

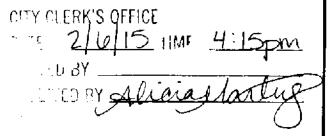
REGULAR MEETING OF THE GOVERNING BODY FEBRUARY 11, 2015 CITY COUNCIL CHAMBERS

<u>AFTERNOON SESSION - 5:00 P.M.</u>

- CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. SALUTE TO THE NEW MEXICO FLAG
- 4. INVOCATION
- ROLL CALL
- 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)

CONSENT CALENDAR

- 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)
- Request for Approval of Amendment No. 5 to Professional Services Agreement – Santa Fe Municipal Airport Terminal Expansion Task Order 119R; Molzen Corbin. (Mary MacDonald)
 - Request for Approval of Budget Adjustment Project Fund.
- Request for Approval of Professional Services Agreement Environmental Consulting Services for Public Utilities and Wastewater Division; Environmental Engineering & Technology. (Alex Puglisi)
 - Request for Approval of Budget Adjustment Water Fund.





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

- 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)
- 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)



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

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)
- I) 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)
 - 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)



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

- 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)
 - 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)
- 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)



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

- 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)
- MATTERS FROM THE CITY MANAGER
- 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.

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



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

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)

ADJOURN

City of Santa Fe



Agenda THE GOVERNING BODY FEBRUARY 11, 2015 CITY COUNCIL CHAMBERS

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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MARCH 21, 2015 FROM 12:00 P.M. TO 6:00 P.M.	Approved	39-40

<u>ITEM</u>	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
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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)
- 9) 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)
- 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]
- ONSIDERATION 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)
 - 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 Rolf 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.

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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 br 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, construct6ion 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. Gluck 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 lives 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.

Bianca 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 act66ual 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 at 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 10ϕ . That was sort of the outcome of our deliberations and our review of other cities, because the range was 5ϕ to 25ϕ . In other ones that we reviewed, we thought 10ϕ was a good solid number in the middle. Boulder which is of similar size population, imposed 10ϕ 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 10ϕ , with 1-2 charging 5ϕ and 1-2 charged 25ϕ , but the vast majority chose 10ϕ 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 faunch 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 faunch 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 reimplementation 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 weeks. 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."

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 feet we had to go into Executive Session to have the discussion, because I don't feet 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 feet 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-Tern 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 onpremise 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 Truiillo.

Against: None.

PROVIDENT 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.

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 las 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 racoons, but skunks, but racoons 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 racoons. 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:

Respectfully submitted:

Melessia Helberg, Council Stenographer

ITEM #10 (k)

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

	veterans Advisory Board
Mayor	and Members of the City Council:
I prop	ose 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, <i>insert</i> 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" <i>delete</i> "determined by the Board but not less than once a quarter" and <i>insert</i> "necessary" in lieu thereof
7.	On page 5, line 13, <i>insert</i> 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-! New Mexico Personal Income Tax Form, line 40 to make voluntary contribution from a taxpayer refund towards the Veterans National Cemetary Fund."
	Respectfully submitted,
	Peter Ives, Councilor
ADOP NOT A DATE	ADOPTED:
Yoland	Ja Y. Vigil, City Clerk

Ethiliet "1"



SINGLE-USE BAG ORDINANCE

IMPLEMENTATION REPORT

December 16, 2014

Eshibit "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



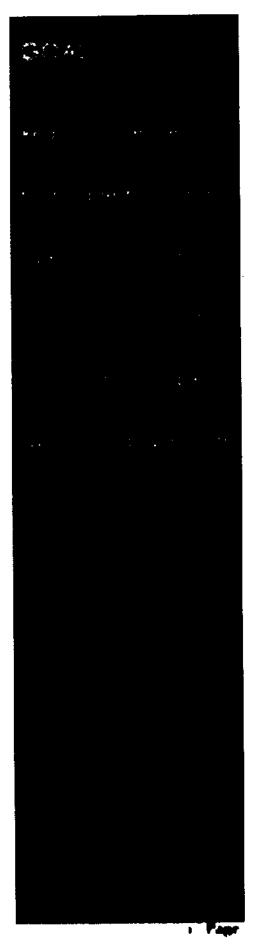
SINGLE-USE BAG ORDINANCE

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 esult 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 cutrently 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 he 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:

- Adopt and implement a service fee to discourage the use of paper bags and encourage the use of reusable bags.
- 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 Irdinance was implemented. The reason for this limitation is that information about single-bag use is ed 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 aree geographical areas: downtown and surrounding area, mid-town, and southside. Thirty two stores were elected 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.

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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 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 resuable 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 fter 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

Ctore Survey 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?
- 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?
- 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?
- 0. Has your store incorporated signage in the parking lot?
- 1. What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Customer Survey:

- Are you aware that the City of Santa Fe passed a reusable bag ordinance, last year? It banned single-use 1. 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
- Have you seen this logo before? a. Yes or b. No 2.
- How often do you bring a reusable bag? 3.

No

a.

- c. Most of the time d. All of the time Never b. Occasionally
- Does the checkout staff ask you if you would like a bag before they started bagging? 4.
 - c. Some of the time d. Most of the time b. Rarely Never

b. Does not matter - c. Yes.

- What could the store do to help you use fewer paper bags? (For example: parking lot signage, checkout 5. counter signage, more reusable bags for sale, store incentives, offering re-usable boxes in the front of the store.)
- How would you feel if the city imposed a small fee, like other cities, on paper bags to encourage people 6. to bring their own?
 - Bad idea b. Don't care either way c. Good idea a. Would you prefer if part, or all, of the bag fee went to a community environmental fund?

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Results

imitations 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

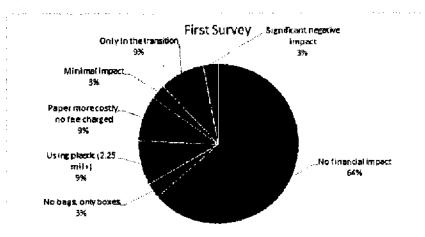
- Stores with the highest percentage of customer's that bring their own bags provided their staff with at least some training.
- Stores with greater training and internal outreach to their customers tended to report fewer complaints.
- Some of the smaller stores reported a significant financial impacts 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

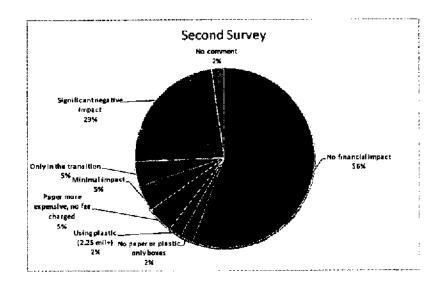
Financial Impact

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 tithat 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 ususally 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

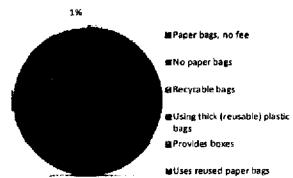
6% Posted information

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			

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

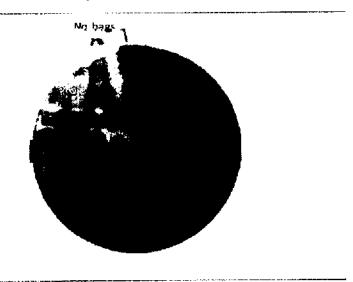
56% YES 44% NO

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:

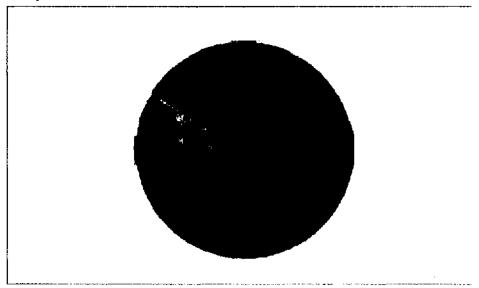
- a. They'd like a bag before bagging their items with a paper bag?
- b. They brought their own bag before bagging their items with a paper bag?
- c. Both
- d. None of the above they automatically bag customers merchandise unless the customer asks them not to or offers a reusable bag.

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.



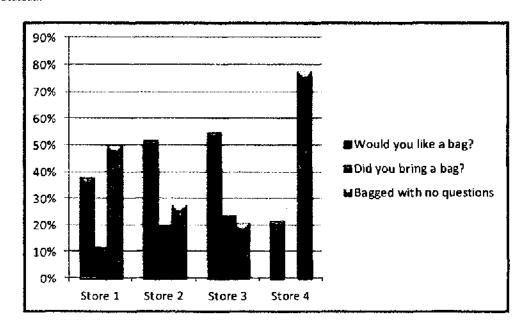
Customers were asked "Did the checkout staff ask you if you would like a bag before they started bagging?

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.



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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

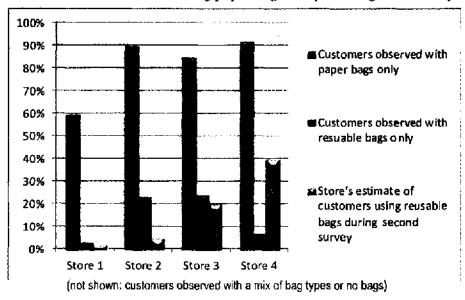


To facilitate the outreach and to help the stores develop signage, the City developed a logo and tag line "Bag to Differ." The materials include artwork for signs that stores could put in their parking lots, at their entries and at the checkout to remind people, however, those stores that did develop 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.

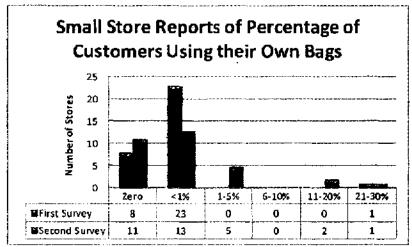
Customer Reusable Bag Use

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.

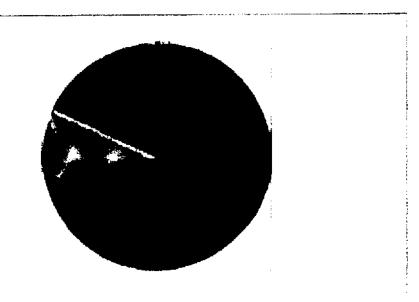


Smaller stores reported generally low numbers of people using their own bags as well, however, the data show the numbers increasing somewhat over time. This may reflect people getting into the habit of bringing their own bags more often. As for grocery stores, without a disincentive to using paper bags,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



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

Justomers' 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.

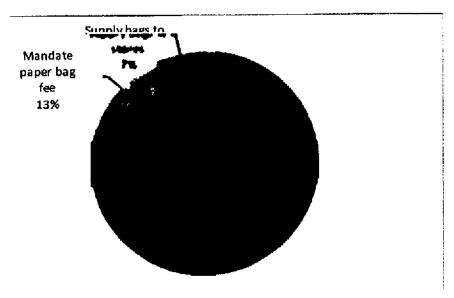
Observation: Signage of reusable bags or of ordnance. Location and content

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.

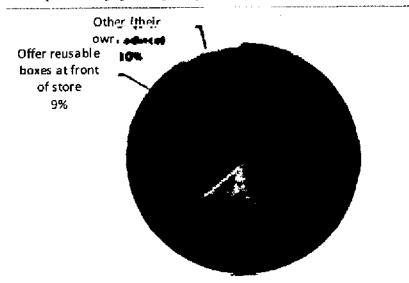
Stores were asked: What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Iontinual 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?

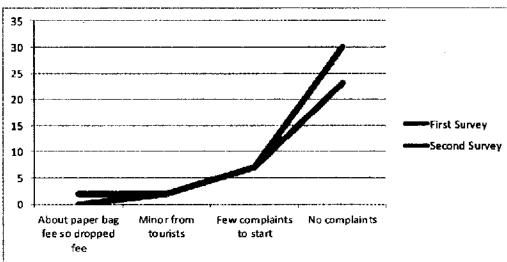
Reminders and making alternatives easily available at the stores were the greatest incentives identified that stores could do to help reduce paper bag usage.



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 servey if they had received additional complaints since the first survey, the second survey answers may have been referring to complaints from th 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

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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?

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.

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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 that 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.

- 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).
 - 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
- 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:

- 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 Hardhare	2006 Certillos 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 Citcle	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	Certillos 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

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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 Hardhare	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 Certillos 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
Ulta 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

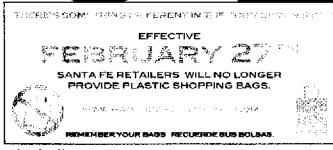
Community Outreach Conducted

nvironmental 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 strores

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

"SD made buttons (round image with "ASK ME") and wore them before and after implementation uttons were also given to stores for their staff and community members

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

23 | Page



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, Mavor

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

<u>Memorandum</u>

To:

Members of the Governing Body

From:

Zachary Shandler

Assistant City Attorney 38

Via:

Kelley Brennan

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).

Ephilit 13"

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-2503 – 1200 Old Pecos Trail Page 2 of 5

The Property

The Property is located within the Historic Review Overlay District (<u>District</u>). The Church building on the Property includes a tower around an existing chimney to house cell tower antennas (the <u>2011 Project</u>). 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 (<u>HDRB</u>) on March 8, 2011 (the <u>Design Decision</u>) after the HDRB designated the Church as "non-contributing" to the District (the <u>Status Decision</u>). (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). 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 (<u>CAO</u>) 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, 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.

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 <u>Statute</u>);
- (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...."

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-2503 – 1200 Old Pecos Trail Page 4 of 5

requirements of Code §14-3.17 in that it does not state a valid basis for appeal under any of the foregoing provisions.

<u>General Claims</u>. 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.

<u>Claim 1</u>. 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.

<u>Claim 2</u>. 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.

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-2503 – 1200 Old Pecos Trail Page 5 of 5

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 pt Fee paid: \$100.00 Receipt attached: E (date stamp)



Case#2014-116

VERIFIED APPEAL

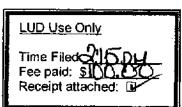
PETITIO'



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Name: SANTA FE AlliANCE FOR Public Health and Satety
Address: 132 Romero St First #13
Strapl Address Suite/Unit #
SANTAFE NN 87501
Phone: (\$057 6 6 0 35 40 E-mail Address: MARKO MARY - LAYNE, COM
Additional Appellant Names: MARY E. LAYNE, PRESIDENT
Correspondence Directed to: Appellant
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
Case Number: Permit No. 14-2503 Permit Number (if applicable):
Final Action Appealed:
Issuance of Building Permit
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
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Check here if you have attached a copy of the final action that is being appealed.

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1. castlette harm: the tower is an eyesore. It has damaged the structurage. It violates \$14-5.2 (F)(2)(b). See appeal, Case No. H-11-004B, filed 3-30-2011, attacked.
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Please detail the basis for Appeal here (be specific): Constitution, Consolidation 14. See Case No. D-101-CV-2011-
1870, First Judicial District Court, Statement of appellate
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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. Fallure 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)
1 401/0 (4.4)
IWE MARY ELAYNE 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:
Marin & Laure
May Courte
Signature // Signature
1100/101/10
MARYELAYNE
Print Name Print Name
Subscribed and sworn to before me this The day of Louis 1201-1.
Land Helman.
ALOTADY DUDY IC
NOTARY PUBLIC
My commission expires:
then whomp





(date stamp)



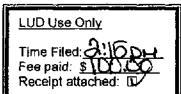
VERIFIED APPEAL PETITIO

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. A CONTROL OF THE PROPERTY OF T Name: Romero STrop #13 Address: Sulte/Unit # 3540 E-mail Address: MACY@ MAKY - LAYNE. COM Phone: (505) 660 -Additional Appellant Names: Appellant Correspondence Directed to: Agent Authorization (flagificable) 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 Location of Subject Site: 1200 old Pecos Trail 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: Description of the final action appealed from, and date on which final action was taken: of anterna in wieless facility that is already under appeal in destrict court.

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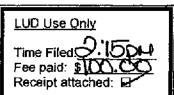
VERIFIED APPEAL PETITIO'

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.

and ume of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**
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Name: Cellular Phone task Force
Last First M.I.
Address: D.C. Box 6516
Street Address Suite/Unit #
Santa Fe, NM 87502
Phone: 1505 471-0129 E-mail Address: in to @ cell phone took force, org
Additional Appellant Names: Ar thur Firsten borg, Proceedent
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I/We:
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Project Name: Remove + install 12 antennas
Applicant or Owner Name: Owner: St. John's Methodist Church Applicant: New Cingular PCS, LLC,
Cingular PCS, LLC,
Location of Subject Site: 1200 Old Pecos Trail
Case Number: Permit No. 14-2503 (Permit Number) (if applicable):
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Final Action Appealed:
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Final Action of Board or
Commission (specify):
Basis of Standing (see Section 14-3.17(B) SFCC 2001):
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State of New Mexico)) ss.						
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VERIFIED APPEAL PETITIO

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and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**				
Branch Committee				
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: 15057 471-0/29 E-mail Address: bearston @ fastmail. fm Additional Appellant Names:				
Correspondence Directed to: M Appellant Agent Both Adjusting Authorization and Agent Both				
I/We:				
authorize to act as my/our agent to execute this application.				
ligned: Date:				
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STUBLISHED AND PROPERTY.				
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				
Final Action of Board or				
Commission (specify):				
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 consoled from and date on which final action was taken:				
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2. Violation of americans with Disabilities act and U.S.
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1870, First Judical District Court, Statement of
Losves, 9-30-2011, attacked.
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I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.
Appellant Signature: Orthur Firstenling Date: 12-17-2014
gent Signature: Date:
State of New Mexico)
) ss.
County of Santa Fe)
I/We Arthur Firsten berg 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
Arthur Firstenberg Print Name Print Name
Subscribed and sworn to before me this Handay of Describer, 20 14.
Lagin Hellewell
NOTARY PUBLIC
My commission expires:
ford 24, 2010

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

* * * * * * * BUILDING PERMIT * * * * * * Application Number Date 12/02/14 14-00002503 Application pin number . . . 481993 Property Address 1200 OLD PECOS TRL Application type description TELECOMMUNCATION TOWER Subdivision Name Property Zoning RESIDENTIAL 1DU Application valuation . . . 50000 Owner Contractor ST. JOHNS METHODIST CHURC NEXIUS FUSION INC VERIFY OWNER ADDRESS AND ZIP 1301CENTRALEXPRESSWAY STE 200 SANTA FE NM 87501 TX 75013 ALLEN · (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 . . 1169341 Phone Access Code . Permit pin number . 1169341 684.25 12/02/14 Permit Fee Plan Check Fee . . 483.19 Issue Date Valuation . 11/29/16 Expiration Date . . Special Notes and Comments I, THE OWNER OR AGENT FOR THE OWNER HAVE RECEIVED THE FOLLOWING REVIEW SHEETS. I UNDERSTAND I AN 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 PW for a nextday inspection (based on availability)

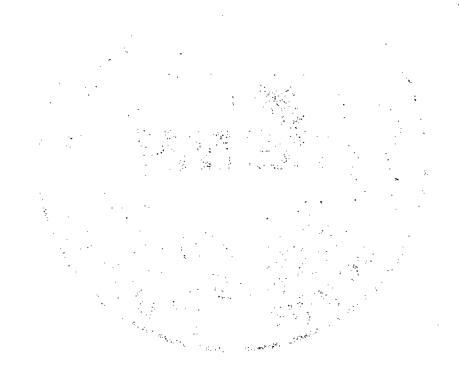
APPROVED BY APPLICANT

By my signature above I hereby agree to abide with all the laws of the City as Santa Fe as well as with all the conditions stated above. I further state that Jundon 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. its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1967) 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. also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, atterating, 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

* * * * * * * BUILDÎNG PERMIT* * * * * * *

Application Number Application pin nu	mber	14-00002503 481993		Page Date	2 12/02/14
Other Fees		ARCHEOLOGIC	AL FEE		10.00
Fee summary	Charged	Paid	Credited	D	ue
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

DATE

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 smit to construct anything in violation of the codes adopted by the State of New Mexico. Further, Lunderstand that this permit may be appealed within fifteen (15) days of Lance (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, alterating, repairing or any other construction done during the appeal period. Thereby 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 * * * * * *

Page Application Number 14-00002503 Date 12/02/14 Property Address 1200 OLD PECOS TRL Application description . TELECOMMUNCATION TOWER Subdivision Name . . Property Zoning . RESIDENTIAL 1DU Permit BUILDING PERMIT COMMERCIAL Additional desc . . Phone Access Code . 1169341 Permit pin number . 1169341 Required Inspections Phone Insp Insp# Code Description Initials Seq Date F001 101 FOOTING | 10 103 F007 FOUNDATION EL02 ELECTRICAL, ROUGH 10 402 ELECTRICAL, PRE-FINAL 10 403 EL03 ELECTRICAL, FINAL 10 499 EL04 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 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, alterating, 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.
- 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.
- 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.



Case #H-11-004A 1200 Old Pecos Trail - St. John's Methodist 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 $\frac{\mathcal{S}^{4h}}{}$ DAY OF MARCH 2011 BY THE HISTORIC DESIGN REVIEW BOARD OF THE CITY OF SANTA FE.

	3.8.11
Sharon Woods	Date:
Chair Chair	

FILED

Yolanda Y. Vigli Date:

APPROVED AS TO FORM

Kelley Brennan Assistant City Attorney 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.
- Parsuant 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.

Case #H-11-004B 1200 Old Pecos Trail - St. John's Methodist Church Page 2 of 4

- 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.
- 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

Case #FI-11-004B 1200 Old Pecos Trail - St. John's Methodist Church Page 4 of 4

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 $\frac{\mathcal{S}^{H}}{}$ day of march 2011 by the historic DESIGN REVIEW BOARD OF THE CITY OF SANTA FE.

Chair

FILED

APPROVED AS TO FORM

Assistant/City Attorney



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

Via:

Kelley Brennan

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

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Department (<u>LUD</u>) of Building Permit No. 13-2097 (<u>BP 13-2097</u>) to Verizon Wireless (<u>Verizon</u>) for the replacement of existing telecommunications antennas (<u>Project</u>) on property owned by John Malone at 1402 Agua Fria (<u>Property</u>). 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 (<u>2014 Petition</u>) 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 Firstenburg 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, <u>Petitions</u>) 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 (<u>Building</u>) 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

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-813/#13-2097 – 1402 Agua Fria Street Page 3 of 8

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 (<u>Code</u>) 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 reapplied 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 <u>Application</u>).

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.

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-813/#13-2097 - 1402 Agua Fria Street Page 4 of 8

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 <u>Statute</u>);
- (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. ..."

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-813/#13-2097 - 1402 Agua Fria Street Page 5 of 8

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney's Office (<u>CAO</u>) 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?" 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)(e)(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.

Recommendation of City Attorney to Dismiss Appeal of Building Permit #14-813/#13-2097 – 1402 Agua Fria Street Page 7 of 8

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

<u>Claim 1B.</u> 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.

<u>Claim 2B</u>. 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.

<u>Claim 2C.</u> 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.

<u>Claim 2D</u>. 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.

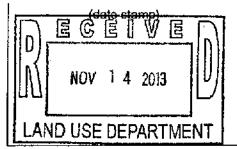
[MOTION: I move that the Governing Body accept the recommendation of the City Attorney and dismiss the appeals in Case No. 2013-116 and Case No. 2014-82.]

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: }



Uale#6013-116 **VERIFIED APPEAL**

PETITION

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Name: Cellular Phone Tas	
Address: P.O. Box 6216	М.Ј.
Street Address	8750 L Sulte/Unit #
City City	State ZIP Code
<u> </u>	ess: in to @ cellphone task force, org
Additional Appellant Names: Arthur Fix	Q.7. 11/4/13
Correspondence Directed to: Appellant	Agent Both
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authorize	to act as my/our agent to execute this application.
Tigned:	Date:
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A STONE OF THE STO	D/Appell service 2015 Sept.
Project Name: Verizon Wireless - NM4 Silva - AWS Pro	
	ject (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (applicant	
); John Malone (owner)
Applicant or Owner Name: Verizon Wireless (applicant Location of Subject Site: 1402 Agua Fria Street, Santa); John Malone (owner)
Applicant or Owner Name: Verizon Wireless (applicant Location of Subject Site: 1402 Agua Fria Street, Santa); John Malone (owner) a Fe, NM 87505
Applicant or Owner Name: Verizon Wireless (applicant Location of Subject Site: 1402 Agua Fria Street, Sant Case Number:); John Malone (owner) a Fe, NM 87505
Applicant or Owner Name: Verizon Wireless (applicant Location of Subject Site: 1402 Agua Fria Street, Sant Case Number: Final Action Appealed:); John Malone (owner) a Fe, NM 87505
Applicant or Owner Name: Verizon Wireless (applicant Location of Subject Site: 1402 Agua Fria Street, Sant Case Number: Final Action Appealed: Issuance of Building Permit); John Malone (owner) a Fe, NM 87505 Permit Number (if applicable): 13-2097
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A PROPERTY OF THE PROPERTY OF

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.

A LEXIBITION CONTINUES AND A PROPERTY OF THE SAME OF T

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.

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I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements. Appellant Signature: ent Signature: State of New Mexico) ss. County of Santa Fe 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 13h day of N

NOTARY PUBLIC

My commission expires:



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

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VERIFIED APPEAL PETITION

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Tappellanduterneties
Name: Firstenberg, Arthur Last First M.L.
Address: 247 Barela Street Street Address Santa Fe, NM 87501
City Phone: (505) 471-0129 E-mail Address: bearstar (a) fast mall. fm Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
Action (Action Action (Action Action (Action (
I/We:
authorize to act as my/our agent to execute this application.
igned: Date:
oigned: 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)(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.

A STATE OF THE STA

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.

A CONTRACTOR OF THE PROPERTY O

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.

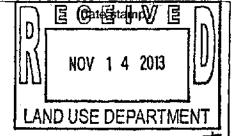
save state a signatura antiverite atem I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection 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. __ Date: Nov. 12, 2013 Appellant Signature: ent Signature: State of New Mexico) ss. County of Santa Fe being first duly sworn, depose and say: tWe have read the foregoing appeal petition and know the contents thereof and that the same are true to mylour own knowledge, Petitioner/s: Signature Signature Print Name Print Name Subscribed and swom to before me this _____day of ____Novem_

NOTARY PUBLIC

My commission expires:



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



VERIFIED APPEAL PETITION

	
Two originals of this form and time of receipt and init	n must be filed. The Land Use Department Director or his/her designee will enter the date ial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.
	Appellant Information
Name: Aclair	elfelissa
Address: Last 1408	Agua Fria
Street Address Sunta	LE, NM 87505 Suite/Unit #
Phone: (SOS) 1099- Additional Appellant Names:	9949 E-mail Address: NICLISSARday UHagmail. Com
Correspondence Directed to:	
	Agent Authorization (if applicable)
/We:	
=uthorize	to act as my/our agent to execute this application.
gned:	Date:
Signed:	Date:
	Subject of Appeal
Project Name: Verizon W	ireless – 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
Location of Subject Site: Case Number:	1402 Agua Fria Street, Santa Fe, NM 87505 Permit Number (if applicable): 13-2097
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Issuance of a building permit on October 30, 2013

Description of Harm Describe the harm that would result to you from the action appealed from (attach additional pages if necessary); (1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already illegal facility further violates the rights of neighbors who have an interest in the character of our neighborhood, which otherwise consists of residences and small businesses. (2) Violation of Due Process. (3) Harm to the value of my property. (4) Emotional distress. (5) Violation of any other rights I may have under New Mexico or federal law. Explain the Basis for Appeal Please detail the basis for Appeal here (be specific): THE ILLEGAL FACILITY SHOULD BE REMOVED. (1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation of a telecommunications facility without a zoning permit). (2) Violation of Chapter 14, Section 3.11(A)(3) (issuance of a building permit for an unauthorized use). (3) Violation of Chapter 14, Section 3.11(B)(5) (fallure 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. ______ Date: _//-/2-/_3 pellant Signature: gent Signature: State of New Mexico) ss. County of Santa Fe 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

OFFICIAL SEAL Myshelle L. Valentine) NOTARY PUBLIC My Commission Expires: 🛈

Print Name

Print Name

My commission, expires



<u>LUD Use Only</u>

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VERIFIED APPEAL PETITION

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and time of receipt and init	must be filed. The Land Use Department Director or his/her designee will enter the date
	Appellant Information
Name: Chare	First MI
Address: 7/0 (Amina Parvenix
<u>SAnt</u>	A te /UM. 87505
Phone: (525) 98 = Additional Appellant Names:	State ZIP Code State ZIP Code
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	Agent Authorization (if applicable)
I/We:	
uthorize	to act as my/our agent to execute this application.
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Signed:	Date:
<u> </u>	Subject of Appeal
Project Name: Verizon W	ireless – 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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	Issuance of a building permit on October 30, 2013

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(1) The facility has of Expansion of an aire	perated for nine years ne	ear my house without my knowledge and without zoning permission. r violates the rights of neighbors who have an interest in the characte
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State of New Mexico	1	
State of New Mexico) ss.	
County of Santa Fe)	
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VERIFIED APPEAL PETITION

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		Department Director or his/her of 14-3.17(D) SFCC 2001 for the pr	
en la filozofia de la filozofi La filozofia de la filozofia d	Appellant	Information	
Name: GARC'A	Julio	Q	
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Street Address SANTA FE.	NEW MEYICA	Suite/U	^{ነዘ #} ዩክ <i>ፍ</i> ሌና
City	7	State	ZIP Code
Phone: (505) 983 (£78 E-mail Addre	ss:	
Additional Appellant Names:	· · · · · · · · · · · · · · · · · · ·		
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Project Name: Verizon W	ireless – NM4 Silva – AWS Pro	ject (addition of antennas to a te	elecommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant	; John Malone (owner)	·-
Location of Subject Site:	1402 Agua Fria Street, Sant	Fe, NM 87505	· · · · · · · · · · · · · · · · · · ·
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Basis of Standing (see Section	n 14-3.17(B) SFCC 2001):		
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Signature	and Verification	: ·	
I hereby certify that the documents submitted for review and cominimum standards outlined in the Land Development Code, Countries the rejection or postponement of my application. I also certify attached proposal is in compliance with the City's zoning require	hapter 14 SFCC 2001. Failure to n that I have met with the Cibro Curr	naati	hoos standards more requite in
pellant Signature: Julia R. Barcia	Da	ate: (3-NOV-2013
agent Signature:	D.	ate:	•
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State of New Mexico)			
) ss.			
County of Santa Fe).			·
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Signature	Signature		5.1
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Vicki L. Water	1 1/10/1/X /1 /2	<u> </u>	P
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NOTATY PUBLIC (STATE OF NEW MEXICO)	NOTARY PUBLIC	/	
My Commission Expires: 7-3-1014	My commission expires:		



Time Filed: _______
Fee paid: \$______
Receipt attached:)

VERIFIED APPEAL PETITION

	must be filed. The Land Use Department Director or his/her designee will enter the date fall both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**
	Appellant Information
Name: <u>Cald</u>	na Lucia
Address: 1408	Arma Ina
Street Address	Suite/Unit # Cy
SINT BU	fe MM 8 7505 State ZIP Code
Phone: (505) 577-2	State ZIP Code
Additional Appellant Names:	
Correspondence Directed to:	
Correspondence Directed (c.	Agent Authorization (if applicable)
I/We:	
authorize	to act as my/our agent to execute this application.
gned:	Date:
Signed:	Date:
	Subject of Appeal
Project Name: <u>Verizon W</u>	ireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name:	Verlzon Wirefess (applicant); John Malone (owner)
Location of Subject Site:	1402 Agua Fria Street, Santa Fe, NM 87505
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Final Action Appealed:	
⊠ Issuance	of Building Permit
	n 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed grise to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE
REQUIRED TO BE MAILED N	IOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT,
	(person alleging injury to my economic, environmental and aesthetic interests; who has a recognized interest under New Mexico law)
Basis for	N7 Out.
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scription of the final action	appealed from, and date on which final action was taken:
	lecuanes of a building permit on October 30, 2013

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		Description of Harm	- 17 August 17 or processed and many solve in the Color	Marie Company of the
Describe the harm that	would result to you from	the action appealed from (att	ach additional pages if r	ecessary):
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_ent Signature:	/		Date:	
State of New Mexico)) ss.			
County of Santa Fe)	•		
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NOTARY PUBLIC

OFFICIAL SEAL Vicki L. Waler

My commission expires:

20



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

(date stamp)

VERIFIED APPEAL PETITION

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racijo.	Last		First .		M.I.	·
Address:	1408	AGUA	FRID		·	, <u>.</u> .
	Street Address	FE	•		Suite/Unit #	01505
	City	7 ₹			State	男子3〇〇
Phone: {		2290 E	E-mail Address:	magatila	rational	o @ Grail
dditional	Appellant Names:			<u> </u>	J	
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Project Nar	me: Verizon W	reless – NMA Silva	- AWS Project	(addition of antenna	as to a teleco	mmunications facility)
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pplicant o	r Owner Name:	Verizon Wireless	(applicant); Je	ohn Maione (owner)		<u>.</u>
ocation of	Subject Site:	1402 Agua Fria S	treet, Santa Fe	, NM 87505	 	·
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		issuance of a	building perm	it on October 30, 20	13	

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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(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.

And the second s	Signature and Verification
minimum stanoards outlined in the Land Develoom	eview and consideration by the City of Santa Fe have been prepared to meet the ent Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in also certify that I have met with the City's Current Planning staff to verify that the oning requirements.
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ent Signature:	Date:
State of New Mexico)	
) şs. County of Santa Fe)	
IWe MAZATL GALLOO duly sworn, depose and say: I/We have read the that the same are true to my/our own knowledge. Petitioner/s:	toregoing appeal petition and know the contents thereof and
Signature	Signature
MAZATL GALINDO	
Print Name	Print Name
escribed and sworn to before me this 10^{4}	lay of 1048 11000 . 2013.
OFFICIAL SEAL	Wat & Waday

NOTARY PUBLIC

My commission expires: July 31.2014

Vicki L. Waler

NOTARY PUBLIC

STATE OF

Commission Expires:



<u>LUD Use Only</u>

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

(date	stamp

VERIFIED APPEAL PETITION

**Two originals of this form must be filed. The Land Use Department Dir and time of receipt and initial both originals. See Section 14-3.17(D) SFC	rector or his/her designee will enter the date
Appellant information	
Name: MARTINEZ JOSE	C
Last First	M.I.
Address: 1404 TGOA ST, Street Address	Suite/Unit #
SANTA FE	NM 87505
Phone: (505) 983 - 4437 E-mail Address: Additional Appellant Names: THERESA T, MARTIN	State ZIP Code
Correspondence Directed to: Appellant	₩ Both
Agent Adhor Zation (if applica	
I/We;	
uthorize to a	act as my/our agent to execute this application.
.gned: D	
,greu.	ate:
	ate:
Signed: D	ate:
Signed: D. Subject of Appeal	ate: f antennas to a telecommunications facility)
Signed: Subject of Appeal Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition o	ate: f antennas to a telecommunications facility)
Signed: Subject of Appeal Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of Applicant or Owner Name: Verizon Wireless (applicant); John Malone	ate: f antennas to a telecommunications facility) (owner)
Signed: Subject of Appeal Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of Applicant or Owner Name: Verizon Wireless (applicant); John Malone Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505	ate: f antennas to a telecommunications facility) (owner)
Signed: Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of Applicant or Owner Name: Verizon Wireless (applicant); John Malone Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505 Case Number: Permit Number (in Final Action Appealed:	ate: f antennas to a telecommunications facility) (owner)
Signed: Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of Applicant or Owner Name: Verizon Wireless (applicant); John Malone Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505 Case Number: Permit Number (in	f antennas to a telecommunications facility) (owner) if applicable): 13-2097) (person who was required to be malled ERSONS WITHIN 200 FEET WERE SHOULD HAVE BEEN, BUT WAS NOT, Ironmental and aesthetic Interests;

Issuance of a building permit on October 30, 2013

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Sigha	ture and Varitication		
I hereby certify that the documents submitted for review to minimum standards outlined in the Land Development Co the rejection or postponement of my application. I also co attached proposal is in compliance with the City's zoning to	ode, Chapter 14 SFCC 2001. For ertify that I have met with the C	ilure to meet these standard	ls may result in
pellant Signature: Some (). N	M tentra	Date: 11 (1)	13
Agent Signature:		Date:	
State of New Mexico)) ss.			
County of Santa Fe)	·		
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fore a. Montes		Marten	
Signature	Signature	U	
Jose C. Martinez	Therese T	- Martinez	·
bscribed and swom to before me this 11th day of	Movember	∞ <u>13</u> .	

OFFICIAL SEAL Vicki L. Waler

NOTARY PUBLIC STATE OF NEW MEXICO My Comintasion Expires 7:34-2014

My commission expires:

NOTARY PUBLIC



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

(date	stamp)
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VERIFIED APPEAL PETITION

and time of receipt and initial both originals. See :	od Use Department Director or his/her designee will enter the date Section 14-3.17(D) SFCC 2001 for the procedure.**
Ap	pellant information
Name: Chauce Mes	
Last First	
Address: 1707 Lena St.	Sulte/Unit #
Street Address 5 anta 7 e 11.	m. 87505
City	State 7ID Code
Phone: (505) 466-7543 E-ma Additional Appellant Names:	il Address: Mtoni Chavez @msn. Com
Additional Appeliant Names.	
Correspondence Directed to: Appellant	☐ Agent ☐ Both
Agent Au	thorization (if applicable)
I/We:	
ithorize	to act as my/our agent to execute this application.
.gned:	Date:
•	Date:
Signed:	ubject of Appeal
Project Name: Verizon Wireless - NM4 Silva - A	WS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (ap	plicant); John Malone (owner)
	plicant); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Stree	plicant); John Malone (owner) t, Santa Fe, NM 87505
Location of Subject Site: 1402 Agua Fría Stree Case Number:	plicant); John Malone (owner) t, Santa Fe, NM 87505
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ent Signature:		Date:		_
State of New Mexico) ss.		•		
County of Santa Fe)				
I/We Me C au duly sworn, depose and say: I/We have rer that the same are true to my/our own know	ad the foregoing appeal petition	n and know the contents	, being first thereof and	
Petitioner/s:			•	
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Signature (4)	Signature		······································	
Melvin C. Chower	<u> </u>	·-		
Print Name	Print Name			

OFFICIAL SEAL

Vicki L. Water

NOTARY PUBLIC STATE OF NEW MEXICO

My Commission Expires 7-31-2014

Discribed and swom to before me this //day of //

NOTARY PUBLIC

My commission expires:



(date stamp)

VERIFIED APPEAL PETITION

27

	ils form must be filed. The Land U and initial both originals. See Sect		
	Appella	int Information	
Name: Chau		· · · · · · · · · · · · · · · · · · ·	M.
Address: 208	Valle Romero		M.I.
Street Addr	ses Ce	·	SuiteAnit # NM 8750C
City Phone: (575) 476 Additional Appellant N			State ZIP Gode
Correspondence Dire	cted to: 🛛 Appellant	Agent	☑ Both
Stranger Land	Agent Author	ization (if applicable)	医环境学验 人名西马德姓氏
l/We:			
uthorize		to act as my/ou	r agent to execute this application.
gned:		Date:	
Signed:		Date:	
	Subje	ct of Appeal	
Project Name: Ver	izon Wireless – NM4 Silva – AWS I	Project (addition of antennas	to a telecommunications facility)
Applicant or Owner Na	ume: Verizon Wireless (applica	nt); John Malone (owner)	
Location of Subject Si	e: 1402 Agua Fria Street, Sa	nta Fe, NM 87505	
Case Number:		Permit Number (if applicable)	: 13-2097
Final Action Appeale	d:		
⊠ I	ssuance 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 ecor	nomic, environmental and aes	thetic Interests
Basis for Appeal:	acts were incorrectly determined	☐ Ord/nances/laws were vi	iolated and/or misrepresented
	Il action appealed from, and date or		
	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 th	at would result to yo	ers of the control of the second	cription of Harm on appealed from (attach a	idditional page	s if necessary):	Spanier (
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Agent Signature:		<u> </u>		Date:		
State of New Mexico County of Santa Fe)) ss.)	:				·
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Petitioner/s:						
Signature			Signature			
11.11.2013						
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OFF Vic	FICIAL SEAL CHI L. Water OTARY PUBLIC OF NEW MEXICO	day of	Menber Will NOTARY PUBLIC	, 20 13. LW) ag	AL.	
My Commission Exp	7:3 2014		My commission expi			28



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

(date stamp)

VERIFIED APPEAL PETITION

Two originals of this form and time of receipt and initi	must be filed. The Land Use Department Director or his/her designee will enter the date al both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.
e to Maria time a my reacher carries researched to be a few and the following the second to the seco	Appellant Information
Name: Kuau	o lictor M.L.
Address: 3	Le MN 87505
City Phone: ()	State ZIP Code E-mail Address:
Additional Appellant Names:	
Correspondence Directed to:	
	Agent Authorization (if applicable)
I/We:	
uthorize	to act as my/our agent to execute this application.
gned:	Date:
Signed:	Date:
<u> </u>	Subject of Appeal
Project Name: <u>Verizon W</u>	ireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name:	Verlzon 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:	
⊠ !ssuance	of Building Permit
notice for the application givin REQUIRED TO BE MAILED I FILED; Section 14-3.17(B)(3)	n 14-3.17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed or just to the final action being appealed. ALL PERSONS WITHIN 200 FEET WERE NOTICE OF THE ZONING APPLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, person alleging injury to my economic, environmental and aesthetic interests; who has a recognized interest under New Mexico law)
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	Issuance of a building permit on October 30, 2013

Daniel Alabama II.					
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ellant Signature:	Vinter Com	7 ~		Date:	11-11-2013
Agent Signature:		· · · · · · · · · · · · · · · · · · ·		Date:	
State of New Mexico)		£*		
0) ss.				
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Petitioner/s:	,	3-1			
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Signature)	•	Sig	gnature		7
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Print Name	J		int Name		
bscribed and sworn	to before me this L	day of None	nber 20 L	<u>3</u> .	
Vicki NOTA	L. Water	-6	DIANY PUBLIC	J.	
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Time Filed:
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Receipt attached:)

(date stamp)

VERIFIED APPEAL PETITION

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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.
Appellari (momation)
Name: Johnson Comio
Address: 12An Bandlan Rd
Street Address Sufte/Unit #
City State ZIP Code
Phone: (JOS 629 - 7077 E-mail Address: Convietdhason 526 grant Additional Appellant Names:
Correspondence Directed to: 🔀 Appellant 🔝 Agent 😡 Both
Agent Authorization (il applicable)
I/We:
uthorize to act as my/our agent to execute this application.
gned: 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
escription 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.

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	New Property of the Control of the C		Signature and	Vérification			
I hereby certify that the minimum standards out the rejection or postpor attached proposal is in rellant Signature:	ninea in the L nement of my	and Developm apolication. 1	ent Code, Chapte also certify that I	er 14 SFCC 2001. Thave met with the	Failure to meet .	lhese standari	ni Huser vem sh
agent Signature:						/-////	•
		····			Date:		
State of New Mexico	1						•
) ss.		•				
County of Santa Fe)						
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duly sworn, depose ar that the same are true	nd say: I/We to my/our o	have read the	foregoing appe	al petition and kno	ow the contents	thereof and	· · · · · ·
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scribed and sworn to before me this 2th day of 1014 Mbon

Print Name

OFFICIAL SEAL Vicki L. Waler

NOTARY PUBLIC STATE OF NEW MEXICO NOTARY PUBLIC

Print Name

My commission expires:



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

(date stamp)

VERIFIED APPEAL PETITION

<u>33</u>

**Two originals of this form	
and time of receipt and initial	must be filed. The Land Use Department Director or his/her designee will enter the date all both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**
	Applellant information
Name: Romero	Bernalette L
Address: P. O. T	Bon 28243
Street Address	70 m 87592 Suite/Unit #
Phone: 605 30	4-8480 E-mail Address: hernadette romer 8 @ GMail.
Additional Appellant Names:	Lom
Correspondence Directed to:	Appellant
	Agent Atithorization (if applicable)
l/We:	
uthorize	to act as my/our agent to execute this application.
gned:	Date:
Signed:	Date:
	Subject of Appeal
Project Name: Verizon W	reless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant); John Malone (owner)
Applicant or Owner Name: Location of Subject Site:	
	Verizon Wireless (applicant); John Malone (owner)
Location of Subject Site:	Verizon Wireless (applicant); John Malone (owner) 1402 Agua Fria Street, Santa Fe, NM 87505
Location of Subject Site: Case Number: Final Action Appealed:	Verizon Wireless (applicant); John Malone (owner) 1402 Agua Fria Street, Santa Fe, NM 87505
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Location of Subject Site: Case Number: Final Action Appealed: Issuance Basis of Standing (see Section Section 14-3.17(B)(3) (personance)	Verizon Wireless (applicant); John Malone (owner) 1402 Agua Fria Street, Santa Fe, NM 87505 Permit Number (if applicable): 13-2097 of Building Permit 14-3.17(B) SFCC 2001):
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Location of Subject Site: Case Number: Final Action Appealed: Issuance Basis of Standing (see Section Section 14-3.17(B)(3) (personance) Basis for Appeal: The facts we	Verizon Wireless (applicant); John Maione (owner) 1402 Agua Fria Street, Santa Fe, NM 87505 Permit Number (if applicable): 13-2097 of Building Permit in 14-3.17(B) SFCC 2001): In alleging injury to my economic, environmental and aesthetic interests ore incorrectly determined

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

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Descript	ion of Harm	Andrew Arthur		
Describe the harm that would result to you from the action ap	pealed from (attach add	itional pages i	f necessary):	
(1) The facility has operated for nine years without zoning violates the rights of Santa Feans who have an interest in Due Process. (3) Violation of any other rights I may have	the character and en	/ironment of t		
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Signature a	nd Verilication			S.
I hereby certify that the documents submitted for review and corminimum standards outlined in the Land Development Code, Chithe rejection or postponement of my application. I also certify the attached proposal is in compliance with the City's zoning required.	apter 14 SFCC 2001. Fa hat I have met with the Ci ments.	liure to meet th ty's Current Pla	nese standards may result anning staff to verify that t	in
pellant Signature: Bernadette Rom	ero	Date:	11-6-13	
Agent Signature:		Date: _		<u></u>
State of New Mexico)				
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duly swom, depose and say: I/We have read the foregoing a that the same are true to my/our own knowledge.	ippeal petition and know	the contents		
Petitioner/s:				
Bernadette Romero			<u>. </u>	
Signature	Signature ,			
Lernadette Romero				
Print Name	Print Name			
OFFICIAL SEAL Vicki L. Waler NOTARY PUBLIC STATE OF NEW MEXICO	NOTARY PUBLIC	<u>. 13</u> WX	R	

My commission expires:

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Time Filed: ______
Fee paid: \$_____
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VERIFIED APPEAL PETITION

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Name: Schilling	Brad		K	
Last	First		M.I.	
Address: Street Address	(v4 St-		Suite/Unit #	
Santa Fe			MM	87505
Phone: (525) 745 – Additional Appellant Names:	E-mail Address:	bschilling@a	State Delande Co	ZIP Code Northing Com
Correspondence Directed to:	Appellant ·	Agent		
		द्विप्रदेशना है ।		in the second second
l/We:				
authorize		to act as my/	our agent to ex	ecute this application.
igned:		Date:	· · · · · · · · · · · · · · · · · · ·	
Signed:		Date:		,
	Subjection	Annol		
Project Name: Verizon V	Vireless – <u>NM4 Silva – AW</u> S Projec	t (addition of antenna	as to a telecor	nmunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant);	lohn Malone (owner)		
Location of Subject Site:	1402 Agua Fria Street, Santa Fo	e, NM 87505	,	
Case Number:	Per	mit Number (if applicat	de): 13-2097	<u>. </u>
Final Action Appealed:				
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Basis of Standing (see Section	on 14-3,17(B) SFCC 2001):			
Section 14-3.17(B)(3) (personant formula (B)(5) (personant formula (B)	on alleging injury to my economic on who has a recognized interest t	, environmental and a Inder New Mexico lav	aesthetic inter v)	ests;
Basis for Appeal: The facts w	ere incorrectly determined	Ordinances/laws wer	e violated and/	or misrepresented
Description of the final action	on appealed from, and date on whi	ch final action was tak	en:	
	Issuance of a building per	nit on October 30, 20	Ö13	
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Mit Chack horo if you have at	tached a conviot the final action that	t is heing annealed	4 4	

AND THE PROPERTY OF THE PROPER 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. SEAD GO DE DE LE CONTROL DE LE 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. Sienaure in Western 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: ent Signature: State of New Mexico

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:

Signature 11/11/13
Signature

155

County of Santa Fe

Print Name
Print Name

Subscribed and sworn to before me this // day of // day of // 13

NOTARY PUBLIC

My commission expires:



Time Filed:
Fee pald: \$ Receipt attached:)

(date stamp)

VERIFIED APPEAL PETITION

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Name: Schilling	Kellu	later trans	8.	School Land Control
Address: 519 Silva	St. First 0	·	M.I.	·
Siziel Address Sauta Fe			NM 87	505
Phone: 605 795-14 Additional Appellant Names:	86 E-mail Addre	ss: kellybenne	H2 @ CO MCO	st.net_
Correspondence Directed to:	Appellant	Agent	Both	
I/We:	Aleks someticalistic	त्र्रे है। योगास्त्राचाक		file and a second
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	iless – NM4 Silva – AWS Pro			ations facility)
Applicant or Owner Name:	Verizon Wireless (applicant	; John Malone (owner	<u>) </u>	
Location of Subject Site:	1402 Agua Fria Street, Santa	7 Fe, NM 87505	· ·	
Case Number:		Permit Number (if applic	able): <u>13-2097</u>	
Final Action Appealed:				
Issuance o	f Building Permit			
Basis of Standing (see Section	14-3.17(B) SFCC 2001):			
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Basis for Appeal: The facts were	incorrectly determined	Ordinances/laws w	ere violated and/or misre	presented
Description of the final action a	appealed from, and date on v	which final action was to	aken:	
	Issuance of a building p	ermit on October 30,	2013	
Check here if you have attack	hed 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) 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.

The state of the s

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I hereby certify that the docum minimum standards outlined in the rejection or postponement attached proposal is in compli-	n the Land Development Coo t of my application. I also ce	ie, Chapter 14 SFCC 2001 Itily that I have met with th	l. Fallure to meet to ne City's Current Pl	hese standards anning staff to	may pegult in
Appellant Signature:	WW B SIMI	llinh	Date:	11/11/2	2013
ent Signature:	1 Down	0	Date:	- / - / -	
State of New Mexico)				
County of Santa Fe) ss.)				
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Petitioner/s: Kelly & M	willing				
Signature /	4	Signature			
Kelly Schill	ling		·		
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Fee paid: \$______
Receipt attached:)

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VERIFIED APPEAL PETITION.

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Name: Shopino Debora	sh H
Address: 619 Camino Sant Street Address Santa Fe	2 Ana suite/Unit # 87505
Phone: <u>(FBS 1696 91663</u> E-mail Add Additional Appellant Names:	Iress: dhs 2010 Aol 100m
Correspondence Directed to: Appellant	Agent Both
I/We:	THE PERSONS ASSESSED
authorize	to act as my/our agent to execute this application.
gned:	Date:
signed;	Date:
Project Name: Verizon Wireless - NM4 Silva - AWS P	roject (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (applica	nt); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Sar	nta 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 econ Section 14-3.17(B(5) (person who has a recognized inter	omic, environmental and aesthetic interests; rest 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 or	which final action was taken:
Issuance of a building	permit on October 30, 2013

A Committee of the Comm

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

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I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements. Appellant Signature: nt Signature: Date: OFFICIAL SEAL SHIZANDRA B GOODWIN State of New Mexico Notary Public State of New My) SS. My Comm. Expires 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.

NOTARY PUBLIC

My commission expires:



(date stamp)

VERIFIED APPEAL PETITION

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	ngthiomianan 22000 s. 1.400
Name: Strombera Dan	Ne
Address: 1427 dala Fria St	Front
Street Address	Suite/Unit #
Sauta he.	State ZIP Code
Phone: 1505) 982-8315 E-mail Ad	dress:
Additional Appellant Names:	
Correspondence Directed to: Appellant	Agent Both
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I/We:	
authorize	to act as my/our agent to execute this application.
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Project Name: Verizon Wireless – NM4 Silva – AWS	Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (application)	ant); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Si	anta 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 eco Section 14-3.17(B(5) (person who has a recognized inte	nomic, environmental and aesthetic interests; erest under New Mexico law)
Basis for Appeal: The facts were incorrectly determined	Ordinances/laws were violated and/or misrepresented
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Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

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

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I hereby certify that the documents submitted for review and consideration by the City of Sante Fe have been prepared to meet the minimum standards outlined in the Lend 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: Q	ave From	here?	Date: <u>////</u> _/
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	s s	OFFICIAL SEAL NY E. TRUJILLO-VALDEZ Notary Public tate of New Maxico nm. Expires 1/24/2014	NOTARY PUBLIC My commission expires 4 22 2014	akt



Fee paid: \$
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(date stamp)

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		Joinetto.					
Name: Vigil	Katherine						
Address: 503 5	Silva St	M.i.					
Street Address	Fe	New Mexico 8750	<u>15</u> _				
City Phone: { }	E-mail Address:	State* ZIP Code					
Additional Appellant Names:							
Correspondence Directed to:	Appellant	Agent Both					
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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 F	e, NM 87505	·				
Case Number:	Per	mit Number (if applicable): 13-2097					
Final Action Appealed:							
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Basis for Appeal: The facts wer	re incorrectly determined	Ordinances/laws were violated and/or misrepresente	d				
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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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Career Suprime and year usum 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 SECC 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: ent Signature: Date: State of New Mexico 1.55 County of Santa Fe 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: Skoneture Print Name Print Name Subscribed and sworn to before me this /

NOTARY PUBLIC

My commissiøn expires:

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Time Filed: _______
Fee paid: \$______
Receipt attached:)

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Address: Last 514 SILVA First M.I. Street Address Suite/Unit # A = = = 1								
SANTA FE N.M. 8+505								
Phone: (50) 745 88 72 E-mail Address: Additional Appellant Names:	<u></u>							
Correspondence Directed to: Appellant Agent Both								
/We:								
authorize to act as my/our agent to execute this application.								
Igned: 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)(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:	٠.							
Issuance of a building permit on October 30, 2013								
Mi 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):

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NOTARY PUBLIC

My commission expires



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(date stamp)

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Street Address ANTA TE N.M. 87502							
City DAC DATA							
Phone: (509 145 88 2 E-mail Address:							
Correspondence Directed to: Appellant Agent Both							
I/We:							
authorize to act as my/our agent to execute this application.							
igned: Date:							
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minimum standards outline the rejection or postponent	ecuments submitted for review and ed in the Land Development Code, nent of my application. I also cert appliance with the City's zoning req	, Chapler 14 SFCC 2001. If fy that I have met with the	Fallure to meet thes	se standards	may result in
Appellant Signature:	1. Tomest	ced,	Date:	<u> </u>	13
ent Signature:			Date:		·
State of New Mexico) .				٠.
) ss.				•
County of Santa Fe)				
I/We M. D. duly sworn, depose and	say: I/We have read the foregoing	ng appeal petition and kno		eing first ereof and	
that the same are true to Petitloner/s:	my/our own knowledge.		•	:	
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	<i>505) 50/-32</i> Appellant Names:	2/ E-mail Addr	e ss:			
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l∕We:		 Control of the Control of Contr	, , ,			
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ned: _			Date:			
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	on Appealed:		•	\mathcal{L}^{\prime}		
		of Building Permit				
Section 1	4-3.17(B)(3) (perso	n 14-3,17(B) SFCC 2001): n alleging injury to my econ n who has a recognized inter	omic, environmental and aesthetic interests; rest under New Mexico law)	• • • • • • • • • • • • • • • • • • •		
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Appellant Signature:	When & pre	حـــــــــــــــــــــــــــــــــــــ	Date:	11-8	73
nt Signature:			Date:		·
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NOTABY PUBLIC STATE OF NEW MEXICO My Commission Expires 3:23-20/

My commission expires:



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Project Name: Verizon V	Vireless – NM4 Silva – A	WS Project (addition	of antennas to a tel	ecommunication	ns facility)
Applicant or Owner Name:	Vertzon Wireless (ap	plicant); John Major	ie (owner)		
Location of Subject Site:	1402 Agua Fria Stree	et, Santa Fe, NM 8750	5	·	
Case Number:		Permit Number	(if applicable): 13	-2097	
Final Action Appealed:					
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Basis of Standing (see Section		IN-			
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Basis for Appeal: The facts we	ere incorrectly determined	1 🕅 Ordinance	s/laws were violated	and/or misrepres	ented
Description of the final action	on appealed from, and d	ate on which final acti	on was taken: 🦯 🦪	The second region	
	Issuance of a bui	lding permit on Octo	ober 30, 2013		
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Appellant Signature:	3 June	رجم		Date: _	B _C COLL.	<u>, 2003</u>
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My commission expires:

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Name: £//iott Charlic £
Address: 6/5/ Airport Rd. #135
Santa Fe NM 87507
City State ZIP Code Phone: (5 • 5) 470~1965 E-mail Address:
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
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I/We:
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ned: Date:
signed: Date:
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Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
Case Number: Permit Number (if applicable): 13-2097
Final Action Appealed:
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Description of the final action appealed from, and date on which final action was taken:
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commission expires:



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

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VERIFIED APPEAL PETITION

Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.					
Appellant Information					
Name: \ \Q \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \					
Address: 513 SIVE ST First M.I.					
Street Address Suite Vinit * NM 87505					
Phone: (SOS) 986-/144 E-mail Address: <u>Seborah Vigi (OS7 @ gwai / Com</u> Additional Appellant Names:					
Correspondence Directed to: Appellant					
Agent Authorization (if applicable)					
I/We:					
-uthorize to act as my/our agent to execute this application.					
ined: Date:					
Signed: Date:					
Subject of Appeal					
Project Name: Verlzon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)					
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Issuance of a building permit on October 30, 2013					

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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):

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minimum standards outlined in the Land Developm	2001	İŧ
Appellant Signature:	Date: 11-7-13	
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State of New Mexico)		
) ss.		
County of Santa Fe }		
duly sworn, depose and say: IWe have read the that the same are true to my/our own knowledge	of the contents thereof and the contents thereof and	
Petitioner/s:		
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Signature	Signature	
DEBBIE (NIGI)	· · · · · · · · · · · · · · · · · · ·	
Print Name	Print Name	

Subscribed and sworn to before me this 7 day of Wounk

NOTARY PUBLIC

My commission expires:

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

(date stamp)

VERIFIED APPEAL PETITION

-57

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Appellant Information
Name: VIAI (rStal M.L.
Address: Street Address 1 Supply Address 2 Supply Address
Santate NM 81505
Phone: 605) 9810 - 1144 E-mail Address:
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
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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.

	Signature and Verification		
I hereby certify that the documents submitted to minimum standards outlined in the Land Develop the rejection or postponement of my application attached proposal is in compliance with the City. **pellant Signature: gent Signature:	pment Code, Chapter 14 SFCC 2001. Failt . I also certify that I have met with the City	ure to meet t	hese standards may result in
State of New Mexico)		-	
County of Santa Fe I/We	the formacion appeal politica and know the	he contants	, being first
duly sworn, depose and say: I/We have read that the same are true to my/our own knowled		ne contents	mereor and
Petitioner/s: Signature	Signature		
Cristal Vigil			·
Print Name	Print Name		
bscribed and sworn to before me this 7	dev of November 20	13	

My commission expires

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LUD Use Only
Time Filed:
Fee paid: \$
Receipt attached:)

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VERIFIED APPEAL PETITION

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Name: V	161	Daniel		<u>-</u>	ਜ਼	<u> </u>
Las	st .	First			M.L.	
	513 SILVQ Beet Address ==	21			Suite/Unit #	· · · · · · · · · · · · · · · · · · ·
	Santa Fe			NM	<u></u>	97505
City Phone: (Số) Additional App	57 986-1	144 E-mail Add	ress:		State	ZIP Code
Correspondence	ce Directed to:	Appellant	图 Agent		<u></u> Во	oth .
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l/We:						
outhorize			to	o act as my/o	ur agent to	execute this application.
ned:				Date:		
Signed:		X. (. r.		Date:		
			t of Appeal			
Project Name:	Verizon Wire	eless – NM4 Silva – AWS Pi	roject (addition	of antennas	to a telec	ommunications facility)
Applicant or Ov	wner Name: _	Verizon Wireless (applican	t); John Malo	ne (owner)		
Location of Sul	bject Site:	1402 Agua Fria Street, San	ta Fe, <u>NM</u> 8750	05		
Case Number:			Permit Numbe	r (if applicable	e): <u>13-20</u>	97
Final Action A	Appealed:					
	Issuance o	of Building Permit				
Basis of Standi	ing (see Section	14-3.17(B) SFCC 2001):				
Section 14-3.1 Section 14-3.1	17(B)(3) (person 17(B(5) (person)	alleging injury to my econo who has a recognized inter	omic, environn est under New	nental and ac Mexico law)	esthetic Int	erests;
Basis for Appeal:	The facts were	incorrectly determined	☑ Ordinance	es/laws were	violated an	d/or misrepresented
cription of	the final action a	appealed from, and date on	which final act	tion was take	n:	
		Issuance of a building	permit on Oct	tober 30, 201	3	

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

De	scription of Harm
Describe the harm that would result to you from the act	ion appealed from (attach additional pages if necessary):
Expansion of an aiready illegal facility further violat of our neighborhood, which otherwise consists of r	house without my knowledge and without zoning permission. les the rights of neighbors who have an interest in the character esidences and small businesses. (2) Violation of Due Process. (3) tress. (5) Violation of any other rights I may have under New
Explain	the Basis for Appeal
Please detail the basis for Appeal here (be specific): The	IE ILLEGAL FACILITY SHOULD BE REMOVED.
(2) Violation of Chapter 14, Section 3.11(A)(3) (issua	peration of a telecommunications facility without a zoning permit). Ince of a building permit for an unauthorized use). (3) Violation of allding permit on the property. (3) Violation of any other laws of this illegal facility may implicate.
Signat	ure and Verification
minimum standards outlined in the Land Development Coo	
Anpellant Signature: Laylel UC	Date: 11/7/2013
nt Signature:	Date:
State of New Mexico)) ss. County of Santa Fe)	haira Kunt
VVVe	oing appeal petition and know the contents thereof and
Petitioner/s:	
Destriplish Signature	Signature
Dante VIGIC	·
Print Name	Print Name
scribed and sworn to before me thisday of	November 2013. Description NOTARY PUBLIC
	NOTANT FUBLIC

My commission expires: 7/9/2016



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

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and time	of receipt and initia	must be filed. The Land Usi Il both originals. See Sectio	n 14-3.1/(U) SFUU 2	or or his/her desig 2001 for the proced	nee will enter the date lure.**	ا ن دور
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Name:	Varela Last	Darelene	o	<u>J</u>		
Address:	5854 Street Address	Colour de	LilA	Sulte/Unit #	0/m/7) 7	—
	SANTA FE			<u>) ////</u>	87201	
	City (505) 434-3 Appellant Names:	788 E-mail Add	ress: NA	State	ZIP Code	
	ndence Directed to:		Agent	Bot	h	wes
	Company of the Compan	Agent Authori	zation (if applicable			
I/We:		<u> </u>				
thorize	·		to act	as my/our agent to o	execute this application	•
.gned:			Date	a:	<u> </u>	
Signed:			Date	e:		
		Subje	ct of Appeal		ne production of the control of the	4
Project Na	ame: Verizon Wi	ireless – NM4 Silva – AWS F	Project (addition of a	intennas to a telec	ommunications facilit	<u>y)</u> _
Applicant	or Owner Name:	Verizon Wireless (applica	nt); John Malone (o	wner)		—
Location of	of Subject Site:	1402 Agua Frla Street, Sa	nta Fe, NM 87505		<u> </u>	
Case Nur	nber:		Permit Number (if a	applicable): 13-20	97	
Final Act	ion Appealed:					
		of Building Permit				
Basis of S	Standing (see Section	n 14-3.17(B) SFCC 2001):				
		n alleging injury to my eco	nomic, environment	al and eesthetic in	erests	
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Basis for Appeal:		ere incorrectly determined	○ Ordinances/la	ws were violated an	d/or misrepresented	
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-		Issuance of a building				
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Describe the narm that would result to you from the a	• • • • • • • • • • • • • • • • • • • •	· -	
(1) The facility has operated for nine years without violates the rights of Santa Feans who have an int Due Process. (3) Violation of any other rights I ma	terest in the character a	and environment of their city	l facility further . (2) Violation of
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(1) Violation of SFCC, Chapter 14, Section 6.2(E) (c) Violation of Chapter 14, Section 3.11(A)(3) (issue Chapter 14, Section 3.11(B)(5) (fallure to post the New Mexico or the United States that expansion of	uance of a building perr building permit on the p	mit for an unauthorized use). property. (3) Violation of any	. (3) Violation of
Sign	ature and Verification		
I hereby certify that the documents submitted for review minimum standards outlined in the Land Development C the rejection or postponement of my application. I also attached proposal is in compliance with the City's zoning	Code, Chapter 14 SFCC 20 certify that I have met with	001. Failure to meet these stand	dards may result in
rellant Signature: Warlenger	aul-	Date: <u>11 / 7</u>	120B
Agent Signature:		Date:	
State of New Mexico)) ss.	·		
County of Santa Fe)			
I/We	egoing appeal petition an	, being fir d know the contents thereof ar	
Petitloner/s:			
Signature	Signature		
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Print Name	Print Name		
oscribed and swom to before me thisday o	or november	, 20 <u></u>	
OFFICIAL SEAL. Vicki L. Water NOTARY PUBLIC STATE OF NEW MEXICO	NOTARY PUBI		-
My Commission Expires:	My commission of the second		6

Description of Harm



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

(date stamp)

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.
A STATE OF THE STA
Name: Komero Georgette
Address: 14/4/2 agua Fria, #A
Street Address Suite/Unit # 87505
Phone: (505) 1003 - 1494 E-mail Address: Greatorn 1110 281. Com
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
Correspondence Directed to: 12 Appellant
//We:
thorize to act as my/our agent to execute this application.
.gned: 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 Basis for Ordinances/laws were violated and/or misrepresented
peal: The facts were incorrectly determined S 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

Description of Harm 12/27

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 Vol. Appeal

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Signature and Verification

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

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Time Filed:_______
Fee paid: \$______
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VERIFIED APPEAL PETITION

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and time	of receipt and initial	al both originals. See Section 14-	3. [7(D) SECU 2001 TOF THE	Procedute.
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Address:	507 Silv	19 Street		
	Street Address		- · · · · · · · · · · · · · · · · · · ·	e/Unit #
	Santa Fo		NM	
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	(505) 350-0	E-mail Address:		
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0 1 11		Ireless – NM4 Silva – AWS Projec	t (addition of antennae to	e telecommunications facility)
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Applicant (or Owner Name:	Verizon Wireless (applicant);	ohn Malone (owner)	
Location o	of Subject Site:	1402 Agua Fria Street, Santa Fo	, NM 87505	· · · · · ·
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Case Num	nber:	Pen	mit Number (if applicable):	13-2097
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		e of Building Permit		
Basis of S	standing (see Section	on 14-3.17(B) SFCC 2001):		-
Section 1	4-3.17(B)(3) (perso	on alleging injury to my economic	, environmental and aesth	etic interests;
Section 1	4-3.17(B(5) (perso	n who has a recognized interest (inder New Mexico law)	
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scriptio	on of the final actio	n appealed from, and date on whi	ch final action was taken:	
•				
		Issuance of a building perr	nit on October 30, 2013	
				s

🖾 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 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. 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. 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: ent Signature: State of New Mexico) ss. County of Santa Fe Duare Lope Z 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: Signature Signature Duane A Lopez Print Name Print Name

OFFICIAL SEAL

Jeremy J. Toya

NOTARY PUBLIC
STATE OF NEW MEXICO

No Compression Explores: 11/21/15

bscribed and sworn to before me this // day of

NOTARY PUBLIC

NOV

My commission expires:



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

(date stamp)

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	प्रमुख्यक्षित्र (विकास समित)
Name: (Allas) (a	HUBRUIE M.I.
Address: 522 Silva St.	Suite/Unit #
Street Address Sauta 43	. MA 87505
City Phone: (SOS) (OCO - 83Z) E	-mail Address: Cate hows Ato Go nm. Com
Additional Appellant Names:	
Correspondence Directed to: Appellant	Agent Both
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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 S	treet, Santa Fe, NM 87505
Case Number:	Permit Number (if applicable): 13-2097
Final Action Appealed:	
lssuance of Building Permit	
Basis of Standing (see Section 14-3.17(B) SFCC 2	
Section 14-3.17(B)(3) (person alleging injury to Section 14-3.17(B(5) (person who has a recogn	my economic, environmental and aesthetic interests; ized interest under New Mexico law)
Basis for Appeal: The facts were incorrectly determ	ordinances/laws were violated and/or misrepresented
Description of the final action appealed from, ar	
•	building permit on October 30, 2013
Check here if you have attached a copy of the	final action that is being appealed.

Superschild and the supers

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.

A CALENDAIN (Ne. Basismon Bol)

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- I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Fallure 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 ettached proposal is in compliance with the City's zoning requirements. Appellant Signature: Date: ent Signature: State of New Mexico County of Santa Fe 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 Print Name Print Name Subscribed and sworn to before me this

OFFICIAL SEAL.
Diana Pollard
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 4/29/2014

NOTARY PUBLIC

My commission expires:



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

(date stamp)

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and the state of t
Name: ALARID HONES MI
Address: Last 1410 AGUA FRIA Suite/Unit #
SANTA FE. NEW MEXICO 87505
Phone: (505) 930-0/94 E-mail Address: 1/17.
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
A Commission of the contract o
I/We:
authorize to act as my/our agent to execute this application.
gned: 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)
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Final Action Appealed:
Issuance of Building Permit
Basis of Standing (see Section 14-3,17(B) SFCC 2001): Section 14-3.17(B)(2) (person who was required to be mailed
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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
escription 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.

PERSONAL PROPERTY OF THE PROPE

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(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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I hereby certify that the d minimum standards outling the rejection or postponer attached proposal is in co	ied in the Land De ment of my applica	velopment Code, (ation. I also certify	Chapter 14 SFCC 20 that I have met with	201. Failure to meet	these standard	is may result in
Appellant Signature:	Ignae -	alan	ud)	Date:		
ent Signature:	<i></i>			Date:		
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State of New Mexico)) ss.					
County of Santa Fe)					
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My commissiory expires:

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(date stamp)

VERIFIED APPEA	Time Filed:	8
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		Subj	ect of Appeal		
	or Owner Name:	reless – NM4 Silva – AWS Verizon Wireless (applica			ommunications facility)
Location o	of Subject Site:	1402 Agua Fria Street, Sa	anta Fe, NM 87505		<u> </u>
Case Nur	nber:	·	Permit Number (ii	fapplicable): 13-20	97
Final Act	ion Appealed:				
		of Building Permit			
Basis of	Ctanding /coa Sacti	op 14-3 17/R\ SECC 2001):	Section 14-3.17(B)	(2) (person who was	required to be mailed
notice for	the application giving	Trise to the final action Deine	g appealed. ALL FE PPLICATION THAT	SHOULD HAVE BEE	N, BUT WAS NOT.
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Section	14-3.17 (B(3) (person	HIO has a recognized int		- ,,	
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□ Check here if you have attached a copy of the final action that is being appealed.

ন্ত্ৰান্ত্ৰ, প্ৰস্তিষ্ঠ বিশ্বস্থিত প্ৰয়োগ প্ৰস্থান্ত্ৰি, ক্ষিত্ৰ ক্ষিত্ৰ ক্ষিত্ৰ ক্ষিত্ৰ ক্ষিত্ৰ ক্ষিত্ৰ ক্ষি	TO MENTAL SECTION AND AND ADDRESS AND	1915 - Afrika and France and American Statement		The state of the s
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	Explain the Be	isis for Appeals	4424 446	
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I hereby certify that the documents submit minimum standards outlined in the Land E the rejection or postponement of my applia attached proposal is in compliance with the	Pevelopment Code, Cha cation. I also certify tha	oter 14 SFCC 2001. Faild I have met with the City	ure to meet to 's Current Pl	hese standards may result in anning staff to verify that the
Appellant Signature:	or _		Date:	11-13
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State of New Mexico)		·	,	
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County of Santa Fe)		:		
I/We	KOSH e read the foregoing ap nowledge.	peal petition and know t	he contents	, being first thereof and
Petitioner/s:	•			
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(date stamp)

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) SECC 2001 for the procedure,
Appellant Information
Name: Gallegos Grace V. Last First M.L
Address: 6/8/1 JiRoN ST. Street Address Suite/Unit #
San Ta Te 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.
ned: Date:
aned: Date:
Subject of Appeal
Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Vertzon 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
Poscription 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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escribe the harm that would result to you from	Description of Harm the action appealed from (attach additional pages if necessary):
The facility has operated for nine years we easy illegal facility further violates the riging lighborhood, which otherwise consists of	without my knowledge and without zoning permission. Expansion of an interest in the character of our residences and small businesses. (2) Violation of Due Process. (3) Harm istress. (5) Violation of any other rights I may have under New Mexico or
	Explain the Basis for Appeal
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Violation of Chapter 14, Section 3.11(A)(3	.2(E) (operation of a telecommunications facility without a zoning permit). 3) (issuance of a building permit for an unauthorized use). (3) Violation of st the building permit on the property. (3) Violation of any other laws of sion of this illegal facility may implicate.
	Signature and Verification
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nt Signature:	Date:
ete of New Mexico)) ss. ounty of Santa Fe) Ve Arous V	A 4/12415 being first the foregoing appeal petition and know the contents thereof and
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Address: 620	BACA First	34	M.I.	· ·
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Phone: ()	E-mail Add	iress:		
Additional Appellant Names:	· · · · · · · · · · · · · · · · · · ·			
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Project Name:	reless – NM4 Silva – AWS P	roject (addition of anteni	nas to a telecon	nmunications facility)
Applicant or Owner Name:	Verizon Wireless (applica	nt); John Malone (owner) ·	<u> </u>
Location of Subject Site:	1402 Agua Fria Street, Sai	nta Fe, NM 87505		
Case Number:		Permit Number (if applica	able): <u>13-2097</u>	<u>'</u>
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Section 14-3.17(B(5) (person	who has a recognized inter	rest under New Mexico la	w)	
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Basis for Appeal: The facts we	re incorrectly determined	Ordinances/laws we	re violated and/e	or misrepresented
Pescription of the final action	appealed from, and date or	n which final action was ta	ken:	
	Issuance of a building	permit on October 30,	2013	
			<u> </u>	
Check here if you have atta	iched a conv of the final action	n that is being appealed.		

A Company of the Comp

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 aiready 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.

(E) Office Pasis for Appeal here (be specific): THE ILLEGAL FACILITY SHOULD BE REMOVED.

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A SUMBLE AND A SUM

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.

attached proposal is in compliance with the City's zoning r	equirements.		
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gent Signature:		Date:	
State of New Mexico)			
) ss.		-	•
County of Santa Fe)			
I/We		, being Intents thereof	
Petitioner/s:			
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My commission expires:



Time Filed:
Fee paid: \$
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(date stamp)

Two originals of this form must be filed. The Land Use Dep and time of receipt and initial both originals. See Section 14	partment Director or his/her designee will enter the date -3.17(D) SFCC 2001 for the procedure.
Appellant inf	ormation
Name: Muller John	T MI.
Address: 1542 Hickor S	
Street Address SANTA 7c	NM 87505
Phone: (535 470-9007 E-mail Address: Additional Appellant Names:	State ZIP Code
	Agent Both
Agent Authorizatio	n (If applicable)
I/We:	
authorize	to act as my/our agent to execute this application.
ned:	Date:
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	Appeal
Project Name: Verizon Wireless - NM4 Silva - AWS Project	et (addition of antennas to a telecommunications facility)
Project Name: Verizon Wireless - NM4 Silva - AWS Project	John Malone (owner)
Project Name: Verizon Wireless - NM4 Silva - AWS Project Applicant or Owner Name: Verizon Wireless (applicant); Location of Subject Site: 1402 Agua Fria Street, Santa Fr	John Malone (owner)
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VERIFIED APPEAL PETITION

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Addelly (Edition)
Name: Truillo Mary.
Address: 620 BACA St.
Street Address Swite/Unit # 87505
City State ZIP Code Phone: () E-mail Address:
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
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I/We:
authorize to act as my/our agent to execute this application.
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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)
Georgia 14-0-17 (bigo) (person wite mas a recognized met sat and a member sate)
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.

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

(1) The facility has operated for nine years without my knowledge and without zoning permission. Expansion of an already litegal 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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State of New Mexico)	
) ss :	• •
County of Santa Fe)	
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duly sworn, depose and say: I/We have read the for that the same are true to my/our own knowledge.	regoing appeal petition and know the contents thereof and
Petitioner/s:	
Mary Trigello	
Signeture	Signature
+Many Flag 1110	
Print Name	Print Name
Subscribed and sworn to before me thisday	or Novemb., 20 13.
	- MANHO I MALTE
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Time Filed:
Fee paid: \$
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VERIFIED APPEAL PETITION

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Address: 620 BACA 51	First M.I.
Street Address	NEW NEX 100 87505
987-1315: -	State ZIP Code
Phone: (505) 7 (32-73/5 E	-mail Address:
Correspondence Directed to: Appellant	Anna Maria
	Agent Both
I/We:	
authorize	to act as my/our agent to execute this application.
ned:	Date:
signed:	Date:
	A Subreagization of the Control of t
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Appeal: The facts were incorrectly determine scription of the final police appealed from any	Total Control of March Control
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Check here if you have attached a copy of the final action that is being appealed.

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My commission expires:



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

(date stamp)

VERIFIED APPEAL PETITION

Receipt attach	ed:)		PETITION
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Name: Martinez	2 Margaritz First	M.I.	
Last	o ct		
Address: 6/2 D2C	<u>«</u>	Sulte/Unit #	
Super Address Fe	•	15 m	81505
City			IP Code
Phone: (55) 982-04	602 E-mail Address:	<u> </u>	
Additional Appellant Names:			· · · · · · · · · · · · · · · · · · ·
Correspondence Directed to:	Appellant Agent Agent	The second secon	
I/We:			<u> </u>
authorize		to act as my/our agent to exe	cute this application.
gned:		Date:	
. signed:		Date:	
- Signed.			
0.00 March 200 Co. 10 C			2004
Project Name: Verizon Wirele	ss - NM4 Silva - AWS Project (addlt	ion of antennas to a telecom	munications facility)
Applicant or Owner Name: Ve	erizon Wireless (applicant); John Ma	alone (owner)	
Location of Subject Site: 14	102 Agua Fria Street, Santa Fe, NM 8	7505	
Case Number:	Permit Num	nber (if applicable): 13-2097	
Final Action Appealed:			a a a second
	D. Salida e Elecció		
Basis of Standing (see Section 14 notice for the application giving ris REQUIRED TO BE MAILED NOT FILED: Section 14-3.17(B)(3) (pe	Building Permit -3.17(B) SFCC 2001): Section 14-3.17 e to the final action being appealed. A ICE OF THE ZONING APPLICATION or alleging injury to my economic to has a recognized interest under N	LL PERSONS WITHIN 200 FE THAT SHOULD HAVE BEEN, , environmental and aesthet	BUT WAS NOT.

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.

Ples application

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.

Secretarion de la companya del companya del companya de la company

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.

The state of the s

My Coremission Expires:

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.

attached proposal is in c	ompliance with the	City's zoning re	equirements.	· · · · · · · · · · · · · · · · · · ·	and the second second	Tony may
Appellant Signature:	markas	de	Cartine/	Date:	11-2-	2013
nt Signature:	<u>U</u>			Date:		
•						
State of New Mexico)	•				
) ss.			•		
County of Santa Fe)					
I/We	arfaite	mar			, being first	
duly sworn, depose and that the same are true	d say/ l/We have i	read the forego	oing appeal petition an	d know the contents	thereof and	
Petitioner/s:	to mygodi own kilo	meage.				
			moran	inte Mas	time	
Signature			Signature		0	
Print Neme	 		2000 g 7 r.	ita marti	vec	
	_	- a				
Subscribed and sworn	to before me this	day of _	November	, 20/3		
	OFFICIAL SEAL Loretta A. Perea NOTARY PUBLIC	}	Soriet NOTARY PUBL	ctere.c-		

My commission expires:

12-21-16

84



Time Filed:_____Fee paid: \$______Receipt attached:)

(date stamp)

VERIFIED APPEAL PETITION

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and time of receipt and initial	both originals. See Section 14-3.17(D) SF	rector or his/her designee will enter the date CC 2001 for the procedure.**
	Appellant information	
Name: Martinez	Danette	Juliete
Address: Last Po	ca St First	M.I.
Size Address	e nm	87505
City Phone: (605) 982 01	a() Z E-mail Address:	State ZIP Code
Additional Appellant Names:	· · · · · · · · · · · · · · · · · · ·	
Correspondence Directed to:	Appellant Agent	Both
	Ageni Authorization (inapplic	ille (all)
I/We:		
orize	to	act as my/our agent to execute this application.
,ned:		Date:
Signed:	Subject of Appeal	Date:
	Sun Sector Whitear Co.	
Project Name: Verlzon Wir	eless - NM4 Silva - AWS Project (addition	of antennas to a telecommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant); John Malon	ie (owner)
Location of Subject Site:	1402 Agua Fria Street, Santa Fe, NM 8750	5
Case Number:	Permit Number	(if applicable): <u>13-2097</u>
Final Action Appealed:		
Maria (Issuance)	of Building Permit	•
notice for the application giving REQUIRED TO BE MAILED NO FILED: Section 14-3-17/B)(3)	in 14-3.17(B) SFCC 2001): Section 14-3.17(rise to the final action being appealed. ALL f DTICE OF THE ZONING APPLICATION THA person alleging injury to my economic, en who has a recognized interest under New	ovironmental and aesthetic interests;
Basis for eal: The facts were	e incorrectly determined Mac Ordinance	es/laws were violated and/or misrepresented
oription of the final action	appealed from, and date on which final acti	ion was taken:
	Issuance of a building permit on Oct	ober 30, 2013

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

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		Description of I	larm			
Describe the harm that wo	ould result to you from	the action appealed	rom (attach addition	al pages i	t necessary):	
(1) The facility has opera aiready illegal facility fur neighborhood, which off to the value of my prope federal law.	rther violates the rig herwise consists of	hts of neighbors wh residences and sma	o have an Interest i Il businesses. (2) V	n the cha lolation o	racter of our of Due Proces:	s. (3) Harm
		Explain the Basis le	4 - C B			
Please detail the basis for		•				
(1) Violation of SFCC, Ch (2) Violation of Chapter 1 Chapter 14, Section 3.11 New Mexico or the Unite	14, Section 3.11(A)(3 (B)(5) (failure to pos	 (issuance of a bull at the building permit 	ding permit for an u t on the property. (i	inauthori 3) Viola ti	lzed use). (3)	Violation of
	e e e e e e e e e e e e e e e e e e e	Signature and ver	lication:			
I hereby certify that the doc minimum standards outlined the rejection or postponeme attached proposal is in com	d in the Land Develop ent of my application.	ment Code, Chapter 14 I also certify that I hav	SFCC 2001. Failure	to meet ti	hese standards	may result in
Annellant Signature:	anitie()	uluti Ma	ting	Date:	11 - 8 - 13	3
t Signature:				_ Date:		
State of New Mexico	}					
) ss.					
County of Santa Fe).					
<u> </u>	P					
duly sworn, depose and s that the same are true to	ay: IWe have read t	Mockenez the foregoing appeal p ge.		contents	, being first thereof and	•
Petitioner/s:						
anetti Julii	ti Martin	Signati				

Print Name

Print Name

Print Name

Cribed and swom to before me this 7th day of November, 2013

OFFICIAL SEAL Loretta A. Perea

NOTARY PUBLIC

NOTARY PUBLIC

NOTARY PUBLIC

My commission expires:

12-21-16

My Commission Expires:



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

VERIFIED APPEAL PETITION

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	is form must be filed. The Land Us nd Initial both originals. See Secti		
	-Appella	mulatormática	STATE OF BUILDING TO STATE OF
Name: AN AU	 	<u> </u>	
Address: Last		М.).	·
Street Addre Sanvj		Suite N N	n 87505
Phone: (SS) CAdditional Appellant N	15~17/3 E-mail Add	State	ZIP Cods
Correspondence Direc			Both
l/We:	A CARLO CAN DE LA CARLO CAN DEST	zanon (irapplicable)	
orize	-	to act as my/our age	ent to execute this application.
,ed:		Date:	•
Signed:		Date:	·
Signed:	Sidbje	Date: clicif Appeal	
	Sübje zon Wireless – NM4 Sliva – AWS F	etor Appeal	telecommunications facility)
	zon Wireless – NM4 Sliva – AWS F	etor Appeal	telecommunications facility)
Project Name: <u>Ver</u>	zon Wireless – NM4 Sliva – AWS F me: Verizon Wireless (applica	ct of Appeal Project (addition of antennas to a nt); John Malone (owner)	telecommunications facility)
Project Name: <u>Ver</u> Applicant or Owner Na	zon Wireless – NM4 Sliva – AWS F me: Verizon Wireless (applica	ct of Appeal Project (addition of antennas to a nt); John Malone (owner) nta Fe, NM 87505	telecommunications facility) 13-2097
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Issuance of a building permit on October 30, 2013

Description of Harm

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

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

Explain the Basis for Applied

Prease 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 lifegal facility may implicate.

Signarue and Venticality 1 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. ^nnellant Signature: t Signature: State of New Mexico) ss. County of Santa Fe 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: Signature Signature Benjamin, Print Name Print Name

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

NOTARY PUBLIC

My commission expires:



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

(date sta	amp)
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VERIFIED APPEAL PETITION

Receipt attached:)			PETITION
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	rmen	0	
Last D. C- Firs	1	M.I.	
Street Address	umeroico	Suite/Unit #	87505
City Phone: <u>1560 9837972</u> E-ma	nil Address:	State	ZIP Code
Additional Appellant Names: Correspondence Directed to: Appellant	Agent) B	oth
I/We:			
authorize	to ac	t as my/our agent to	execute this application.
ned;	Da	te:	
orgned:	Da MullegsolvAir	THE RESIDENCE OF THE PROPERTY OF THE PARTY.	
	200507		communications facility)
Project Name: Verizon Wireless - NM4 Silva - A			Communications facinity)
	phicant); John Malone (
-	et, Santa Fe, NM 87505	applicable): 13-2	2097
Case Number:	Permit Number (ii	аррисаоте). <u>15-2</u>	
Final Action Appealed:			
Issuance of Building Permit Basis of Standing (see Section 14-3.17(B) SFCC 200 notice for the application giving rise to the final action REQUIRED TO BE MAILED NOTICE OF THE ZONIN FILED; Section 14-3.17(B)(3) (person alleging injure Section 14-3.17(B(5) (person who has a recognize	being appealed. ALL PEI IG APPLICATION THAT ! y to my economic, envir	RSONS WITHIN 20 SHOULD HAVE BE Conmental and aes	EN, BUT WAS NOT.
Basis for Appeal: The facts were incorrectly determine scription of the final action appealed from, and determine			and/or misrepresented

Issuance of a building permit on October 30, 2013

M 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.

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) (fallure 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.

Control of the Contro

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 SECC 2001. Follow to most those standards ult in it the

attached proposal is in o	Carmen	C anaya		_ Date:	100	8-213
⊦nt Signature:		<i>V</i>		·Date:		<u> </u>
State of New Mexico)					
) ss.	•	•	. ,		
County of Santa Fe)					
I/We OWY duly sworn, depose an that the same are true	d say: I/We have read to my/our own knowled	the foregoing appeal page.	etition and know the	content	_, being first s thereof and	
Petitioner/s:		Q	aimeu C] a	naya	
Signature		Signatu	re		7-	
		0	Armed C	An	AYA-	
Print Name		Print Na	me			
Subscribed and sworn	to before me this 81	May or Noul W	her 201	<u>3</u>		
		D	unitu Co!	Ma	Kling	
		NOTA	RY PUBLIC 0		_	



(date	stamp)
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VERIFIED APPEAL PETITION

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te (wo dinglin ils journes (le muni and lime of passe) pre d'allique (l	islant ijješk ilut umolėj. 1818 šalusta –	િલ્લુફ્યુંનીમાની ચોલાગામ છે. જો જે હોક્સમાં કોઈ હો જાણા	ાં તું કરો છે. જું માર્ચ કે કરો કરો છે.	માર્કે જેવી છે. તેમ છે. તેમ જ હોઇ છે. મામલા કે જોઈ જેવા છે.
		ត្រូវ (គ្រូវ) គឺម៉ែន (គ្រូវ) គ្រូវ (គ្រូវ) គ្រូវ (គ្គុវ) គ្គុវ (គ្គុវ) គ្គុវ (គ្គុវ) គ្គុវ (គ្គុវ) គ្គ		
Name: AWAYA	Ben	n 1005-10	C.	
Last	First		M.I.	
Address: 608	Baca St		Suite/Unit #	<u> </u>
Street Address Santa	E.		U. Mex	87505
City			State	ZIP Code
Phone: (565) 983 - 7 Additional Appellant Names:	E-mail Add	lress:		
Additional Appellant Hanks			·	
Correspondence Directed to:	Appellant	ि Agent अधिको ((ayısılısatıra)	Bot	
Marie de la 1900 de la 1900 de la companya de la co	Partie and Carlotte (1992) In the State of Marchael		مود التعاديدية هيداديميدينيك	English de Meddeller venez venez 1866
I/We:				
authorize		to act as m	y/our agent to e	execute this application
ned:		Date:		
್ಯgned:		Date:		·
	A STATE OF STATE	\$ 00 V 10 0 0 0 0		
Project Name: Verizon Wire	less – NM4 Sliva – AWS F	roject (addition of anten	nas to a teleco	mmunications facility
Applicant or Owner Name:	Verizon Wireless (applica	nt); John Malone (owne	r)	
Location of Subject Site:	1402 Agua Fria Street, Sa	nta Fe, NM 87505	<u> </u>	
Case Number:		Permit Number (if applic	able): 13-209	97
Final Action Appealed:		•	, -	
• •	f Don't die ee Dones it			
lssuance of Basis of Standing (see Section 1	f Building Permit W. 3.17(B) SECC 2001): Se	ction 14-3 17/B)(2) (nerso	on who was requ	uired to be mailed
notice for the application giving a REQUIRED TO BE MAILED NO	ise to the final action being	appealed. ALL PERSO <u>N</u>	<u>S WITHIN 200 I</u>	-EET WEKE
FILED: Section 14-3.17(B)(3) (r.	erson alleging injury to n	ny economic, environme	ntal and aesth	etic interests;
Section 14-3.17(B(5) (person v	tho has a recognized inte	rest under New Mexico I	aw)	•
Basis for				<u> </u>
	incorrectly determined	Ordinances/laws w	ere violated and	Vor misrepresented
scription of the final action a	ppealed from, and date or	n which final action was t	aken:	
	Issuance of a building	permit on October 30,	2013	
	<u> </u>	· · · · · · · · · · · · · · · · · · ·		
Check here if you have attac	ned a copy of the final actio	n that is being appealed.		

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					**	
		ំ ខ្មែរ ស្វៀក្សៀតវិ	Millian			an gara. Salah salah salah salah
Describe the harm that	would result to you from	n the action appea	led from (attach ad	lditional pages if r	ecessary):	
already illegal facility neighborhood, which to the value of my pro federal law.	Marie 1972 Colored Marie 1978 and a second color.	hts of neighbors residences and s Istress. (5) Violat	who have an Intermall businesses ion of any other r	erest in the chara . (2) Violation of ights I may have	cter of our Due Process under New	s. (3) Harm
Please detail the basis	for Appeal here (be spe	cific): THE ILLEGA	AL FACILITY SHO	DULD BE REMOV	ED.	
(2) Violation of Chapt Chapter 14, Section 3	, Chapter 14, Section 6 er 14, Section 3.11(A)(: :.11(B)(5) (failure to pos ilted States that expan	3) (Issuance of a l st the building pe	building permit for rmit on the prope	or an unauthorize erty. (3) Violation	d use). (3)	Violation of
minimum standards outli the rejection or postpon	documents submitted for lined in the Land Develop, ement of my application. compliance with the City's	ment Code, Chapte I also certify that I	or 14 SFCC 2001. I have met with the	Fallure to meet the	se standards	may result in
Appellant Signature:	V Samounin	CA	aga	Date:	11-8-	12
it Signature:	9		*	Date:		
			·		•	
State of New Mexico)				. •	
***) ss.		•			
County of Santa Fe)					
County of Salita re	1.					
INVe Ben	ramin C	Draya	>		eing first	
	fetsay: IWe have read to to my/our own knowledg		eal petition and kno	ow the contents the	ereof and	The second
Petitioner/s:		•		•	•	• • •
Signature	·	Sk	Bangar	C. D	Lo	- 1
	•					

Subscribed and swom to before me this 84 day of November , 20 13

Print Name

NOTARY PUBLIC

Print Name

My commission expires:



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) SECC 2001 for the procedure,
Appellant Information
Name: METOYER, ETIZABETH J.
Last First M.L.
Address: 618/2 JIRON 5t. Street Address: Suite/Unit #
Street Address State n. Mult. 87505
City 9253 State ZIP Code
Phone: (505) 983-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:
Date:
Subject of Appeal
Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility)
Project Name: Verizon Wireless - NM4 Silva - AWS Project (addition of antennas to a telecommunications facility) Applicant or Owner Name: Verizon Wireless (applicant); John Maione (owner)
Applicant or Owner Name: Vertzon Wireless (applicant); John Malone (owner)
Applicant or Owner Name: Vertzon Wireless (applicant); John Malone (owner) Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
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
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
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: 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.
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Applicant or Owner Name: Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505 Case Number: Permit Number (if applicable): 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 malled 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
Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner) Location of Subject Site: 1402 Agua Fría Street, Santa Fe, NM 87505 Case Number: Permit Number (if applicable): 13-2057 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 malled 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.
2) Violation of Chapter 14, Section 3.11(A)(3) (Iss	operation of a telecommunications facility without a zoning permit). uance of a building permit for an unauthorized use). (3) Violation of building permit on the property. (3) Violation of any other laws of of this illegal facility may implicate.
Sign	ature and Verification (1) (2)
nipimum standards outlined in the Land Development C	vend consideration by the City of Santa Fe have been prepared to meet the code, Chapter 14 SFCC 2001. Failure to meet these standards may result in certify that I have met with the City's Current Planning staff to verify that the requirements.
Appeilant Signature:	Date:
nt Signature:	Date:
State of New Mexico)) ss.	
County of Santa Fe)	
Ne ELEZRBETA	METO YEAL being first
	egoing appeal petition and know the contents thereof and
Petitioner/s:	
LIZABETH METOYEL	Elizabeth S. METOYER Signature
FIRETH J. METOYER	ETIZABETK J. METOYER
OFFICIAL SEAL Jenemy J. Toya NOTARY PUBLIC STATE OF NEW MEDICO My Commission Expires: 11/24/15	NOTARY PUBLIC My commission expires: 1/24/15



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

(date stamp)

VERIFIED APPEAL PETITION

95

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.
Appellantilistormation
Name: Sauchez Tonacida G
Address: 905 Dow Tuan St., Suite/Unit #
SANTA TE NEW MEXICO 8750)
City State ZIP Code Phone: 1505 9842064 E-mail Address:
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
Agent Amborization (Inapplicable)
I/We:
norize 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: 殿 The facts were incorrectly determined
cription of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013

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

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		Déscription o	Harm	
Describe the harm that v	would result to you fr	om the action appeale	d from (attach additional)	pages if necessary):
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Appellant Signature: t Signature:	anscita	Janely		Date: //-/3-/5
State of New Mexico)			
County of Santa Fe) ss. }			
		d the foregoing appeal	petition and know the co	, being first ntents thereof and
Petitioner/s:				
	· .		marit.	ausz
Signature		Signi	ature	,

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

Print Name

NOTARY PUBLIC

Print Name

My commission expires:



(date stamp)

APPEAL ETITION

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	al both originals. See Section 14-3.	17(D) SECC 2001 101	me proced	nee will enter the date lure.**
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Name: MULLER	DANIEL		J M.L	
	ICKOX ST		D. 12 - F 1- 13 - H	
Street Address SANTA	CF		Suite/Unit #	87505
City			State	ZIP Code
Phone: (605) 690 - 6 Additional Appellant Names:	E-mail Address:	sm 1542 @) MSN	.COM
Correspondence Directed to:		Agent	■ Bot	h Salaharan
	Agent Authorization	ff applicable)		
I/We:			* .	
authorize		to act as my/o	ur agent to e	execute this application.
ned:	·	Date:		
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	Subject of A	pede		
Project Name: Verizon W	ireless – NM4 Silva – AWS Project (addition of antenna	s to a teleco	ommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant); Joi	n Malone (owner)		1
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Location of Subject Site:	1402 Agua Fria Street, Santa Fe,	NM 87505		
Case Number:		NM 87605 Number (if applicable	e): <u>13-20</u>	97
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		Signa	ture and Verificati	016-77-716		
I hereby certify that the minimum standards out the rejection or postpor attached proposal is in	tlined in the Land nement of my ap	d Development Co oplication. I also c	de, Chapter 14 SFC(ertify that I have met	2001. Failure to me	et these stan	dards may result in
Appellant Signature:	Darrand	Mullu		Date	E Nou	11 2013
it Signature:						
it olgitatule.			<u></u>	Date	3 ;	
State of New Mexico County of Santa Fe)) ss.)				• • •	·
I/We	nd say: I/We ha	eve read the foreg	going appeal petition	and know the conte	, being finnts thereof a	
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Signature			Signature			
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Print Nama			Print Name	•		
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			My dommiss	ion expires: U 2014		



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

(date stamp)

VERIFIED APPEAL PETITION

Two originals of this form must be filed. The Land Use and time of receipt and initial both originals. See Section	Department Director or his/her designee will enter the date n 14-3:17(D) SFCC 2001 for the procedure.
Appellan	t Information
Name: Muller Shirle	R M.I.
Address: 1542 HICKOX ST. Street Address Santa Fe City	Suite/Unit # NM 87505 State ZIP Code
Phone: (505) 670 - 8370 E-mail Addr Additional Appellant Names:	
Correspondence Directed to: Appellant	Agent Both atton (if applicable)
	accin the appropriate of
I/We:	1
authorize	to act as my/our agent to execute this application.
ned:	Date:
Uigned:	Date:
Project Name: Verizon Wireless - NM4 Silva - AWS Project Name: Verizon Wireless (applican	oject (addition of antennas to a telecommunications facility) t); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, San	ta 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(8) SFCC 2001): Sec notice for the application giving rise to the final action being a REQUIRED TO BE MAILED NOTICE OF THE ZONING APPFILED; Section 14-3.17(B)(3) (person alleging injury to my Section 14-3.17(B(5) (person who has a recognized intention)	eppealed. ALL PERSONS WITHIN 200 FEET WERE PLICATION THAT SHOULD HAVE BEEN, BUT WAS NOT, y economic, environmental and aesthetic interests;
Basis for	Ordinances/laws were violated and/or misrepresented
Appeal: The facts were incorrectly determined "scription of the final action appealed from, and date on	
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Issuance of a building	permit on October 30, 2013
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(1) The facility has operated for nine years without my already illegal facility further violates the fights of neigneighborhood, which otherwise consists of residences to the value of my property. (4) Emotional distress. (5) federal law.	hbors who have and small bus	e an interest i Inesses. (2) V	in the ch liolation	of Due P	f our roces	s. (3) Harm
Explain-th:	e Besis for App	eal .			د. دلار مربولان	
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Signature	and Verificati	oni di di di da y				
I hereby certify that the documents submitted for review and minimum standards outlined in the Land Development Code, the rejection or postponement of my application. I also certify attached proposal is in compliance with the City's zoning required.	Chapter 14 SFCC that I have met	2001, Failure	to meet	these star	ndards	may result in
Appellant Signature: July Tully	·		_ Date:	Nov	11	2013
		•	Dotor			
nt Signature:			_ Date:			
State of New Mexico)) ss. County of Santa Fe) I/We	· :			_, being f		i
duly sworn, depose and say: I//e have read the foregoin that the same are true to my/our own knowledge.	g appeal petition	and know the	content	s thereof a	and	
Petitioner/s:						
Shirley Muller /signeture	Signatur o	· · · · · · · · · · · · · · · · · · ·	- ;			• .
Shirley Muller				 		
Print Name	Print Name					
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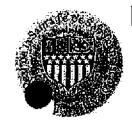
Time Filed:
Fee paid: \$
Receipt attached:)

(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(0) SFCC 2001 for the procedure.
Appellant Information
Name: Lucero José F
Address: 1274 Senda del Valle
Street Address Suite/Unit # NM 87507 Stale ZIP Code
City Phone: 15PS 471-0575 E-mail Address: Mapf L D 9 10000 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.
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aned: 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:
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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
(X) Check here if you have attached a copy of the final action that is being appealed.

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	tion of Harm
Pescribe the harm that would result to you from the action ap	· ·
lready illegal facility further violates the rights of neighb eighborhood, which otherwise consists of residences a	nowledge and without zoning permission. Expansion of an cors who have an interest in the character of our and small businesses. (2) Violation of Due Process. (3) Harm colation of any other rights I may have under New Mexico or
a Ferri Dec. 10 pp. 1 d Section 1	Basis for Appeal
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Signature a	md Verification
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Appellant Signature:	Date;
int Signature:	Date:
State of New Mexico)) ss. County of Santa Fe)	
We JOSE F LUCEVO duly sworn, depose and say: I/We have read the foregoing a hat the same are true to my/our own knowledge.	ppeal petition and know the contents thereof and
Petitioner/s:	
11/2 km	2/hu
Signature	Signature
Jose 7 Lucceo	Jose 7. Luceno
Print Name	Print Name
Subscribed and sworn to before me this 13 day of 1	Danette Martin
	NOTARY PUBLIC My commission expires:
	Sept. 21 2016



Time Filed:______Fee paid: \$______Receipt attached:)

(date	sta	mp)
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VERIFIED APPEAL PETITION

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Appellenicifile medica
Name: Padula Mary A
Address: 1274 Seuda du Valle Street Address Suite/Unit #
South 7/P Code
Phone: 1505 471-0575 E-mail Address: Map 1 L 09 1 Com
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
1/We:
authorize to act as my/our agent to execute this application.
ned: Date:
Ugned: 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
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REQUIRED TO BE MAILED NOTICE OF THE ZONING AT Electronic, environmental and aesthetic interests; FILED; 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 misrepresented
Poscription of the final action appealed from, and date on which final action was taken:
Issuance of a building permit on October 30, 2013
77 On the first have extend a copy of the final action that is being appealed.

A PROMOTO A PROM

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.

A CONTRACTOR OF THE PROPERTY O

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 tilegal facility may implicate.

A STORE OF THE SERVICE OF THE SERVIC

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 SECC 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.

ettached proposal is in compliance with the City's zoning re	quirements.
Appellant Signature:	Date:
nt Signature:	Date:
State of New Mexico)	
) ss .	
County of Santa Fe)	,
I/We Mary A. Pad duly sworn, depose and say: I/We have read the forego	being first point appeal petition and know the contents thereof and
that the same are true to my/our own knowledge.	
Petitioner/s:	
Mary Dadille	Mary Atadele
Signature	Signeture \
Mary A. Padilla	Mary A. Padlia
Subscribed and sworn to before me this 13 day of	November 20 13.
	Danetto J. Martin
	NOTARY PUBLIC

104



Time;Filed: Fee paid: \$ Receipt attached:) (date stamp)

VERIFIED APPEAL PETITION

105

and time of receipt and initial both originals. See Section	e Department Director or his/her designee will enter the date on 14-3.17(D) SFCC 2001 for the procedure.**
Afrella	is in the second of the second
Name: What we My	1811 L.
Address: Last 1000 706000 Final Pe	raeta
Street Address Author Fe	NM 8750
Phone: 187-44 (10 E-mail Add Additional Appellant Names:	State ZIP Code tress:
Correspondence Directed to: 🛛 Appellant	_ Agent' ₂⊌ Both
Ag e nt Authori	zation (it applicable)
I/We:	
thorize	to act as my/our agent to execute this application.
jned:	Date:
Signed:	Date:
Subjet	ct of Appeal
Project Name: Verizon Wireless - NM4 Silva - AWS P	roject (addition of antennas to a telecommunications facility)
Applicant or Owner Name: Verizon Wireless (applican	nt); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Sar	nta Fe, NM 87505
Case Number:	Permit Number (if applicable): 13-2097
Final Action Appealed:	
Basis of Standing (see Section 14-3.17(B) SFCC 2001):	
Section 14-3.17(B)(3) (person alleging injury to my econo	omic, environmental and aesthetic interests
•	
Basis for	☑ Ordinances/laws were violated and/or misrepresented
Appeal: The facts were incorrectly determined scription of the final action appealed from, and date on	
, , , , , , , , , , , , , , , , , , , ,	
Issuance of a building	permit on October 30, 2013
⊠ Check here if you have attached a copy of the final action	di 12- hi-t anno hi di

Describe the harm that would result to you from the action ap	tion of Harm pealed from (attach additional pages it necessary):
	g permission. Expansion of an already illegal facility further
violates the rights of Santa Feans who have an interest li	n 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.
	Basis tor-Adix au
Please detail the basis for Appeal here (be specific): THE ILL	Total Section of the Action of the section of the s
(1) Violation of SFCC, Chapter 14, Section 6.2(E) (operation	on of a telecommunications facility without a zoning permit).
(2) Violation of Chapter 14, Section 3.11(A)(3) (Issuance of	of a building permit for an unauthorized use). (3) Violation of germit on the property. (3) Violation of any other laws of
New Mexico or the United States that expansion of this il	legal facility may implicate.
	ne Verill Eatlon
I hereby certify that the documents submitted for review and commingum standards outlined in the Land Development Code. Ch	nsideration by the City of Santa Fe have been prepared to meet the napter 14 SFCC 2001. Fallure to meet these standards may result in
the rejection or postponement of my application. I also certify the	hat I have met with the City's Current Planning staff to verify that the
attached proposal is in compliance with the City's zoning require	menus.
ellant Signature:	Date:
Agent Signature:	Date:
State of New Mexico)	•
) ss.	
County of Santa Fe)	
Ý 10	_
INE Y WIRWELL VILLENTI	<u>以ピノ</u> , being first
duly swom, depose and say: I/We have read the foregoing a that the same are true to my/our own knowledge.	appeal petition and know the contents thereof and
Pelitioner/s:	
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2 Milleutiu	
Signature	Signature
-	
1 100	
- Mysneller. Valentine	
Print Name V	Print Name

Melissa G. Marano

My Commission Expires: 11 10 204

day of Naugh

222

NOTARY PUBLIC

My commission expires:



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

(date stamp)

VERIFIED APPEAL PETITION

107

Two originals of this form and time of receipt and initi	must be filed. The Land Use Department of both originals. See Section 14-3.17(D)	nt Director or his/her design SFCC 2001 for the proce	gnee will enter the date dure.

Name: WINKL	First	M	
Address: 1414 A	GUA PRIA ST.	. Sulte/Unit #	
SANTA	PE	W.M	87505
Phone: (505) 231 - 8 Additional Appellant Names:	3375 E-mail Address: T	DD. WINKLER O	ZIP Code D <u>ROCKETMAIL.Co</u>
Correspondence Directed to:	Appellant	t' ⊠ Bo	th
	Agenyallian Pantin di ala		
I/We:			
ıthorize		to act as my/our agent to	execute this application.
igned:		Date:	
Signed:		Date:	
	Subject of Appeal	15-14-15-14-15-14-15-14-15-14-15-15-15-15-15-15-15-15-15-15-15-15-15-	And the same of th
Project Name: Verizon Wi	reless – NM4 Silva – AWS Project (additi	ion of antennas to a telec	ommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant); John Ma	ilone (owner)	
Location of Subject Site:	1402 Agua Fria Street, Santa Fe, NM 87	7505	·
Case Number:	Permit Num	ber (if applicable):13-20	97
Final Action Appealed:			
Issuance	of Building Permit		
notice for the application giving REQUIRED TO BE MAILED N FILED; Section 14-3.17(B)(3)	14-3.17(B) SFCC 2001): Section 14-3.17(prise to the final action being appealed. At OTICE OF THE ZONING APPLICATION TO (person alleging injury to my economic, who has a recognized interest under Note that the control of the control	LL PERSONS WITHIN 200 THAT SHOULD HAVE BEE , environmental and sesth	FEET WERE N, BUT WAS NOT.
Basis for The lacts wer	re incorrectly determined 🔀 Ordinal	nces/laws were violated and	d/or misrepresented
	appealed from, and date on which final a		
	Issuance of a building permit on 0	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 aiready 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 100 Applied

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 Recultation

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: 11.14.13
gent Signature:	Date:
State of New Mexico)	
) ss.	•
County of Santa Fe)	
WE TODD WINKLE	C, being first
uly sworn, depose and say: I/We have neat the same are true to my/our own knowns	ead the foregoing appeal petition and know the contents thereof and
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•	meuge.
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etitioner/s:	Signature
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etitioner/s:	· · · · · · · · · · · · · · · · · · ·
etitioner/s: Jada Winkler	· · · · · · · · · · · · · · · · · · ·
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etitioner/s: Jada Winkler rint Name	Signature Print Name

commission expires:

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(date	stamp)
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VERIFIED APPEAL PETITION

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Two originals of this form and time of receipt and initia	must be filed. The Land Use Dep of both originals. See Section 14	partment Director or his/h -3.17(D) SFCC 2001 for th	er designee will enter the date e procedure.
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Name: Winkler	Anne	m	
Address: 14 14 A	aua fria St.	М.	<i></i>
Street Address	ė	NM su	100 to 10 to
City.	2	, Sta	
Phone: (505) 2-3 -	8374 E-mail Address:	Westonwink	@yahoo.com
Additional Appellant Names:			<u> </u>
Correspondence Directed to:	Appellant	☑ Agent	ß Both
		a Mappicabley	
I/We:			
uthorize		to act as my/our a	agent to execute this application.
jned:	· · · · · · · · · · · · · · · · · · ·	Date:	
Signed:		Date:	-
	Subject of	Appeal	
Project Name: Verizon Wi	reless – NM4 Silva – AWS Projec	t (addition of antennas to	a telecommunications facility)
Applicant or Owner Name:	Verizon Wireless (applicant);	ohn Malone (owner)	
Location of Subject Site:	1402 Agua Fria Street, Santa Fe	, NM 87505	
Case Number:	Pen	mit Number (if applicable):	13-2097
Final Action Appealed:			,
	of Building Permit		
notice for the application giving	14-3.17(B) SFCC 2001): Section rise to the final action being appe	aled. ALL PERSONS WITH	HIN 200 FEET WERE
REQUIRED TO BE MAILED N	OTICE OF THE ZONING APPLICA (person alleging injury to my eco	ATION THAT SHOULD HAY	VE BEEN, BUT WAS NOT,
Section 14-3.17(B(5) (person	who has a recognized interest u	inder New Mexico law)	ं ्
Basis for			
	e incorrectly determined	Ordinances/laws were vio	lated and/or misrepresented
escription of the final action	appealed from, and date on which	th final action was taken:	,
	lancana at a bulliforman	ait on Ootober 20, 2019	;

Description of Harms: 2"

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 5.2(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 Vetilitation

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.

attached proposal is in compliance with the City's zoning require	ements.
vellant Signature: Anh Month	Dete: 11+14-2
△gent Signature:	Date:
State of New Mexico)	
) ss.	·
County of Santa Fe)	• •
twe Anne M. Winkland duly sworn, depose and say: I/We have read the foregoing that the same are true to my/our own knowledge.	appeal petition and know the contents thereof and
Petitioner/s:	
Anch Wakh	<u> </u>
Signature	Signature
	•
Anne M. Winkle	
Print Name	Print Name
scribed and sworn to before me this 11 day of 1	Overula 2013.

commission expires:

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

* BUILDING PERMIT Date 10/30/13 13-00002097 Application Number Property Address 1402 AGUA FRIA ST Application type description TELECOMMUNCATION TOWER DORIS LUNA LOT LINE Subdivision Name GENERAL COMMERCIAL Property Zoning . 30000 Application valuation . . Contractor Owner TSI TOWER SERVICES INC MALONE, JOHN 515 WHEELER AVE SE 1402 AGUA FRIA RD. NM 871102 "ALBUQUERQUE SANTA FE 5030 247-6480 (505) 232-4884 ATIONS RR HEADS Structure Informat Construction Type Occupancy Type Flood Zone ROOF MOUNT ANTE Other struct Permit Additional des Phone Access 331.69 Permit Fee 3.0000 Issue Date Expiration Date Special Notes I. THE OWNER RECEIVED THE UNDERSTAND I CONDITIONS INDIC

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

APPLICANT

DATE 10/30

ARCHEOLOGICAL FEE

Other Fees

ignature 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 mill 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 lifteen (15) days of ince (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, statement 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, alterating, 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.

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

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

	Application Number		13-00002097		Date 10/30/13	_
-	Fee summary	Charged	Paid	Credited	Due	
	Permit Fee Total Plan Check Total	482,25 331.69	482.25 331.69	.00	.00	
	Other Fee Total Grand Total	10.00 823.94	10.00 823.94	.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 0/30

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 or 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 is revoked! may be required to remove any building, grading, alterating, 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.

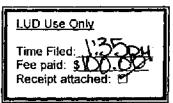
P.O. BOX 909 SANTA FE, NEW MEXICO 87504-0909

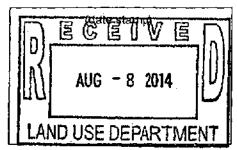
* * * * * * BUILDING PERMIT *

Page 10/30/13 13-00002097 Date Application Number 1402 AGUA FRIA ST Property Address TELECOMMUNCATION TOWER Application description . Subdivision Name DORIS LUNA LOT LINE GENERAL COMMERCIAL Property Zoning . BUILDING PERMIT COMMERCIAL Permit Additional desc . Phone Access Code . Phone Initials Date Insp# Seq 499 10 199 1000

signature above I hereby agree to abide with all the taws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is remit 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 ance (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, alturation, 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, alterating, 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.







(ase#2014-80

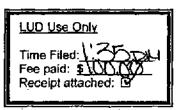
VERIFIED APPEAL PETITION

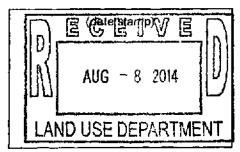
"Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure."
Appellant Information
Name: CELLULAR PHONE TASK FORCE
Lest First M.I. Address: P, O, Box 6216
Street Address Suite/Unit #
SANTA FE, NM 87502 City State ZIP Code
Phone: 1505 471-0129 E-mail Address: see in fo @ cell chone tack force org
Additional Appellant Names: Av thur Firsten berg, President
Correspondence Directed to: Appellant Agent
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
Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC BHDRB Ovganization HS
Ovganization (+5 Basis of Standing (see Section 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (passes alleging injury to may economic, environmental
and aesthetic interests; _ 9eathtet: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/ordinances/laws were violated and/ordinances/laws
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.

	 	Doodele	tion of Harm			
Describe the harm that	would recuil to us			h additional pages	if necessar	rv):
(1) The facility has opera the rights of neighbors v residences and small bu distress. (5) Violation of	ated illegally for nii who have an intere isinesses. (2) Vio i any other rights i	ne years. Issuance ist in preserving the lation of due process may have under Ne	of a building permit character of our ne s. (3) Harm to the www.mexico or federa	t for an illegal, indu sighborhood, which value of my proper al law.	strial-type fa otherwise o ty. (4) Emo	actity violates consists of otional
HARM	TO OUR	MIEMBERS	WHO LIVE	NEARBY,	AS A	BONE
		Explain the	Basis for Appeal			
Please detail the basis (1) Violation of Sec. 14-6 the structure upon which Sec. 14-6.2(E)(10) (failur Sec. 14-6.2(E)(4), requir removal of illegal structur	5.2(E)(5)(b) ("Teled the facility is local re to provide notice ing a public hearing	communications fact ted"); (2) Violation of e); (4) Violation of S ig before the Plannin	f Sec. 14-6.2(E)(8) ac. 14-6.2(E)(10)(b ng Commission. (5)	, requiring a height), requiring an ENN	waiver; (3) i meeting; (Violation of 4) Violation of
		Signature :	nd Verification			<u> </u>
I hereby certify that the ominimum standards outling the rejection or postpone attached proposal is in or	ned in the Land De ment of my applic ompliance with the	evelopment Code, Cl ation. I also certify to City's zoning require	napter 14 SFCC 200 hat I have met with ements. ————————————————————————————————————	 Failure to meet the City's Current F 	tnese stand Planning stat	ards may result in If to verify that the
Appellant Signature: _	arthur	Fuster	V Tressas		Cary	8,2014
Agent Signature:				Date:		
State of New Mexico County of Santa Fe) } ss. }					
duly swom, depose and that the same are true			appeal petition and	know the contents	, being firs s thereof an	
Petitioner/s:						
Carlhur Tu Signature	returberg		Signature		<u>·</u>	
ARTHUR FIR	STENBER	G.	Print Name			
Subscribed and swom	to before me this	S day of A	igust	20/4		
	···.		Danie	1 451		•
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			My commission	expires:		



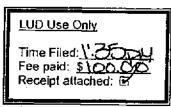


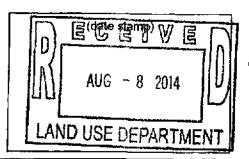


		se Department Director or his/her designee will enter the date ion 14-3.17(D) SFCC 2001 for the procedure.**
		ant Information
Name: Aday	Melis	sa
Address: Last 1408	Agua Fria	M.J.
Street Addiposs	the E	MM Suite-Unit # 7505
Phone: (\$05) 1099- Additional Appellant Names:	-9949 E-mail Ad	Idress: Melissaadair44 ngmail.co
Correspondence Directed to:	Appellant	Agent
	Agent Author	tzatlon (if applicable)
I/We:		
authorize		to act as my/our agent to execute this application.
Signed:		Date:
Signed:		Date:
	Subje	ect of Appeal
Project Name: Verizon Wirek	ess - NM4 Silva	
Applicant or Owner Name:	Verizon Wireless (applicant);	John Malone (owner)
Location of Subject Site:	1402 Agua Fria Street, Santa I	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
Sec. 14-3.17(B)(3) (person alleg		ec. 14-3.17(B)(2) (person who was required to be mailed notice); ronmental and aesthetic interests; r New Mexico law)
	e Incorrectly determined	Ordinances/laws were violated and/or misrepresented
Description of the final action	appealed from, and date o	n which final action was taken:
Issuance of a buildi	ng permit. Building permit wa	as posted on the property on July 25, 2014.
	abad a convect the final activ	

Description	on of Harm
Describe the harm that would result to you from the action appe	ealed from (attach additional pages if necessary):
(1) The facility has operated illegally for nine years. Issuance of the rights of neighbors who have an interest in preserving the chresidences and small businesses. (2) Violation of due process. distress. (5) Violation of any other rights I may have under New	a building permit for an illegal, industrial-type facility violates aracter of our neighborhood, which otherwise consists of (3) Harm to the value of my property. (4) Emotional
Evolein the Ra	sis for Appeal
Please detail the basis for Appeal here (be specific):	ion Appear
(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilities the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning removal of illegal structures.	sec. 14-6.2(E)(8), requiring a height waiver, (3) Violation of , 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Commission. (5) Violation of Sec. 14-11.4(A), requiring the
Signature and	d Verification
I hereby certify that the documents submitted for review and consiminimum standards outlined in the Land Development Code, Chap the rejection or postponement of my application. I also certify that attached proposal is in compliance with the City's zoning requirement.	nter 14 SFCC 2001. Failure to meet these standards may result in t I have met with the City's Current Planning staff to verify that the ents.
Appellant Signature:	Date: 8-7-14
Agent Signature:	Date:
State of New Mexico)	
) ss	
County of Santa Fe)	
I/We	peal petition and know the contents thereof and
Petitioner/s:	
M. Cel	
Signature	Signature
Melissu Adair Print Name	Print Name
Subscribed and swom to before me thisday of	19UA 20 4
CTATE OF NEW MEXICO	Metalle L. Veller trul NOTARY PUBLIC My commission expires: 3/12/2018



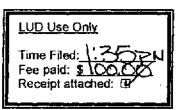


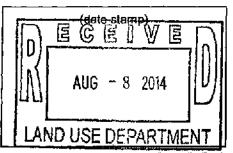


Two originals of this form must be filed. I and time of receipt and initial both originals	The Land Use Department Director or his/her designee will enter the date . See Section 14-3.17(D) SFCC 2001 for the procedure.
	Appellant Information
Name: GALINDO /	MAZATL
Last	First M.I.
Address: 408 AQVA FRIM	· · · · · · · · · · · · · · · · · · ·
Street Address	Suite/Unit #
_OANTA FE	NM 87505
Chy Phone: (95) 577-2290	State ZIP Code
Additional Appellant Names:	E-mail Address: <u>MAZATLGALINDO DGMAILLO</u>
, waster a postoric realized.	
Correspondence Directed to: Appellant	E Agent ☑ Both
Age	ent Authorization (if applicable)
:We:	
authorize	to act as my/our agent to execute this application.
Signed:	Date:
	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
	/ entit (onibe) (ii applicable).
inal Action Appealed:	
Issuance of Building Permit	Other Final Determination of LUD Director
inal Action of Board or	
ommission (specify): 🔃 Planning Commi	ission 🔲 Board of Adjustment 🔲 BCD-DRC 🔝 HDRB
asis of Standing (see Section 14-3,17(B) SECC	2001): Sec. 14-3.17(B)(2) (person who was required to be mailed notice);
	nomic, environmental and aesthetic interests;
asis for	
ppeal:	
escription of the final action appealed from, a	ind date on which final action was taken:
taniana totalan and a second	OFFICIAL SEAL
issuance of a building permit. Building	permit was posted on the propagity on July 25: 2014.
	DIAGOS ANALOM PARTO
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 Septa Fe have been prepared to meet the minimum standards outlined in the Lend Development Code, Chapter 14 SFCC 2001. Fallure to meet these standards may result in the rejection or postponement of my application. Lalso certify that I have met with the City's Current Planning staff to verify that the effected 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 MAZATU 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
MAZATIL GALINDO Print Name Subscribed and sworm to before me this day of Algust, 20 4. OFFICIAL SEAL Myshelle L. Valentine NOTARY PUBLIC STATE OF NEW MENCO. My commission expires:
My Commission Expires: 12 12 12 20 18



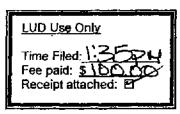


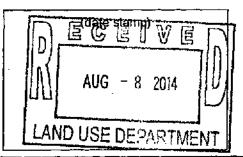


		n must be filed. The Litial both originals. See				gnee will enter the date edure.**
		A	ppellant Informati	on		
Name:	Vici Lest		ZEBBE		M./.	
Address:	513 5	silva Stree	rst			
	Street Address	te			Sulte/Unit #	87505
	city 5057 986 Appellant Names:		nail Address:	e boral	State N.VISII	057e gmailico
Correspond	ence Directed to		☐ Agen		™ Bo	eth
		Agent A	uthorization (if ap	plicable)		
I/We:	· - , ·-					
authorize			. <u>-</u>	_ to act as m	y/our agent to	execute this application.
Signed:				Date:		
Signed:				Date:		
			Subject of Appeal			
Project Nam	ne: <u>Verizan Wi</u> r	eless - NM4 Silva	·			
Applicant or	Owner Name:	Verizon Wireless (appl	licant); John Malone	(owner)		
Location of	Subject Site:	1402 Agua Fria Street	t, Santa Fe, NM 8750	05		-
Case Numb	er:		Permit Num	ber (if applica	able): 14-813	<u> </u>
Final Action	n Appealed:				•	
	🗓 issuance	e of Building Permit		Other Final	Determination	of LUD Director
Final Action Commission		Planning Commission	n 🗍 Board of	Adjustment	BCD-0	DRC HDRB
Basis of Star nd aesthetic		n 14-3.17(B) SFCC 200 14-3.17(B)(5) (person w	, , , , ,	• •		my economic, environmental law).
Basis for Appeal:	The facts we	re incorrectly determine	ed 😧 Ordina	nces/laws we	re violated and	Vor misrepresented
Description	of the final action	n appealed from, and d	late on which final a	action was ta	ken:	
lss	suance of a buildi	ng permit. Building perm	nit was posted on the	e property on	July 25, 2014.	
Check he	re if you have atta	ached a copy of the fina	l action that is being	appealed:		·

"		
Descrip	tion of Harm	
Describe the harm that would result to you from the action a	opealed from (attach additional pages	f necessary):
(1) The facility has operated illegally for nine years. Issuance the rights of neighbors who have an interest in preserving the residences and small businesses. (2) Violation of due proces distress. (5) Violation of any other rights I may have under Ne	of a building permit for an illegal, indust character of our neighborhood, which on s. (3) Harm to the value of my property	irlal-type facility violates otherwise consists of
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 fact the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Plannir removal of illegal structures.	of Sec. 14-6.2(E)(8), requiring a height was ea. 14-6.2(E)(10)(b), requiring an ENN ang Commission. (5) Violation of Sec. 14	valver; (3) Violation of meeting; (4) Violation of
Signature :	and Verification	<u>, , , , , , , , , , , , , , , , , , , </u>
I hereby certify that the documents submitted for review and comminium standards outlined in the Land Development Code, Countries the rejection or postponement of my application. I also certify the attached proposal is in compliance with the City's zoging require	hapter 14 SFCC 2001, Failure to meet to hat I have met with the City's Current Pl aments	nese standards may result in anning staff to verify that the
Appellant Signature:	Date:	8-3-14
Agent Signature:	Date:	·
State of New Mexico)) ss. County of Santa Fe)	. Wint	
duly sworn, depose and say: I/We have read the foregoing that the same are true to my/our own knowledge.	appeal petition and know the contents	, being first thereof and
Petitioner/s:		
Signature Signature	Tours W	
DEBBIE 161	Print Name	
Subscribed and sworn to before me this 3 day of 4	4945t 2014	
	NOTARY PUBLIC	
.	My commission expires:	







	and Use Department Director or his/her designee will enter the date Section 14-3.17(D) SFCC 2001 for the procedure.**
	ppellant information
Last	
Street Address	en Maxice suiternit # 87505
Phone: (305) 9884,776 E-mi	State ZIP Code ail Address:
Correspondence Directed to: Appellant	☑ Agent ☑ Both
Agent At	uthorization (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: Vertzon Wireless (appli	icant); John Malone (owner)
Location of Subject Site: 1402 Agua Frîa 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	n [☑ Board of Adjustment [☑ BCD-DRC ☐ HDR8
	 Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmenta he has a recognized interest under New Mexico law).
Basis for Appeal:	d 😨 Ordinances/laws were violated and/or misrepresented
Description of the final action appealed from, and de	ate on which final action was taken:
Issuance of a building permit. Building perm	nit 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):

State of New Mexico

(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) (fallure 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:

Date:

Petitioner/s:

| Medical Signature | Signature |

Print Name

Print Name

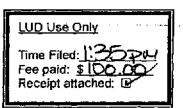
Print Name

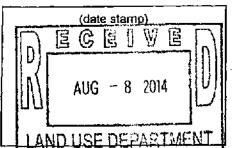
Subscribed and swom to before me this 3 day of 14 ug ust , 20 ld.

NOTARY PUBLIC

My commission expires







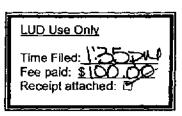
			[-						
**Two originals and time of reco	of this form	n must be filed.	The Land U	lse Departi	nent Director	or his/he	designee t	will enter th	e date
and time of reci	orpic arro (III)	iai noni origina		ant inform			pi orougi o	<u>· · · · · · · · · · · · · · · · · · · </u>	
Name: 1	enge	er (US Ca	ny		1			
Last Address:5	5160	Silva	SF	<u> </u>		M.L.			
Street	Apdress 2	<i>O</i>	- (_	11:		/Unit#	920	
	> aut		-		New		•	<u>875</u>	
Phone: 505)	501-	0541	E-mail Ar	dress: /	mmst	ert		4/QCA	mca
Additional Appell			F£_B		hof			<u> </u>	
Correspondence	Directed to:	Appella	ant	[] A	sent		□ Both		
					applicable)			•	
I/We:						· · · · · · · · · · · · · · · · · · ·			_
authorize					to act as	my/our ag	ent to execu	te this applic	cation.
Signed:					Date:				
Signed:			•		Date:				
			Subj	ect of App					
Desired Manage	Voring 1875	alana NINIA Cita	_			<u> </u>			
•		eless - NM4 Silvi		N. Jahra Baale			_ 		_ _
Applicant or Own	er Name:	Verizon Wirele	ss (applicant); John Mak	one (owner)				
Location of Subje	ct Site:	1402 Agua Fri	a Street, San	ta Fe, NM 8	7505				
Case Number:			··	_ Permit N	lu m ber (if a ppl	icable): <u>1</u>	4-813		
Final Action App	ealed:						•		
X	Issuance	of Building Per	mit		☐ Other Fin	ıal Determi	nation of LU	ID Director	
Final Action of Bo Commission (spe		Planning Con	nmission	☐ Board	t of Adjustmen	t 🗓 I	BCD-DRC	(1) HC	RB
Basis of Standing and aesthetic intere	•	n 14-3.17(B) SF 14-3.17(B)(5) (p						onomic, en	vironment
Basis for Appeal: 1	The facts we	re incorrectly de	termined	x Ord	inances/laws v	vere violat	ed and/or m	isrepresente	kd
Description of the	e final action	appealed from	n, and date o	n which fin	al action was	taken:		•	
!ssuanc	e of a buildi	ng permit. Build	ing permit wa	is posted on	the property o	n July 25,	2014.		
Check here if y	rou have atta	ached a copy of	the final action	on that is be	ing appealed.		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	.*	

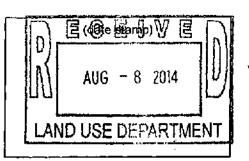
Description of Harm
Describe the harm that would result to you from the action appealed from (attach additional pages if necessary): (1) The facility has operated illegally for nine years. Issuance of a building permit for an illegal, industrial-type facility violates the rights of neighbors who have 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
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Signature and Verification
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County of Santa Fe , 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
Tuscany Wenger Gtoff Banchof Print Name Print Name
Subscribed and sworn to before me this 29 day of July .2014

NOTARY PUBLIC

My commission expires:







		ial both originals. See S App	ellant Information		
Nan-	Chavez		hael		
Name:	i.asi	Flrst		M.I.	
Address:	५।५	silva st		· · · · · · · · · · · · · · · · · · ·	
	Street Address			Suite/Unit	
	<u>santate</u>	· · · · · · · · · · · · · · · · · · ·		N M. State	Y7505 ZIP Code
Phone: _((505) 501-	5703 E-mail	Address:		
	Appellant Names:	Evaristo J.	Chauez		
Correspon	dence Directed to:	Appellant	Agent	<u>⊡</u>	soth
			norization (if applicable		
l/We:					
authorize			to not	oe mulaur agant te	o execute this application.
audionze			w act	as myrous agent to	o execute una apprisation.
Signed: _			Date	»:	
Signed:			Date	»:	
		Su	bject of Appeal		
Project Na	me: Verizon Wire	iless - NM4 Silva			
Applicant o	r Owner Name:	Verizon Wireless (applica	int); John Malone (owner)		<u> </u>
Location of	Subject Site:	1402 Agua Fria Street, S	anta Fe, NM 87505		
Case Numi	ber:		Permit Number (if a	pplicable): 14-81	3
Final Actio	on Appealed:				
	X Issuance	of Building Permit	☐ Other	Final Determination	on of LUD Director
Final Action Commissio	n of Board or n (specify):	Planning Commission	Board of Adjustm	ent 🔯 BCD	-DRC 🗀 HDR8
Basis of Standard		n 14-3.17(B) SFCC 2001): 14-3.17(B)(5) (person who			lo my economic, environmenta o law).
Basis for Appeal:	☐ The facts wer	re incorrectly determined	☑ Ordinances/law	rs were violated a	ad/or misrepresented
	of the final action	appealed from, and date	e on which final action w	as takén:	
Description					
	sevence of a buildin	na neamit - Ruildina nermits	was nosted on the aronart	v on July 25, 2014	
	ssuance of a buildin	ng permit. Building permit v	was posted on the propert	y on July 25, 2014	

Description of Harm

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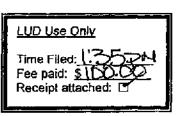
Explain the Basis for Appeal

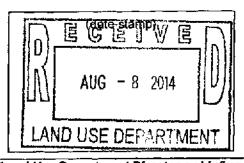
Please detail the basis for Appeal here (be specific):

(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.

Sig	nature and Verification
-minimum atandards autimad in the Land.Davelonment.	w and consideration by the City of Santa Fe have been prepared to meet the Code, Chapter 14 SFCC 2001. Failure to meet these standards may result a continue that I have met with the City's Current Planning staff to verify that the continue of the continu
Appellant Signature:	Mrs. Date: 8/3/14
Agent Signature:	Date:
State of New Mexico)	
County of Santa Fe	\$ +1 C(1)
duty swom, depose and say: //We have read the for that the same are true to my/out own knowledge.	regoing appealpetition and know the contents thereof and
Petitioners:	To vario J. Chang
Signature	Signature
Milbre & HAUE 3	Francisto J. Etrallez-
Subscribed and swom to before me thisday	of August 20/4.
	NOTARY PUBLIC
	My commission expires:



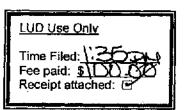


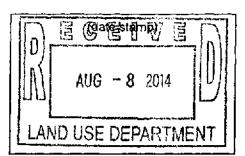


and time of receipt and initial both originals. See Sect	
Appella Appella	ant Information
Name: REED M.	FORKBOT
Address: Last 514 SLWA- First	M.I.
SANTA FE	N. W. 87505
Phone: (505 995' 8872 E-mail Additional Appellant Numes: EHEEN C.	dress: A State ZIP Code
Correspondence Directed to: Appellant	Agent Both
Agent Author	ization (if applicable)
lWe:	
authorize	to act as my/our agent to execute this application.
Signed:	Date:
Signed:	Date:
Subje	ect 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, Sant	ta 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
· · · · · · · · · · · · · · · · · · ·	ec. 14-3.17(B)(3) (person alleging injury to my economic, environment is a recognized interest under New Mexico law).
Basis for Appeal:	Ordinances/laws were violated and/or misrepresented
Description of the final action appealed from, and date o	n which final action was taken:
Issuance of a building permit. Building permit was	s posted on the property on July 25, 2014
Check here if you have attached a copy of the final action	on that is being appealed.

Desc	ription 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. Issuand the rights of neighbors who have an Interest in preserving to residences and small businesses. (2) Violation of due produstress. (5) Violation of any other rights I may have under	
	\mathbf{x}_{i}
Explain th	ne Basis for Appeal
the structure upon which the facility is located"); (2) Violation Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Plan removal of illegal structures.	acilities located on existing structures shall not exceed the height of n of Sec. 14-6.2(E)(8), requiring a height walver; (3) Violation of I Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of nning Commission. (5) Violation of Sec. 14-11.4(A), requiring the
Signatur	e and Verification
minimum standards outlined in the Land Development Code, the rejection or postponement of my application. I also certificated proposal is in compliance with the City's zoning required. Appellant Signature:	Date: 1/14/2014
Agent Signature:	Date:
State of New Mexico)) ss. County of Santa Fe) I/We M. Forkest Petrol EM	BENC, REED, being first
duly swom, depose and say: I/We have read the foregoin that the same are true to my/our own knowledge.	g appeal petition and know the contents thereof and
Petitioner/s:	
MFOMES Peld Signature	ERON C.REED
M. FOPPES PHED	EHBENC, REED
Subscribed and sworn to before me this 24 day of	NOTARY PUBLIC My commission expires:
	7/0/2/1







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: Histordo Orlando K
Address: 1403 aqua Fria (WOVKS at THE CRITTERS ME) Street Address Suleanni #
Scurton Fo
Phone: (505) 920-0190 E-mail Address: Dylando huytano 23 Damail C Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
Agent Authorization (if applicable)
IWe:
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 Fría Street, Santa Fe, NM 87505
Case Number: Permit Number (if applicable): 14-813
Final Action Appealed:
Issuance of Building Permit Other Final Determination of LUO Director
Final Action of Board or Commission
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.

	V 4	De	scription of Ham			
Describe the harm that w	vould result to	you from the act	tion appealed from	(attach additional p	oages if	necessary):
 The facility has operat the rights of neighbors wh residences and small bus distress. Violation of a 	ed illegally for no have an Inte linesses. (2) V	nine years. Issuerest in preserving Totation of due p	ance of a building of the character of rocess. (3) Harm t	permit for an illegal, our neighborhood, v o the value of my p	, industr which of	rial-type facility violates therwise consists of
		Explair	n the Basis for Ap	peal		
Please detail the basis for (1) Violation of Sec. 14-6.2 the structure upon which the Sec. 14-6.2 (E)(10) (failure Sec. 14-6.2 (E)(4), requiring removal of Illegal structure	2(E)(5)(b) ("Te he facility is lo to provide not ig a public hea	lecommunication cated"); (2) Viola tice): (4) Violation	tion of Sec. 14-6.2 n of Sec. 14-6.2(E)	(E)(8), requiring a h (10)(b), requiring at	eight W 1 ENN 1	aiver; (3) Violation of neeting; (4) Violation of
,		Signat	ture and Verifica	tlon		
miolmum standards outline	ed in the Land nent of my app	Development Co dication. I also ce	de, Chapter 14 SF0 ertify that I have me equirements.	CC 2001. Failure to the city's Cur	meet th rent Pla	been prepared to meet these standards may result inning staff to verify that the
) ss.					
I/We	say; I/We hav	ve read the foreg	going appeal petition	on and know the co	ntents t	being first hereof and
Petitioner/s:	Jan-					
Signature			Signature			
Orland	6 4	r Ind. 8				

NOTARY PUBLIC

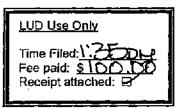
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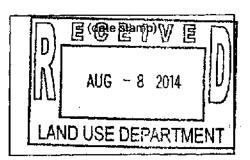
Print Name

Subscribed and swom to before me this 8 day of 4464

My commission expires:





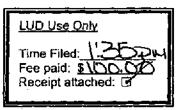


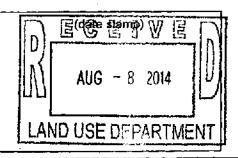
 	· =	Appellant Info	rmation		
Nome: -7 - 5	3 to	Zenon		\mathcal{C}	
Name: (ast	- racij	First		M.I.	
Address:	CAMINO MC	MILLIN			
Street Address ダ ユ	~1			Suite/Unit #	37507
				NEW MEXICO State	ZIP Code
Phone: (505) 276 2	-967	E-mail Address:	ZENONSTI	CY@GMAI	L.COM
Additional Appellant Names:		<u> </u>			
Correspondence Directed to:	Appellant	.	Agent	Botl	1
		ent Authorization			
l/We:					-
				nv/our ament to e	xecute this applicatio
				·	
Signed:			Date:	·	<u> </u>
Signed:			Date:	·	· · · · · · · · · · · · · · · · · · ·
		O	ppeal		·
Project Name: Verizon Wire	less - NM4 Silva				
					
	Verizon Wireless (applicant); John Mak	one (owner)		
Applicant or Owner Name:		applicant); John Mak			<u> </u>
Applicant or Owner Name:		reet, Santa Fe, NM 8	7505		
Applicant or Owner Name:		reet, Santa Fe, NM 8		cable): 14-813	
Applicant or Owner Name:	1402 Agua Fria Str	reet, Santa Fe, NM 8	7505	cable): 14-813	
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed:	1402 Agua Fria Str	reet, Santa Fe, NM 8	7505 it Number (if appli	cable): 14-813	of LUD Director
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: Issuance Final Action of Board or	1402 Agua Fria Str e of Building Permi	reet, Santa Fe, NM 8 Perm	it Number (if appli	al Determination	 _
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: Issuance Final Action of Board or Commission (specify):	1402 Agua Fria Str e of Building Permi	reet, Santa Fe, NM 8 Perm t	it Number (if appli Other Fine	al Determination	RC 🗍 HDRB
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: IX Issuance Final Action of Board or Commission (specify):	1402 Agua Fria Str e of Building Permi Planning Comm on 14-3.17(B) SFCC	reet, Santa Fe, NM 8 Perm t it ission	it Number (if appli Other Findard of Adjustment 17(8)(2) (person wh	al Determination of BCD-DI	RC 🗍 HDRB
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: Issuance Final Action of Board or Commission (specify):	1402 Agua Fria Str e of Building Permi Planning Comm on 14-3.17(B) SFCC ging injury to my eco	reet, Santa Fe, NM 8 Perm t ission	it Number (if appli Other Findard of Adjustment 17(B)(2) (person what and aesthetic inter	al Determination of BCD-DI	RC 🗍 HDRB
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: X Issuance Final Action of Board or Commission (specify): Basis of Standing (see Section Sec. 14-3.17(B)(3) (person alies Basis for	e of Building Permi Planning Comm 14-3.17(B) SFCC ging injury to my aco	reet, Santa Fe, NM 8 Perm it ission	it Number (if appli Other Findard of Adjustment 17(B)(2) (person what and aesthetic interesticolaw)	al Determination of BCD-DI o was required to bests:	RC ☐ HDRB ne mailed notice);
Applicant or Owner Name: Location of Subject Site: Case Number: Final Action Appealed: X Issuance Final Action of Board or Commission (specify): Basis of Standing (see Section Sec. 14-3.17(B)(3) (person alies Basis for	e of Building Permi Planning Common 14-3.17(B) SFCC ging injury to my economics a recognized in the incorrectly determined to the second that a recognized in	reet, Santa Fe, NM 8 Perm it ission	it Number (if appli Other Find and of Adjustment 17(B)(2) (person what and aesthetic inter exico law) Ordinances/laws w	al Determination of BCD-DI o was required to be tests;	RC ☐ HDRB ne mailed notice);

	the state of the s
Descripti	on of Harm
Describe the harm that would result to you from the action app	pealed from (attach additional pages if necessary):
(1) The facility has operated lilegally for nine years. Issuance of the rights of neighbors who have an interest in preserving the direction and small businesses. (2) Violation of due process distress. (5) Violation of any other rights I may have under New	f a building permit for an illegal, Industrial-type facility violates haracter of our neighborhood, which otherwise consists of . (3) Harm to the value of my property. (4) Emotional
Explain the B	asis for Appeal
Places detail the basis for Anneal here (he specific):	ties located on existing structures shall not exceed the height of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of c. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of
Signature at	nd Verification
minimum standards outlined in the Land Development Code. Chi	sideration by the City of Santa Fe have been prepared to meet the apter 14 SFCC 2001. Failure to meet these standards may result in at I have met with the City's Current Planning staff to verify that the nents.
Appellant Signature:	Date: 8/8/14
Agent Signature:	Date:
State of New Mexico)) ss. County of Santa Fe)	
I/We	ppeal petition and know the contents thereof and
Petitioner/s: Signature	Signature
ZENON STACY	<u> </u>
Print Name Subscribed and swom to before me this	Print Name 19 ust 20 14 Toril U 9 NOTARY PUBLIC

My commission expires:



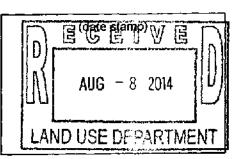




Two originals of this form must be filed. The Land Use and time of receipt and initial both originals. See Section	e Department Director or his/her designee will enter the date n 14-3.17(D) SFCC 2001 for the procedure.
	t Information
Name: DEWING GENEVEY	E R
	WORKS AT CRITTERS & ME) SuiteVnit #
Street Address SANTA FE	NM 87805
Phone: (505) 982 5040 E-mail Addr Additional Appellant Names:	ress: <u>Alnewevel de Wing (a genail Cor</u>
Correspondence Directed to: Appellant	☐ Agent ☐ Both
Agent Authoriz	ation (If applicable)
I/We:	-
authorize	to act as my/our agent to execute this application.
Signed:	Oate:
Signed:	Date:
Subjec	t of Appeal
Project Name: Verizon Wireless - NM4 Silva	
Applicant or Owner Name: Verizon Wireless (applicant); Joh	nn Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Santa Fe	, NM 87506
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. Sec. 14-3.17(B)(3) (person alleging injury to my economic, enviror Sec. 14-3.17(B)(5) (person who has a recognized interest under N Basis for	nmental and aesthetic interests;
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 we	ould result to you from	m the action appealed from (attach addit	onal pages if necessary):
(1) The facility has operate the rights of neighbors who residences and small business.	ed illegally for nine yet o have an interest in p inesses. (2) Violation	ears. Issuance of a building permit for an in preserving the character of our neighborh n of due process. (3) Harm to the value of have under New Mexico or federal law.	illegal, industrial-type facility violates lood, which otherwise consists of
		Explain the Basis for Appeal	
the structure upon which the Sec. 14-6 2/EV/10) (failure)	2(E)(5)(b) ("Telecommon ne facility is located"); to provide notice); (4) g a public hearing bet	ecific): nunications facilities located on existing st ; (2) Violation of Sec. 14-6-2(E)(8), requiri ;) Violation of Sec. 14-6-2(E)(10)(b), requiri fore the Planning Commission. (5) Violation	ring an ENN meeting; (4) Violation of
		Signature and Verification	
	ed in the Land Develop nent of my application. npliance with the City's	or review and consideration by the City of Spring the City of Spring the City of Spring the City that I have met with the City soning requirements.	nte io weel nese stamanna may accor o
Agent Signature:	U	<i>O</i>	Date:
State of New Mexico County of Santa Fe I/We duly sworn, depose and s)) ss.) say: I/We have read	I the foregoing appeal petition and know	, being first the contents thereof and
that the same are true to	my/our own knowled	age.	
Petitioner/s:	ewing	Signature	
Print Name	.DeWing	Print Name	. (
Subscribed and swom to	before me this 🧲	_day of Acag us 1 20	<u> </u>
		Pen W VIS	,
		My commission expires	,

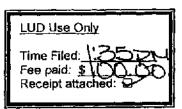


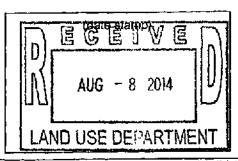


**Two originals of this form must be filed. The Land Use Department Dire and time of receipt and initial both originals. See Section 14-3.17(D) SFC0	ctor or his/her designee will enter the date
Appellant Information	
Name: Soens-Blow Ingril	W
Last First	16 Million agreed
Address: 1403 Agua Fria (Works at	Suite Orit #
Street Address Sa N +a Fc	NM 87505
City Phone: 555) 982 - 5040 E-mail Address:	State ZIP Code
Additional Appellant Names:	
Correspondence Directed to: Appellant Agent	Both
Agent Authorization (if applicat	ile)
I/We:	
authorize to ac	at as my/our agent to execute this application.
Signed: Da	te:
Signed: Da	te:
Subject of Appeal	
Subject of the section of the sectio	
Veriron Wireless - NIMA Silva	
Veriron Wireless - NIMA Silva	
Project Name: Verizon Wireless - NM4 Silva	
Project Name: Verizon Wireless - NM4 Silva Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)	
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	
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	
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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 Final Action Appealed: Other Silvance of Building Permit Other Final Action of Board or Commission (specify): Planning Commission Board of Adjust Basis of Standing (see Section 14-3.17(B) SFCC 2001); Sec. 14-3.17(B)(2) (pers Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law)	applicable): 14-813 er Final Determination of LUD Director tment
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 Final Action Appealed: [X] Issuance of Building Permit	applicable): 14-813 er Final Determination of LUD Director tment
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 Final Action Appealed: Other Silvance of Building Permit Other Final Action of Board or Commission (specify): Planning Commission Board of Adjust Basis of Standing (see Section 14-3.17(B) SFCC 2001); Sec. 14-3.17(B)(2) (pers Sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law) Basis for	applicable): 14-813 er Final Determination of LUD Director tment
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 Final Action Appealed: Issuance of Building Permit Other Final Action of Board or Commission (specify): Planning Commission Board of Adjust Basis of Standing (see Section 14-3.17(B) SFCC 2001); Sec. 14-3.17(B)(2) (person sec. 14-3.17(B)(3) (person alleging injury to my economic, environmental and aesthetic 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/in	applicable): 14-813 er Final Determination of LUD Director tment

	on of Harm
Describe the harm that would result to you from the action app	ealed from (attach additional pages if necessary):
(1) The facility has operated illegally for nine years. Issuance of the rights of neighbors who have an interest in preserving the circuit residences and small businesses. (2) Violation of due process. distress. (5) Violation of any other rights I may have under New	a building permit for an illegal, industrial-type facility violates naracter of our neighborhood, which otherwise consists of (3) Harm to the value of my property. (4) Emotional
Explain the B	asis for Appeal
Please detail the basis for Appeal here (be specific): (1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facilit the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning removal of illegal structures.	Sec. 14-6.2(E)(8), requiring a neight waiver, (3) Violation of c. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of Commission. (5) Violation of Sec. 14-11.4(A), requiring the
Signature ar	d Verification
	sideration by the City of Sante Fe have been prepared to meet the opter 14 SFCC 2001. Failure to meet these standards may result in at I have met with the City's Current Planning staff to verify that the nents. Date:
Appellant Signature: 1.20. 304 - Your	Date:
Agent Signature:	Date:
State of New Mexico)) ss. County of Santa Fe)	
I/We	, being first ppeal petition and know the contents thereof and
1.21. Foes The	
Signature	Signature
1. W. Soens-Dolan	
Print Name	Print Name
Subscribed and swom to before me thisday ofA	NOTARY PUBLIC My commission expires:





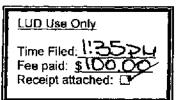


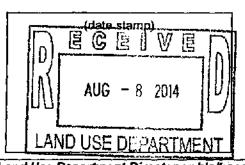
VERIFIED APPEATION

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: Simons John G
Name: Simons School 9 Address: 38 Black Caryon Rd (Works of The Critics and n
Street Address Suner No. 87508
Phone: BOST 670-7799 E-mail Address: John Birmans Q Q Com
Additional Appellant Names:
Correspondence Directed to: ☑ Appellant ☑ Agent ☑ Both
Agent Authorization (if applicable)
IWe:
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
Final Action of Board or Commission (specify): Planning Commission Board of Adjustment BCD-DRC HDRB
Basis of Standing (see Section 14-3.17(B) SECC 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
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 addi	tional pages	if necessary):
(1) The facility has operated illegally for nine year the rights of neighbors who have an interest in presidences and small businesses. (2) Violation of distress. (5) Violation of any other rights I may be	rs. Issuance of a building permit for an reserving the character of our neighbor of due process. (3) Harm to the value (illegal, indus hood, which (thai-type tacility violates otherwise consists of
	Explain the Basis for Appeal		
Disease detail the books for Appeal here (he spec	rific):		
(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommu the structure upon which the facility is located"); () Sec. 14-6.2(E)(10) (failure to provide notice); (4) \(\) Sec. 14-6.2(E)(4), requiring a public hearing beforemoval of Illegal structures.	inications facilities located on existing s 2) Violation of Sec. 14-6.2(E)(8), requi Violation of Sec. 14-6.2(F)(10)(b), requ	nng a neight. iring an ENN	meeting; (4) Violation of
	Signature and Verification		
I hereby certify that the documents submitted for in infimum standards outlined in the Land Development rejection or postponement of my application, attached proposal is in compliance with the City's appellant Signature:	nent Code, Chapter 14 SECC 2001. Fa I also cartify that I have met with the Cii		
		Date:	
Agent Signature:			
State of New Mexico)) ss. County of Santa Fe)	·		
County of Carna 1 0			
I/We			_, being first
duly sworn, depose and say: I/We have read to that the same are true to my/our own knowledge.	he foregoing appeal petition and know ge.	the contents	s inerect and
Petitioner/s:			
Tol Minne			
Signature	Signature		
JOHNG SIMONS			
Print Name	Print Name		
Subscribed and sworn to before me this	_day of August_	20//.	
	NOTARY PUBLIC		
	My commission expire	is.	
		7	
	7/-1/6.012	_	



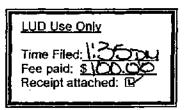


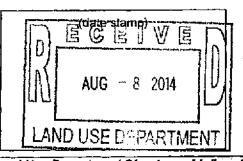


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		Ар	pellant Infon	nation		· ·
Name;	MOORE	LAU	RA.		J.	
	Last	First	_		M./.	
Address:	1402	HOWA FRAM S	<u> </u>			
	Street Address SANTA F	5			Suite/Unit # WM	87505
	City		······································		State	ZIP Code
_	<u>505) 982 ਓ</u> Appellant Names:	540 E-ma	ili Address: _	(Aura)	o Critter	sandme.com
	tence Directed to:	Appellant	—————————————————————————————————————	gent	— Boti	· ·
			thorization (i			
l/We:						
authorize				to act as my	//our agent to e	xecute this application.
Signed:	<u> </u>			Date:		
Signed:				Date:		
		S	ubject of App	<u> </u>		· · · · · · · · · · · · · · · · · · ·
Project Nar	ne: Verizon Wirel	ess - NM4 Silva				
Applicant or	Owner Name;	Verizon Wireless (applica-	nt); John Malon	e (owner)		
Location of	Subject Site:	1402 Agua Fria Street, Sa	nta Fe, NM 875	05		
Case Numb	er:		Permit t	Number (if applica	ble): <u>14-813</u>	
Final Actio	n Appealed:					
	X Issuance	of Building Permit		Other Final	Determination o	of LUD Director
Final Action Commission		Planning Commission	☐ Boar	d of Adjustment	☐ BCD-DF	RC 🗍 HDRB
Sec. 14-3.17 Sec. 14-3.17	B)(3) (person alleg	i 14-3.17(B) SFCC 2001) ing injury to my economic, o has a recognized interest u	environmental a	nd aesthetic interes		e meiled notice);
Basis for Appeal:		e incorrectly determined	_	finances/laws wer	e violated and/o	or misrepresented
Description	of the final action	appealed from, and dat	te on which fir	nal action was tak	ken:	
ls	suance of a buildi	ng permit. Building permi	it was posted o	n the property on	July-25, 2014.	
Chack be	m if you have alle	chad a copy of the finel s			·	<u> </u>

<u>-</u>			
	cription of Harm		
Describe the harm that would result to you from the action	on appealed from (attach add	ditional pages if nece	ssary):
(1) The facility has operated illegally for nine years. Issua the rights of neighbors who have an interest in preserving residences and small businesses. (2) Violation of due prodistress. (5) Violation of any other rights I may have under	nce of a building permit for a the character of our neighbo ocess. (3) Harm to the value	n illegal, Industrial-ty; whood, which otherwi of my property. (4) i	se consists of
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 the structure upon which the facility is located"); (2) Violation Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation Sec. 14-6.2(E)(4), requiring a public hearing before the Placemoval of illegal structures.	ion of Sec. 14-6.2(E)(8), requ of Sec. 14-6.2(E)(10)(b), req	nng a neight waiver, ruiring an ENN meetir	g; (4) Violation of
	ure and Verification		
I hereby certify that the documents submitted for review an minimum standards outlined in the Land Development Cod the rejection or postponement of my application. I also call attached proposal is in compliance with the City's zoning results.	ie, Chapter 14 SFCC 2001. F rtify that I have met with the C	anure to meet tress s lity's Current Planning	MINGING HIGH LOGON ".
Appellant Signature: Xawa 11/0	0 131	Date: <u> ඵ</u>	/ - /
Agent Signature:		Date:	
State of New Mexico)) ss. County of Santa Fe)		bein	g first
I/We duly sworn, depose and say: I/We have read the foreg	ning appeal petition and kno	w the contents there	of and
that the same are true to my/our own knowledge.	ung appear persons and		
Petitioner's: Laura Moore			-
Signature	Signature		
Laura Moore	Print Name		-
Subscribed and sworn to before me thisday of	August.	20/6	
···	NOTARY PUBLIC My commission expir	1 V. J.	-



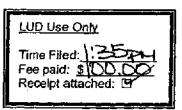


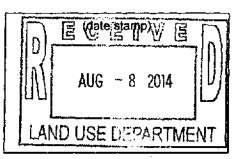


and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**
Appellant Information
Name: Webani Joan
Address: 3002 Calla Quela (Works at Critters and me)
Street Address Suite Unit # 87507
Phone: () E-mail Address:
Additional Appellant Names:
Correspondence Directed to: Appellant Agent Both
Agent Authorization (if applicable)
I/We:
authorize to act as my/our agent to execute this application.
Signed: Date:
Signed: Date:
Subject of Appeal
Project Name: Verizon Wireless - NM4 Silva
Applicant or Owner Name: Verizon Wireless (applicant); John Malone (owner)
Location of Subject Site: 1402 Agua Fria Street, Santa Fe, NM 87505
Case Number: Permit Number (if applicable): 14-813
Final Action Appealed:
Issuance of Building Permit
Final Action of Board or Commission (specify):
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
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	cription of Harm	
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(1) The facility has operated illegally for nine years. Issuan the rights of neighbors who have an interest in preserving residences and small businesses. (2) Violation of due prodistress. (5) Violation of any other rights I may have under	ice of a building permit for an illegal, indus the character of our neighborhood, which cess. (3) Harm to the value of my proper	otherwise consists of
Explain t	he Basis for Appeal	
Di detell the besis for Approal boro (he enecitie):		
(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications the structure upon which the facility is located"); (2) Violatic Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Pla removal of illegal structures.	on of Sec. 14-6.2(E)(6), requiring a neight of Sec. 14-6.2(E)(10)(b), regulting an ENC	meeting; (4) Violation of
Signatu	re and Verification	<u> </u>
I hereby certify that the documents submitted for review and minimum standards outlined in the Land Development Code the rejection or postponement of my application. I also cert attached proposal is in compliance with the City's zoning required.	, Chepter 14 SPCC 2001. Pailure to meet iffy that I have met with the City's Current I quirements.	niege gleifoding mot tomit m
Appellant Signature: Dun M. M.	Date.	
Agent Signature:	Date:	
State of New Mexico)) ss. County of Santa Fe)		
i/Weduly swom, depose and say: I/We have read the forego that the same are true to my/our own knowledge.	ing appeal petition and know the content	_, being first s thereof and
Petitioner/s:		
Signature	Signature	
Joan - m-ULibarn.	Print Name	
Subscribed and swom to before me thisday of _	Angust, 2014.	
•	NOTARY PUBLIC	
•	My commission expires:	4.7



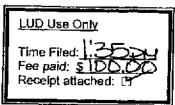


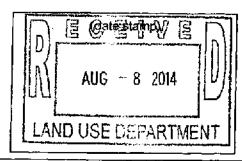


Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.
Appellant Information
Name: McGvire James M
Last First M.I. A 1463 Agua
Address: 1200 Agya Fria St. (Works a Critters + Me) Street Address Suite Unit #
Santa Fe NM 87501
Phone: 150) 966-6511 E-mail Address: 1203255Kate @ gmail. Com
Additional Appellant Names:
Correspondence Directed to: Appellant
Agent Authorization (if applicable)
I/We:
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):
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:
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.
x Check here if you have attached a copy of the final action that is being appealed.

	tion of Harm	
Describe the harm that would result to you from the action a	tion of Harm	nages if necessary):
(1) The facility has operated illegally for nine years. Issuance the rights of neighbors who have an interest in preserving the residences and small businesses. (2) Violation of due proces distress. (5) Violation of any other rights I may have under New York and State of the Processis of the Pr	of a building permit for an illega character of our neighborhood s. (3) Harm to the value of my	al, industrial-type facility violates , which otherwise consists of
• .	Commence of the commence of	
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 faction structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning removal of illegal structures.	of Sec. 14-6.2(E)(8), requiring a sec. 14-6.2(E)(10)(b), requiring ng Commission. (5) Violation of	an ENN meeting; (4) Violation of
Signature :	and Verification	
I hereby certify that the documents submitted for review and cominimum standards outlined in the Land Development Code, Conthe rejection or postponement of my application. I also certify the attached proposal is in compliance with the City's zoning require.	hapter 14 SFCC 2001. Fallure t that I have met with the City's C ements.	o meet these standards may result in urrent Planning staff to verify that the
A AN		Date: 8/3/14
Appellant Signature:		
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:		
CTRA	8/7/14	
t nat		·· ·
Signature	Signature .	
James McGine		
Print Name	Print Name	
Subscribed and sworn to before me this 8 day of	agust, 20/	4.
	Day buch	•
•	NOTARY PUBLIC	
·	My commission expires:	





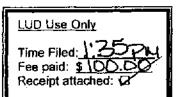


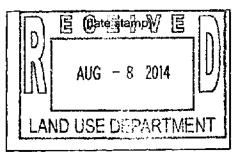
and time of	receipt and ini	m must be filed. T tial both originals	The Land Use Del . See Section 14	partment Direc -3.17(D) SFCC	tor or his/her des 2001 for the proc	ilgnee will en: edure.**	ter the date
Ĺ			Appellant Int	ormation			
Name:	Lester	··	Alon				
Address: _	321 Ta	ique Dr	(WOYKS a	et they	M.I.	····	
_	Somto	Fe		IM Chap	(ne) Suite/Unit	8750	5
Phone: <u>(3</u>	%y (5 49 L − C opellant Names:	184	E-mail Address:	=jest	c-23 0 c	ZIP Code	m
Corresponde	nce Directed to:			Agent		oth	
		Age	ent Authorization	ı (if applicable)		
I/We:				·			-
authorize				to act a	as my/our agent to	execute this a	application.
Signed:			 -	Date		 	-
Signed:		······································		Date	:		
			Subject of A				
Project Name:	Verizon Wirel	ess - NM4 Silva					
Applicant or O	wner Name:	Verizon Wireless (a	applicant); John Mal	one (owner)			
Location of Su	bject Site:	1402 Agua Fria Str	eet, Santa Fe, NM 8	7505			<u> </u>
Case Number:	: <u></u>		Perm	iit Number (if ap	plicable): <u>14-813</u>		
Final Action A	Appealed:	•					
_		of Building Permit		Other F	inal Determination	of LUD Direc	tor
Final Action of Commission (s		Planning Commis	ssion 📋 Bo	ard of Adjustme	nt 🔲 BCD-t	ORC [HDR8
Basis of Standi Bec. 14-3.17(B)(Bec. 14-3.17(B)(Basis for	(person alleg.	14-3.17(B) SFCC ing injury to my econ has a recognized into	omic, environmenta	l and aesthetic in	who was required to terests;	be mailed notic	æ);
ppeal: 🔲	The facts wer	e incorrectly determ	mined 🛣 (Ordinances/laws	were violated and	l/or misreores:	ented
Description of		appealed from, a					
(ssu:	алсе of a buildir	ng permit. Building	permit was poster	d on the property	on July 25, 2014.		
Check here	if you have attac	ched a copy of the	final action that is	being appealed			

	Description of Harm
 The facility has operated illegally for nine years. the dates of neighbors who have an interest in president. 	e action appealed from (attach additional pages if necessary): Issuance of a building permit for an illegal, industrial-type facility violates erving the character of our neighborhood, which otherwise consists of ue process. (3) Harm to the value of my property. (4) Emotional e under New Mexico or federal law.
Ex	plain the Basis for Appeal
he structure upon which the facility is located"); (2) ' Sec. 14-6.2(E)(10) (failure to provide notice); (4) Vio Sec. 14-6.2(E)(4), requiring a public hearing before the emoval of lilegal structures.	eations facilities located on existing structures shall not exceed the neight of Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of lation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of the Ptanning Commission. (5) Violation of Sec. 14-11.4(A), requiring the
Śi	gnature and Verification
minimum standards suttinged in the Lond Developmen	liew and consideration by the City of Santa Fe have been prepared to meet the nt Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in specifify that I have met with the City's Current Planning staff to verify that the ling requirements. Date: Date:
State of New Mexico)) ss. County of Santa Fe)	
that the same are true to my/our own knowledge. Petitioner/s:	, being first foregoing appeal petition and know the contents thereof and
Signature	Signature
Alan Slester Print Name	Print Name
Subscribed and swom to before me thisd	NOTARY PUBLIC

My commission expires: 7/9/2016



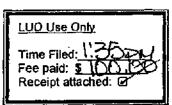


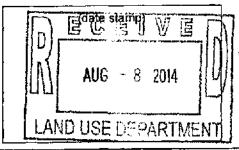


Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.		
Appellant Information		
Name: Romaro Georgette		
Address: Last 1414 1/2 agus Fria, # A.M.		
street adiass to the nill sons		
Phone: 65, 603-1494 E-mail Address: GEOROWII @ COI: Com Additional Appellant Names:		
Correspondence Directed to: Appellant Agent Both		
Agent Authorization (if applicable)		
IWe:		
authorize to act as my/our agent to execute this application.		
Signed: Date:		
Signed: Date: Subject of Appeal		
Outsject 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		
Final Action of Board or 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 Adultity 25, 2014.		
☑ Check here if you have attached a copy of the final action that is being appealed DIRECTOR VILLATION		
14		

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	on of Harm
Describe the harm that would result to you from the action app	ealed from (attach additional pages if necessary):
(1) The facility has operated illegally for nine years. Issuance of the rights of neighbors who have an Interest in preserving the chresidences and small businesses. (2) Violation of due process. distress. (5) Violation of any other rights I may have under New	a building permit for an illegal, industrial-type facility violates aracter of our neighborhood, which otherwise consists of (3) Harm to the value of my property. (4) Emotional
Explain the B	asis for Appeal
Please detail the basis for Appeal here (be specific): (1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunications facility the structure upon which the facility is located"); (2) Violation of Sec. 14-6.2(E)(10) (failure to provide notice); (4) Violation of Sec. 14-6.2(E)(4), requiring a public hearing before the Planning removal of illegal structures.	Sec. 14-6.2(E)(8), requiring a neight waiver, (5) Violation of 1. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of
Signature an	d Verification
minimum standards outlined in the Land Development Code, Cha the rejection or postponement of my application. I also certify the attached proposal is in compliance with the City's zoning requirem. Appellant Signature:	sideration by the City of Santa Fe have been prepared to meet the pter 14 SFCC 2001. Failure to meet these standards may result in at I have met with the City's Current Planning staff to verify that the parts. Oute: Date:
Agent Signature:	
State of New Mexico) ss. County of Santa Fe I/We duly sworn, depose and say: I/We have read the foregoing at that the same are true to my/our own knowledge.	ppeal petition and know the contents thereof and
Petitioner/s:	
Signature Signature	Signature
Georgette Komero	Print Name
Subscribed and sworn to before me this State day of OFFICIAL SEAL Darelene J. Varela	Marila NOTARY PUBLIC
NOTARY PUBLIC STATE OF NEW MEXICO My Commission Expires: (\$\frac{1}{2}\omega 8	My commission expires:





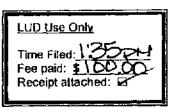


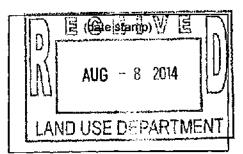
VERIFIED APPEAL PETITION

	itial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.**
	Appellant Information
Name: FIRSTE	ENBERG ARTHUR
Last	First M.L.
Address: 247	BARELA STREET
Street Address	Suite/Unit # A FE NM 8 750[
<u></u>	A FE NM 8 /3 01 State ZIP Code
Phone: (505) 471	-0129 E-mall Address: bears to - @ fast mail. fm
Additional Appellant Names	:
Correspondence Directed to	c: Appellant Agent Both
Correspondence Directed to	Agent Authorization (if applicable)
I/We:	
authorize	to act as my/our agent to execute this application.
Cionad:	Date:
Signed:	Date:
Signed:	Date:
	Subject of Appeal
Project Name: Vertzon W	Ireless - NM4 Sliva
Andinant and Comment Names	Verizon Wireless (applicant); John Malone (owner)
Applicant or Owner Name:	
Location of Subject Site:	1402 Agua Fria Street, Santa Fe, NM 87505
Case Number:	Permit Number (if applicable): 14-813
Final Action Appealed:	
🔀 Issuan	ce of Building Permit
Final Action of Board or Commission (specify):	Planning Commission Board of Adjustment B BCD-DRC HDRB
	and the state of t
• .	ion 14-3.17(B) SFCC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environment
nd aesthetic interests; Sec	c. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).
Basis for Appeal: The facts w	vere incorrectly determined
	on appealed from, and date on which final action was taken:
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Issuance of a buil	ding permit. Building permit was posted on the property on July 25, 2014.

	Description of Harm
the state of the s	ne action appealed from (attach additional pages if necessary):
Describe the harm that would result to you from the	Issuance of a building permit for an illegal, Industrial-type facility violates
the detailed excludes an interest in nost	due process. (3) Literate to the value of my property. (4) Emotional
	xplain the Basis for Appeal
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(1) Violation of Sec. 14-6.2(E)(5)(b) ("Telecommunithe structure upon which the facility is located"); (2)	cations facilities located on existing structures shall not exceed the height of Violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of clation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the
	ignature and Verification
minimum standards outlined in the Land Developme the rejection or postponement of my application. It attached proposal is in compliance with the City's zo	•
Appellant Signature:	witerlang Date: aug. 8, 2014
Agent Signature:	Date:
State of New Mexico)	
) 88.	
County of Santa Fe)	
two ARTHUR FIRST duly sworm, depose and say: I/We have read the that the same are true to my/our own knowledge	e foregoing appeal petition and know the contonio this or and
Petitioner/s:	
authur Fintenley	
Signature	Signature
ARTHUR FIRSTENBERG	
Print Name	Print Name
	day of August 2014
	Farrel VIJ
	NOTARY PUBLIC
	My commission expires:







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 Debovah H.
Address: 619 Camino Santa Ana Suite/Unit #
Sauta Le, NM. 87505
Phone: 5551690-9663 E-mail Address: dhS2016 ACL 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
Subject of Appeal
Project Name: Verlzon 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 Board of Adjustment BCD-DRC BHDRB
Pasis of Standing (see Section 14-3.17(B) SECC 2001): Sec. 14-3.17(B)(3) (person alleging injury to my economic, environments and aesthetic interests; Sec. 14-3.17(B)(5) (person who has a recognized interest under New Mexico law).
Basis for Appeal: The facts were incorrectly determined Ordinances/laws were violated and/or misrepresented
Description of the final action appealed from, and date on which final action was taken:
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Check here if you have attached a conv of the final action that is being appealed.

	Description of Harm
The site of the state of the st	e action appealed from (attach additional pages if necessary):
(1) The facility has operated iflegally for nine years.	issuance of a building permit for an illegal, industrial-type facility violates erving the character of our neighborhood, which otherwise consists of ue process. (3) Harm to the value of my property. (4) Emotional
Ex	plain the Basis for Appeal
the structure upon which the facility is located"); (2) \	b): ations facilities located on existing structures shall not exceed the height of violation of Sec. 14-6.2(E)(8), requiring a height waiver; (3) Violation of lation of Sec. 14-6.2(E)(10)(b), requiring an ENN meeting; (4) Violation of the Planning Commission. (5) Violation of Sec. 14-11.4(A), requiring the
Si	gnature and Verification
- minimum reportered authored in the Land Developmen	iew and consideration by the City of Santa Fe have been prepared to meet the text Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in so certify that I have met with the City's Current Planning staff to verify that the sing requirements.
	Date:
Agent Signature:	
State of New Mexico) ss. County of Santa Fe I/We July sworn, depose and say: I/We have read the that the same are true to my/our own knowledge. Petitioner/s: Deboyal H Shapero Signature	being first foregoing appeal petition and know the contents thereof and
Subscribed and sworn to before me this	Print Name ay of August, 20 to NOTARY PUBLIC
Stale of New Mexi My Comm. Expires	co My commission expires:

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

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

7/15/14 Date 14-00000813 Application Number 1402 AGUA FRIA ST Property Address TELECOMMUNCATION TOWER Application type description Subdivision Name DORIS LUNA LOT LINE GENERAL COMMERCIAL Property Zoning 30000 Application valuation . . Contractor Owner BROKEN ARROW COMMUNICATIONS IN MALONE, JOHN 8316 CORENA LOOP 1402 AGUA FRIA NM 87113 ALBUQUERQUE SF NM NM 87505 (505) 877-2100 SANTA FE Walley the comment (505) 480-2822 Structure Information 000 000 . DPDATE Construction Type . . . (OLD CODE) UPDATE Occupancy Type Flood Zone . BUILDING PERMIT COMMERCIAL Permit Additional desc 🗫 Phone Access Code Plan Check Fee 331.69 Permit Fee 30000 Valuation Issue Date Expiration Date Special Notes and Comments I, THE OWNER OR AGENT FOR THE OWNER HAVE RECEIVED THE HOLLOWING REVIEW SHEETS. 1 UNDERSTAND I ANGTO COMPLY WETH ALL CONDITIONS IN Credited Due Fee summary



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 opportal lability). 955-6110

APPROVED BY___

APPLICANT

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 lifteen (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 thereby 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, also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, alterating, 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.

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

* * * * * * * BUTLDING PERMIT * * * * * * *

Application Number		14-00000813		Page Date	7/15/ 1 4
Permit Fee Total Plan Check Total Grand Total	532.75 331.69 864.44	532.75 331.69 864.44	.00 .00 .00		.00 .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

APPLICANT

DATE 7/5-

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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

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the International God Council but Bullication Stratonal multipliers	ne-noblication Building Safety Jouthal or its successor's trade
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Residential PlantieveW - 2718	950% of Permit Fee
commercial dan Keviewa	738% Permit Fee CV
Revision Review Feb. In 1882 1998 Re-Inspection Fee. 1887 1998	S60 (minimum charge §2 hours)
Additional Inspection Ree	S60 (minimum charge J2 hoprs)
After-Hours inspection lies 4	1.585 per hour.
Demolition Permit Fee Dis	\$40 tesidential \$60 Commercial (ger unit) \$2 \$3 \$3 \$3 \$3 \$3 \$3 \$3
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Per Resolution #2008-83 Form Rev. 10-18-13

Application Tracking #	
ubbuttettett traden 3	

City of Santa Fe



BUILDING PERMIT APPLICATION

PLEASE USE A BALL POINT PEN (PRESS FIRMLY)				
Type Clas Accept Amount Paldi, Platicitet I. Fee S. of the Water Bodget Fee	ed by Date Accepted			
Amount Paldi Platiciteti. Feb. 300 100 100 100 100 100 100 100 100 100	Salance Due Perrint Fee 3			
Land Use Classification (1997) 1997 Let Carpment 1997 Let	☑Historical Divston:			
Land Use Classification Type of Construction Type of Constructio	() 1.1.1.2.2.21.3.4.5.6.7			
Zone District Control	ent Load			
SITE ADDRESS 1402 agua Fria Street Santa				
Subdivision	Lot Block			
Lot Square Footage Total				
PROPOSED WORK: (Check all that apply)	·			
□, New Construction □ Walls/Fences	☐ Signs: ping ☐ Free Standing ☐ Wall Mounted			
Additions Grading/Utilities/Landsca	ping ree standing wait inconted Existing # sq. ft			
☐ Exterior Alterations/Repairs ☐ Pools,Sheds ☐ Interior Remodel ☐ Other	Proposed#sq. ft			
	Total			
DESCRIPTION OF WORK: i.e. Bathroom addition, new 4 room resident etc. (Note: Work listed herein must be depicted on accompanying plans ar	ial addition, new 8 room residence, new commercial building, addition of consideration of review requested)			
etc. (Note: Work listed herein must be depicted on accompanying plans at	ID/OT RECTIFIED TO THE CONTROL OF TH			
W 1170 WILLIAM HOMINADIO				
ODOCED LICEs describe what facility is to be used for its new single for	amily residence, new fast food restaurant, new time share residence, new			
grocery store, etc. Telecommunications				
Construction Valuation SQUARE FOOTAGE	Type of Sewage Disposal			
Existing Proposed Total	☐ Public Sewer ☐ Private System			
Heated	No. of buildings No. of stories			
Garage	Will the proposed construction result in an increase in			
Patio /Porch	the number of residential units?			
Total Roofed	☐ Yes ☐ No How many?			
Total Square Footage	Will the proposed construction result in an increase in			
Number of Plumbing Fixtures Proposed	water use? Yes No			
77-11-1-	Urinais Water Fountains Other			
	contractor To be determined			
Property Owner John Malone	Mailing Address			
Mailing Address 1407 agua Fria Road Santa Fe NM 87505	State License # City License #			
	State dicease # Exp coerse #			
OWNER/BUILDER A CONTRACTOR Daytime Telephone # 505 480 2822	Daytime Telephone #			
the state of the state of the service of agent authorized to act	on behalf of the property owner. I also certify that the information pro-			
() () If it is a second of the contact the filling	ant and utoposted status of the adolect property, and one brains against			
the second and the se	illding standards set forth in the Santa Fe City Code; and that the plans lso certify that plans and submittals have been prepared in accordance			
ustrate all public and private easements located on the property. I a 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 Pesh lakul Daytime Telephone 505 232 4364 Signature Applicant/As	gent Kan Fulget Date 4/25/14			
Daytime telephone -XXX AD 4-100-1 5-4 Judicator Applications				



CITY OF SANTA FE - LAND USE DEPARTMENT

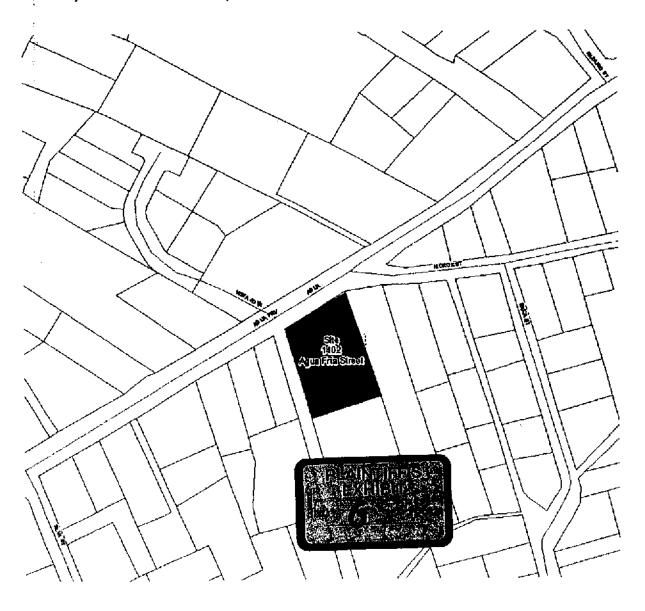
Current Planning Division 200 Lincoln Avenue, Box 909 Santa Fe, NM 87504-0909

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 <u>February 11, 2015</u> BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION BY MEMBERS OF THE GOVERNING BODY

<u> </u>	Mayor Javier Gonzales Title	Tentative Committee
Co-Sponsors		Schedule
	Councilor Patti Bushee	
Co-Sponsors	Title	Tentative Committee Schedule
	Councilor Bill Dimas	
Co-Sponsors	Title	Tentative Committee Schedule
	Councilor Carmichael Dominguez for Finance Committ	ee Tentative Committee
Co-Sponsors	Title	Schedule
	AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR	Public Works Committee - 2/23/15 Finance Committee -
	TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE	3/2/15 City Council (request to publish) - 3/11/15 City Council – (public hearing) - 4/8/15
	AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE.	
	Councilor Carmichael Dominguez	Tentative Committee
Co-Sponsors	Title	Schedule
	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.	Musical Acquirement

Eshibit "5"

	Councilor Peter Ives	Tentative Committee
Co-Sponsors		Schedule
	AN ORDINANCE	Public Utilities
indell	BELLEDIC TO THE SINGLE-USE BAG ORDINANCE,	Committee - 3/4/15
•	LONG TON 21 9 SECC 1087 AMENDING SUBSECTION	Finance Committee -
	Lead a TO MODIEV THE LEGISLATIVE EUROPINOS I	3/16/15
	RELATED TO PAPER GROCERY BAGS; AMENDING	City Council (request
	RELATED TO PAPER GROCELET STABLISH THE	to publish) - 3/25/15
	SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS	City Council (public
	COLLECT A PAPER GROCERY BAG CHARGE FOR	hearing) - 4/29/15
	EACH PAPER GROCERY BAG PROVIDED TO	
	CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO	
	CUSTOMERS; AMENDING SUBSECTION 22 STATION PERIOD:	
	ESTABLISH A 60 DAY IMPLEMENTATION PERIOD;	
	AND MAKING SUCH OTHER CHANGES AS ARE	
	NECESSARY.	
	- PERON LITTON	City Council - 2/25/15
	A RESOLUTION	
	SUPPORTING PROPOSED STATE LEGISLATION,	
	SUPPORTING PROPOSED STATE BILL 280 SENATE BILL 279 (SB 279) AND SENATE BILL 280	1
	(SB 280) - RELATING TO WATER CONSERVATION	
	MEASURES.	
<u> </u>		
	Councilor Signe Lindell	Tentative Committee
Co-Sponsors	Title	Schedule
	AN ORDINANCE	Public Works
Dimas	AN URDINANCE	Committee - 2/23/15
Dominguez	CREATING A NEW SECTION 10-11 SFCC 1987 TO	
Ives		
Bushee	CONTAINERS OF ALCOHOLIC BEVERAGES, IN	
	SIZES OF EIGHT OUNCES OR LESS, WITHIN THE	
	MUNICIPAL BOUNDARIES OF THE CITY OF SANTA	City Council - 4/8/15
	FE.	0.0
	Councilor Joseph Maestas	Tentative Committee
Co-Sponsors	Title	Schedule
		Audit Committee -
	AN ORDINANCE	1
	AMENDING SECTION 2-22 SFCC 1987 TO RENAMI	Finance Committee -
	THE "INTERNAL AUDIT DELACTORIAL NO.	= ``
	"ACCOUNTABILITY AND PERFORMANCE STABLISH AND PERFORMANCE OF THE PERFOR	ar a sil (seguar
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	FRAUD, WASTE AND ABUSE ALLEGATIONS AND	Oity Country
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	OPERATIONS BY IDENTIFYING OPPORTUNITIES	
1	TEAR DECOMEDY OF REVENUE OR CITER ASSOC	³ ,
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	NECESSARY TO CLARIFY CERTAIN PROVISIONS O	''
1	I SECOND A PARTY OF A PARTY AND A PHRECORD AND A PARTY OF A PARTY	E
	MANAGEMENT ORDINANCE.	

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

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, mxseligman@santafenm.gov.

1	CITY OF SANTA FE, NEW MEXICO			
2	BILL NO. 2015			
3	INTRODUCED B	Y:		
4				
5	Councilor Signe Lindell	Councilor Bill Dimas		
6	Councilor Carmichael Dominguez	Councilor Peter Ives		
7	Councilor Patti Bushee			
8				
9				
10	AN ORDINANCE			
l 1	CREATING A NEW SECTION 10-11 SFCC 1987 TO PROHIBIT THE SALE OF			
12	SINGLE SERVING CONTAINERS OF ALCOHOLIC BEVERAGES, IN SIZES OF			
13	EIGHT OUNCES OR LESS, WITHIN THE MUNIC	IPAL BOUNDARIES OF THE CITY		
14	OF SANTA FE.			
15				
16	BE IT ORDAINED BY THE GOVERNING BODY O	F THE CITY OF SANTA FE:		
17	Section 1. A new Section 10-11 SFCC 198	7 is ordained to read:		
18	10-11 [NEW MATERIAL] SINGLE SERVING AI	COHOLIC BEVERAGE SALES		
19	10-11.1 [NEW MATERIAL] Short Title.			
20	This section may be cited as the Single Serving A	alcoholic Beverage Sales Ordinance.		
21	10-11.2 [NEW MATERIAL] Legislative Findin	ngs.		
22	A. In collaboration with Keep Santa Fe I	Beautiful Inc., the city of Santa Fe is		
23	dedicated to environmental education, litter awarene	ss and prevention and beautification		
24	programs.			
25	B. The governing body finds that small plas	stic and glass alcohol bottles are rapidly		

Exhibit "E"

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 DEVIATE	
14	MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THA	
15	THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH TH	
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 t	
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 Exhibit "7"

- (2) Upon approval by a majority of those voting on the question favoring the creation of the debt, issuing and disposing of negotiable bonds pursuant to state law. The debt and interest on the debt will be paid for by assessing real estate property taxes over the life of the bonds.
- B. The city shall use the money received from the issuance of the bonds only for the purpose for which the bonds were issued and all bond campaign public information materials generated by the city, shall be consistent with that purpose.
- C. The city shall pledge its full faith and credit to the payment and debt retirement of the bonds. The city shall designate and maintain sinking and interest funds for the payment of interest on and principal of the bonds as the payments become due. Provided, however, that the city may pay the principal and interest on the honds from any available revenues, and the levy or levies of taxes may be diminished to the extent such other revenues are available for the payment of such principal and interest.
- D. Within thirty (30) days of passage of an election resolution authorizing the placement of general obligation bond questions on the ballot, the city shall provide information to the electorate regarding the purpose(s) of the general obligation bonds.
- E. Any reallocation of proceeds from a voter-approved general obligation bond that deviates materially from the information provided to the electorate by the city of Santa Fe pursuant to paragraph D, above, shall be voted upon by the governing body [after a public hearing] through the adoption of an ordinance. For the purposes of this paragraph E, a change order reallocating such proceeds due to unforeseen or latent conditions is not a material deviation.
- Section 2. Section 18-9 SFCC 1987 (being Ord. #2013-33, §2) is amended to read:

 18-9 TAXES, NEW OR INCREASED; REALLOCATION OF PROCEEDS.
- A. Within thirty (30) days of passage of an election resolution authorizing the placement 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		
12			
13			
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21			
22			
23			
25	M/Legislation/2015 Bills/Bond_Tax Reallocation_Require Ordinance		

1	CITY OF SANTA FE, NEW MEXICO	
2	RESOLUTION NO. 2015	
3	INTRODUCED BY:	
4		
5	Councilor Carmichael Dominguez	Councilor Chris Rivera
6	Councilor Bill Dimas	Councilor Peter Ives
7	Councilor Patti	Bushee
8		
9		
10	A RESOLUT	ION
11	DIRECTING STAFF TO PROPOSE AN OPERA	TIONAL PLAN AND PROGRAMMING
12	OPTIONS FOR THE ESTABLISHMENT OF A TEEN CENTER THAT WOULD BENEFI	
13	THE YOUTH OF SANTA FE.	
14		
15	WHEREAS, in 2007 a youth summit was held in Santa Fe wherein 168 youth in attendance	
16	identified the development of a teen center as a critical	nced for young people; and
17	WHEREAS, the Quality of Life Steering Committee held a youth summit in 2014 and again	
18	the youth in attendance identified the development o	f a teen center as a critical need for young
19	people in Santa Fe; and	
20	WHEREAS, the City of Santa Fe is dedicated	to providing quality services for all members
21	of the community, including teens; and	
22	WHEREAS, statistics show that over 70% of	Santa Fe Public School students qualify for
23	free or reduced price lunch, teen pregnancy rates are h	igh and drug use by youth continues to be a
24	significant challenge; and	
25	WHEREAS, a teen center was established over twenty years ago in Santa Fe and is now	

Elhilit "8"

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;		

ı	• Free transportation services available for youth to provide access to and from the te
2	center;
3	Staffed by people deeply committed to serving Santa Fe youth;
4	Safe space that welcomes all youth:
5	Opportunities for off-site excursions and activities with free transportation provided;
6	Tutoring and other educational support;
7	Access to latest technological resources;
8	Space for youth to hang out;
9	Entertainment center to show movies, host live performances, etc.;
10	Workforce development opportunities;
11	Employment opportunities;
12	Other resources as maybe identified by youth.
13	NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF TH
14	CITY OF SANTA FE that staff is directed to propose to the Governing Body an operational pla
15	and programming options for the establishment of a teen center that would benefit the youth of Sant
16	Fe, along with the community at large. The operational plan and programming options shall include
17	without limitation, the following:
18	1. Services and activities to be provided;
19	2. Numbers of clients to serve, cost, strengths, weaknesses, opportunities and threats;
20	3. Whether it is possible for a new teen center to be established in the current Zona de
21	Sol space;
22	4. If the Zona del Sol space is not feasible, then propose what would be needed to
23	create a new teen center at the site, including the infrastructure costs;
24	 Possible private/public partnerships for operations and capital expenses;
25	6. Transportation options that would make a teen center at the Zona del Sol site or am

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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20			
21			
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24			
25	M/Legislation/Resolutions 2015/Teen Center 2_11_15		