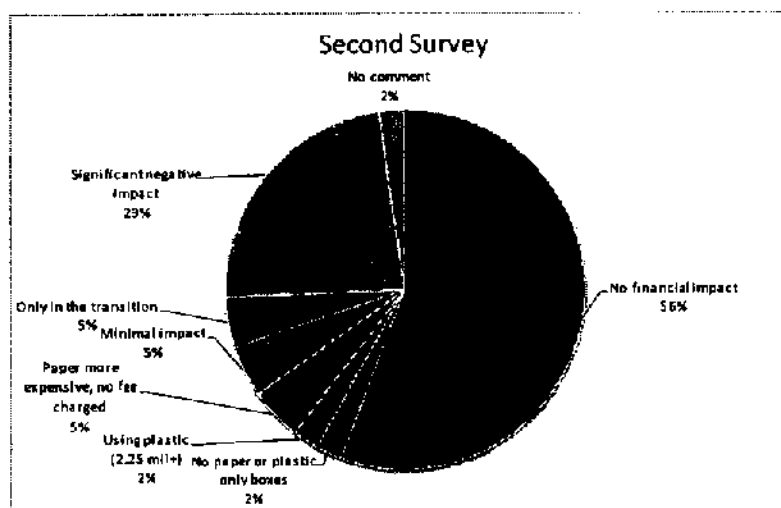
Financial Impact

Stores were asked: Have you seen a financial impact, either positive or negative, as a result of the ban?

SMALL AND MEDIUM RETAIL STORE SAMPLE: The first survey did not include stores that are large users of bags as in large grocery stores and large hardware stores. This data shows no or minor financial impacts from the banning of plastic bags. While 9% of respondents reported minimal impact (3%). Impact during the transition to implement the Ordinance (9%), only 3% of the small and medium retailers surveyed reported “significant negative impact”.



SAMPLE INCLUDING STORES THAT ARE LARGE USERS OF SINGLE-USE BAGS: The data from the second survey, which included the large users, shows a large jump in the “significant negative impact” response. This is a direct result of the feedback from those stores that are now required to use large volumes of paper bags to bag customers’ purchases.



Store Operations

Stores were asked: Did your checkout staff receive training about the ordinance?

Most stores did not provide any formal training to their staff. Those that did usually included this training in their regular staff meeting. Only six percent of those that provided training posted that information for their employees to refer to later. forty four percent of those that did provide some kind of training did not say how that training was conducted.

38% Stores that provided staff training

62% Stores that did not provide staff training

Type of Training Provided:

50% Provided training during staff meeting

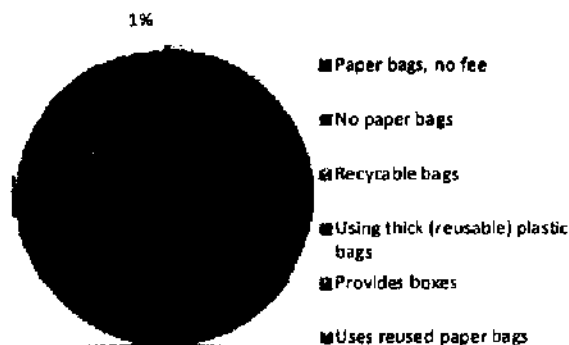
6% Posted information

44% Training format not identified

Stores were asked: Are you providing paper bags? If so, are you charging a fee?

None of the stores surveyed charged a fee at the time the interviews were conducted. Some large users had started out charging a ten-cent fee but rescinded the fee after receiving customer complaints. Many of the comments received ask that a fee be required to enable stores to recoup the costs of paper bags and encourage bag use reductions across the board. Most of the stores that don't provide paper bags instead provide plastic bags that meet the requirements for being reusable.

Total Both Surveys



	Number of Stores					
	Paper bags, No Fee	No paper bags	Recyclable bags	Thick plastic bags	Provides boxes	Reused paper bags
Survey #1	23	7	2	3	4	1
Survey #2	33	6	2	3	2	0

Stores were asked: Does your store make cardboard boxes available at the checkout?

56% YES 44% NO

More than half of stores make cardboard boxes available at the checkout. However, in most cases those were made available upon request only when customers were purchasing multiple bottles of drinks, usually wine. A few stores provide them for any purchase. The stores in the survey that do not provide boxes did not provide information about why they do not make boxes available. Given that all stores receive merchandise in cardboard boxes and most pay for their disposal (either through trash or recycling pickup fees), there appears to be the potential to encourage them to offer boxes for more types of purchases. This may be an effective way to encourage waste reduction through "Re-use".

Stores were asked: Do your checkout staff ask customers if:

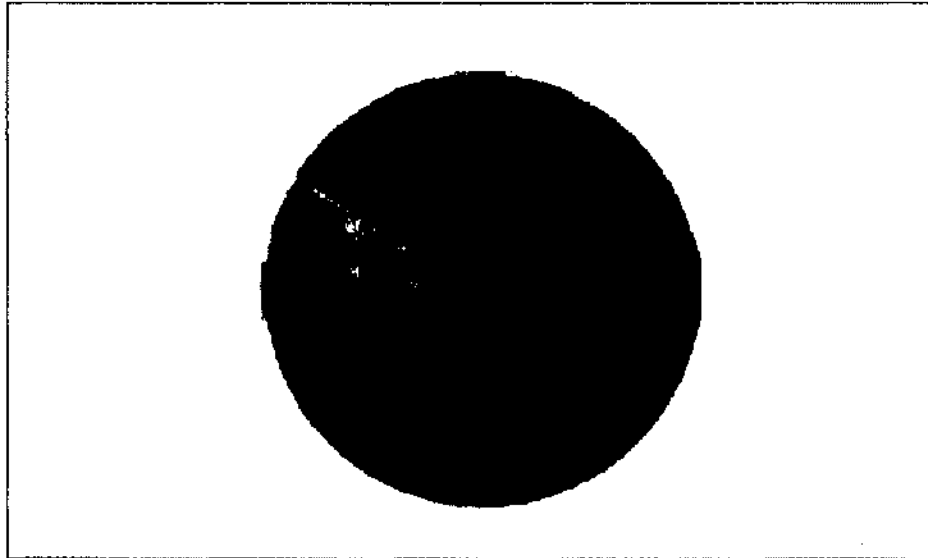
- a. They'd like a bag before bagging their items with a paper bag?
- b. They brought their own bag before bagging their items with a paper bag?
- c. Both
- d. None of the above – they automatically bag customers merchandise unless the customer asks them not to or offers a reusable bag.

Most stores (65%) reported that checkout staff ask customers if they need a bag before bagging their purchases. More than half of those also reported that checkout staff ask if customers brought their own bag. About a third of stores reported that checkout staff bag purchases in paper bags without first asking customers if they need or want that bag. Only 2 percent of stores reported that they provide no bags to customers.



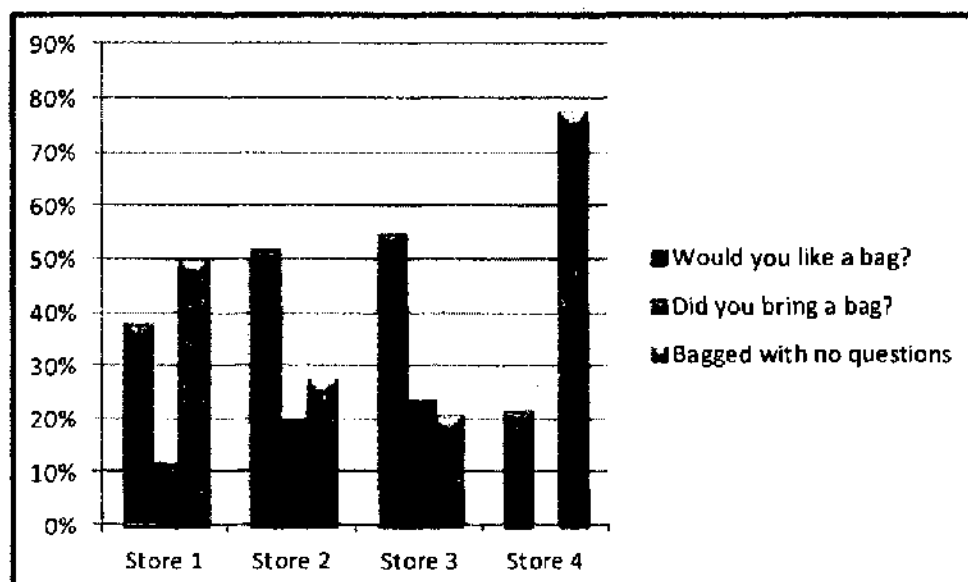
Customers were asked "Did the checkout staff ask you if you would like a bag before they started bagging?"

Most people experience store staff bagging without inquiring if the customer wants a bag or brought a reusable bag or would prefer no bag. Signage at the checkout could remind store staff to ask the customer what their bagging preference is as well as reminding customers to provide their reusable bags to the staff as they start the checkout process.



Observation: Percent of checkout staff asking customers if they would like a bag, if they brought a bag, or if they bagged without asking any questions.

Most store staff asked the customers either if they would like a bag or if the customer brought a reusable bag. Also, most customers did not recall being asked if they wanted a bag or if they had brought one. It seems that reminders about encouraging reusable bag use need to be put in place to raise the consciousness of both store staff and customers.



Customer Ordinance Awareness

Customers were asked: Are you aware that the City of Santa Fe passed a reusable bag ordinance last year?

89% YES 11% NO

Community outreach and news coverage of the ordinance was effective at letting people know the ordinance was coming. There was a six month delay in the effective date of the ordinance to allow the City to conduct outreach which included tabling at stores, reusable bag giveaways, newspaper ads and radio ads.

Customers were shown the “Bag to Differ” logo and asked: Have you seen this logo before?

43% YES 55% NO

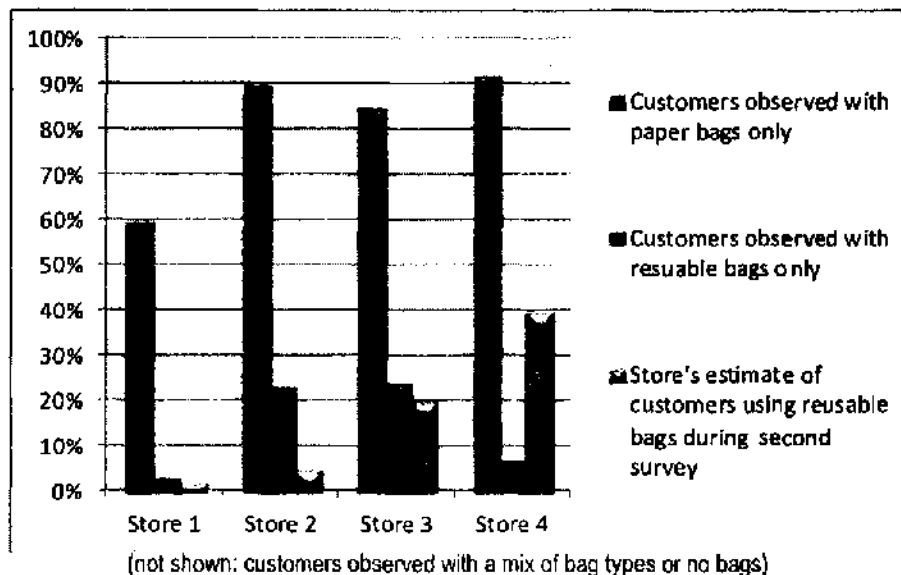


To facilitate the outreach and to help the stores develop signage, the City developed a logo and tag line “Bag to Differ.” The materials include artwork for signs that stores could put in their parking lots, at their entries and at the checkout to remind people, however, those stores that did develop signage used their own artwork almost if not exclusively. The City also made buttons that checkout clerks could wear to remind customers of the ordinance.

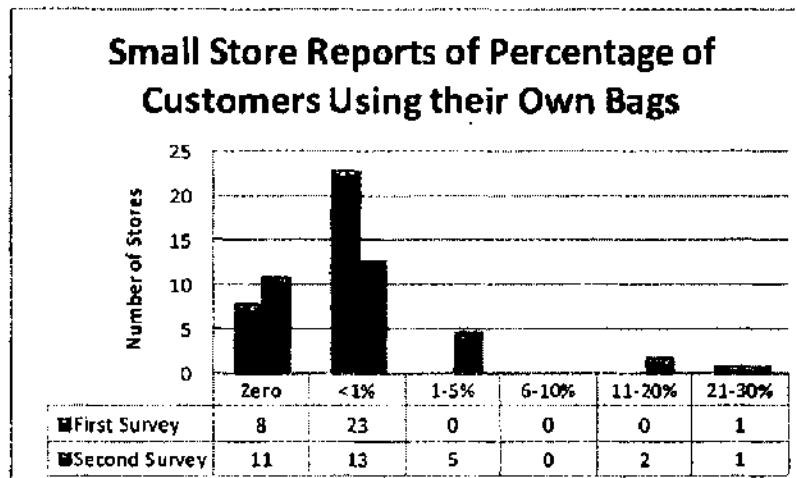
Customer Reusable Bag Use

Stores were asked and observations were made: About what percentage of your customers are bringing in their own bag?

While stores reported very few people bring their own bags, the number they report increased between the first and second surveys and again by the third survey and observation. The four large chain retail grocery outlets surveyed and observed during the third data collection were included in the earlier surveys. At all grocery stores the vast majority of people used only paper bags. The data observed generally tracks with the data supplied by the stores and over time the percentage of people using reusable bags has slowly been increasing. However, without a disincentive to using paper bags, the percentages will likely remain low.

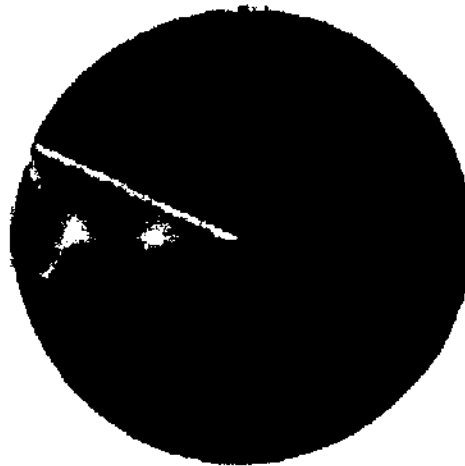


Smaller stores reported generally low numbers of people using their own bags as well, however, the data show the numbers increasing somewhat over time. This may reflect people getting into the habit of bringing their own bags more often. As for grocery stores, without a disincentive to using paper bags, these percentages will also likely remain low.



Customers were asked: How often do you bring a reusable bag?

Customers' data generally tracks with the data that stores provided and that were observed. While 29% of customers reported sometimes bringing their reusable bag, only 18% of customers reported always bringing their re-usable bags. The majority of customers, (53%) reported rarely or never bringing their reusable bag. Also, it appears that the number of people reporting sometimes or always bringing their own bag is higher than was either reported by stores or observed during the surveys. Likely, people report what their goals are regarding reusable bag use. This is consistent with the slow but steady increase in reusable bag use reported and observed over the three data collection times as people begin to remember their bags more often.



How to Encourage Reusable Bag Use

Stores were asked: Has your store incorporated signage at the checkout?

7% YES 93% NO

Very few stores are providing signage at the checkout to inform customers of the ordinance and explain why plastic bags are no longer available. Graphics for signage was made available by the Environmental Services Division that stores can download and use free of charge. While we don't have a mechanism to track if anyone has down-loaded the graphics, none have been seen by staff. The signage that has been placed has been created by the stores and is consistent with the graphics and signs used by those stores for other purposes.

Stores were asked: Has your store incorporated signage in the parking lot?

5% YES 95% NO

Even fewer stores have incorporated signage in the parking lot. Some stores don't have control over the signage in the parking lot where the lot is shared with several stores and the land owner controls that area.

Observation: Signage of reusable bags or of ordinance. Location and content

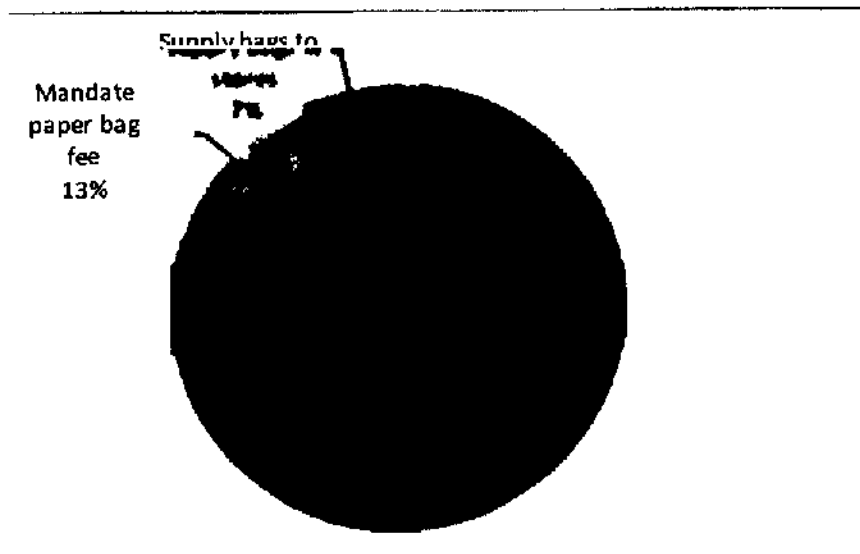
Signage outside of store: NONE

Signage inside store: 25% (1 out of 4)

Very little signage was observed to remind people that the ordinance exists or to remember to bring reusable bags. As noted later, both stores and customers indicate that signage reminders would assist in increasing reusable bag use.

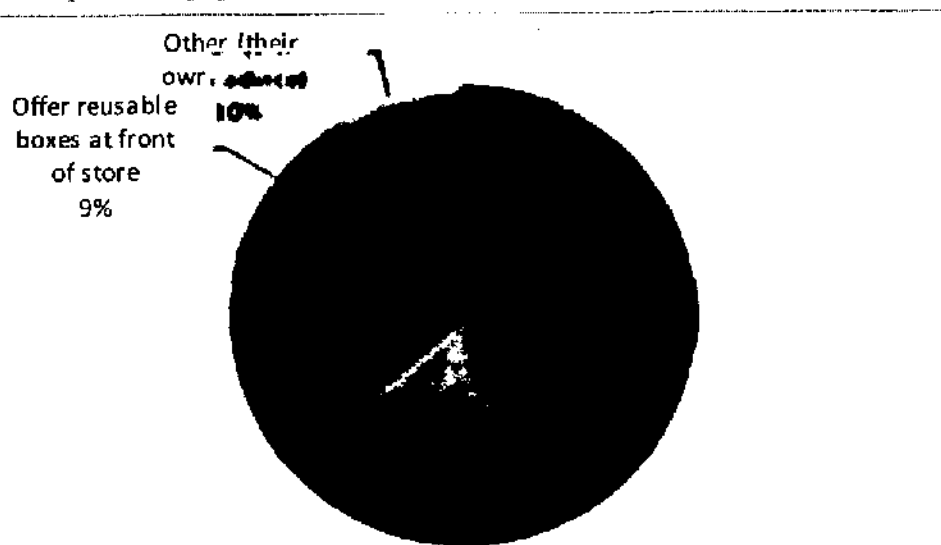
Stores were asked: What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Continual education and outreach was the most common form of support stores cited the City could provide to help with the Ordinance implementation. While the City provided graphic materials for stores, it didn't provide actual signage. Few stores have added their own signage in the parking lot which would typically need to be metal to withstand the elements though several have developed their own signage inside the stores. Requiring a mandatory fee for paper bags continues to be a common theme. Some stores requested the City supply them with bags (paper or reusable).



Customers were asked: What could the store do to help you use fewer paper bags?

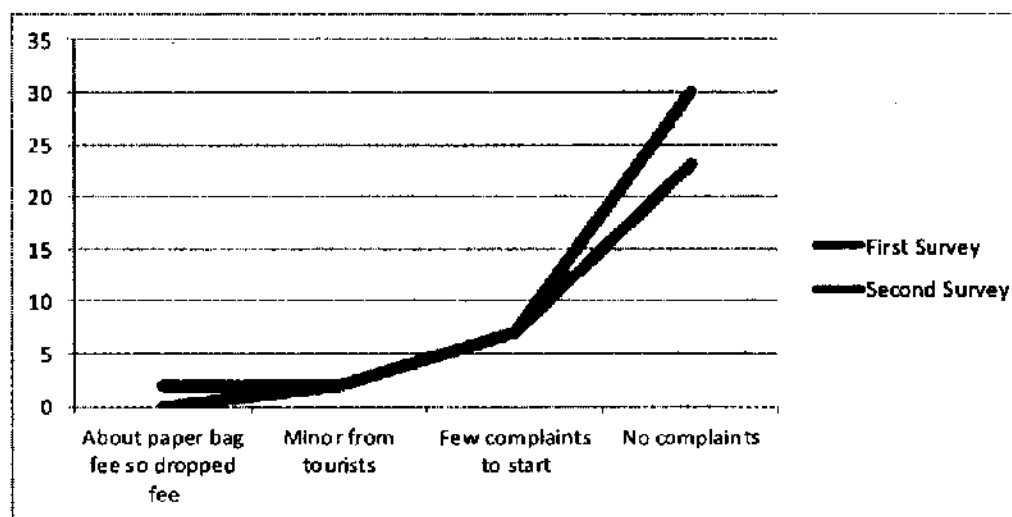
Reminders and making alternatives easily available at the stores were the greatest incentives identified that stores could do to help reduce paper bag usage.



Feedback on Implementation

Stores were asked: Have you had complaints from your customers about the ban? If so, about what percentage of your customers have voiced complaints?

The percentages of people complaining remained fairly stable between the first and second survey. Since we didn't stipulate during the second survey if they had received additional complaints since the first survey, the second survey answers may have been referring to complaints from the initiation of the ordinance. Since the second survey includes large users and since the percentage of complaints remained about the same, it does not appear that grocery and hardware stores received more complaints than other stores. The second survey includes the data showing stores that tried to implement a fee for paper bags but then stopped due to customer complaints.



Stores were asked: Is there anything else that has resulted from the ban that you would like to tell us?

Comments from the first survey ranged from suggestions for future regulations including allowing a greater amount of time to prepare due to long-lead times for ordering supplies to both disallowing all types of plastic bags to reporting that customers say that they reuse thin plastic bags and would like to still get them. Once the ordinance had been in effect for a while, the second survey found more recommendations for Ordinance updates such as a mandatory paper bag fee as well as reporting the incentives they are using to promote reusable bag use. Stores continue to hear that customers used plastic bags for other uses and miss them.

Comments from First Survey:

Customers want to use plastic bags for other uses (10%)

Using boxes (6%)

Using reusable (thick) plastic bags (6%)

Carryout produce bags with handles working well

Finds plastic bags in the river

Comments from Second Survey:

Need mandatory paper bag fee (10%)

Complaints that plastic bags have other uses (7%)

Has incentive/reward program for bags brought in (5%)

People take merchandise without any container

People are now aware of the requirements

Next Steps

Customers were asked: How would you feel if the City imposed a small fee, like other cities, on paper bags to encourage people to bring their own?

“Good idea” or “Don’t care: 62%

“Bad idea”: 38%

While most people think a fee is either a good idea or don’t care either way, a significant percentage of people believe it would be a bad idea.

Customers were asked: Would you prefer if part or all of the bag fee went to a community environmental fund?

“Yes” or “Doesn’t matter”: 89%

“No”: 11%

If a fee is assessed to paper bag usage, an overwhelming percentage of people surveyed believe it should be used to fund environmental projects within the community.

Conclusions

The Commission found that the Ordinance has effectively eliminated the use of single-use plastic bags in Santa Fe's retail stores. This has resulted in positive waste reduction outcomes. However, without any disincentive to use paper bags, the effectiveness of the Ordinance is clearly compromised as customers replace single-use plastic bags with single-use paper bags which have different but significant negative impacts on the environment and also are more expensive for retail stores to provide free of charge.

The Commission conducted a survey of existing Ordinances banning the use of plastic bags and found that the vast majority are paired with a paper bag fee or charge in order to achieve the desired waste reduction and reuse objectives without increasing the marginal cost to retailers. A review of the cities listed on that website, and checked against updates at the Cities' websites, found that most, 74 percent, ban plastic bags with some exceptions and have a fee on paper bags ranging from 5 to 25 cents. Twenty percent ban plastic and allow paper as Santa Fe's current ordinance does. Of those, we were able to find only one, Carmel, California, that had done an evaluation of single-use bag reduction as a result of the ban which was done by a non-profit organization called Save Our Shores. That study found that slightly fewer people used reusable bags after the Ordinance implementation than before. Its conclusions included a recommendation to implement a fee on paper bags.

The Commission surveyed the all Ordinances found to see what the revenue from the fee is used for and found the following practices by other communities.

- 1) Litter mitigation programs including
 - a. The installation of stormwater filtration infrastructure
 - b. River cleanup crews
 - c. Community cleanup events
 - d. Education about litter mitigation
 - e. A very successful program in Washington D.C. goes towards the Anacostia River Clean Up and Protection Fund which are used to implement watershed education programs, stream restoration projects, and trash collection projects and to purchase and distribute reusable bags.
- 2) Recycling Education Programs
- 3) Website and Educational Communications about Ban and the Impacts of Single-Use bags (and plastic products in general) and the benefits of re-using, reducing, and recycling
- 4) Reusable Bags for Free Distribution
- 5) Fee is retained by store and used to cover costs (in several communities the full fee is retained by the stores, other communities have varying amounts retained by store).
 - a. To cover the cost of reporting for program
 - b. To cover the cost of staff training

- c. To cover the cost of recycling centers at the store
- d. To cover the cost of signage in the parking lot and store entrance reminding customers to bring their bags
- e. To cover the cost of re-usable bags distributed either at cost or for free!

The Sustainable Santa Fe Commission recommends that the City:

1. Adopt and implement a service fee to discourage the use of paper bags and encourage the use of reusable bags.
2. Use the proceeds from the service fee to fund recycling education programs that encourage the use of reusable bags; provide additional reusable bags to the public at no charge; and fund a program administered by the City that provides an environmental benefit to the general public.
3. Require retail stores to both train their staff about the ordinance and display signage reminding customers to bring their own bags. Retailers should be able to choose whether to print the signage made available through the Environmental Services Division for free or to design their own signage. Parking lot signage should be encouraged as well as signage at the door.

APPENDIX A
Stores surveyed

Survey #1:

Downtown Area:

Store Name	Address	Date Surveyed
Alpine Builders Supply	493 W. Water Street	05/27/2014
Camera Shop	109 E. San Francisco St.	05/27/2014
Chile Shop	109 E. Water Street	05/27/2014
Cliff's Packaged Liquor Store	903 Old Pecos Trail	05/27/2014
Cupcake Clothing	322 Montezuma Ave	05/27/2014
Double Take	320 Aztec Street	05/27/2014
Running Hub	527 W. Cordova Rd.	05/27/2014
Kaune Food Town	511 Old Santa Fe Trail	05/22/2014
Payne's Nurseries Inc.	304 Camino Alire	05/27/2014
Wild Birds Unlimited	518 W Cordova Rd. B	05/27/2014

Mid-Town Area:

Store Name	Address	Date Surveyed
Ace Hardware	2006 Cerrillos Rd 1	05/21/2014
Batteries Plus	1609 Saint Michaels Drive	05/22/2014
All Seasons Gardening	1228 Parkway Dr. E	05/28/2014
Empire Builders Supply Co Inc.	1802 Cerrillos Rd.	05/22/2014
Ary's Fashion	2864 Cerrillos Rd	05/28/2014
Jackalope	2820 Cerrillos Rd.	05/28/2014
FedX Office	730 Saint Michaels Dr.	05/28/2014
The Candyman	851 Saint Michaels Dr 2d	05/28/2014
State Beauty Supply	1522 Cerrillos Rd	05/28/2014
Big Joe Tru Value Hardware	1311 Siler Rd	05/23/2014
Big 5 Sporting Goods	2864 Cerrillos Rd	05/28/2014

Southside Area:

Store Name	Address	Date Surveyed
Allsup's Convenience Store	4200 Airport Road	06/06/2014
Fastenal	1365 Rufina Circle	06/03/2014
CARQUEST Auto Parts	1209 Siler Road	05/23/2014
Contenta Consignment	2907 Agua Fria St	06/03/2014
Mini Super Decicias	4641 Airport Rd 6	06/06/2014
Paisanos Food Store	Cerrillos Road	06/03/2014
Rodeo Plaza Liquors	2801 Rodeo Rd B12	06/06/2014
Ulta Beauty	Zafarano Dr A	05/23/2014
Wet Seal	4250 Cerrillos Rd	05/23/2014
Radio Shack	4250 Cerrillos Rd	05/23/2014
Bootbarn	4250 Cerrillos Rd	05/23/2014

Survey #2:

Downtown Area:

Store Name	Address	Date Surveyed
Alpine Builders Supply	493 W. Water Street	07/10/2014
Camera Shop	109 E. San Francisco St.	07/10/2014
Chile Shop	109 E. Water Street	07/10/2014
Cliff's Packaged Liquor Store	903 Old Pecos Trail	06/30/2014
Cupcake Clothing	322 Montezuma Ave	07/10/2014
Double Take	320 Aztec Street	07/10/2014
Running Hub	527 W. Cordova Rd.	07/10/2014
Kaune Food Town	511 Old Santa Fe Trail	06/30/2014
Payne's Nurseries Inc.	304 Camino Alire	07/14/2014
Wild Birds Unlimited	518 W Cordova Rd. B	07/14/2014

Mid-Town Area:

Store Name	Address	Date Surveyed
Ace Hardhware	2006 Cerrillos Rd 1	07/15/2014
Batteries Plus	1609 Saint Michaels Drive	07/15/2014
All Seasons Gardening	1228 Parkway Dr. E	07/15/2014
Empire Builders Supply Co Inc.	1802 Cerrillos Rd.	07/15/2014
Ary's Fashion	2864 Cerrillos Rd	07/15/2014
Jackalope	2820 Cerrillos Rd.	07/15/2014
FedX Office	730 Saint Michaels Dr.	07/15/2014
The Candyman	851 Saint Michaels Dr 2d	07/15/2014
State Beauty Supply	1522 Cerrillos Rd	07/15/2014
Big Joe Tru Value Hardware	1311 Siler Rd	07/15/2014
Big 5 Sporting Goods	2864 Cerrillos Rd	07/15/2014

Southside Area:

Store Name	Address	Date Surveyed
Allsup's Convenience Store	4200 Airport Road	07/17/2014
Fastenal	1365 Rufina Circle	07/15/2014
CARQUEST Auto Parts	1209 Siler Road	07/17/2014
Contenta Consignment	2907 Agua Fria St	07/17/2014
Mini Super Decicias	4641 Airport Rd 6	07/17/2014
Paisanos Food Store	Cerrillos Road	07/18/2014
Rodeo Plaza Liquors	2801 Rodeo Rd B12	07/18/2014
Ultra Beauty	Zafarano Dr A	07/18/2014
Wet Seal	4250 Cerrillos Rd	07/18/2014
Radio Shack	4250 Cerrillos Rd	07/18/2014
Bootbarn	4250 Cerrillos Rd	07/18/2014

Survey #2 continued:

Large Users:

Store Name	Address	Date Surveyed
K Mart	1712 St. Michaels Dr	07/01/2014
Walmart	3251 Cerrillos Rd	07/01/2014
Albersons	3542 Zafarano Dr	07/01/2014
Smiths	2308 Cerrillos Rd	07/01/2014
Whole Foods	753 Cerrillos Rd	07/07/2014
Trader Joes	530 W. Cordova Rd	07/07/2014
Lowes (food store)	1700 St. Michaels Dr	07/01/2014
Home Depot	952 Richards Ave	07/01/2014
Lowes (hardware store)	3458 Zafarano Dr	07/01/2014
Sprouts	3201 Zafarano Dr	07/01/2014

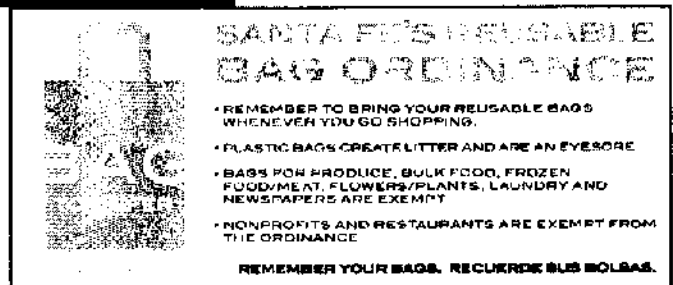
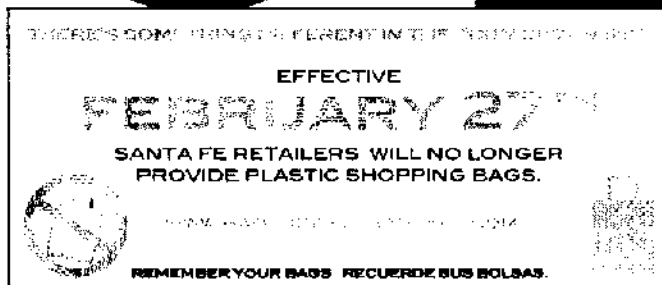
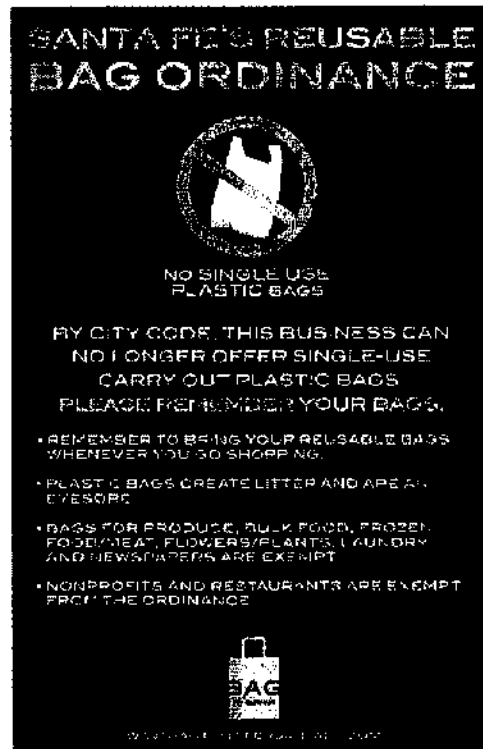
Observational Data Locations:

Store Name	Address	Date of Observations
Walmart	5701 Herrera Dr	10/07/14 + 10/11/14
Albertsons	3542 Zafarano Dr	10/07/14 + 10/11/14
Smiths	2110 South Pacheco St	10/08/14 + 10/11/18
Sprouts	199 Paseo de Peralta Dr	10/08/14 + 10/11/18

APPENDIX B

Community Outreach Conducted

Environmental Services Division (ESD) staff contracted with an advertising firm to develop a logo and graphics for signage and other reminders of the ordinance prior to its implementation. Below are some of the images developed and made available to store for free for their use in communicating with their customers.



ESD Staff:

Conducted 15 tabling sessions at stores

Handed out 20,000 reusable bags and information about the bag ordinance

Provided bags to the Food Depot for people receiving their services

Reusable bags were also given out at several City office locations and at other community events

ESD staff wore t-shirts with the "bag to differ" logo and answered questions posed by community members

ESD sent bill inserts (the lower 2 images) in all City utility bills during the month prior to the Ordinance implementation start

ESD made buttons (round image with "ASK ME") and wore them before and after implementation

Buttons were also given to stores for their staff and community members

Radio ads and print ads were run before and after implementation start



City of Santa Fe, New Mexico

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

www.santafenm.gov

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
Assistant City Attorney *38*

Via: Kelley Brennan *KAB*
City Attorney

Re: Appeal of the Santa Fe Alliance for Public Health and Safety 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
Case No. 2014-116

Date: February 2, 2015 for the February 11, 2015 Meeting of the Governing Body

The Appeal

On December 17, 2014, the Santa Fe Alliance for Public Health and Safety (SFAPHS or Appellant), filed a Verified Appeal Petition (Petition) appealing the December 2, 2014 issuance by the Land Use Department (LUD) of Building Permit No. 14-2503 (the Permit) to New Cingular PCS, LLC (d/b/a AT & T) (AT&T) to install *replacement* cell phone antennas (Project) on property owned by St. John's Methodist Church (the Church) at 1200 Old Pecos Trail (Property). Identical Verified Appeal Petition forms signed by four others were submitted with the Petition, but without the required fee. As a result, these additional submittals do not constitute valid appeals, and we consider the signatories as joining in SFPHS's appeal. (Petition attached as **Exhibit A**; Permit attached as **Exhibit B**).

Exhibit "3"

The Property

The Property is located within the Historic Review Overlay District (District). The Church building on the Property includes a tower around an existing chimney to house cell tower antennas (the 2011 Project). The Permit allows AT&T to *replace* the antennas installed within the tower as part of the 2011 Project. The 2011 Project was approved by the City's Historic Districts Review Board (HDRB) on March 8, 2011 (the Design Decision) after the HDRB designated the Church as "non-contributing" to the District (the Status Decision). (Status Decision and Design Decision attached as **Exhibit C-1** and **Exhibit C-2** respectively.)

History of the Case

The Status Decision (*but not the Design Decision*) was appealed to the Governing Body by the Cellular Phone Task Force (CPTF), et al. The Governing Body heard and voted to deny that appeal on May 11, 2011. Findings of Fact and Conclusions of Law embodying the May 11, 2011 vote were adopted by the Governing Body on May 11, 2011 (the 2011 GB Decision).

On June 9, 2011, Arthur Firstenberg appealed the 2011 GB Decision to the First Judicial Court (*New Cingular Wireless PCS, LLC v. Firstenberg*, D-101-CV-201101868).¹ Mr. Firstenberg did not ask the Court to impose a stay on the 2011 Project while the case was being adjudicated. Instead, on May 25, 2012 Mr. Firstenberg asked for a "temporary restraining order" to be imposed on the 2011 Project. His legal theory was that City Code, SFCC 1987, Section 14-3.17(E)(1) dictates that no project can go forward while it is being adjudicated in the courts.

On June 1, 2012, Mr. Firstenberg also asked for a "preliminary injunction" to be imposed on the project. On June 1, 2012, the City Attorney's Office (CAO) filed a legal response to these requests stating: "Rather than operating to stay proceedings during the pendency of an administrative appeal to the District Court, however, Section 14-3.17(E)(1) only maintains the status quo while the appeal before the City runs its course." Therefore, once the Governing Body has taken final action, Section 14-3.17(E)(1) no longer stays a case. The Court took no action on Mr. Firstenberg's requests. While the underlying appeal is still pending, the Court has never imposed a stay in this matter (or adopted Mr. Firstenberg's legal interpretation of Section 14-3.17(E)(1)).

On December 2, 2014, Land Use Department issued Building Permit No. 14-2503 to AT&T to install *replacement* cell phone antennas on property owned by St. John's Methodist Church. On December 17, 2014, the Santa Fe Alliance for Public Health and Safety filed a Verified Appeal Petition appealing the decision.

Please note, prior to that, in 2010, the City's Board of Adjustment (BOA) heard CPTF's appeals from the issuance of building permits to AT&T for the modification of different cell phone

¹ This case was later consolidated with other cases: *New Cingular Wireless PCS LLC v. Firstenberg*, D-101-CV-201101869; *AT & T Mobility Services LLC v. Firstenberg*, D-101-CV-201101870; *AT & T Mobility Services LLC v. Firstenberg*, D-101-CV-201101871.

facilities at a different address. Following a final decision of the Governing Body on those matters, Mr. Firstenberg appealed to the First Judicial Court (*Firstenberg v. City of Santa Fe, AT & T Mobility Services, LLC*, D-101-CV-201004296). One of Mr. Firstenberg's arguments on appeal was that the BOA and the Governing Body should have factored into their decisions health and Americans with Disabilities Act (ADA) considerations. On October 30, 2013, Judge Sarah Singleton issued a ruling against Mr. Firstenberg. The Order stated: "[F]ederal law provided (and still provides) that to the extent that the facilities comply with the regulations of the FCC concerning such emissions, state and local governments may not regulate the placement or modification of wireless facilities based on the alleged environmental effects of RF emissions. 47 U.S.C. § 332(C)(7)(b)(iv)." (Emphasis supplied.) The Order added "Any suggestion that the City should regulate additional aspects of wireless facilities, in particular the level of RF emissions, does not state a claim under the ADA." (Emphasis supplied.) Mr. Firstenberg has appealed Judge Singleton's decision to the Court of Appeals. In a recent ruling,² the Court of Appeals affirmed the finding of the First Judicial Court that the City's interpretation of its own ordinances was entitled to deference by the Court.³

Basis of Appeal

The Appellant cites the following specific bases for appeal:

1. A building permit for replacement of antennas within the tower cannot be issued while the case is being appealed to District Court. (Claim 1).
2. A building permit for replacement of antennas within the tower damages the streetscape. (Claim 2).
3. A building permit for replacement of antennas within the tower cannot be issued because it violates the ADA and U.S. Constitution, Amendment 14 (Claim 3).

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 NMSA⁴ (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

Pursuant to Code §14-3.17(D)(6)(a) the 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

² *Firstenberg v. City of Santa Fe*, (NMCA No. 33,441) (Jan. 12, 2015).

³ "Because the ... action concerned a city ordinance, this Court, as well as the district court, must give deference to the City's interpretation of its own ordinance." *Id.* ¶ 11.

⁴ 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. ..."

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 SFAPHS's general claims, all of the matters have been addressed in other litigation and cannot be re-litigated at this time. As stated below, SFAPHS's general claim does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 1. *A building permit for replacement of antennas within the tower cannot be issued while the case is being appealed to District Court.*

The Petition asserts that the: "[i]ssuance of [the Permit] for replacement of antennas in wireless facility ... is already under appeal in district court." However, Mr. Firstenberg has appealed the City's permit for the 2011 Project in *New Cingular Wireless PCS, LLC v. Firstenberg*, D-101-CV-201101868. (Emphasis supplied.) That appeal does not prevent the City from issuing a permit for the *replacement* of the existing antennas installed as part of the 2011 Project. First, as stated above, there is no judicial stay in place. In addition, Mr. Firstenberg asked the Court for a temporary restraining order and a preliminary injunction to stay the 2011 Project. Neither was granted. The Court's silence may be interpreted to mean the Court has not overridden the City's interpretation of Section 14-3.17(E)(1). Therefore, SFAPHS has failed to state a valid basis for appeal relating to the Permit under Chapter 14.

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

Claim 2. *A building permit for replacement of antennas within the tower damages the streetscape.*

The Petition asserts the tower is an eyesore and has damaged the streetscape and makes reference to the appeal of the earlier HDRB decision. However, as noted above, Mr. Firstenberg appealed the Status Decision to the Governing Body and then to the Court, but he did appeal the Design Decision. Therefore, the Design Decision approving the design of the 2011 Project has not been challenged and the HDRB's conclusion that "[t]he Project complies with the Design Standards and the Aesthetic Requirements and with all other applicable requirements under [Code Section 14-6.2(E)] that are within the jurisdiction of the [HDRB], including those requirements set forth in [Code] Sections 14-6.2(E)(10)(a) and (b) and 14-6.2(E)(3)(ix)A and B" stands. Nor has the Court issued a decision in *New Cingular Wireless PCS, LLC v. Firstenberg*, D-101-CV-201101868 and the Court retains jurisdiction over the matter at this time.

In addition, the issuance of the Permit for *replacement* antennas within the tower does not in any way affect the design of the tower or the visual character of the streetscape. Therefore, SFAPHS has failed to state a valid basis for appeal relating to the Permit under Chapter 14.

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

Claim 3. *A building permit for replacement of antennas within the tower cannot be issued because it violates the Americans with Disabilities Act and U.S. Constitution, Amendment 14.*

The Petition asserts that the issuance of the permit violates the ADA and the Constitution. As noted above, Mr. Firstenberg appealed on the same ADA and constitutional basis in *Firstenberg v. City of Santa Fe, AT & T Mobility Services, LLC*, and lost. Therefore, the matter has been disposed of by the Court and SFAPHS has failed to state a valid basis for appeal relating to the Permit under Chapter 14.

Claim 3 does not fall within any of the three bases for appeal cited above and should be dismissed.

Conclusion

SFAPHS has not effectively alleged that the issuance of the Permit 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, the Appellant 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 vote to dismiss SFAPHS's appeal in Case No. 2014-116.

[**MOTION:** I move that the Governing Body accept the recommendation of the City Attorney and dismiss the appeal in Case No. 2014-116.]

Option #2: If the Governing Board does not wish to dismiss SFAPHS's appeal, the appeal will be set for a de novo hearing (with testimony, exhibits and witnesses) before the Board of Adjustment.

[**MOTION:** I move that the Governing Body not accept the recommendation of the City Attorney to dismiss the appeal in Case No. 2014-116 and that the appeal be scheduled for hearing by the Board of Adjustment.]



LUD Use Only

Time Filed: 2:15 PM
Fee paid: \$100.00
Receipt attached: ☒

(date stamp)

RECEIVED

gguno

Case #2014-116

VERIFIED APPEAL

PETITION



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

Appellant Information

Name: SANTA FE Alliance for Public Health and Safety

Address: 132 Romero St #13

Street Address: SANTA FE Suite/Unit #: NM 87501

City: SANTA FE State: NM ZIP Code: 87501

Phone: (505) 660-3540 E-mail Address: MARY@MARY-LAYNE.COM

Additional Appellant Names: MARY E. LAYNE, President

Correspondence Directed to: ☒ Appellant ☒ Agent ☐ Both

Agent Authorization (if applicable)

I/We: _____

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

igned: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Remove & install 12 antennas

Applicant or Owner Name: Owner: St. John's Methodist Church Applicant: New

Location of Subject Site: 1200 Old Pecos Trail Cingular PCS, LLC,

Case Number: Permit No. 14-2503 d/b/a AT&T

Permit Number (if applicable): _____

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 ☐ HORB

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

§ 14-3.17(B)(3) and (5)

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:

12/2/14 Issuance of Building permit No. 14-2503 for replacement of antennas in wireless facility that is already under appeal in district court.

☒ 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. Aesthetic harm: the tower is an eyesore. It has damaged the streetscape. It violates §14-5.2(F)(2)(b). See appeal, Case No. H-11-004B, filed 3-30-2011, attached.
2. Violation of Americans with Disabilities Act and U.S.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

Constitution, Amendment 14. See Case No. D-101-CV-2011-1870, First Judicial District Court, Statement of Appellate Issues, 9-30-2011, attached.

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:

Mary E. Layne

Date:

12/17/14

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We MARY E. LAYNE, 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 E. Layne
Signature

Signature

MARY E. LAYNE

Print Name

Print Name

Subscribed and sworn to before me this 17th day of December, 2014.

[Signature]
NOTARY PUBLIC

My commission expires:

April 21, 2016



LUD Use Only

Time Filed: 2:15 PM
Fee paid: \$100.00
Receipt attached: ☒

(date stamp)

RECEIVED

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: LAYNE MARY E
Last First M.I.
Address: 132 Romero Street #13
Street Address Suite/Unit #
SANTA FE NM 87501
City State ZIP Code
Phone: (505) 660-3540 E-mail Address: MARY@MARY-LAYNE.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: Remove + install 12 antennas
Applicant or Owner Name: Owner: St. John's Methodist Church Applicant: New
Location of Subject Site: 1200 Old Pecos Trail Cingular PCS, LLC,
d/b/a AT&T
Case Number: Permit No. 14-2503 Permit Number (if applicable): _____

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):

§ 14-3.17(B)(3) and (5)

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:

12/2/14 Issuance of Building permit No. 14-2503 for replacement
of antennas in wireless facility that is already under appeal in
district court.

☒ 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. Aesthetic harm: the tower is an eyesore. It has damaged the streetscape. It violates §14-5.2(F)(2)(b). See appeal, Case No. H-11-004B, filed 3-30-2011, attached.
2. Violation of Americans with Disabilities Act and U.S.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

Constitution, Amendment 14. See Case No. D-101-CV-2011-1870, First Judicial District Court, Statement of appellate issues, 9-30-2011, attached.

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:

Mary E. Layne

Date:

12/17/14

gent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We MARY E. LAYNE, 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 E. Layne
Signature

Signature

MARY E. LAYNE

Print Name

Print Name

Subscribed and sworn to before me this 17th day of December, 2014.

Charles W. [Signature]
NOTARY PUBLIC

My commission expires:

April 24, 2016



LUD Use Only

Time Filed: 2:15 PM
Fee paid: \$100.00
Receipt attached: ☒

(date stamp)

RECEIVED

garcia

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
Last First M.I.
Address: P.O. Box 6216
Street Address Suite/Unit #
Santa Fe, NM 87502
City State ZIP Code
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: Remove + install 12 antennas
Applicant or Owner Name: Owner: St. John's Methodist Church Applicant: New
Cingular PCS, LLC,
Location of Subject Site: 1200 Old Pecos Trail d/b/a AT&T
Case Number: Permit No. 14-2503 Permit Number (if applicable): _____

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 ☐ HORB

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

§ 14-3.17(B)(3) and (5)

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

1. Aesthetic harm: the tower is an eyesore. It has damaged the streetscape. It violates §14-5.2(F)(2)(b). See appeal, Case No. H-11-004B, filed 3-30-2011, attached.
2. Violation of Americans with Disabilities Act and U.S.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

Constitution, Amendment 14. See Case No. D-101-CV-2011-1870, First Judicial District Court, Statement of Appellate Issues, 9-30-2011, attached.

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 Date: 12-17-2014
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 17th day of December, 2014.

Charles R. Ryznar
NOTARY PUBLIC

My commission expires:

April 21, 2016

**LUD Use Only**

Time Filed: 2:15pm
Fee paid: \$100.00
Receipt attached: ☒

(date stamp)

RECEIVED**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.****

Name: Firstenberg Arthur
Last First M.I.
Address: P.O. Box 6216
Street Address Suite/Unit #
Santa Fe, NM 87502
City State ZIP Code
Phone: 505 471-0129 E-mail Address: beairstar@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: Remove + install 12 antennas
Applicant or Owner Name: Owner: St. John's Methodist Church Applicant: New
Location of Subject Site: 1200 Old Pecos Trail Cingular PCS, LLC,
d/b/a AT&T
Case Number: Permit No. 14-2503 Permit Number (if applicable): _____

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):

§ 14-3.17(B)(3) and (5)

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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of antennas in wireless facility that is already under appeal in
district court.

☒ 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. Aesthetics harm: the tower is an eyesore. It has damaged the streetscape. It violates § 14-5.2 (F)(2)(b). See appeal, Case No. H-11-004B, filed 3-30-2011, attached.
2. Violation of Americans with Disabilities Act and U.S.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

all the basis for Appeal here (be specific):
 Constitution, Amendment 14. See Case No. D-101-CV-2011-1870, First Judicial District Court, Statement of Appellate Issues, 9-30-2011, attached.

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 Frustenberg Date: 12-17-2014
 Agent Signature: _____ Date: _____

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

I/We Arthur Firs tenberg 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 Furstenberg
Signature

Signature

Arthur Firsferberg
Print Name

Print Name _____

Subscribed and sworn to before me this 17th day of December, 2016

NOTARY PUBLIC

My commission expires: _____

April 24, 2010

CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 14-00002503 Date 12/02/14
Application pin number 481993
Property Address 1200 OLD PECOS TRL
Application type description TELECOMMUNICATION TOWER
Subdivision Name
Property Zoning RESIDENTIAL 1DU
Application valuation 50000

Owner

Contractor

ST. JOHNS METHODIST CHURCH
VERIFY OWNER ADDRESS AND ZIP
SANTA FE NM 87501

NEXIUS FUSION INC
1301CENTRALEXPRESSWAY STE 200
ALLEN TX 75013
(730) 650-7777

--- Structure Information 000 000 CELL TOWER ANTENNAS
Construction Type TYPE V-B
Occupancy Type UTILITY/MISCELLANEOUS
Flood Zone UPDATE

Permit BUILDING PERMIT COMMERCIAL

Additional desc

Phone Access Code 1169341

Permit pin number 1169341

Permit Fee 684.25

Issue Date 12/02/14

Expiration Date 11/29/16

Plan Check Fee 483.19
Valuation 500'

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

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

APPLICANT

DATE

DATE

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

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 14-00002503
Application pin number 481993

Page 2
Date 12/02/14

Other Fees ARCHEOLOGICAL FEE 10.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	684.25	684.25	.00	.00
Plan Check Total	483.19	483.19	.00	.00
Other Fee Total	10.00	10.00	.00	.00
Grand Total	1177.44	1177.44	.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 _____ DATE _____
APPLICANT _____ DATE _____

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CITY OF SANTA FE, NEW MEXICO
P.O. BOX 909
SANTA FE, NEW MEXICO 87504-0909

* * * * * B U I L D I N G P E R M I T * * * * *

Application Number 14-00002503 Page
Property Address 1200 OLD PECOS TRL Date 12/02/14
Application description . . . TELECOMMUNICATION TOWER
Subdivision Name
Property Zoning RESIDENTIAL 1DU

Permit BUILDING PERMIT COMMERCIAL

Additional desc . .
Phone Access Code . 1169341
Permit pin number . 1169341

Required Inspections

Seq	Phone Insp#	Insp Code	Description	Initials	Date
10	101	F001	FOOTING		
10	103	F007	FOUNDATION		
10	402	EL02	ELECTRICAL, ROUGH		
10	403	EL03	ELECTRICAL, PRE-FINAL		
10	499	EL04	ELECTRICAL, FINAL		
1000	199	C001	BUILDING, FINAL		

-, 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 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
Historic Design Review Board
Findings of Fact and Conclusions of Law

Case #H-11-004A

Address – 1200 Old Pecos Trail

Owner's Name – St. John's Methodist Church

Applicant's Name – City of Santa Fe

THIS MATTER came before the Historic Design Review Board (Board) for hearing on February 22, 2011 at the request of the City of Santa Fe (City) pursuant to Santa Fe City Code (SFCC) Section 14-5.2(C)(2)(c)(iii).

1200 Old Pecos Trail, known as the St. John's Methodist Church (the Church), is located within the Historic Review Historic District (District) on the northwest corner of the intersection of Old Pecos Trail and Cordova Road.

After conducting a public hearing and having heard from staff and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard reports from staff and received testimony and evidence from the members of the public interested in the matter.
2. Pursuant to SFCC Section 14-5.2(C)(2)(b) the Board is authorized to designate a status for a structure with no status designated based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant", "contributing", or "noncontributing".
3. Pursuant to SFCC Section 14-5.2(C)(2)(c)(iii) the Board may review the status designation in response to a request initiated by the City after notification to the property owner.
4. Prior to the hearing on this matter the Church had no designated status.
5. SFCC Section 14-5.2(C)(2)(d) sets out notice requirements for the Board's review of status.
6. Board staff and the City complied with the notice requirements of SFCC Section 14-5.2(C)(2)(d).
7. Board staff provided the Board with a written report (Staff Report) recommending that the Board designate the Church as "contributing" based upon staff's evaluation of available data relating to the Church and the definition of "contributing" set out in SFCC Section 14-12.1.
8. A "contributing structure" is defined in SFCC 14-12.1 as "[a] structure, located in an Historic District, approximately 50 years old or older that helps to establish and maintain the character of the Historic District...[which] [a]lthough not unique in itself, ...adds to the historic associations and/or historic architectural design qualities for which a District is significant [and which...] may have had minor alterations, [but] its integrity remains."
9. The Church is comprised of the original section constructed in 1952 (the Original Structure) and two non-historic additions (collectively, the Additions), the first constructed in 1964 and the second constructed in 1999.
10. Together the Additions represent more than 50% of the overall mass of the Church.



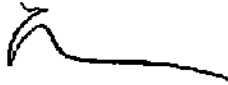
11. The Church does not meet the definition of "contributing" set out in SFCC Section 14-12.1 because more than 50% of the structure is less than 50 years old.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board CONCLUDES and ORDERS as follows:

That the Church be designated "non-contributing" because the majority of the structure is not of historic age.

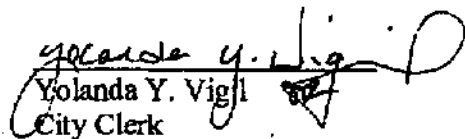
IT IS SO ORDERED ON THIS 8th DAY OF MARCH 2011 BY THE HISTORIC DESIGN REVIEW BOARD OF THE CITY OF SANTA FE.



Sharon Woods
Chair

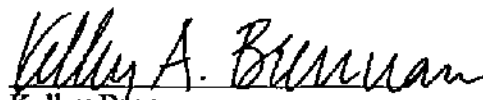
3.8.11
Date:

FILED


Yolanda Y. Vigil
City Clerk

3/9/11
Date:

APPROVED AS TO FORM


Kelley Brennan
Assistant City Attorney

3/4/11
Date:

City of Santa Fe
Historic Design Review Board
Findings of Fact and Conclusions of Law

Case #H-11-004B

Address: 1200 Old Pecos Trail
Owner's Name: St. John's Methodist Church
Applicant's Name: Peter Dwyer, Esq. for Basham & Basham PC
as the agent for New Cingular PCS, LLC, d/b/a AT&T

THIS MATTER came before the Historic Design Review Board (Board) for hearing on February 22, 2011 upon the application (Application) of Peter Dwyer, Esq. for Basham & Basham PC as the agent for New Cingular PCS, LLC, d/b/a AT&T (Applicant).

1200 Old Pecos Trail, known as the St. John's Methodist Church (the Church), is located within the Historic Review Historic District (District) on the northwest corner of the intersection of Old Pecos Trail and Cordova Road. It is non-contributing to the District.

The Applicant proposes to increase the height and mass of an existing chimney on the Church's southwest façade in order to screen a cellular antenna and related telecommunications facilities while permitting its continued use as a chimney venting a steam boiler and to construct a free-standing 500 square foot stuccoed mechanical enclosure up to 8' high (collectively, the Project). The Applicant requests a waiver pursuant to Santa Fe City Code (SFCC) Section 14-6.2(E)(10)(a) of the 16'4" maximum allowable height in order to extend the existing 44' high chimney to 53'.

After conducting a public hearing and having heard from staff, the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard reports from staff and received testimony and evidence from the Applicant and from members of the public interested in the matter.
2. Pursuant to SFCC Section 14-2.7(A)(1) the Board has authority to review and approve or deny all applications for new construction and exterior alteration of structures in the Historic Districts in accordance with the standards set forth in SFCC Section 14.
3. The standards set forth in SFCC Section 14 include the standards and requirements set forth in SFCC Section 14-6.2(E), entitled "Telecommunications Facilities" (the Telecommunications Ordinance).
4. Pursuant to SFCC Section 14-5.2(C)(3)(a) and (b) the Board is authorized to review all applications for new construction and alteration in the Historic Districts based on the standards set forth in SFCC Section 14-5.2 and to condition its approval on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work.



5. SFCC Section 14-5.2(C)(4) requires that all development located within the District comply with all applicable general development standards set forth in SFCC Section 14-5.2(D), as well as the specific development standards set forth in SFCC Section 14-5.2(F) (collectively, the Development Standards).
6. The Church is located in the District and is designated as non-contributing.
7. Pursuant to SFCC Section 14-6.2(E)(6)(a) antennas requiring approval of a Special Exception from the Board of Adjustment (BOA) may require review and approval by the Board as detailed in the Telecommunications Ordinance.
8. Pursuant to SFCC Section 14-6.2(E)(3)(ix)A, no Special Exception may be granted by the BOA in any Historic District unless the applicant can conclusively demonstrate to the Board that failure to grant the Special Exception would prohibit or effectively prohibit the applicant from providing services in a portion of the City; that all alternatives to location in the Historic District have been considered; and that the conditions of SFCC Section 14-5.2(C)(5)(c)(i) – (iii) and (v) – (vi) have been met.
9. SFCC Section 14-6.2(E)(10)(a) provides that the Board may grant a waiver of SFCC Section 14-5.2 requirements only if the Board makes certain written findings and SFCC Section 14-6.2(E)(10)(b) sets out factors to be considered in granting such a waiver (the Waiver Factors).
10. SFCC Section 14-6.2(E)(3)(e)(i) – (iv) sets out certain aesthetic requirements to be applied by the Board in its review of the Application (the Aesthetic Requirements).
11. Pursuant to SFCC Section 14-6.2(E)(3)(ix)B the BOA and the Board are required to conduct concurrent reviews of applications submitted under the Telecommunications Ordinance.
12. The BOA reviewed the Applicant's Special Exception request for the Project at a public hearing on January 19, 2011 and denied that application.
13. Notwithstanding the BOA's denial of the Applicant's Special Exception request for the Project, the Board is required under SFCC Section 14-6.2(E)(3)(ix)B to hear the Application concurrently.
14. The Board has considered the information contained in the Staff Report and the testimony of the Applicant, viewed from the perspective of the Board's typical jurisdiction under SFCC Section 14-5.2, and finds in accordance with the requirements of SFCC Section 14-6.2(E)(6)(a)(ix)A.1 and 2, that (a) the Board's failure to approve the Project would prohibit or effectively prohibit the Applicant from providing services in the Historic Districts, in that there are limited existing sites with the elevation necessary to accommodate antennas, height limits and other aesthetic standards in the Historic Districts, including streetscape standards, mitigate against the construction of new towers and antennas, and the Applicant cannot provide services to identified areas in the Historic Districts; and (b) the Applicant has considered alternatives to the location of the Project in the District, but determined that it would not be possible to provide coverage in the north and east sides of the City if all telecommunications facilities were located outside the Historic Districts.
15. The Board has considered the Applicant's request for a waiver of SFCC Section 14-5.2(D) height requirements in light of the Waiver Factors, viewed from the perspective of the Board's typical jurisdiction under SFCC Section 14-5.2 and based upon the information contained in the Staff Report and the testimony of the Applicant and others, finds in accordance with the requirements of SFCC Section 14-6.2(E)(6)(a)(ix)A.3, that granting the waiver (a) does not damage the character of the streetscape in that the Application complies

with the Development Standards and the Aesthetic Requirements by integrating the Project into the Church's existing elements in order to screen the antenna; (b) permits the Applicant to provide services to members of the public in the Historic Districts without damaging the character of the streetscape; (c) strengthens the heterogeneous character of the City by providing lease revenue to the Church to support its operations; (d) is due to special conditions and circumstances which are not the result of the actions of the Applicant, in that the geography of the north and east sections of the City and the Historic Districts overlay, together limit opportunities for the placement of antennas and towers with sufficient height to provide effective services; and (e) will permit the integration of the antenna into the Church's existing elements in order to screen the antenna, providing the least negative impact with respect to the purpose of SFCC Section 14-5.2 as set forth in SFCC Section 14-5.2(A)(1).

16. The Board has considered the Applicant's request for a waiver of SFCC Section 14-5.2(D) height requirements and finds in accordance with the requirements of SFCC Section 14-6.2(E)(10)(a), that granting the waiver (a) is in the best interest of the community as a whole, in that the visual impact of the Project is minimal and that it will permit the Applicant to provide services in an area of the City that has gaps in coverage; (b) will expedite the approval of an antenna, in that an antenna cannot be constructed in the District without Board approval; (c) ameliorates the adverse impact of antenna and tower proliferation by integrating the antenna into the Church's existing elements in order to screen the antenna, minimizing the visual impact of the Project; (d) will not jeopardize the public health, safety and welfare to the extent that the Board has jurisdiction to make such a determination and to the extent that the Project complies with the Design Standards and the Aesthetic Requirements; and (e) will serve the purposes of the Telecommunications Ordinance by ensuring that the height of towers in the City are to the maximum extent feasible integrated into the City's terrain and architecture and by minimizing adverse impact through careful design, siting, landscape screening and innovative camouflaging techniques.
17. The Project complies with the Design Standards and the Aesthetic Requirements and with all other applicable requirements under the Telecommunications Ordinance that are within the jurisdiction of the Board.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board CONCLUDES and ORDERS as follows:

1. The Board has authority under SFCC Section 14-5.2 and under the Telecommunications Ordinance to review and approve the Project, including granting the Applicant's request for a waiver from SFCC Section 14-5.2(D) height limits.
2. The Project complies with the Design Standards and the Aesthetic Requirements and with all other applicable requirements under the Telecommunications Ordinance that are within the jurisdiction of the Board, including those requirements set forth in SFCC Sections 14-6.2(E)(10)(a) and (b) and 14-6.2(E)(3)(ix)A and B.
4. That Case #H-11-004B be approved, subject to the conditions that (a) the coaxial cables shown running diagonally across the roof and down the Church's southwest façade be

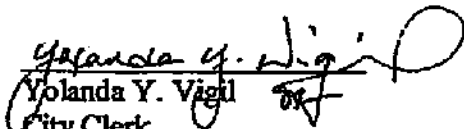
mounted to achieve the lowest visibility possible and brought to Board staff for approval and
(b) that the mechanical enclosure be stuccoed, not painted.

IT IS SO ORDERED ON THIS 8th DAY OF MARCH 2011 BY THE HISTORIC
DESIGN REVIEW BOARD OF THE CITY OF SANTA FE.


Sharon Woods
Chair

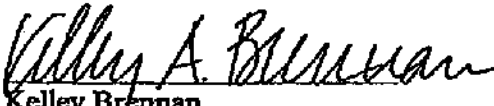
3.8.11
Date:

FILED


Yolanda Y. Vigil
City Clerk

3/9/11
Date:

APPROVED AS TO FORM


Kelley Brennan
Assistant City Attorney

3/4/11
Date:



City of Santa Fe, New Mexico

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

www.santafenm.gov

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 "4"

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.]



LUD Use Only

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

(date stamp)

RECEIVED

NOV 14 2013

LAND USE DEPARTMENT

Case #2013-116

**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) SFCG 2001 for more details.**

Appellant Information

Name: Cellular Phone Task Force
Last First M.I.
Address: P.O. Box 6216
Street Address Suite/Unit #
Santa Fe, NM 87502
City State ZIP Code
Phone: (505) 471-0129 E-mail Address: info@cellphonetaskforce.org
Additional Appellant Names: Arthur Firstenberg, President
9.7.11/4/13
Correspondence Directed to: ☒ Appellant ☒ Agent ☐ Both

Applicant 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) SFCG 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.

Explanation 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: 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, or its/her designee, will time, date, and file of receipt and initial of original. See Section 14-3-17(B) SFCC 2001 for more details.**

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/Authorized Agent/Authorized Agent

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 FINDINGS

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 in my neighborhood 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) Emotional distress. (4) Violation of any other rights I may have under New Mexico or federal law.

Explaining the Basics of Yoga

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.

Sign the Anti-Violence Pledge

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 F. Instenberg Date: Nov. 13, 2013
 Agent Signature: _____ Date: _____

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

I/We Arthur Firs tenberg, 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 Forstenberg
Signature

Signature

Arthur Firstenberg
Print Name

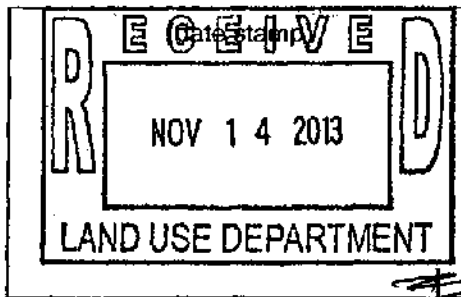
Print Name _____

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: 1:30Fee paid: \$ 100Receipt 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: Belair Melissa
Last First M.I.
Address: 1408 Agua Fria
Street Address Suite/Unit #
Santa Fe, NM 87505
City State ZIP Code
Phone: (505) 699-9949 E-mail Address: melissabelair@hotmail.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):

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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.

Pellant Signature:

M. Adair

Date:

11-12-13

gent 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

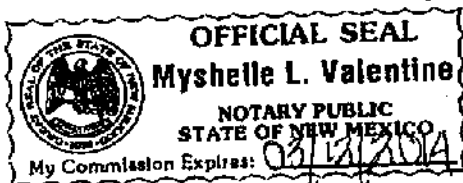
Signature

Melissa Adair

Print Name

Print Name

bscribed 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 NM 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: _____
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

scription 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.

Pellant Signature: Cecilia M Garcia Date: NOV-9-2013

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:

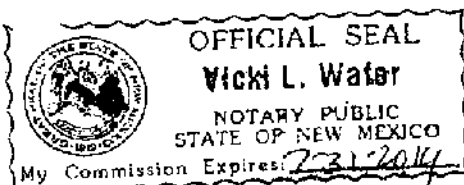
Cecilia M Garcia
Signature

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 87505
City State ZIP Code
Phone: (505) 983 6278 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):

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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.

Pellant Signature: Julio R. Garcia

Date: 9-NOV-2013

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We Julio R. 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:

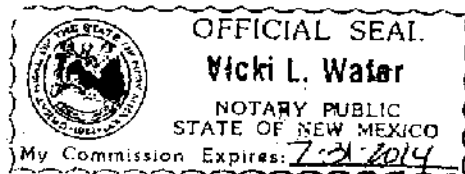
Julio R. Garcia
Signature

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:
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: Calderson Lucia
Last First M.I.
Address: 1408 Agua Fria
Street Address Suite/Unit #
Santa Fe 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

☒ 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:

Lucia Calderon

Date:

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We Lucia Calderon, 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:

Lucia Calderon
Signature

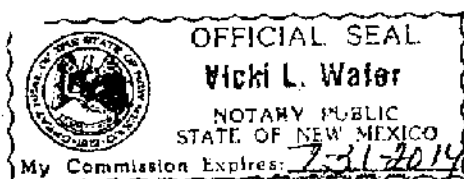
Signature

Lucia Calderon

Print Name

Print Name

Subscribed and sworn to before me this 10th 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: 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: mazatl.galindo@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)(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

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

(1) Violation of SFCC, Chapter 14, Section 8.2(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.

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Appellant Signature: _____

Date: _____

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We MAZATL GALINDO, 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

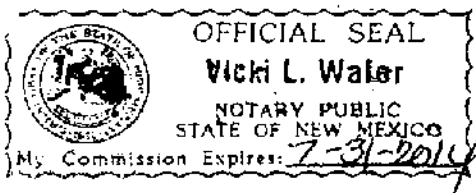
Signature

MAZATL GALINDO

Print Name

Print Name

Subscribed and sworn to before me this 10th day of November, 2013.



[Signature]
NOTARY PUBLIC
My commission expires: July 31, 2014

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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

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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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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Petitioner Signature:

Jose C. Martinez

Date:

11/11/13

Agent Signature:

Date:

State of New Mexico

)

) ss.

County of Santa Fe

)

I/We JOSE C. MARTINEZ THERESA T. MARTINEZ, 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:

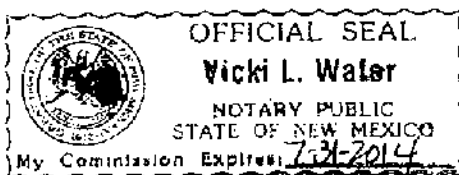
Jose C. Martinez
Signature

Theresa T. Martinez
Signature

Jose C. Martinez
Print Name

Theresa T. Martinez
Print Name

Subscribed and sworn to before me this 11th 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: Chavez Melvin C.
Last First M.I.
Address: 1707 Lena St.
Street Address Suite/Unit #
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)
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:

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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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(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.

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Appellant Signature: Melvin Chavez Date: 11-11-13
Agent Signature: _____ Date: _____

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

I/We Melvin Chavez, 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:

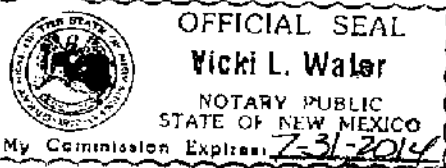
Melvin Chavez
Signature

Signature

Melvin C. Chavez
Print Name

Print Name

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



Vicki L. Water
NOTARY PUBLIC

My commission expires:

July 31, 2014

**LUD Use Only**

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

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**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 Suite/Unit # 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)
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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)(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:

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Petitioner 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: _____

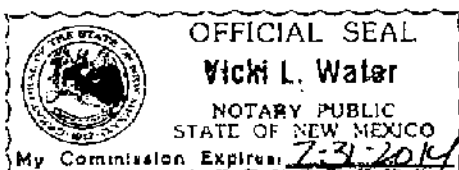
Signature: _____

11.11.2013

Print Name

Print Name

scribed and sworn to before me this 11th day of November, 20 13.



Signature: _____
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: Anaya Victor
Last First M.I.
Address: 7030 Cam. Puerrio
Street Address
Santa Fe 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:

☒ 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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Petitioner Signature: Victor Anaya Date: 11-11-2013

Agent Signature: _____ Date: _____

State of New Mexico)
) ss.

County of Santa Fe)

I/We Victor 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:

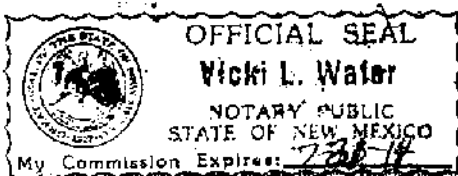
Victor Anaya
Signature

Signature

Victor Anaya
Print Name

Print Name

Subscribed and sworn to before me this 11th 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: Johnson Connie L
Last First M.I.
Address: 1200 Bandolina Rd
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
Phone: 505 629-7007 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: _____
Signed: _____ Date: _____

Subject of Appeal

Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
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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)(3) (person alleging injury to my economic, environmental and aesthetic interests)

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

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Signature and Verification

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Petitioner 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 _____

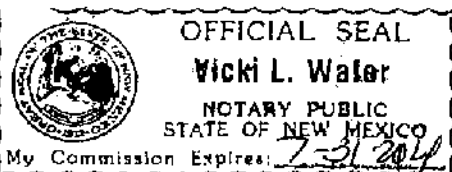
Signature _____

X Connie Johnson

Print Name

Print Name

scribed 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
Last First M.I.
Address: P.O. Box 28243
Street Address Suite/Unit #
Santa Fe, N.M. 87592
City State ZIP Code
Phone: 505 204-8480 E-mail Address: bernadette.romer658@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)
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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)(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.

Pellant Signature: X Bernadette Romero

Date: 11-6-13

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We X Bernadette 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:

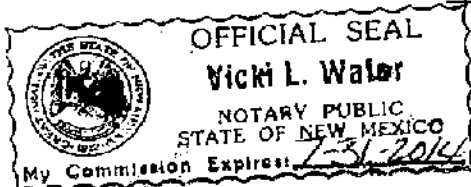
Signature

Signature

Print Name

Print Name

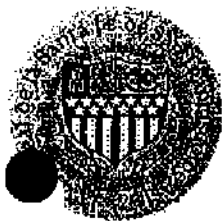
scribed and sworn to before me this 7th day of November, 2013.



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 with the New Mexico Department of Energy, Minerals and Natural Resources, Section 14-3.17(B), State Office Building, Santa Fe, New Mexico 87505.**

Appellant Information

Name: Schilling Brad K
Last First M.I.
Address: 519 Silva St.
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (505) 795-1705 E-mail Address: bschilling@adelanteconsulting.com
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

Appellant 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: 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. S. Jr.
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: one with the Department Director or his/her assistant, with the original and one with the State Engineer or his/her assistant. The State Engineer's original is for the Department Director's use only.**

Appellant Information

Name: Schilling Kelly B.
Last First M.I.
Address: 519 Silva St.
Street Address
Santa Fe NM 87505
City State ZIP Code
Phone: 505 795-1486 E-mail Address: kellybennett2@comcast.net
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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

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:

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:

7/9/2014

**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, at same time and place, and one original must be filed with the Section 14-3.17(B) SFCC for review and approval.**

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: dhs2010@aol.com
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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.

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: 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 originals of this form must be filed. The original will be given to the person who is signing it. The other original will be given to the person who is receiving it. The original will be given to the person who is receiving it.

Appellationsprüfung

Name: Fromberg, J. Anne
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

Perpetual Authorization of the License

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 87506

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

Final Action Appealed:

Issuance of Building Permit

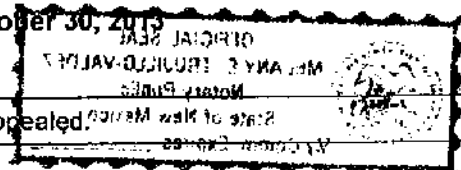
Basis of Standing (see Section 14-3.17(B) SFCC 2001):

**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, 2015



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

0450100H 01H00

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.

Storing and Retrieving Data

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: Charles Stromberg Date: 11/12/2013
 Respondent Signature: _____ Date: _____

[illegible]

I/We Diane 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:

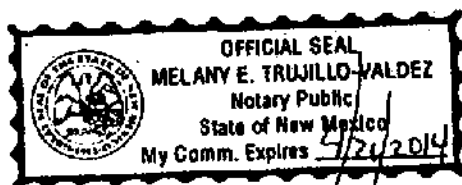
Chaine Trombe
Signature

Signature

Dianne Stromberg
Print Name

Print Name _____

Subscribed and sworn to before me this 12th day of November, 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 original and one copy must be filed with the State Engineer's Office, and the other copy must be filed with the local authority. See Section 14-3-17(B) SFC 2001 for more information.**

Appellant Information

Name: Vigil Katherine L.
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

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) SFC 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.

Explanation of the 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:

Katherine L. Vigil

Date:

11/10/13

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We Katherine L. 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 L. Vigil

Signature

11/11/13

Signature

Katherine L. Vigil

Print Name

Print Name

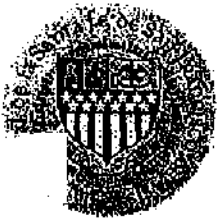
Subscribed and sworn to before me this 11 day of November, 20 13

David K. K.

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 applicant or owner or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(B) SFC 2001 for the original.

Name:

REED**EBEN****C.**

Last

First

M.I.

Address:

514 SILVA

Street Address

SANTA FE

City

Suite/Unit #

N.M.

State

87505

ZIP Code

Phone:

505 995-8872

E-mail Address:

N/A

Additional Appellant Names:

N/A

Correspondence Directed to:

☒ Appellant☐ Agent☐ Both

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) SFC 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.

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 Certification

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: EBEN C. REED

Date: 11/8/13

ent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We EBEN 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:

✓ EBEN C. REED

Signature

Signature

EBEN C. REED

Print Name

Print Name

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

Jessie 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 with the Department of Environment, Planning and Community Development, and one original and initial both originals with the Section 14-3.17(B) SFCC Building Department.**

Name:

REED**M.****FORREST**

Last

First I

M.

Address:

514 SILVA

Street Address

SANTA FE

City

Suite/Unit #

N.M.**87502**

State

ZIP Code

Phone:

505 995-8872

E-mail Address:

N/A

Additional Appellant Names:

N/A

Correspondence Directed to:

☒ Appellant☐ Agent☐ Both

I/We:

authorize _____

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

Signed: _____

Date: _____

Signed: _____

Date: _____

Subject of AppealProject 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.

Detail 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. 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

Lusley 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 of initial submission. See Section 14-3.17(B) SFCC 2001 for the original.**

Appellant Information

Name: Baca Arthur D
Last First M.I.
Address: 1418 Agua Fria ST
Street Address Suite/Unit #
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

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;
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 Certification

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 D. Baca Date: 11-8-13

nt 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:

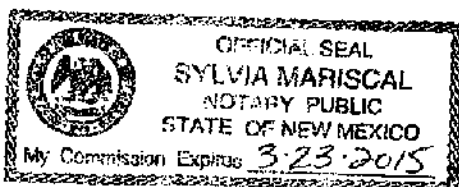
Arthur D. Baca
Signature

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 original copies of this form must be filed with the New Mexico Department of Land and Natural Resources, Office of the State Engineer, and the New Mexico Department of Agriculture, Office of the State Veterinarian. See Section 14-3-17(B) SFCC 2001 for more information.

Appellant Information

Name: Baca Sophia Groce
Last First M.I.
Address: 1418 Agua Fria
Street Address Suite/Unit #
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 Authorized (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;
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.

Swearing and Certification

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:

Nov 8, 2013

ent Signature:

Date:

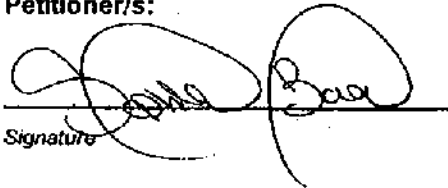
State of New Mexico)

) ss.

County of Santa Fe)

I/We Sophia 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:


Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this

8 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 with the Department Director, as their decision will be the final and binding decision on all appeals. See Section 14-3.17(B) SFCC 2001 for more information.

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 Information (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 87506
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.

Statement of Compliance

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: 11-8-13

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We Charlie Elliott, 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:

Charlie Elliott
Signature

Signature

Charlie Elliott
Print Name

Print Name

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

Daniel USA
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 Deborah 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: _____
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

gent Signature:

Date:

State of New Mexico

1 ss.

County of Santa Fe

I/We Webster Webb, 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 7 day of November, 2015

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 City State ZIP Code
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: _____
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:

Cristal Vigil

Date:

11/7/13

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We Cristal 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:

Cristal Vigil

Signature

Signature

Cristal 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: VIGIL Daniel T.
Last First M.I.
Address: 513 Silva St
Street Address Suite/Unit #
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.
red: _____ 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

cription 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: _____

Ant 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

scribed 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.

Petitioner Signature:

Dorelene J. Varela

Date:

11/7/2013

Agent Signature:

Date:

State of New Mexico)

) ss.

County of Santa Fe)

I/We Dorelene 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:

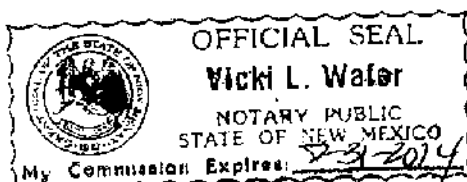
Dorelene J. Varela
Signature

Signature

Dorelene 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:

Feb 29 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
Last First M.I.
 Address: 1414 1/2 Agua Fria, # A
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
 Phone: (505) 603-1494 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.

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.

Petitioner Signature:

Georgette Romero

Date:

10/7/13

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:

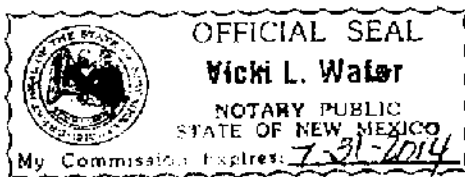
Georgette Romero
Signature

Signature

Georgette Romero
Print Name

Print Name

scribed 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 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) SFCG 2001 for the procedure.

Appellant Information

Name: Lopez Doane 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

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) SFCG 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: 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:

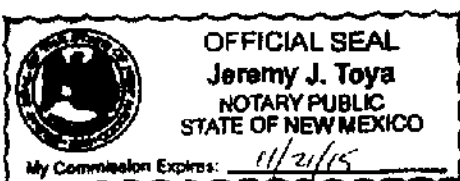
Duane A Lopez
Signature

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 original copies of this petition must be filed with the New Mexico Department of Insurance, Division of Insurance, with one copy filed with the State Office of the Attorney General, Section 14-3.17(B) SFCC 2001 and one copy filed with the State Office of the Attorney General, Section 14-3.17(B) SFCC 2001.

Appellant Information

Name: Copeland Catherine
Last First M.I.
Address: 522 Silva St.
Street Address Suite/Unit #
Santa Fe MM 87505
City State ZIP Code
Phone: (505) 660-8321 E-mail Address: cat@kaiserathgenm.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;
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 COPELAND, 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:

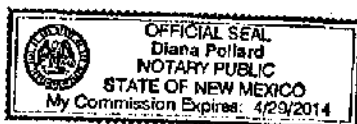
Catherine Copeland
Signature

Signature

CATHERINE COPELAND
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 date and time of receipt and initials on both originals. See Section 14-3.17(B) SFCC 2001 for the proper filing procedure.**

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
Subject of Appeal

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 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.

Signed and Verified

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.

(Notary Signature)

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 Loya
Street Address Santa Fe Suite/Unit # N/A 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.

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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: _____

Date: _____

11-11-13

nt 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

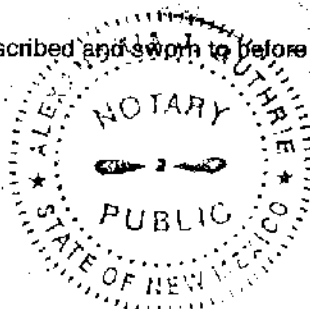
Signature

GRANT KOSHA

Print Name

Print Name

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



Alexandria J. Selby
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: Gallejos Grace V.
Last First M.I.
Address: 61842 Jiron St.
Street Address 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.
red: _____ Date: _____
ned: _____ 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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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: _____

nt Signature: _____ Date: _____

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

I/We Grace V. Gallegos, 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:

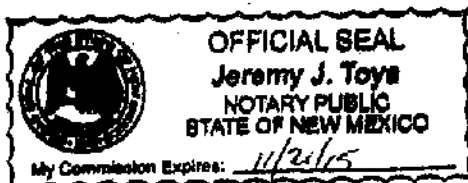
Grace V. Gallegos
Signature

Grace V. Gallegos
Signature

Grace V. Gallegos
Print Name

Grace V. Gallegos
Print Name

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



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 original copies of this form must be filed with the US Department of the Interior. The designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for more 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

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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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.

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.

Danuta 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: 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)(6) (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:

John Muller

Date: Nov 13 2013

A 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

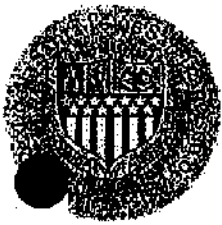
Print Name

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

Sanette J. 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 applicant must file the original and a copy with the Director of the New Mexico State Office of the Attorney General. See Section 14-3-17(B)(2) of the New Mexico Statutes.**

Name: Trujillo Mary
Last First M.I.
Address: 620 BACA St.
Street Address Suite/Unit #
Santa Fe N.M. 87505
City State ZIP Code
Phone: () E-mail Address: _____
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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

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.

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 Affidavit

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.

Danuti J. 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 with the New Mexico Department of Energy, Environment and Natural Resources. See Section 14-3-17(B) SFCC 2001 for the original.

Appellant Information

Name: Trujillo Patricia
Last First M.I.
Address: 620 BACA Street
Street Address Suite/Unit #
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)
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)(6) (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:

Patricia Trujillo

Date:

11-8-13

nt Signature:

Date:

State of New Mexico)

) ss:

County of Santa Fe)

I/We Patricia 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:

Patricia Trujillo
Signature

Signature

Patricia Trujillo
Print Name

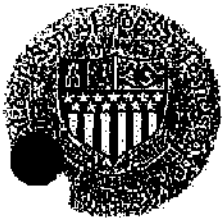
Print Name

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

Danette J. 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, and the State Department of Labor must be notified, with the date and time of receipt and initial both originals. See Section 14-3.17(B) SFCC 2001 for the procedure.****

Appellant Information

Name: Martinez Margarita _____
Last First M.I.
Address: 612 Bacer St. _____
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (505) 982-0602 E-mail Address: _____
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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

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

scription 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 DATA

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.

15. 1995年10月10日 4月03日

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.

Significance and Application

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: 11-7-2013

nl Signature:

Date:

State of New Mexico)

) SS.

County of Santa Fe

1

I/We Margaret Martinez, 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:

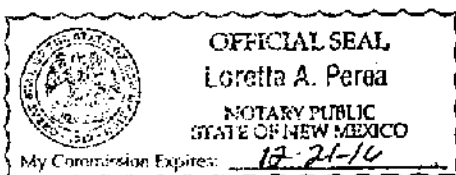
Signature

Signature

Print Name

Print Name _____

Subscribed and sworn to before me this 7 day of November, 20 13



Donna C. Green

 NOTARY PUBLIC
 My commission expires:
 12-21-16

**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: Martinez Danette Juliette
Last First M.I.
Address: 612 Baca St
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (605) 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)
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 SFCO 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: 11-8-13

t Signature:

Date:

State of New Mexico

}

1 ss.

County of Santa Fe

)

I/We Janette Sulufo Martinez, 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:

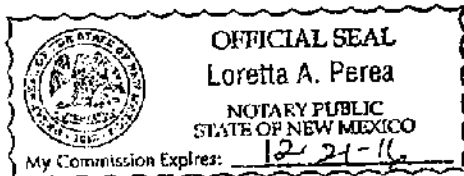
Signature

Signature

Print Name _____

Print Name

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



Donath A. Lere

NOTARY PUBLIC

My commission expires:

12-21-16

**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 Benjamin J
Last First M.I.
Address: 608 Baca
Street Address Suite/Unit #
Santa Fe NM 87505
City 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: _____
do hereby 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: Benjamin J. Anaya Date: 11-8-13

Signature: _____ Date: _____

State of New Mexico)
) ss.

County of Santa Fe)

I, We Benjamin J. Anaya, 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: 90

Signature

Signature

Print Name

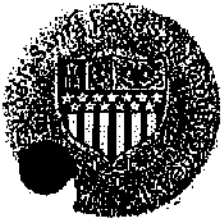
Print Name

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

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 petition to the Planning and Zoning Department, one to the Planning and Zoning Department and one to the Planning and Zoning Department. See Section 14-3-17(B) SFCC 2001 for the procedure.

Appellant Information

Name: ANAYA Carmen C
Last First M.I.

Address: 608 Baca ST Santa Fe New Mexico 87505
Street Address Suite/Unit # City State ZIP Code

Phone: 505 9837972 E-mail Address: _____

Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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)(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

scription 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.

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.

Explaining 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: Carmen C Anaya Date: Nov 8 2013
Int 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

Signature

Print Name

Print Name

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

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 date, file and time stamp each original and initial both originals. See Section 14-3-17(B)(2) for appeal of final action.

Name: AWAYA Benjamin C.
Last First M.I.
Address: 608 Baca St
Street Address Suite/Unit #
Santa Fe N.M. 87505
City State ZIP Code
Phone: (505) 983-7972 E-mail Address: _____
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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

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 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 C Anaya Date: 11-8-13

if 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

Signature

Print Name

Print Name

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

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.
Last First M.I.
Address: 618 1/2 Jiron St.
Street Address Suite/Unit #
Santa Fe, N. 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.
ed: _____ Date: _____
ed: _____ 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: _____ Date: _____

nt Signature: _____ Date: _____

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

I/We ELIZABETH METOYER, 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:

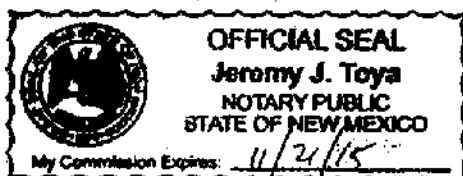
Elizabeth J. Metoyer
Signature

Elizabeth J. Metoyer
Signature

Elizabeth J. METOYER
Print Name

Elizabeth J. METOYER
Print Name

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



Jeremy J. Toya
NOTARY PUBLIC
My commission expires: 11/24/15



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: Sanchez Tomacita G
Last First M.I.
Address: 905 Don Juan St.
Street Address Suite/Unit #
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.
dated: _____ 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

cription 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 8.2(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:

Tomacita Sanchez

Date:

11-13-13

Witness Signature:

Date:

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

I/We *Tomacita Sanchez*, 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

Tomacita Sanchez

Signature

Print Name

TOMACITA SANCHEZ

Print Name

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

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: 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.
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)(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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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

it 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. 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. The Land Use Department Director or his/her designed 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 Hickox St.
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: (505) 670-8370 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.
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)(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):

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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:

Shirley Muller

Date: Nov 11 2013

nt 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.

Ranette 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 InformationName: Lucero José F

Last

First

M.I.

Address: 1274 Senda del Valle

Street Address

Suite/Unit #

Santa FeNM 87507

City

State

ZIP Code

Phone: 505 471-0575 E-mail Address: mapsflog.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 AppealProject 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 87505Case 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: _____ Date: _____


Print Signature: _____ Date: _____

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

I/We Jose F Lucero, 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

JOSE F. LUCCARO
Print Name

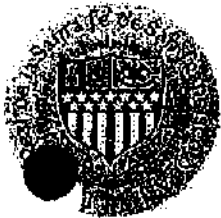
José F. Luceno
Print Name

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

Janette J. 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 with the New Mexico Department of Energy, Land and Natural Resources, Office of the State Engineer, and time of receipt and initial both originals. See Section 14-3-17(B) SFCC 2001 for more information.**

Appellant Information

Name: Padilla Mary A
Last First M.I.

Address: 1274 Senda del Valle
Street Address Suite/Unit #
Santa Fe NM 87507
City State ZIP Code

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

Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

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

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.

Describe the 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.

Statement 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: _____

nt 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, 20 13.

Dornette J. 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 originals. See Section 14-3.17(D) SFCC 2001 for the procedure.****

Appellant Information

Name: Valentine Myrshelle L.
Last First M.I.
Address: 1000 Paseo de Perla
Street Address City State ZIP Code
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.

ellant Signature: _____

Date: _____

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We X Mysuelle L. 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.

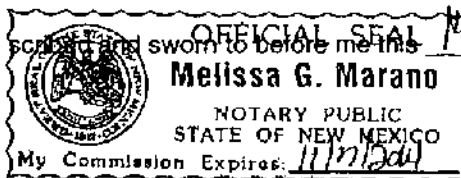
Petitioner/s:

Signature

Signature

Print Name

Print Name



day of November, 2013.

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 Information (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

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Petitioner 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.

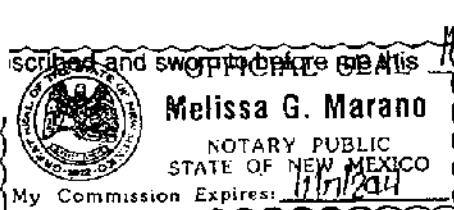
Petitioner/s:

[Signature]
Signature

Signature

TODD WINKLER
Print Name

Print Name



[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 Suite/Unit #
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)
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Signature and Verification

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Petitioner Signature: Anne M. Winkler

Date: 11-14-2013

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

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: 11/15/14

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
(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 (OLD CODE) UPDATE
Flood Zone MEN. FLOODING/OUTSIDE 500
Other struct info HEIGHT ROOF MOUNT ANTE

Permit BUILDING PERMIT COMMERCIAL
Additional desc
Phone Access Code 140.0275
Permit Fee 331.69
Issue Date 10/30/13 Plan Check Fee 331.69
Expiration Date 10/28/15 Valuation 30000

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
DATE 10/30

APPLICANT *John Malone*

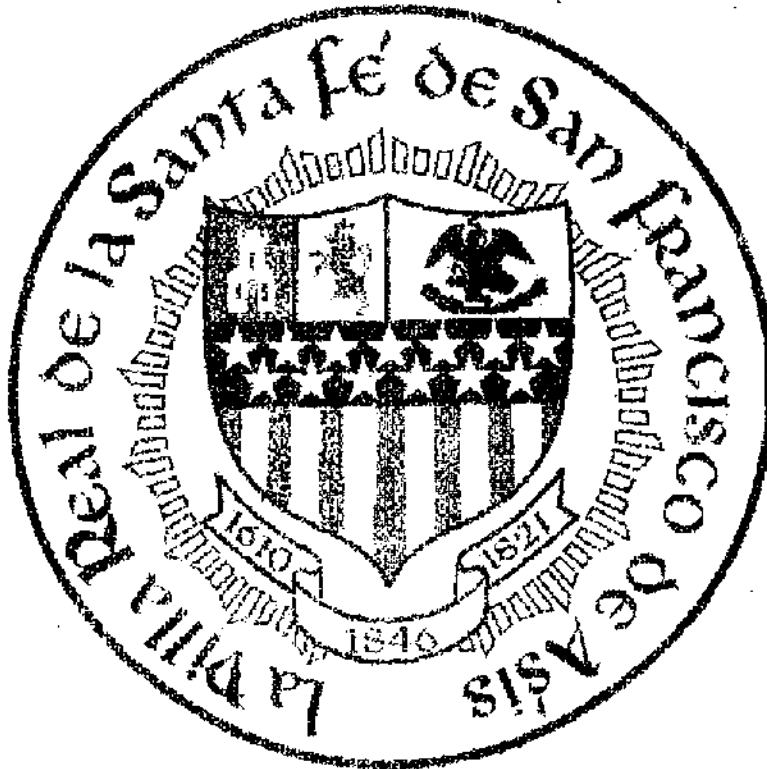
I, the signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of 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 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 _____ DATE 10-30-13
APPLICANT [Signature] DATE 10/30

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.

***** BUILDING PERMIT *****

Application Number 13-00002097
Property Address 1402 AGUA FRIA ST
Application description TELECOMMUNICATION TOWER
Subdivision Name DORIS LUNA LOT LINE
Property Zoning GENERAL COMMERCIAL

Page 3
Date 10/30/13

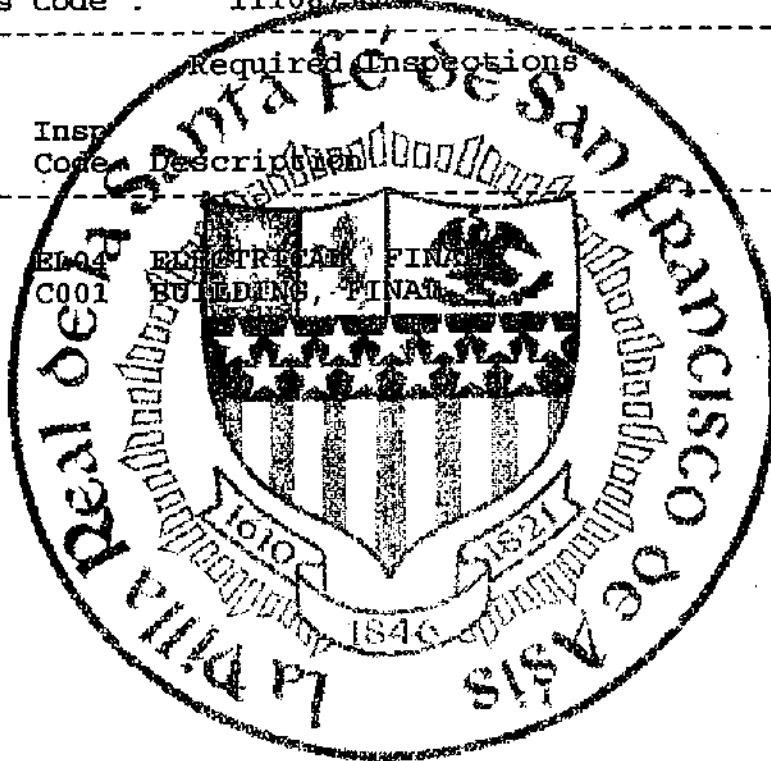
Permit BUILDING PERMIT COMMERCIAL

Additional desc . .

Phone Access Code . 1110873

Required Inspections

Seq	Phone Insp#	Insp Code	Description	Initials	Date
10	499	EL-04	ELECTRICAL FINAL		
1000	199	C001	BUILDING FINAL		



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 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.

Case#2014-82



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: CELLULAR PHONE TASK FORCE
Last First M.I.
Address: P.O. Box 6216
Street Address Suite/Unit #
CITY SANTA FE, NM 87502 State ZIP Code
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
organization its

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

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.



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.

HARM TO OUR MEMBERS WHO LIVE NEARBY, AS ABOVE.

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: Arthur Firstenberg, President Date: Aug. 8, 2014

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:

Arthur Firstenberg
Signature

Signature

ARTHUR FIRSTENBERG
Print Name

Print Name

Subscribed and sworn to before me this 8 day of AUGUST, 2014.

Daniel V. S.
NOTARY PUBLIC

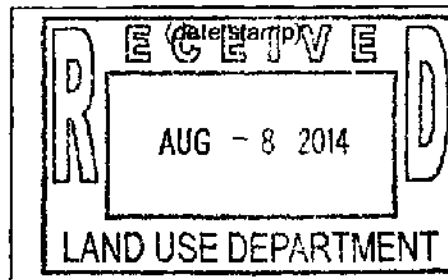
My commission expires:

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: Adair Melissa
Address: 1408 Agua Fria Santa Fe NM 87505
City: Santa Fe State: NM ZIP Code: 87505
Phone: (505) 1699-9949 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:

☒ 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.

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Description of Harm

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Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

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Signature and Verification

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Appellant Signature: _____

Date: 8-7-14

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:

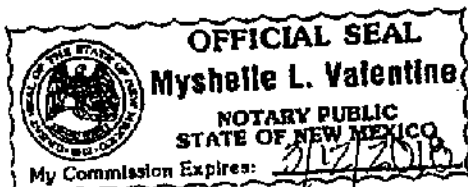
M. Adair
Signature

Signature

Melissa Adair
Print Name

Print Name

Subscribed and sworn to before me this 7th day of August, 20 14



NOTARY PUBLIC

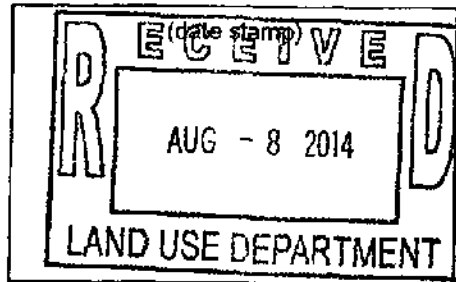
My commission expires:

3/12/2018



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: GALINDO MAZATL
 Last First M.I.
 Address: 1408 AGUA FRIA
 Street Address Suite/Unit #
SANTA FE NM 87505
 City State ZIP Code
 Phone: (95) 577-2290 E-mail Address: MAZATL GALINDO @ 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)
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 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);
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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: 8-7-14

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We MAZATL GALINDO, 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

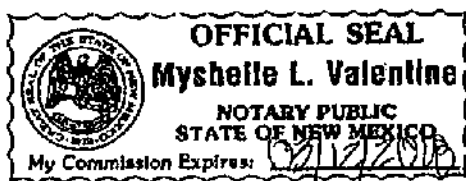
Signature

MAZATL GALINDO

Print Name

Print Name

Subscribed and sworn to before me this 7th day of August, 2014.



Myshelle L. Valentine
NOTARY PUBLIC

My commission expires:

03/12/2018



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 Suite/Unit #
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.

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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: _____

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 L. 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

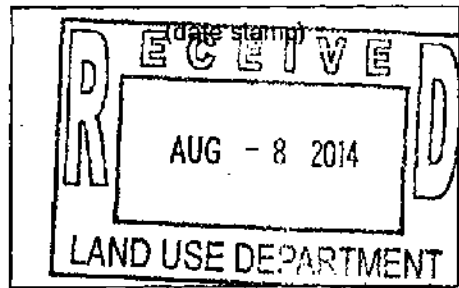
My commission expires:

7/9/2016



LUD Use Only

Time Filed: 1:35 PM
Fee paid: \$160.00
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: Martinez Joseph E
Address: 602 Velarde Street M.I.
Santa Fe New Mexico Suite/Unit # 87505
City State ZIP Code
Phone: (505) 988-4172 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

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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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Appellant Signature: _____

Date: _____

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:

✓ Judy E. Martinez
Signature

Signature

x Joséphé Martinez
Print Name

Print Name

Subscribed and sworn to before me this 3 day of August, 20 14.

Daniel Vig
NOTARY PUBLIC

My commission expires:

7/9/2015



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: Wenger Tuscany P
Last First M.I.
Address: 516 Silva St.
Street Address City State ZIP Code
Santa Fe New Mexico 87505
Phone: 505 591-0541 E-mail Address: monsterfactory@comcast.net
Additional Appellant Names: Geoff Banzhof

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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Explain the Basis for Appeal

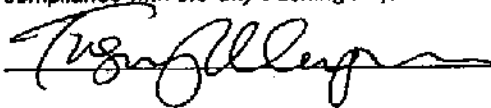
Please detail the basis for Appeal here (be specific):

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Appellant Signature:



Date:

7/29/14

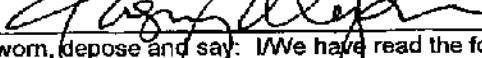
Agent Signature:

Date:

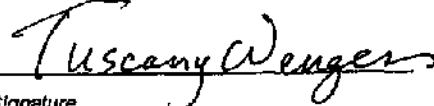
State of New Mexico)


) ss.

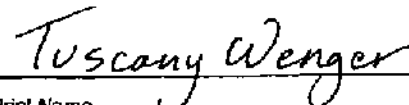
County of Santa Fe)

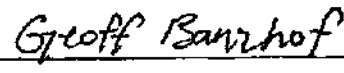
I/We  being first
duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and
that the same are true to my/our own knowledge.

Petitioner/s:

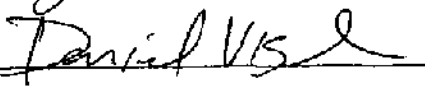

Signature


Signature


Print Name


Print Name

? Subscribed and sworn to before me this 29 day of July, 2014.


NOTARY PUBLIC

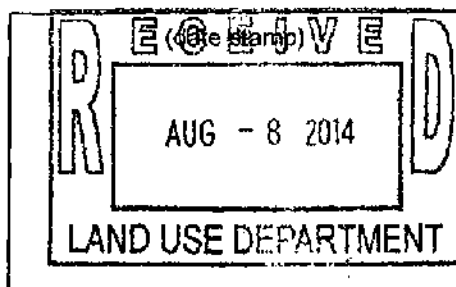
My commission expires:

7/9/2016



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: Chavez Michael
Last First M.I.
Address: 515 Silva St
Street Address Suite/Unit #
Santa Fe 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

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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(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: 8/13/14

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe

I/We Michael Chavez & Evaristo J. Chavez, 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

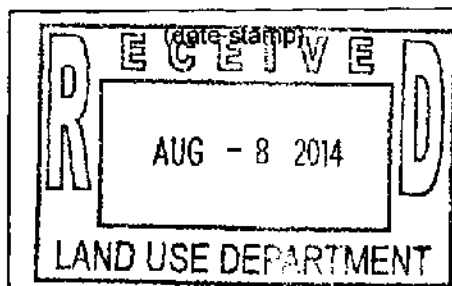
Subscribed and sworn to before me this 3 day of August, 2014.

NOTARY PUBLIC

My commission expires: 7/9/2016

**LUD Use Only**

Time Filed: 1:35 PM
Fee paid: \$100.00
Receipt attached: ☒

**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 Suite/Unit # 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:

☒ Issuance of Building Permit ☐ Other Final Determination of LUD Director

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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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Appellant Signature: _____

Date: _____

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We M. FORREST REED & EBEN 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:

M. Forrest Reed
Signature

EBEN C. REED
Signature

M. FORREST REED
Print Name

EBEN C. REED
Print Name

Subscribed and sworn to before me this 24 day of July, 2014.

Daniel V. H.
NOTARY PUBLIC

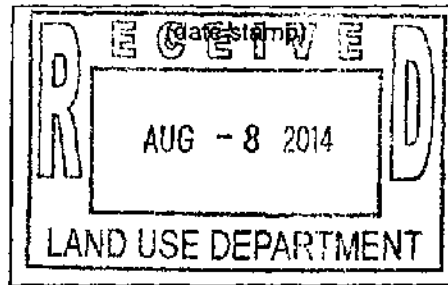
My commission expires:

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: Hurtado Orlando R
 Address: 1403 Agua Fria (WORKS AT THE CRITTERS + ME)
 Street Address Santa Fe NM 87507
 City NM 87507
 Phone: 505 920-0190 E-mail Address: Orlando.hurtado23@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:

☒ 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

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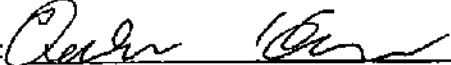
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(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities located on existing structures shall not exceed the height of the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) 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

Signature

Orlando Horta
Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014.


NOTARY PUBLIC

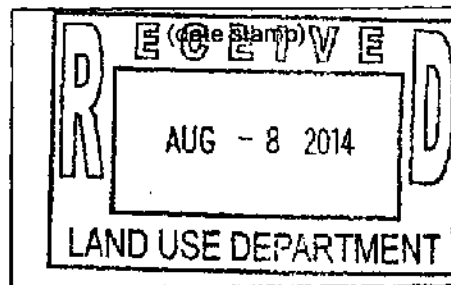
My commission expires:

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: 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: ZENON STACY@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:

☒ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☐ Planning Commission ☐ Board of Adjustment ☐ BCD-DRG ☐ 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.

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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 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):

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Appellant Signature: _____

Date: 8/8/14

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

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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 8th day of August, 2014

NOTARY PUBLIC

My commission expires:

7/9/2016



LUD Use Only

Time Filed: 1:35pm

Fee paid: \$100.00

Receipt attached: ☒

RECEIVED (date stamp)

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: DEWING GENEVIEVE R

Address: 1403 AGUA FRIA ST (WORKS AT CRITTERS & ME)

Street Address: SANTA FE Suite/Unit #: NM 87505

City: SANTA FE State: NM ZIP Code: 87505

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

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Appellant Signature: James H. de Wina 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:

Answer de wing
Signature

Signature

Genevieve R. DeWine
Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014

Perce V. Vign
NOTARY PUBLIC

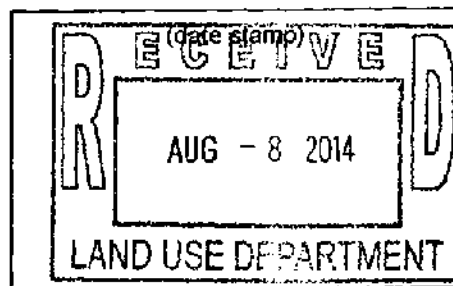
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7/9/2016



LUD Use Only

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PETITION**

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Appellant Information

Name: Soens-Dolan Ingrid W
 Last First M.I.
 Address: 1403 Agua Fria (works at the Center for the Arts)
 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)
 Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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Signature and Verification

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Appellant Signature: L.W. Soers-Dolan 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:

L.W. Soers-Dolan
Signature

Signature

L. W. Soers-Dolan
Print Name

Print Name

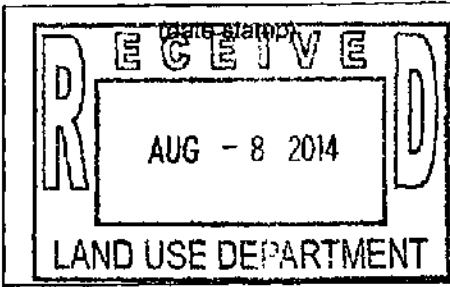
Subscribed and sworn to before me this 8 day of August, 20 14.

Daniel G
NOTARY PUBLIC
My commission expires:
7/19/16



LUD Use Only

Time Filed: 1:35 PM
 Fee paid: \$ 100.00
 Receipt attached: ☒



**VERIFIED APPEAL
PETITION**

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Appellant Information

Name: SIMONS John G
 Address: Last 35 BLACK CANYON Rd First (works at The Cutters and me) M.I.
 Street Address Santa Fe Suite/Unit # NM 87508
 City Santa Fe State NM ZIP Code 87508
 Phone: 505 670-7299 E-mail Address: John.Simons@gs.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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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:

John H. Simon
Signature

Signature

JOHN G SIMONS
Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014

NOTARY PUBLIC

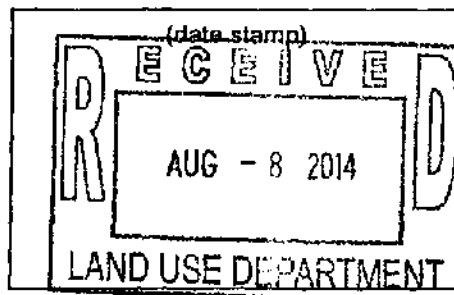
My commission expires:

7/9/2016



LUD Use Only

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**VERIFIED APPEAL
PETITION**

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Appellant Information

Name: MOORE LAURA J.
Last First M.I.
Address: 1403 AGUA FRIA ST
Street Address
SANTA FE Suite/Unit # NM 87505
City State ZIP Code
Phone: (505) 982-8040 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)
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(date stamp)

RECEIVED

AUG - 8 2014

LAND USE DEPARTMENT

**VERIFIED APPEAL
PETITION**

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Appellant Information

Name: William Open
Last First M.I.
Address: 3002 Calle Quetzal (works at Cutters and me)
Street Address Suite/Unit #
Santa Fe N Mex 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

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Signature and Verification

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Appellant Signature: Joan m. Ulibarri Date: 8-8-2014
Agent Signature: [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:

Joan m. Ulibarri
Signature

Signature

Joan - m - Ulibarri
Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014.

NOTARY PUBLIC

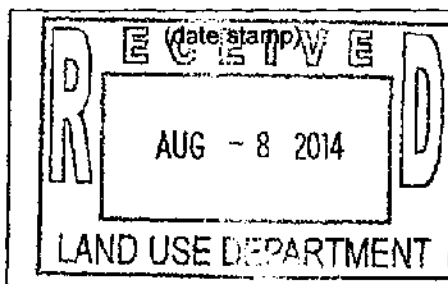
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**VERIFIED APPEAL
PETITION**

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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: ledgersskate@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)
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(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 ENM 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

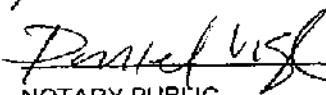
8/8/14
Signature

James McGuire

Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014

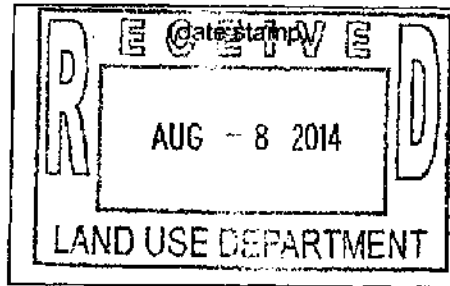

NOTARY PUBLIC

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 Torque Dr (Works at their me) me C
City: Santa Fe State: NM ZIP Code: 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

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.

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: _____

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:

Adam J. Lester
Signature

Signature

Adam J. Lester
Print Name

Print Name

Subscribed and sworn to before me this 8 day of August, 2014.

Daniel V. K.
NOTARY PUBLIC

My commission expires:

7/9/2016



LUD Use Only

Time Filed: 1:35 PM
Fee paid: \$100.00
Receipt attached: ☒

RECEIVED
Date stamp
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: Romero Georgette
Last First M.I.
Address: 1414 1/2 Agua Fria, #A
Street Address Santa Fe NM 87505
City State ZIP Code
Phone: 505, 603-1494 E-mail Address: GeoRom11@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
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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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 July 26, 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.

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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: _____

Date: _____

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:

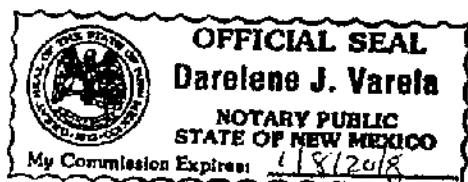
Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this 8th day of August, 2014.



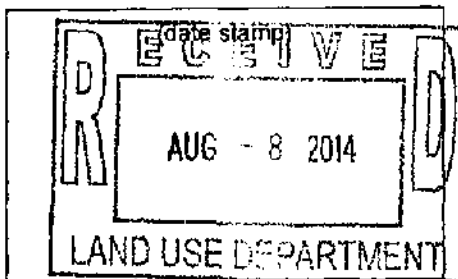
NOTARY PUBLIC

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: bearsfar@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
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

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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):

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Please detail the basis for Appeal here (be specific):

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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:

Arthur Firstenberg

Date:

Aug. 8, 2014

Agent Signature:

Date:

State of New Mexico

)

) ss.

County of Santa Fe

)

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

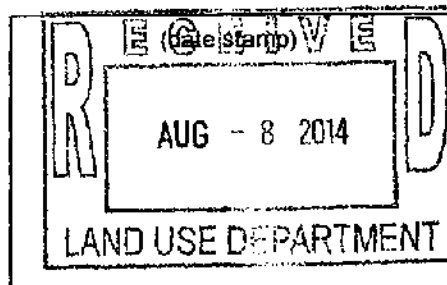
NOTARY PUBLIC

My commission expires:

7/9/2016

**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: 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@att.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:

☒ 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

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Signature and Verification

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Appellant Signature: Deborah H Shapiro Date: 8/7/14
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:

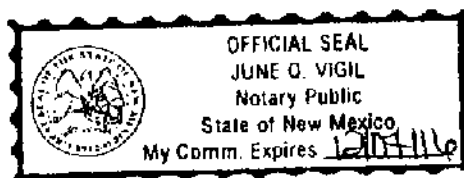
Deborah H Shapiro
Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this 7th day of August, 2014



June Vigil
NOTARY PUBLIC
My commission expires: 12/31/16

* * * * * B U I L D I N G P E R M I T * * * * *

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

MALONE, JOHN
1402 AGUA FRIA
SF NM
SANTA FE
(505) 480-2822

NM 87505

Contractor

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

Issue Date 7/15/14

Expiration Date 7/15/16

Plan Check Fee 331.69

Valuation 30000

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: *JE*

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 *7-15-14*

APPLICANT *[Signature]*

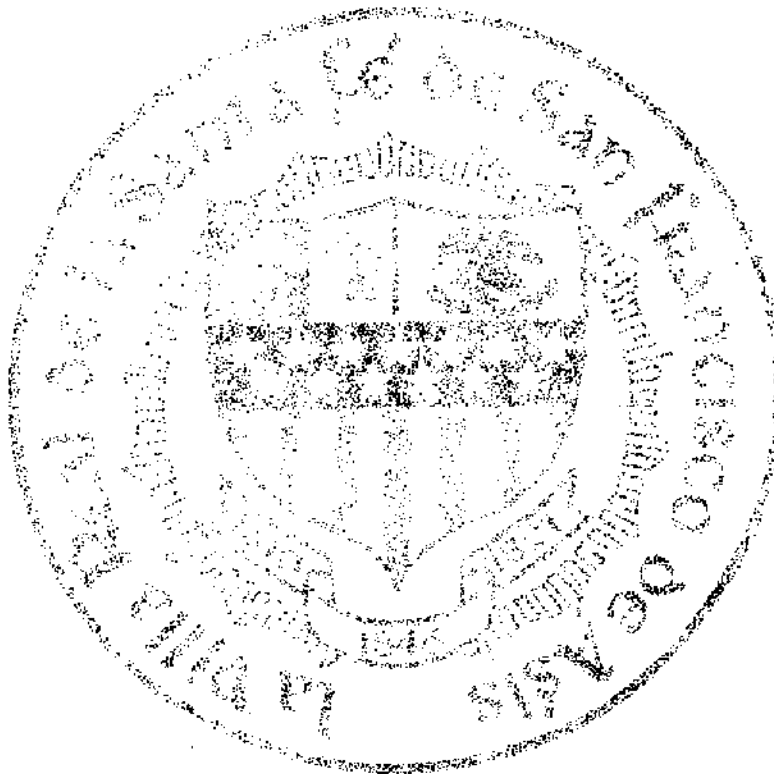
DATE *7-15-14*

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
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
Plan Check Total	331.69	331.69	.00
Grand Total	864.44	864.44	.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

APPLICANT

DATE 7-15-14

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,
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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.

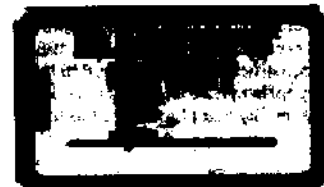
(B) Fines, Imprisonment

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	\$25.33 for the first \$500 plus \$9.05 for each additional \$100 or fraction thereof to and including \$2,000
\$2,001 to \$25,000	\$90.50 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	\$211.72 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	\$643.73 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	\$993.74 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	\$1,438.00 for the first \$275,000 plus \$7.30 for each additional \$1,000 or fraction thereof to and including \$500,000
\$500,001 to \$1,000,000	\$3,513.37 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	\$90 (per unit)
Building Without a Permit Fee	Double the Permit Fee

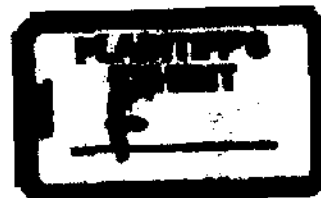
Per Resolution #2008-83

Form Rev. 10-18-13

Application Tracking #

City of Santa Fe

BUILDING PERMIT APPLICATION



PLEASE USE A BALL POINT PEN (PRESS FIRMLY)

Type _____	Accepted by _____	Date Accepted _____
Amount Paid (Plat Check Fee) \$ _____	Water Budget Fee \$ _____	Balance Due Permit Fee \$ _____
Land Use Classification _____	<input type="checkbox"/> Escapment <input type="checkbox"/> Floodplain <input type="checkbox"/> Historical	Division: _____
Type of Construction _____	Occupancy Group _____	1 1.1 1.2 2 2.1 3 4 5 6 7
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)

- | | | |
|---|--|--|
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Walls/Fences | <input type="checkbox"/> Signs: |
| <input checked="" type="checkbox"/> Additions | <input type="checkbox"/> Grading/Utilities/Landscaping | <input type="checkbox"/> Free Standing <input type="checkbox"/> Wall Mounted |
| <input type="checkbox"/> Exterior Alterations/Repairs | <input type="checkbox"/> Pools/Sheds | Existing # _____ sq. ft. _____ |
| <input type="checkbox"/> Interior Remodel | <input type="checkbox"/> Other _____ | 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 <table border="1"> <thead> <tr> <th>Existing</th> <th>Proposed</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Heated _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Garage _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Patio /Porch _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Roofed _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Total Square Footage _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	Existing	Proposed	Total	Heated _____	_____	_____	Garage _____	_____	_____	Patio /Porch _____	_____	_____	Total Roofed _____	_____	_____	Total Square Footage _____	_____	_____	Type of Sewage Disposal <input type="checkbox"/> Public Sewer <input type="checkbox"/> Private System No. of buildings _____ No. of stories _____ Will the proposed construction result in an increase in the number of residential units? <input type="checkbox"/> Yes <input type="checkbox"/> No How many? _____ Will the proposed construction result in an increase in water use? <input type="checkbox"/> Yes <input type="checkbox"/> No Urinals _____ Water Fountains _____ Other _____
Existing	Proposed	Total																		
Heated _____	_____	_____																		
Garage _____	_____	_____																		
Patio /Porch _____	_____	_____																		
Total Roofed _____	_____	_____																		
Total Square Footage _____	_____	_____																		
Number of Plumbing Fixtures Proposed Sinks _____ Showers _____ Tubs _____ Toilets _____	Property Owner <u>John Malone</u> Mailing Address <u>1402 Agua Fria Road</u> <u>Santa Fe NM 87505</u> OWNER/BUILDER <input checked="" type="checkbox"/> CONTRACTOR <input type="checkbox"/> Daytime Telephone # <u>505 480 2822</u>	Contractor <u>To be determined</u> Mailing Address _____ State License # _____ City License # _____ 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 APO NM 87109
Daytime Telephone 505 232 4884 **Signature Applicant/Agent** Kayla Fullert **Date** 4/25/14 **159**



CITY OF SANTA FE - LAND USE DEPARTMENT

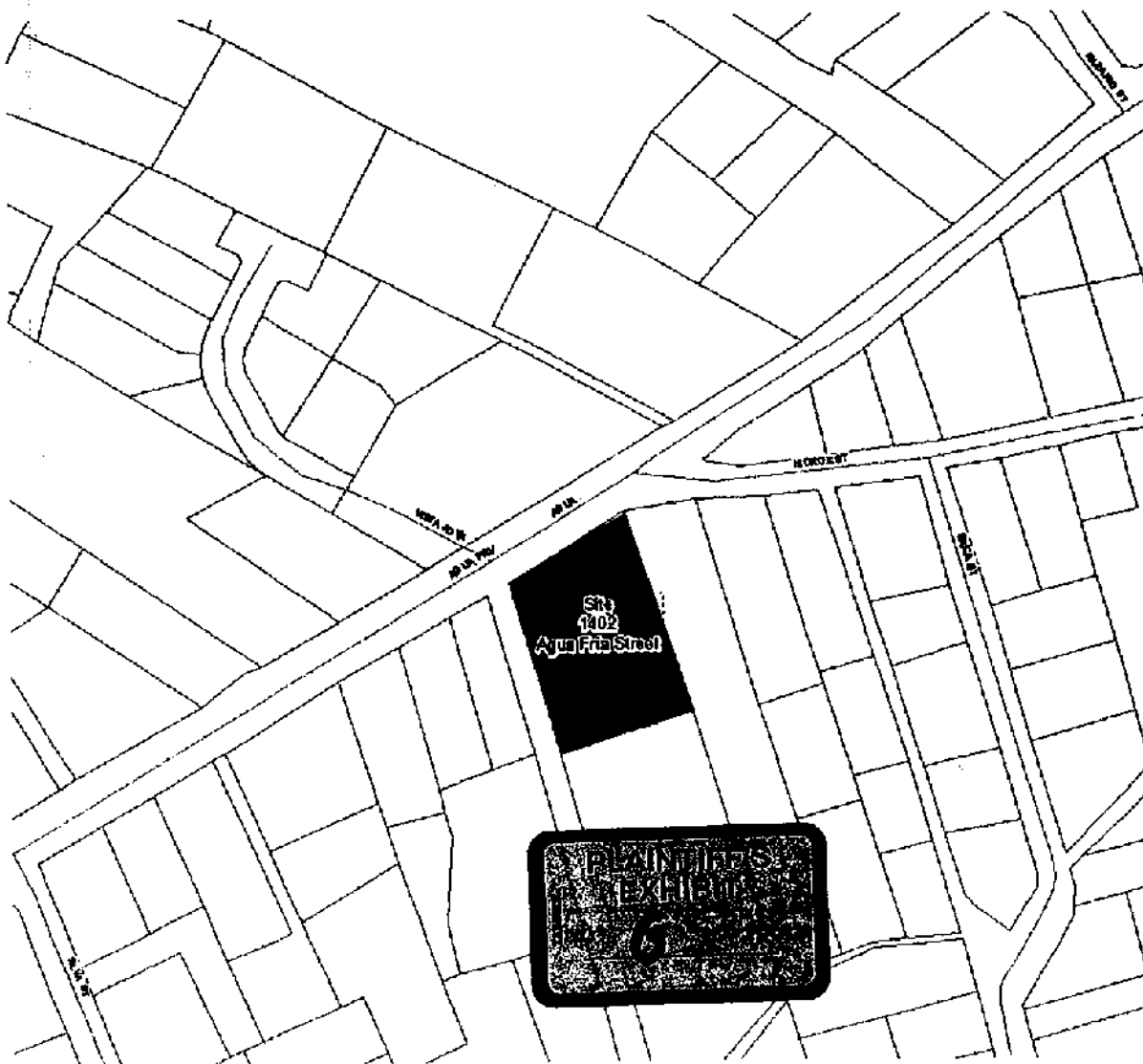
Current Planning Division
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909

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.





CITY COUNCIL MEETING OF
February 11, 2015
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez for Finance Committee		
Co-Sponsors	Title	Tentative Committee Schedule
	<p style="text-align: center;">AN ORDINANCE</p> <p>AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE.</p>	<p>Public Works Committee - 2/23/15</p> <p>Finance Committee - 3/2/15</p> <p>City Council (request to publish) - 3/11/15</p> <p>City Council – (public hearing) - 4/8/15</p>
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
	<p style="text-align: center;">A RESOLUTION</p> <p>DIRECTING STAFF TO PROPOSE AN OPERATIONAL PLAN AND PROGRAMMING OPTIONS FOR THE ESTABLISHMENT OF A TEEN CENTER THAT WOULD BENEFIT THE YOUTH OF SANTA FE.</p>	<p>Public Works Committee - 2/23/15</p> <p>Mayor's Youth Advisory Committee - 2/26/15</p> <p>Finance Committee - 3/2/15</p> <p>City Council - 3/11/15</p>

Exhibit "5"

Councillor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
Lindell	AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.	Public Utilities Committee - 3/4/15 Finance Committee - 3/16/15 City Council (request to publish) - 3/25/15 City Council (public hearing) - 4/29/15
	A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 279 (SB 279) AND SENATE BILL 280 (SB 280) - RELATING TO WATER CONSERVATION MEASURES.	City Council - 2/25/15

Councillor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Dimas Dominguez Ives Bushee	AN ORDINANCE CREATING A NEW SECTION 10-11 SFCC 1987 TO PROHIBIT THE SALE OF SINGLE SERVING CONTAINERS OF ALCOHOLIC BEVERAGES, IN SIZES OF EIGHT OUNCES OR LESS, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE.	Public Works Committee - 2/23/15 Finance Committee - 3/2/15 City Council (request to publish) - 3/11/15 City Council - 4/8/15

Councillor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SECTION 2-22 SFCC 1987 TO RENAME THE "INTERNAL AUDIT DEPARTMENT" THE "ACCOUNTABILITY AND PERFORMANCE MANAGEMENT DEPARTMENT"; ESTABLISH A POSITION OF A FRAUD AUDITOR TO INVESTIGATE FRAUD, WASTE AND ABUSE ALLEGATIONS AND INCREASE EFFICIENCY THROUGHOUT CITY OPERATIONS BY IDENTIFYING OPPORTUNITIES FOR RECOVERY OF REVENUE OR OTHER ASSETS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY CERTAIN PROVISIONS OF THE ACCOUNTABILITY AND PERFORMANCE MANAGEMENT ORDINANCE.	Audit Committee - 3/4/15 Finance Committee - 3/16/15 City Council (request to publish) - 3/25/15 City Council (public hearing) - 4/29/15

Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov or Rebecca Seligman at (505)955-6501, rxseligman@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-____

INTRODUCED BY:

Councilor Signe Lindell Councilor Bill Dimas
Councilor Carmichael Dominguez Councilor Peter Ives
Councilor Patti Bushee

AN ORDINANCE

**CREATING A NEW SECTION 10-11 SFCC 1987 TO PROHIBIT THE SALE OF
SINGLE SERVING CONTAINERS OF ALCOHOLIC BEVERAGES, IN SIZES OF
EIGHT OUNCES OR LESS, WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY
OF SANTA FE.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. A new Section 10-11 SFCC 1987 is ordained to read:

10-11 [NEW MATERIAL] SINGLE SERVING ALCOHOLIC BEVERAGE SALES

10-11.1 [NEW MATERIAL] Short Title.

This section may be cited as the Single Serving Alcoholic Beverage Sales Ordinance.

10-11.2 [NEW MATERIAL] Legislative Findings.

**A. In collaboration with Keep Santa Fe Beautiful Inc., the city of Santa Fe is
dedicated to environmental education, litter awareness and prevention and beautification
programs.**

B. The governing body finds that small plastic and glass alcohol bottles are rapidly

1 accumulating along our roadways, trails and public parks.

2 C. As a proactive approach to minimizing litter from small plastic and glass alcohol
3 bottles, the governing body finds it necessary to ban the sale of single serving containers of
4 alcoholic beverages in sizes of eight (8) ounces or less.

5 **10-11.3 [NEW MATERIAL] Definitions.**

6 *Alcoholic beverage(s)* means distilled or rectified spirits, potable alcohol, brandy,
7 whiskey, rum, gin and aromatic bitters bearing federal internal revenue strip stamps or any similar
8 alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or
9 more of the foregoing containing more than one-half percent alcohol, but excluding medicinal
10 bitters.

11 **10-11.3 [NEW MATERIAL] Sale of Single Service Alcoholic Beverages Prohibited.**

12 In addition to the provisions of Chapter IV SFCC 1987, Alcoholic Beverages; unless
13 contained in packages of four or more, as delivered by the distributor, single serving containers of
14 alcoholic beverages, in sizes of eight (8) ounces or less, shall not be sold or offered for sale within
15 the municipal boundaries of the city of Santa Fe.

16 **10-11.4 [NEW MATERIAL] Effective Date.** The provisions of this Section 10-11
17 SFCC 1987 shall be effective six months from the date of adoption, _____, 2015.

18 APPROVED AS TO FORM:

19 _____
20
21 KELLEY A. BRENNAN, CITY ATTORNEY
22
23
24

25 *M/Legislation/Bills 2015/Miniatures*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-____

3 INTRODUCED BY:

4
5 FINANCE COMMITTEE

6
7
8
9
10 AN ORDINANCE

11 AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO
12 REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM
13 A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES
14 MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT
15 THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE
16 ADOPTION OF AN ORDINANCE.

17
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Subsection 11-9.1 SFCC 1987 (being SFCC 1981, §9-3-12) is amended to
20 read:

21 11-9.1 General Obligation Bonds.

22 A. The governing body may secure funds for projects or activities authorized by Section
23 3-30-5 NMSA 1978 or other applicable state law by:

24 (1) Submitting to a vote of the qualified electors the question of issuing the
25 bonds; and

1 (2) Upon approval by a majority of those voting on the question favoring the
2 creation of the debt, issuing and disposing of negotiable bonds pursuant to state law. The
3 debt and interest on the debt will be paid for by assessing real estate property taxes over the
4 life of the bonds.

5 B. The city shall use the money received from the issuance of the bonds only for
6 the purpose for which the bonds were issued and all bond campaign public information materials
7 generated by the city, shall be consistent with that purpose.

8 C. The city shall pledge its full faith and credit to the payment and debt retirement of the
9 bonds. The city shall designate and maintain sinking and interest funds for the payment of interest on
10 and principal of the bonds as the payments become due. Provided, however, that the city may pay the
11 principal and interest on the bonds from any available revenues, and the levy or levies of taxes may
12 be diminished to the extent such other revenues are available for the payment of such principal and
13 interest.

14 D. Within thirty (30) days of passage of an election resolution authorizing the placement
15 of general obligation bond questions on the ballot, the city shall provide information to the electorate
16 regarding the purpose(s) of the general obligation bonds.

17 E. Any reallocation of proceeds from a voter-approved general obligation bond that
18 deviates materially from the information provided to the electorate by the city of Santa Fe pursuant to
19 paragraph D, above, shall be voted upon by the governing body ~~[after a public hearing]~~ through the
20 adoption of an ordinance. For the purposes of this paragraph E, a change order reallocating such
21 proceeds due to unforeseen or latent conditions is not a material deviation.

22 **Section 2. Section 18-9 SFCC 1987 (being Ord. #2013-33, §2) is amended to read:**
23 **18-9 TAXES, NEW OR INCREASED; REALLOCATION OF PROCEEDS.**

24 A. Within thirty (30) days of passage of an election resolution authorizing the placement
25 of a question on the ballot that would seek to or impose a new or increase in any tax, the city shall

1 provide information to the electorate of the city of Santa Fe regarding the purpose(s) of the new or
2 increased tax.

3 B. Any reallocation of proceeds from a voter-approved tax that deviates materially from
4 the information provided to the electorate by the city of Santa Fe pursuant to paragraph A, above,
5 shall be voted upon by the governing body [~~after a public hearing~~] through the adoption of an
6 ordinance. For the purposes of this paragraph B, a change order reallocating such proceeds due to
7 unforeseen or latent conditions is not a material deviation.

8 APPROVED AS TO FORM:

9
10 _____
11 KELLEY A. BRENNAN, CITY ATTORNEY
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M/Legislation/2015 Bills/Bond_Tax Reallocation_Require Ordinance

1 serving as an overflow site for the Monica Roybal Center and is mostly 6th grader students; and

2 **WHEREAS**, many experts believe and teens have indicated that a dedicated teen center in
3 Santa Fe will lower drug and gang-related crime, increase graduation rates and provide opportunities
4 for a better skilled job force; and

5 **WHEREAS**, TC19, a group of youth advocates, is committed to collaborating with the City
6 of Santa Fe and the community at large, including businesses and nonprofit organizations, to create a
7 world class teen center in Santa Fe; and

8 **WHEREAS**, the Quality of Life Steering Committee, a group of community organizers is
9 also committed to collaborating with the City of Santa Fe and the community at large, including
10 businesses and nonprofit organizations, to create a world class teen center in Santa Fe; and

11 **WHEREAS**, four out of the five largest public schools in the community exist in the far
12 southwest section of our city; and

13 **WHEREAS**, youth population city-wide has decreased, however youth population under 18
14 has increased by 22%, in the far southwest section of Santa Fe; and

15 **WHEREAS**, 44% of children under the age of 18 live in the far southwest section of Santa
16 Fe; and

17 **WHEREAS**, Tierra Contenta may continue to absorb much of the City's growth during the
18 next ten years; and

19 **WHEREAS**, safe, reliable and affordable transportation to and from youth facilities
20 continues to be identified by youth and their caregivers as a barrier; and

21 **WHEREAS**, a successful teen center should meet the following criteria:

- 22 • Easily accessible to teenage youth;
- 23 • Within walking distance of a comprehensive high school;
- 24 • Located in an area that is within walking distance for a significant portion of Santa Fe's
- 25 youth;

- Free transportation services available for youth to provide access to and from the teen center;
- Staffed by people deeply committed to serving Santa Fe youth;
- Safe space that welcomes all youth;
- Opportunities for off-site excursions and activities with free transportation provided;
- Tutoring and other educational support;
- Access to latest technological resources;
- Space for youth to hang out;
- Entertainment center to show movies, host live performances, etc.;
- Workforce development opportunities;
- Employment opportunities;
- Other resources as maybe identified by youth.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that staff is directed to propose to the Governing Body an operational plan and programming options for the establishment of a teen center that would benefit the youth of Santa Fe, along with the community at large. The operational plan and programming options shall include, without limitation, the following:

1. Services and activities to be provided;
2. Numbers of clients to serve, cost, strengths, weaknesses, opportunities and threats;
3. Whether it is possible for a new teen center to be established in the current Zona del Sol space;
4. If the Zona del Sol space is not feasible, then propose what would be needed to create a new teen center at the site, including the infrastructure costs;
5. Possible private/public partnerships for operations and capital expenses;
6. Transportation options that would make a teen center at the Zona del Sol site or any

1 other proposed site easily accessible for youth.

2 **BE IT FURTHER RESOLVED** that staff is directed to present the plan and programming
3 options to the Governing Body within 90 days of adoption of this resolution.

4 PASSED, APPROVED and ADOPTED this ____ day of _____, 2015.

5
6 _____
7 JAVIER M. GONZALES, MAYOR
8

9 ATTEST:

10
11 _____
12 YOLANDA Y. VIGIL, CITY CLERK
13

14 APPROVED AS TO FORM:

15
16 _____
17 KELLEY A. BRENNAN, CITY ATTORNEY
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19
20
21
22
23
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25

M/Legislation/Resolutions 2015/Teen Center 2_11_15