City of Santa Fe



Agenda SERVEU BY

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BOARD OF ADJUSTMENT Monday, January 14, 2013 at 6:00 P.M. 200 Lincoln Ave. Santa Fe NM City Council Chambers

- A. ROLL CALL
- **B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: December 18, 2012 minutes
- E. FINDINGS/CONCLUSIONS:
 - 1. Case # 2012-51 Appeal. Kurt Gilbert and Elicia Montoya
 - 2. Case # 2012-99 Appeal. Kurt Gilbert and Elicia Montoya
 - 3. Case #2012-121 994 Old Pecos Trail Special Use Permit
- F. OLD BUSINESS
- G. NEW BUSINESS
- 1. <u>Case #2012-126.</u> Ashley Furniture Sign Variance. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)
- 2. <u>Case # 2012-133.</u> Appeal. Steven Coca, on behalf of the Southwest Bellamah Neighborhood Association, appeals the issuance of Building Permit #12-1902 for construction of a new telecommunications tower at 3294 Cerrillos Road (Baillio's). (Kelley Brennan)
- H. STAFF COMMUNICATIONS
- I. MATTERS FROM THE COMMISSION
- J. ADJOURNMENT

NOTES:

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

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MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT CITY HALL COUNCIL CHAMBERS SANTA FE, NEW MEXICO Monday, January 14, 2013

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Monday, January 14, 2013, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:

Gary Friedman, Chair Rachel L. Winston, Vice-Chair Patricia Hawkins Douglas Maahs [Vacancy]

MEMBERS EXCUSED:

Coleen Dearing

Daniel H. Werwath

OTHERS PRESENT:

Kelley Brennan, Assistant City Attorney
Tamara Baer, Planning Manager, Current Planning Division
Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for conducting official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

Ms Baer said the applicants in Case #2012-126, Ashley Furniture Sign Variance, have requested a postponement to February 5, 2013.

MOTION: Rachel Winston moved, seconded by Douglas Maahs, to approve the Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

D. APPROVAL OF MINUTES - DECEMBER 18, 2012

The following corrections were made to the minutes of December 18, 2012:

Ms. Baer said the minutes should be changed in the future to reflect that the members of the Board of Adjustment are board members rather than Commissioners.

Page 3, correct as follows: "Elicia Montoya and Kurt Gilbert, Appellants, and Kimball Udall and Jimmy and Jennifer Day, Appellees, and Kimball Udall witness for the Appellants was were sworn.

Page 23, Paragraph 8, strike as follows: Winston move to deny the appeal, and should be properly. Seconded by Hawkins: [STENOGRAPHER'S NOTE: This language should be stricken because these are my notes which inadvertently were not omitted. The formal motion follows.]

MOTION: Rachel Winston moved, seconded by Douglas Maahs, to approve the minutes of the meeting of December 18, 2012, as amended.

VOTE: The motion was approved unanimously on a voice vote.

E. FINDINGS/CONCLUSIONS:

- 1. CASE #2012-51. APPEAL. KURT GILBERT AND ELICIA MONTOYA
- 2. CASE #2012-99. APPEAL. KURT GILBERT AND ELICIA MONTOYA
- CASE #2012-121. 944 OLD PECOS TRAIL SPECIAL USE PERMIT

The Findings of Facts and Conclusion of Law in Case #2012-51, Appeal, Kurt Gilbert and Elicia Montoya, Case #2012-99, Appeal, Kurt Gilbert and Elicia Montoya and Case #2012-121, 944 Old Pecos Trail Special Use Permit, are incorporated herewith to these minutes collectively as Exhibit "1."

MOTION: Rachel Winston moved, seconded by Douglas Maahs, to approve the Findings of Fact and Conclusions of Law in Case #2012-51, Appeal, Kurt Gilbert and Elicia Montoya, Case #2012-99, Appeal, Kurt Gilbert and Elicia Montoya and Case #2012-121, 944 Old Pecos Trail Special Use Permit as presented by staff.

VOTE: The motion was approved unanimously on a voice vote.

F. OLD BUSINESS

There was no old business

G. NEW BUSINESS

1. CASE #2012-126. ASHLEY FURNITURE SIGN VARIANCE. LIAISON PLANNING, AGENT FOR BILL JOHNSON, OWNER, REQUESTS A VARIANCE TO ARTICLE 14-8-10(G)(8)(a)(d) SFCC REGARDING SIZE, HEIGHT, AND SETBACK TO ALLOW SIGNAGE FOR A NEW RETAIL ESTABLISHMENT. THE PROPERTY IS ZONED GENERAL COMMERCIAL (C-2/PUD) AND IS LOCATED ON THE EAST SIDE OF CERRILLOS ROAD, NORTH OF THE SANTA FE AUTO PARK. (DAN ESQUIBEL, CASE MANAGER)

A Memorandum dated January 2, 2013, for the January 14, 2013 Board of Adjustment meeting, with attachment, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, requesting postponement of this case to February 5, 2013, is incorporated herewith to these minutes as Exhibit "2."

This case is postponed to the Board of Adjustment meeting on February 5, 2012.

2. <u>CASE #2012-133.</u> APPEAL. STEVEN COCA, ON BEHALF OF THE SOUTHWEST BELLAMAH NEIGHBORHOOD ASSOCIATION, APPEALS THE ISSUANCE OF BUILDING PERMIT #12-1902 FOR CONSTRUCTION OF A NEW TELECOMMUNICATIONS TOWER AT 3294 CERRILLOS ROAD (BAILLIO'S). (KELLEY BRENNAN)

A Memorandum dated January 4, 2013, for the January 14, 2013 Meeting of the Board of Adjustment, with attachments, to the Board of Adjustment, from Kelley Brennan, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "3."

A statement read into the record by Arthur Firstenberg, entered for the record by Arthur Firstenberg, is incorporated herewith to these minutes as Exhibit "4."

A color photograph of a cell tower located in another area of the City in a C-2 Zone, entered for the record by Peter Dwyer, is incorporated herewith to these minutes as Exhibit "5."

Two color simulation photographs showing the tower from Richards Avenue and from Cerrillos Road, entered for the record by Kelley Brennan, Assistant City Attorney, are incorporated herewith to these minutes collectively as Exhibit "6."

Staff was sworn

Staff Report

The staff report was presented by Kelley Brennan which is contained in Exhibit "3." Please see Exhibit "3" for the specifics of this presentation.

Staff Recommendation: For the reasons stated in the Memorandum [Exhibit "3"], the City Attorney's Office recommends that the Board deny the Appellant's appeal.

Chair Friedman explained the process of an appeal before the Board of Adjustment. He said comments will be limited to a maximum of 3 minutes for those testifying. He gave the Appellant and the Appellee each a maximum of 10 minutes to present their case.

Public Hearing

Presentation by the Appellant

Steven Coca, 1117 Camino Consuelo, Vice President, Southwest Bellamah Neighborhood Association, Appellant, was sworn. Mr. Coca said, "I am a little sad I have to be here. I have to represent my little neighborhood in front of everyone because we haven't been given a fair shake, but before I start, I just want to note in the Board of Adjustment Exhibits here." He said there are two Exhibit A's, one on 15 and one on 92 which is completely different. He said he will be referring to these different exhibits. He said there are two Exhibit F's, one on page 115 and on 151, Exhibit G's on pages 117 and 155. He said he will be referring to these exhibits during his presentation.

Chair Friedman said perhaps it would be easier for Mr. Coca to just give the page number to which he is referring when there are two exhibits with the same designation.

Mr. Coca said, "I am Steve Coca from the Southwest Bellamah Neighborhood Association. I am not here to interfere, or prohibit or impede the interstate or intrastate telecommunications. And I'm not here to talk about radio frequencies and the effect on human beings. That's not why I'm here. I just want to make sure that is clear to everyone. I am here because the esthetics of the proposed tower are so horrendous that they need to be addressed. I understand a C-2 Zoning District allows for a cell phone tower. I understand that, that's fine, and I understand it's 75 feet. It just so happens that the cell phone tower is right next to our neighborhood."

Mr. Coca continued, "The Applicant never asked us for our opinion. In fact, the information meeting held as a courtesy, was limited to discussion. The Applicant has years and years of experience building cell phone towers, and the only thing they wanted to discuss was a fake pine tree, disguised as a cell phone tower. They have years of experience building cell phone towers. They should have imparted their years of experience and knowledge with us, but they did not. The applicant never spoke about internally versus externally mounted antennas. I had to do my own research. The obligatory courtesy ENN informational meeting was at best a joke."

Mr. Coca continued, "What I would like for you all to think about right now, is about the cell phone tower. There is no careful design, there is poor sighting, there is minimal landscape screening and there is no innovative, camouflaging techniques. It is a basic cell phone tower that could be anywhere in the country. The courtesy ENN informational meeting was a disingenuous attempt to satisfy those who attended. Not once after the courtesy ENN informational meeting did the Applicant contact the residents. They never asked us what we wanted, and I would not be here today if they had. They never followed through with our comments at the ENN informational meeting, and it was clear that they never intended to. This is sad, because we care about our neighborhood and we take pride in our neighborhood."

Mr. Coca continued, "In the past, we've been involved with Baillio's, Del Norte Credit Union and Walmart as they were being built. We're concerned about graffiti, noise, trash and the condition of our parks, just to name a few. For example, I'd like you to look at Exhibit F on page 152. If you look on the right hand side, under Proposed Walls and Landscape Plan, I'd like to read you a couple of comments here. Under Proposed Walls, at the very end, Peter Dwyer writes:

'If the City has some specific idea about what they would like, AT&T will consider that request but there is nothing in the Code which would apply specifically to landscaping or screening walls for this site.'

Go down two paragraphs, Landscape Design, Peter Dwyer writes:

'As stated above, there is nothing in the Code that requires a landscape plan or explains how to effectively screen a screening wall. If the City will describe what it wants, we can consider that request.'

My objection is, instead of asking the City what they wanted, why not ask us. We were at the informational meeting, we live 100 feet away from this, and they never asked us what we wanted. You heard City staff say there was plenty of discussion between the City and the Applicant, but we were never included. We have to look at the cell phone tower."

Mr. Coca continued, "In regard to Claim 3 and Claim 4, that speaks to less visual impact, putting the tower in front of Baillio's, or on the east end of Walgreen's, or even behind Walmart would have a less visual impact, because it would then be out of direct sight of most residents. The current location of the cell phone tower fortunately, or unfortunately, that's what residents see from their back yard and living room and dining room, and even bedrooms. A landmark or monument or flag pole would be less invasive. We were never shared that information. The only option we were given was a fake pine tree. The Applicant never considered State property at the end of Richards Avenue. They never considered locating this at the Genoveva Chavez Center. They never took any of our recommendations for location."

Mr. Coca continued, "Claim 5, speaks to noise. If you look at Exhibit G on page 155, I would like for you to note that the document isn't dated, and there is no point of contact regard noise. If there were noise, the City would not know who to contact to abate it. If I were to call the Applicant and complain about noise, there is no point of contact. Actually, there is no remedy and there is no point of contact. I don't know who to call. If I had complaints about noise, they'd fall upon deaf ears. Exhibit G on 155, I think, is

incomplete. It's missing a point of contact. It doesn't tell me where I would call – Albuquerque, Phoenix, Santa Fe – and it makes me wonder is there a person at AT&T who is in charge of graffiti abatement and noise abatement. I don't know. That's not clear. So I think Exhibit G was misleading. It doesn't provide enough information for the residents or for the City."

Mr. Coca continued, "Claim 6 speaks to the actual building permit. If we look at Exhibit O on page 173, by Peter Dwyer's own admission, the building permit, the actual physical building permit, is all over the property depending on the day of the week, and depending on the day and even depending on the hour of the day. It's not been secure, or it was not secure, I should say. It was a haphazard attempt to post the building permit. In fact, it couldn't be seen on... when I went over there. And unfortunately, my exhibit that's in your document isn't very clear. But in essence, I found the building permit face up on the sidewalk and you couldn't see it from Richards Avenue and you certainly could not see it from Cerrillos Road."

Mr. Coca continued, "Claim 7 speaks to notification with 24 hours of the application. I'd like you to look at Exhibit B on page 39. The first complete paragraph, last sentence, was written by Peter Dwyer, and it states, 'Notice pursuant to 14-6.2(E)(10) will be provided promptly (within 24 hours) as required by the Code.' As far back as September 2011, the Applicant knew they had to inform residents within 200 feet of the tower."

Mr. Coca continued, "Now, if you look at Exhibit P, and that's toward the very end, and that starts on page 177, City staff is saying that there was proper notification. But if you look at these certified mail receipts, and you look to the right hand side of each one, they're not stamped. The Post Office would have stamped every single certificate, but the Post Office did not. I don't know if these were sent. They certainly were not sent within 24 hours, and they obviously weren't taken to the Post Office. There is no notification within 24 hours. And because of that, that's the reason why I'm here. Our neighborhood never had a fair chance to speak with the Applicant and let them know what we thought. We have to see this every single day. Why is it that in California, Florida, individuals, neighborhoods have cell phone towers that masks as other things – as buildings, monuments, landmarks. And sure, it's easy to get a cell tower up in a C-2 District, and it's easy to think that neighbors weren't going to complain, but we did. And here we are. Thank you very much. I appreciate your time."

Chair Friedman asked Mr. Coca to present his witnesses at this time.

Presentation of witnesses by the Appellant

Mr. Coca said, "My first witness, I'd like to call Carmen Vigil."

Mr. Coca said, "Carmen, can you tell us where you live."

Carmen Vigil, 3265 Lorraine Street [previously sworn]. Ms. Vigil said, "It is adjacent to Lorraine Street and Richards Avenue. And my backyard faces Baillio's and that tower, so I would be looking at that tower morning, noon and night, realizing that we were never told about that. We were never advised of anything. It's like we just don't exist, and I think that that's not the right way for Americans to behave

against Americans. I have lived there since 1963, I think that totals to forty something years, I don't think that we have ever had any problems whatsoever, prior to the time that all these people came to our back yard. And that's not everything. Now I have everybody's trash back there. I have to clean everybody's trash, Baillo's trash and I can imagine the rest. I do not have the money to be paying for it, and they won't listen anyway. You talk to them, would you clean your garbage here, but they won't do it. So if we face this now, I can imagine what we'll face with that tower there. Not to mention the fact, that it's really health hazardous to have that tower there. There's so many other places. I don't know why choose it on us there. Is it because we're elderly, or what. But, we're not all elderly. They have to understand that. And I'm sorry to say that I'm totally opposed to that tower there."

Mr. Coca asked, "Carmen, did you ever get notice, a certified letter or a certificate letter from the Applicant regarding the application for a cell phone tower."

Ms. Vigil said, "I did not."

Mr. Coca said, "Thank you."

Ms. Vigil said, "Thank you very much."

Mr. Coca said, "My next witness. Could you please introduce yourself and tell us where you live.

Margie Segura, 3237 Lorraine [previously sworn]. Ms. Segura said, "My name is Margie Segura and I live at 3237 Lorraine Street."

Mr. Coca asked, "Can you tell me what effect... actually, how long you have lived at your house."

Ms. Segura said, "I've lived at my house since 1963."

Mr. Coca asked, "Are you the original owner."

Ms. Segura said, "I am."

Mr. Coca asked, "Tell me what your view would be from your living room and dining room and bedrooms."

Ms. Segura said, "I will be looking at this tower from my living room, from my dining area every day."

Mr. Coca asked, "Did anyone ever ask you about what you like, or may not like, in regard to the cell phone tower."

Ms. Segura said, "Never."

Mr. Coca asked, "Did anyone ask you about camouflaging or landscaping."

Ms. Segura said, "Never."

Mr. Coca said, "Thank you."

Ms. Segura said, "Thank you."

Chair Friedman thanked Ms. Segura.

Mr. Coca said, "And I have one more witness."

Mr. Coca asked, "Can you tell us who you are and where you live.

Arthur Firstenberg [previously sworn]. Mr. Firstenberg said, "My name is Arthur Firstenberg, I live at 247 Barela Street."

Mr. Coca said, "I have asked Arthur to come by today. I asked him to do some legal research about notification upon neighborhoods. Can you tell us what you found."

Mr. Firstenberg said, "Yes. I'm addressing Assistant Attorney Kelley Brennan's Memo regarding Claim 7, about notification of neighbors."

Mr. Firstenberg then read his Memo into the record, and provided the statement for the record. Please see Exhibit "3," for the text of this Memorandum. Mr. Firstenberg concluded his statement saying, "According to all of these precedents, the remedy for failure to notify is nullification of the approval. AT&T must file a new application, and undergo a new review process after proper notification of the neighbors."

Presentation by the Appellee

Peter Dwyer, Attorney for Appellee, AT&T, [previously sworn as to his testimony on the facts of this case]. John Schmutz and Scott September were sworn.

Mr. Dwyer said, "My name is Peter Dwyer, and I'm an attorney representing AT&T in this matter. I would like to first start off by saying that this is an application in a C-2 Zone, for a pole structure with a series of antennas at the top. I'll get testimony from my witnesses here in a minute to tell you more about what it is we're trying to do here."

Mr. Dwyer continued, "But the appeal, in particular, is really... what happened is that was an administrative review and approval, a building permit issued and then construction began, and then there was an appeal during the construction period of the issuance of the building permit. So, I want to reemphasize that really what's being scrutinized here today, is the staff's decision to issue that building permit, because that's the phase in the process that it got to before it was stopped by the appeal."

Mr. Dwyer said, "I wanted to say that this is a C-2 Zone, so I'm not sure how familiar you all are with the Telecommunications Ordinance. It has changed over the years, but under the City Code, and I'll defer to the City Attorney present, in terms of if I get the law wrong, but my reading of the City Code is that a C-2 Zone is one of the few zones in the City where these facilities are preferred to be located. So, this is considered to be an application in the most desirable place to place these, and that may not be agreeable to the neighboring property owners, but that's the designation under the Zoning Code. And I also wanted to provide you some copies of a facility that's in a C-2 zone in another part of the City just so you can see the esthetics of the existing facilities as compared to what's being proposed in this application [Exhibit "4"]. I'll give the Appellant a copy as well. May I approach."

Chair Friedman said yes.

Mr. Dwyer said, "I just wanted to provide this to you so you could have a sense of what's out there on the ground right now. This is an existing C-2 Zone facility. I printed out a zoning map of the City that shows the area. It's at the Airport Road/Cerrillos Road intersection, is the tower that's there. If you drive by you can see it quite visibly. So this is C-2. I believe it could be in the I-1 adjacent, but I believe it's on the C-2 designated property there, comparable to the property that we're dealing with tonight. And I just wanted to show it to you, to show that we have made a good faith effort to ameliorate the esthetic impacts of telecommunications facilities in C-2 Zones, because we're not proposing to build this. This is not what we're trying to build. We're trying to build lower impact things that are lower visibility."

Mr. Dwyer continued, "In addressing a few other points, I would say that what we're proposing is appropriate for a C-2 Zone. You are allowed to go, under the Telecommunications Code, up to 100 feet in a C-2 Zone. The initial proposal as set out in the Staff Report was for 75 feet and for a Mono-Pine design. That was rejected by the staff. There was a very iterative process. I'll have the witness testify as to how that went. It took two years. If you look in your packet at page, let me get the page number. There's a timeline that the staff prepared that sets forth how we came to this point today. Yes, it starts on page 4 and goes onto page 5. And you can see that the first day of the timeline is October 25, 2010, and the last date is October 30, 2012. So that's two years, and I would not agree that it was in any way easy. It was difficult. And you can see, if you read through that timeline, why I say that. I'm not saying it to be difficult to myself. I'm just saying that there were multiple iterations of design that were gone through here during the review process."

Mr. Dwyer continued, "The initial application was for a Mono-Pine. The initial design was right on the property line. The Code changed during the process. There were administrative approvals allowed, but they were only allowed if you sited the facility with a 1 foot setback from the property line, which means that in order to get administrative approval the site had to be moved at least 75 feet from the property boundary in towards the property. Subsequent designs actually changed the facilities, and actually the final construction would be at 70 feet which is less than the 100 feet allowed under the Code. So we tried in a couple of ways, both through our design and also through the iterative sign process and also through reducing the height to the maximum extent we can to try to reduce the impact on the neighborhood.

Mr. Dwyer continued, "As for the ENN process. The ENN doesn't apply to an administrative approval. It is triggered by special exceptions. And one of the witnesses testified about the special

exception process. That... well, I'll just say Mr. Firstenberg is in litigation presently with the City of Santa Fe and AT&T on that specific issue. Our responsive pleading in the *mandamus* case is actually due tomorrow. So we're litigating the issue as to whether special exceptions are generally required for any kind of change. Of course, our contention is no, and the City agrees with us, but that's something that's not in this case, but it tangentially touches on the case because of the fact that... I want you to understand that we went through a voluntary process of meeting with the neighborhood, even though the Code wouldn't require it of us under the new Code provisions."

Mr. Dwyer continued, "In terms of follow-through on the ENN process, we did follow through. I think that's in the record. There's a couple of emails from me to Steve Coca, directly, immediately following the ENN meeting. He requested additional information and documents, and you can see the emails are in the record showing that I responded promptly and provided those documents to them. There were several phone calls from the neighborhood following the ENN meeting. And I call it an ENN meeting, but please be advised that this was not truly an ENN meeting. It was just a voluntary ENN-like process. I did follow up with adjacent property owners on alternative locations, but they weren't willing to lease the space to us, so we did try to take the steps that were requested of us at that meeting. And I'll ask Scott to testify more as to that when he gets up here."

Mr. Dwyer continued, "In terms of locations, it's important to understand, and again Scott will testify to this that you can't cover the City of Santa Fe with one site. And the search ring for this site doesn't go all the way to the properties that were mentioned. Again, it's included in the packet I believe. The search ring, and if you look at the search ring you'd see that, you know, you don't have a limitless number of potential sites. It's on page 112. You'll see it's a dotted line there and it's fairly small, the circled area that we were looking in. That's where, when we're assigned to try to find a new telecom site, it needs to go into a place where there is a significant gap in coverage. You wouldn't build a site unless you needed better coverage. And so our engineer tells you, this is the area where you should be looking. And if you start looking at sites outside of that ring, you're really not achieving the whole purpose of the construction. So, it's important to understand that too, to recognized that it's not a free-for-all where we could just move it any old place and it would be fine. If it doesn't fall inside the ring, there's no point in building it."

Mr. Dwyer continued, "In terms of contact for follow-up, my address is listed on that document. Steve Coca has my email. I've emailed him before. If anybody wanted to contact me, I'm a local law practitioner. I live and work here in Santa Fe and I can be contacted. And of course, when it comes to noise abatement, the City has enforcement officers who do specifically that and you can contact them and they'll enforce under the Noise Ordinance."

Mr. Dwyer continued, "The posting was done as best as possible, but it's correct in saying the sign was down frequently. We had to go back and put it up several times. Mark Basham who's the senior partner in our law firm, did the initial posting. We had subsequently put it up a couple more times. It was on the ground several times. We can't really keep the sign up if people want to keep taking it down. So if it keeps coming down, we keep putting it up. And we had to come to the City. We got additional copies of the sign. We were vigilant. We did check. But the important part about the notification is I think, made by the staff in the Memo which is the real notice is so we could have this hearing here tonight, so that people know that they have an appellate right and that they can exercise that, and that's happening here.

Obviously, we're here tonight, so clearly they had notice. Clearly they did understand that they had appellate rights and they're exercising those."

Mr. Dwyer continued, "The Post Office and the date stamps. Let me just tell you a little bit about that, because that's kind of a problem in this case in that they aren't stamped, but it's going to be a problem in all future cases, because they won't stamp them. The City changed the Code to try to make notification by the applicants easier, by doing this registered mail, rather than certified mail on the assumption that it would be cheaper and easier. Unfortunately, the postal service here in Santa Fe has not been cooperative in that regard. What you're supposed to be able to do is list the number of addresses that you want the letters mailed to on a single sheet, and they even have a federal form. And then they're supposed to do all that, the certification based on the sheet that you give them. They won't do that. They won't accept the sheet. My staff has to fill out each one of those little labels individually, which was part of the purpose of changing the ordinance was to get away from that. The postal office just simply won't follow their own regulations and there's nothing we can do about that. So, I do encourage you to, if... I know the postal issue has been in front of the City recently and things like that, what you can do, whatever you can do to encourage them to follow the process, that would be great, but really, we are powerless to tell them what to do with the U.S. Mail. So we did make, you can see from the documents in the file, we did make a good faith effort to follow the notification requirements."

Mr. Dwyer continued, "I said already, that I don't agree that the characterization of this process is easy, it's been somewhat laborious. In terms of views. Views aren't regulated under the Telecommunications Ordinance. They are regulated by the City under the Escarpment Ordinance and there are other view corridors from the City that are established where views are regulated, but there's no general view regulation in the City. So that's really not a zoning issue that is in front of you tonight. It's a question under the Telecommunication Code of whether the building permit should have issued or should not have issued."

Presentation of witnesses by the Appellee

Mr. Dwyer continued, "So, having said all that, I think that hits the high points in terms of what it is we're trying to do here, but I think at this point, I'd just like to call Scott as my first witness and have him testify as to what we're proposing here."

Scott September, Site Acquisition Manager, AT&T Mobility, Desert Southwest Area, 20830 North [inaudible] Boulevard, Suite 400, Phoenix, Arizona 85050 [previously sworn].

Mr. Dwyer asked, "Scott, can you tell the Board of Adjustment what it is that we're building here."

Mr. September said, "AT&T is developing a wireless communication facility that is part of a network of communication facilities here in the Santa Fe area to provide coverage to our customers."

Mr. Dwyer asked, "And can you explain a little bit about how this site works, particularly in relation to other sites."

- Mr. September said, "The way a cellular network works, is as users are traveling within the network, each cellular communications site is subbed back to a main switching office, and as the user or customer is traveling within the network, each site communicates back to the hub and says that the customer is getting closer or farther to one site or the other, and a hand-off takes place when traveling through the network. And this hand-off happens at the speed of light. The customer is unaware of it or when it happens, and what happens with the signal that's communicating with each customer, transfers from one site to another site."
 - Mr. Dwyer asked, "And can you tell me a little about why we need this particular site."
- Mr. September said, "AT&T is trying to fill a significant gap in coverage in this area. AT&T has experienced a significant increase in usage in our data network."
- Mr. Dwyer asked, "Can you tell us what's the order of magnitude in the change in demand for data over the last 5 years."
- Mr. September said, "In the last 5 years, with the introduction of Smart Phone products, AT&T has experienced a 20,000% increase in data usage."
- Mr. Dwyer asked, "So that means that the existing infrastructure needs to be upgraded to accommodate that."
- Mr. September said, "It does. And in addition, as AT&T's wireless network continues to mature, the lapses in coverage become very critical and very specific. When AT&T first started developing their network back in the late nineties, search areas were significantly larger. The threshold for where a site could be located was... there was more leeway in where you could place a site. But today, as the network has matured over the years, the search areas have become very small and very specific."
- Mr. Dwyer said, "I didn't ask you at the beginning, but can you state for the record what your job title is."
 - Mr. September said, "I'm the Site Acquisition Manager for AT&T Mobility."
 - Mr. Dwyer asked, "Can you explain why we want a site at 70 feet."
- Mr. September said, "This particular site is 70 feet high. And one of the reasons for the required height of any cellular communications site has to do with the surrounding topography, the surrounding morphology, the trees, manmade obstructions and clutter, buildings, structures. What's important for each site is that the signal can propagate into an area at an angle, at a downward angle into a specific area. That allows the network engineers to control the signal so that they can angle the antennas at a downward angle, so that the signal doesn't go too far to interfere with other cell sites. So, it's in a controlled area. And it also allows the signal to penetrate into those areas so it's effective. If the elevation of the antennas is too low, the signal simply skips across the tops of tree lines and roofs and it won't be able to penetrate into buildings and into the places where our customers are."

- Mr. Dwyer asked, "And is AT&T's band width and signal different from other providers."
- Mr. September said, "Every wireless provider is issued frequencies, or they purchase frequencies now days from the FCC. And each carrier's frequencies are different. There are some carriers that have carriers that are in a lower frequency range, and some that are higher in the frequency range. So every carrier has different frequencies, which also translate into different demands on their networks, different performance characteristics. The lower the frequency the better the frequency propagates through block and through wood and into buildings and structures where customers are. The higher the frequency, the more difficult it is for that frequency to penetrate through trees and rocks and brick and wood. If you think about it, light is the highest frequency that we know of, for the most part. And you can block light with a piece of paper, so the higher you go in the frequency spectrum, the more difficult it is for a frequency to be usable."
 - Mr. Dwyer asked, "Does that mean that AT&T has different requirements from other providers."
- Mr. September said, "We do. Some of our competitors are fortunate to have lower frequencies in the 850 MH range. AT&T, for many years, has been using frequencies that are higher, in the 1900 frequency range."
 - Mr. Dwyer asked, "How long have you been involved in this application review process."
 - Mr. September said, "A long time. Since the beginning, 2010."
 - Mr. Dwyer asked, "And did you attend the voluntary ENN meeting that was mentioned earlier."
 - Mr. September said, "I did."
 - Mr. Dwyer asked, "Did you ask at that meeting for feedback."
 - Mr. September said, "We did ask for feedback from the community."
 - Mr. Dwyer asked, "Do you recall what kind of feedback you got."
- Mr. September said, "It's been so long ago, my recollection is, most of the feedback was that we would have to look at it, we didn't want it, and then I think one person wanted a Christmas tree."
 - Mr. Dwyer said, "But you did attend that meeting and we did solicit some feedback."
 - Mr. September said, "We did."
 - Mr. Dwyer said, "I think that's all the questions for you Scott."
 - Mr. September said thank you.

Mr. Dwyer said, "My next witness, Jonathan Schmutz."

Jonathan Schmutz, 100 North Guadalupe [previously sworn].

- Mr. Dwyer said, "Jonathan, can you tell me about your qualifications."
- Mr. Schmutz said, "Yes. I've been involved in architecture for 13 years, focusing mainly in commercial and residential. For the past 3 years in Santa Fe, I've designed more than 25 telecommunications sites. And this one, in particular."
 - Mr. Dwyer asked, "What was your role in this particular site."
- Mr. Schmutz said, "I helped design it. We submitted the drawings, the original drawings and revised them due to the property line issues. Then once we submitted, we changed from a Mono-Pine to a Mono-Pole. The City requested that we give them multiple design options, so we submitted a lattice structure, a Mono-Pine and a Mono-Pole design. And the City eliminated the Mono-Pine and then requested that they give color options. And so we chose a tan to kind of blend in with the vernacular of structures, a, blue to blend in more with the sky and then just a natural gray, kind of a metal color. And the City agreed that the metal and the Mono-Pole probably would have the less visual impact and added a concealment shroud around the top of the Mono-Pole, shielding the antennas."
- Mr. Dwyer asked, "Okay. Can I go to the beginning of the process. The first application was for a Mono-Pine you say."
 - Mr. Schmutz said, "Yes."
 - Mr. Dwyer asked, "Can you describe that for the Board."
- Mr. Schmutz said, "A Mono-Pine is an antenna that is made to look more like a tree, with limbs. They can make them oak, or palm or Mono-Pine. This one just happened to look like a pine tree."
 - Mr. Dwyer asked, "What's the point of making it look like a pine tree."
- Mr. Schmutz said, "To disguise that it's a telecommunications site and, I guess not to be obtrusive visually."
 - Mr. Dwyer asked, "So that first application for the Mono-Pine was rejected by the City. Correct."
 - Mr. Schmutz said, "Correct."
 - Mr. Dwyer asked, "And Why was that. Do you know."
- Mr. Schmutz said, "I think the City has... there's been a few Mono-Pines submitted throughout town and they're not appealing."

- Mr. Dwyer asked, "So you think they're that that they would reject it on a site [inaudible].
- Mr. Schmutz said, "Correct."
- Mr. Dwyer asked, "Okay. And then the subsequent designs..."
- Mr. Schmutz said, "It was a lattice structure and a Mono-Pole, which is just a pole with the antennas on top. And a lattice structure is either 4 legs or 3 legs, a triangle shape and it goes to a top.'
 - Mr. Dwyer asked, "Okay. In doing the iterative design process, what was the goal."
 - Mr. Schmutz said, "For the most visually pleasing, or less obtrusive structure."
 - Mr. Dwyer asked, "In the final design, did you do anything to achieve that goal."
- Mr. Schmutz said, "I think we did. We tried playing with color, with different construction types and I think this structure disappears with site faster than others."
 - Mr. Dwyer asked, "What about specifically is the sheathing over the antennas."
 - Mr. Schmutz said, "It's just a... it's gray. It just covers the antenna."
 - Mr. Dwyer asked, "What was the point in covering the antennas."
 - Mr. Schmutz said, "The antennas can be visually undesirable."
 - Mr. Dwyer asked, "So the shroud was to try to ameliorate the visual impact."
 - Mr. Schmutz said, "Correct."
- Mr. Dwyer asked, "Is your testimony that you've tried through alternative designs, paint colors and through screening materials to try to mitigate the visual impact.".
- Mr. Schmutz said, "Yes. I will add that of the 25 sites I've done, this is the only one where we've had to submit multiple designs through the process."
 - Mr. Dwyer said, "Okay, I don't think I have any more questions."
 - Mr. Schmutz said, "Thank you."
 - Chair Friedman thanked Mr. Dwyer and asked if he has further witnesses, and Mr. Dwyer said no.
 - Chair Friedman asked Dwyer if he has questions of the Appellant and Mr. Dwyer said no.

Appellant's Questions of Mr. Dwyer/Appellee

Chair Friedman asked Mr. Coca if he has questions of Mr. Dwyer or his witnesses.

Mr. Coca said, "I do. For Scott September."

Chair Friedman reminded Mr. Coca that he is directing the questions through the Board.

Mr. Coca said, "My question for him is you never spoke about camouflaging, landscaping, or including the neighborhood, even though there was a courtesy ENN-type meeting. Why didn't you follow through. Why didn't you call us. Our Neighborhood Association is registered with the City. Homes abut the property. You could have walked down there, so that's my question to you."

Chair Friedman asked, "Do you want to respond."

Mr. September said, "Sure. AT&T when went to the community, even though it wasn't part of the process, it was something we wanted to do to reach out to the community to get their feedback, and we felt that that was a good opportunity at that time for the community to share any input that they might have had, with respect to the design elements of the site that we were proposing. And we also knew that we would be working with the City staff and the design elements that they would impose on this as part of the administrative process. Staff has the administrative review authority to impose design elements that they see fit. And so, through both the neighborhood meeting that we had and through the administrative process, we tried to give the neighborhood the opportunity to have input."

Chair Friedman said, "Okay. Mr. Coca. Question."

Mr. Coca asked, "Did you notify the residents that an application had been submitted."

Chair Friedman asked Mr. September if he wants to respond.

Mr. September said, "We followed the process and procedures with respect to notification that the City has established."

Mr. Coca asked, "Have you seen Exhibit P. That starts on page 177."

Mr. September said, "I have now seen Exhibit P."

Mr. Coca asked, "And where it says postmark here, what do you see."

Chair Friedman asked Mr. September if he is going to answer that question.

Mr. September said, "I see a place where it says 'postmark here,' and it's a square."

Mr. Coca asked, "Does this indicate to you that it was mailed within 24 hours."

Chair Friedman said, "Go ahead."

Mr. September said, "I doesn't know when it was mailed."

Mr. Coca asked, "Does it indicate to you that it was ever mailed."

Chair Friedman said, "I think he's answered that question." Go ahead. Next question."

Mr. Coca said, "I think that's all I have. Thank you."

Chair Friedman thanked Mr. Coca.

Chair Friedman asked Mr. Coca if he has questions of City staff.

Chair Friedman asked Mr. Dwyer if he will have questions of City staff and Mr. Dwyer said no.

Appellant's Questions of City staff

Mr. Coca said, "I do have questions fo anyone from the City to answer. Does City staff ever include forward mail call or otherwise address the residents regarding landscaping, camouflaging, what they may or may not like – color schemes, for example."

Chair Friedman said, "Go ahead. Who wants to answer that. Ms. Baer."

Ms. Baer said, "No, typically we do not. That authority, as Mr. September pointed out, resides with the City. And so, although there are lengthy discussions at the City on those matters, we do not typically bring in, we wouldn't necessarily know whom to bring in. We don't bring the public into that discussion."

Mr. Coca asked, "Did you notify for the final application."

Chair Friedman asked Mr. Coca to restate his question.

Mr. Coca asked, "Did you notify the residents of the final application."

Ms. Baer said, "Mr. Chair, we followed the notice procedures per the Code. The residents and the neighborhood association were notified when there was administrative approval of the application. Once the building permit application is submitted, the notice for that is by posting at the site. There's not a mailing for that aspect of the application required."

Mr. Coca asked, "Are you aware of the Neighborhood Bill of Rights."

Ms. Baer said, "Yes."

Mr. Coca asked, "Did you follow them."

Ms. Baer said, "Mr. Chair, we followed the notice procedures in the Code."

Mr. Coca said, "My question was did you follow the Neighborhood Bill of Rights."

Chair Friedman asked, "For my edification, what is the Neighborhood Bill of Rights. You can summarize it quickly, that would be fine."

Mr. Coca said, "It allows the residents' neighborhood to participate in the legal process regarding development."

Ms. Baer said, "The Neighborhood Bill of Rights was passed by Resolution and it's superceded actually by the Ordinance. We followed the letter of the Ordinance and the intent. And I would just add that the ENN process in general speaks to neighborhood notification and participation. And in this case, the Applicant did hold meetings with the neighborhood that met that intent."

Mr. Coca said, "And I do realize that the Neighborhood Bill of Rights is a Resolution, but why did you not go beyond what was minimally required."

Chair Friedman said, "You can answer that if you want Ms. Baer."

Ms. Baer said, "Thank you Mr. Chair. I believe in this particular instance, both the City staff and the Applicant for the permit went way beyond what was required as evidenced by the lengthy documentation of the iterative process back and forth, and which took over a year."

Mr. Coca said, "It was back and forth. Who was the back and forth between. Did you care to include the residents of the neighborhood."

Ms. Baer said, "We were not directly contacted by the residents, and it's not something we typically do, is to ask residents to comment on applications which are under the purview of City staff."

Chair Friedman asked if there was someone from City staff in attendance at the ENN meeting.

Ms. Baer said, "I can't answer that."

Mr. Dwyer asked if he could approach, and the Chair said yes.

Mr. Dwyer said, "I believe that staff did not attend because it wasn't an official ENN and they didn't want to give it the imprimatur of the City when they weren't actively moderating the proceedings. So they were notified and they were aware that we were going forward with that request. It was actually at the request of a couple of the City Councilors because the Code was being changed at that time, and they wanted to make sure that the constituents in their Districts still had input, regardless of whether the change in the Code would have eliminated the ENN. So it was held, but it was not a formal City ENN."

Chair Friedman asked Mr. Coca if he has further questions and he said no.

Speaking in Favor of the Appeal

Everyone speaking was sworn en masse

Chair Friedman said he will take testimony from those who didn't provide testimony, and gave each person 3 minutes to speak to the Appeal.

John McPhee, 2712 Sol y Luz, Plaza de Castillo 87505 [previously sworn], said he is here as private citizen, but he is a regulatory expert and has some questions. He said the "big one coming up now was the continuing discussion and controversy over cell towers." He said, "There was a Supreme Court ruling that even a fear of a cell tower would be cause for a possible and potential depreciation of real estate, which of course would impact all of the private residences and not the commercial buildings, but the residences to the south of the proposed location of the cell tower. The compatibility of the sign codes. The representatives showed us a picture of the gigantic tower at the corner of Cerrillos and Rodeo Road has no compatibility whatsoever with the Sign Code that you, and others on the City Council and staff have worked arduously on for 20 years. Cerrillos Road has never looked better. All the fast food signs and everything have been diminished in size and are very attractive, in addition to the curbing and so forth. I just don't feel it is compatible at all."

Mr. McPhee continued, "There is a question too of demonstration of need. Yes, there's been a dramatic increase in the requirements and demand on AT&T. However, one reference made by them was to the traveling location. I thought perhaps if we were discouraging the accommodation of people traveling in automobiles using cell phones because of the Ordinance of the City. In the proposed ordinance, I think they may be looking to the Legislature. The incredible amount of distraction and distracted driving we are experiencing due to both texting and calling on phones. And they made reference to driving down Cerrillos and connecting from one tower to another. Also the effect is we already discourage people, I'm also a safety expert, we discourage people from using cell phones in the car because it increases the amount of radiation as it's trying to reach from tower to tower, when they really shouldn't be engaging it for purposes of driving or exposure of radiation. Thank you."

Dennis Segura, grew up on Lorraine Street [previously sworn]. He said, "It was a neighborhood you could take pride in and it was a neighborhood that had esthetics to it. It is a place that I was proud to be a part of. My mother still resides at that residence and has been there since the home was originally build. The questions I would like to present to the Board for their consideration is simply a couple of things. Did the petitioner go ahead and follow the protocol for noise remediation. Meaning that right now, the residents don't know what to expect, and what assurances do the residents who reside in that area whether it's going to be tolerable or intolerable. That has not even been presented to them, and in all fairness, I think it should have been. The health issue that was just raised with radiation, I guess we were asked not to bring that up, because of health concerns and it was outside the purview of the Board. And I don't believe it's outside the purview of the Board. I think it's something that certainly within your purview whenever we're talking about health."

Mr. Segura continued, "One of the other things I would like to go ahead and ask is, with the number of cell towers already in existence, why the City does not impose an ordinance that requires cell providers to use joint towers and reduce the total number of cell towers that are required. They have different frequencies that they just spoke about, so therefore there shouldn't be any interference from one frequency to another. So, my question is, was that given consideration. Lastly, that I would like to go ahead and address is, I know that my mother went ahead and offered the name of property owners at adjacent commercial lands that would have been, had they been contacted, could have offered another site for the proposed tower. There again, it may have been something at a higher lease value, but what is cost when we are talking about peoples' livelihoods and peoples' lives. AT&T is a Fortune 500 company which could well afford a lease at another site. So I would like to go ahead and find out whether or not those considerations were clearly demonstrated to the City and to the residents that in fact another site was not an alternative. Thank you for your consideration, Chairman."

Arthur Firstenberg [previously sworn] said, "I just wanted to read from page 14 of the Assistant City Attorney's Memo as follows:

Mailing labels for the Application were provided to the Applicant by LUD staff in April 2011 for residents and addresses with 200 feet of the property. The Applicant has provided to the LUD Director, copies of Certified Mail Receipts for those residents and addresses, which are attached at Exhibit P."

Mr. Firstenberg said people are being confused that have spoken here today. Exhibit P is the Certified Mail Receipts that were sent in advance of the second early neighborhood notification meeting in April 2011, as it says on page 14. These are not the claims notifications that were sent notifying neighbors that the application had subsequently been filed which was required by Ordinance and which was never sent to any neighbors. There is no evidence of it here. Neighbors testified that they never received it. The purpose of the notification of the early neighborhood notification meeting was so that the neighbors could give their input to AT&T. The purpose of AT&T subsequently notifying neighbors within 24 hours that the application has now been submitted is to give the neighbors the opportunity now to give their input to the Land Use Department during the review of the previous process. They never got that chance. They were deprived of the required notification which was never sent to them."

Kelley Brennan said, "I'm sorry for the confusion. I believe the incorrect date is the April date. If you will look at my Footnote 19 on page 14, which says:

Although the Certified Mail Receipts are not dated, since they were generated by the Applicant's representative in its office, the Applicant has provided returned (incomplete delivery) notices for addresses for which there is a Certified Mail Receipt that shows they were mailed on September 14, 2011. Copies of those documents are included at the end of Exhibit P.

That is on page 201. It got mixed up in the shuffle. You will see on page 201, there is a return receipt dated September 14, 2011."

Mr. Dwyer said, "I just want to point out that I have all the originals with me from the file. It's true that they're not stamped, just as they are in your packet. They're not stamped by the postal service. Like I said earlier, that's not right, but that's something the postal service does. I don't do that. But, I do have all the returned envelopes from all the people who didn't get them and they, of course, have information about them being returned on September 14th, the letter is dated September 14th. I have indications of the time of the mailing and the original mailing of things, and I can submit the originals into the record if it will help, but I can't really help you with the postal service portion of that."

Chair Friedman said, "You testified of those facts. I think that's sufficient."

Virginia Miller, 125 Calle Don Jose [previously sworn], said she doesn't leave near the cell tower. She thinks the process has been flawed and she is opposed to any cell towers and antennas being located near residential areas and schools. She said she wants to register that "I cannot and will not tolerate a cell tower near my home." She understands how the woman feels who is having this tower built practically in her back yard without being notified. She said the cell tower near Capital High just appeared overnight, and people are working on that. She said this has been undermined by the 1996 Federal law which prevents all of us from bringing up health issues and environmental issues in talking about this, in terms of where a cell tower should be located. She said she believes that there is enough evidence that these are causing serious harm to people, and we need to be careful. She asked why there is a federal law that we can't talk about health and environmental issues if it is so safe. She has been reading and learning more and more about it and she is concerned. She said they are just beginning to understand that the electromagnetic activity in our body which we depend on for physical health is being interrupted by all these man made frequencies that are accumulating and building up.

Bill Bruno, Los Alamos [previously sworn] said he was assigned to Los Alamos for 20 years. Last summer he taught physics at Kansas University. The summer before that, he was asked to serve on an expert panel on the radio frequency effects on human health, hosted by the Electric Power Research Institute in Palo Also, California, which is a major funder of research in this area. He said he is not here to talk about health effects tonight, although that's being disputed in lawsuits because there is a double standard. It is the responsibility of local authorities to make sure that things are healthy, but we're not allowed to look at this one issue. The reason he thinks it's relevant is that there is a right to notification and there are questions of notifications. He said it seems clear that the head of the Neighborhood Association was caught by surprise by this application. He said if he wasn't notified, there is precedence in New Mexico everything has to go back to square one. He said if he owned a house in the area he would want notification so he could be prepared. He said he met a lot of people during his service on the expert panel, and said everyone there agreed on two things. One, is that there is something they call the microwave hearing effect that strong pulse microwaves can be heard. And the other is that microwave frequencies which are used by cell phone, using a cell phone before going to bed, will change your brain waves subsequently during the night. There is very good evidence of this now. There is good evidence of other types of effects on animals. He said it isn't considered a health hazard right now, because the changes in brain waves are still within the normal range. He said everybody had been working to this point on the assumption that the [inaudible] effect was impossible. Now that they see it's real do they need to rethink

everything they've been saying. He said the World Health Organization just list listed cell phone radiation as a possible carcinogen last year. Thank you."

Janice Simmons, 4452 Paseo del Sol [previously sworn], said she lives 1,000 feet away from the Capital High School tower which went up overnight without notification because it is on State land. This is the 3rd cell phone tower that's been build in her area. She has lived in Santa Fe for 25 years, and has a real different feeling about Santa Fe at this point. It is very unattractive to her. She doesn't appreciate cell phone towers on every block. She said Section 6-4-09 which is the Wireless Facilities Deployment Act of the Middle Class Tax Relief and Job Creation Act of 2012, was signed on February 22, 2012, and allows any corporation to allow other corporations to add onto their towers. The tower on her street is a fake pine tree which is ugly, horrible, and embarrassing how the tower stands out in her neighborhood. All the corporations will now add antennas, antennas and antennas making it more intense, uglier and more effective to human beings and children. It's right next to Capital High School.

Ms. Simmons continued, "So I'm opposed to more cell phone towers in Santa Fe." She said she used to come to "these meetings a lot," and there was such a strong feeling in the City of protecting neighborhoods and Santa Fe, and it felt really like home to here. She said now, people are bending over backwards for the telecommunications industry and will do anything. She said we're giving up the ethics of neighborhoods, and people have lived here and owned homes all their lives before the telecom industry.

Ms. Simmons continued, "If there's a gap on Cerrillos Road, big deal. Okay. There's a gap, but if we build cell phone towers every time there's a gap, you can imagine what this City is going to look like in a couple of years. Anyway, I'm totally against that tower. I'm totally against the one I'm living next to. I have also signed an appeal against that tower with the High School Principal of Sweeney Elementary and the Gonzales Community School. And the neighbors are totally against it." She said there is a huge uprising. People don't want these towers, and said let's think about the people and the town and not the industry.

The public testimony portion of the public hearing was closed

Ms. Winston said she has a question of Peter Dwyer. She said, "There has been concern here tonight, or a desire expressed for fewer towers, but then also not having multiple antennas on a single tower. Am I right. If you want fewer towers you have to mount more antennas on a single tower."

Mr. Dwyer said, "Right. Well, the City's Ordinance and again I'll defer to your own legal counsel on this, but I'm pretty familiar with it. And what it says is that co-siting is preferred and it's required to be allowed on all new facilities in the City of Santa Fe. So this pole, like any other new facility in the City would have to allow another provider to come and attach onto it. And that is, I believe, in the best interest of the community as a whole because it stops proliferation of multiple towers like you were talking about, because it requires that this pole, once built, other providers, if they wish to, could come on and co-site on it. Co-siting is the term within the industry for multiple providers going on the same facility. So that's required in the Code. It's permitted on this site, and it is generally deemed to be a good thing, unless

you're opposed to the technology as the whole, then I could see that you wouldn't see that as a good thing. As the testimony showed, there is a huge demand for telecommunication services. I'm sure that the iPod and the iPad, those things are the biggest selling devices in America. It's been a huge change in the way people conduct their lives now, so there's a huge demand for these services, and of course you have to have facilities to serve them. So yes, there probably will be more telecommunications applications made to the City for more facilities and the desire is to place them, as much as possible, on sites in C-2 Zones, existing sites to the extent possible. How that will evolve, completely remains to be seen. It's an application by application process."

Ms. Winston said concern was expressed tonight about alternate sites not being explored, and she believes Mr. Dwyer mentioned that alternate sites had been explored, and asked Mr. Dwyer to speak to that.

Mr. Dwyer said, "Sure. We looked at this site, and different sites on this site. We looked at the vacant land across the street, because one of the people at the ENN meeting said there's vacant land behind McDonald's across the street. Why don't you contact them. They had a big sign. It was for lease, the land. I called that number multiple times, tried to talk to the Realtor who's trying to lease it. They never returned my phone calls. I did return the phone call to the neighbor who had asked me to make those calls, just told her they were being non-responsive and we weren't hearing anything back from them. Honestly, putting it across the street on vacant land behind the McDonald's would have put it up against the neighborhood on the opposite site of Cerrillos Road."

Mr. Dwyer continued, "So although we tried to go into these commercial and industrial zones, you're never going to fully escape the reality, which is that that facilities will be always near to someone, and so we do our best. And we've tried to ameliorate the visual impacts and we try to limit them, but the other alternatives did not appear to be any better. The Home Depot was contacted, but they have a corporate wide policy of no. They just basically... the core business model does not include leasing to telecos for siting on them. You go through as many of the sites in the area as you can where there is commercial activity already existing. You approach them, but if they don't want to lease their land to you, that ends that right there. So you can only go where your lease is. As a matter of fact, from this site, one of the constraints was the size of the leasehold area. It restricts your design options. So you lease from the landlord, then you try to figure out well, what can we build in the leasehold area that will accommodate the technological needs, but try to mitigate the visual impacts, and those are all controlling factors in site selection."

Ms. Winston asked, "I believe a speaker spoke about the possibility of having the tower made into a flagpole. I understand that there was at one point, from reading the packet, a desire to try to put the antennas within the pole, but that would have made the diameter much larger and visually impactful. And so the antennas have moved outside."

Mr. Dwyer said, "Right."

Ms. Winston said, "I'm just wondering is the flagpole an option, given..."

Mr. Dwyer said you can do flagpole options, but what he always says when talking about a flagpole is "but please understand we're talking about a 3 foot thick flagpole." It's not going to look "skinny as a rail," it will be kind of awkward. He said from a distance it will look like a huge Navy flagpole if it's 75 feet tall and you fly a flag on it, but it's much thicker, because basically what you're doing is stacking antennas on top of each other which is not desirable in the first place. And then you're putting them inside of a sheath that's 3 feet in diameter, because the panels are about 2 feet wide, so you're putting a sheath around them and stacking them on top of each other. It's not a good design and it's not very successful. He said the City has asked them, AT&T, for the future, to look at multi-pole designs where you do multiple poles or art objects. He said this is the first application under the new Ordinance and we can and have looked at new alternatives, but this is what they developed for this site after a great deal of effort to "could you do this or could you do that." They tried a lot of different things, and putting a sheath over the antenna so it doesn't bristle and using a simple stem pole instead of a lattice tower and then painting it. This was the resolution for this case, and it could be different in the future.

Chair Friedman asked on what page is the final design located.

Mr. Dwyer said it isn't in the packet. He asked to approach with a copy of the final plan, and the Chair said that would be fine. The members of the Board inspected the final design document provided by Mr. Dwyer. [STENOGRAPHER'S NOTE: A copy of the final design was promised but was not provided for the record by Mr. Dwyer.]

Chair Friedman asked if the neighborhood has seen the final design.

Mr. Coca's said, "I have not see the final design. This is news to me."

Ms. Winston asked, "Do carriers have to pay more for low frequency band width, or are they all priced the same."

Mr. Dwyer said AT&T got into the business of wireless communications later than the other providers. The best band width was auctioned off by the FCC for billions of dollars 25 years ago, and then progressively, to balance the budget, Congress has decided to auction more and more bandwidth, and "you get what you get." He said you have to make your technology work based on what you're licensed to use, because you can't interfere with other peoples' signal. He said for 4G systems they have a high band which is much higher than the competitor in the community. He said people will sometime ask why we can't do exactly what the other provider does. And the testimony was to explain to you why, which is because we have different band width, therefore we need more height and we have more problems with things blocking the signal than other providers do. He said it is extremely technical. He said they would not build to a height higher than they need.

Ms. Hawkins said, "Despite all the back and forthing there has been about notification, what was required, what was done, what the timeframe was. I'm still quite unclear as to whether or not the neighborhood was notified as required by law or by Code."

Chair Friedman asked staff to address notification requirements and how the Applicant complied, if so.

Ms. Baer said, "There is no ENN required first of all as of the new Ordinance which was effective May 25, 2011. The application came in September 12, 2011, so no ENN was required. The first notice that's required is when the application is submitted, and that's when there's a mailing within 200 feet."

Ms. Hawkins said it says that has to be done within 24 hours, and asked if there was compliance with that provision.

Ms. Brennan said, "The notice was mailed based on the receipts furnished by the Applicant. The stamp is September 14, 2012. Well, that is not 24 hours after it provides notice to the people, and is sufficient notice. And some of the... on page 202 you'll see there is a certified mail receipt from Margaret Segura. On page 199, there is a mail receipt for Carmen Vigil, Trustee of the Carmen Vigil Trust. Part of the problem, and one of the reasons that the City has moved from certified mail receipt to first class mail, is that more people receive the notice. Very often, certified mail is not picked up and is returned within a set period of time. So we do believe notice was sufficient."

Chair Friedman said, "So when you say it was sufficient, you mean substantial."

Ms. Brennan said, "Yes. Meeting the New Mexico standard of notice."

Chair Friedman said, "Even though you're saying it wasn't within the 24 hours."

Ms. Brennan said, "It appears to have been within 48 hours, but it depends what time the application was submitted on September 12th and what time it was mailed on September 14th."

Chair Friedman said, "Once again, I'm going to stop comments from the audience. If you want to stay here, please comply with that request. Thank you."

Ms. Baer said the additional notice is the posting of the sign at the location which she believes was done within 24 hours – A sign shall be posted at the location, that such an application has been submitted.

Ms. Winston asked, "Am I correct that the standard which you alluded to is substantial compliance."

Ms. Brennan said this is correct.

Chair Friedman asked the date the application was submitted, and Ms. Baer said September 12, 2011.

Chair Friedman said the City adopted the new Ordinance prior to that in May 2011, and Ms. Baer said it was adopted on May 25, 2011.

Chair Friedman said there had been previous applications, but this was a new application.

Ms. Baer said, "Not for this site. It is the first application for this site."

Chair Friedman said, "So this was submitted, notification was sent out within 24-48 hours, is what we're saying. And then when was the neighborhood meeting. When did that occur."

Ms. Baer said, "The neighborhood meeting, which was not required was April 16, 2011, so it was prior to the submittal of the application."

Chair Friedman asked if staff received written communications from the neighborhood regarding the application after the mailings had gone out. He said, "I'm just curious as to what kind of feedback we got."

Ms. Brennan said, "On page 4, you will see an email from Mr. Coca to Mr. Dwyer, dated October 4, 2011, saying:

Hi Peter. Have you responded to the City and their concerns regarding the Baillo's cell tower. If so, can you please send me an electronic copy of your response.

So, Mr. Coca appears to have had notice, certainly within a short period of time after notice was mailed, and [inaudible] responding directly with the Applicant which is not typical. More often, people come to the City and ask to see documents. And certainly people have submitted a number of public records request documents. I can't attest whether they are in the neighborhood or not, but we regularly provide documents to Mr. Firstenberg, for instance, who looks every two weeks for these. So Tamara can talk to whether she's had direct communications from the neighbors."

Chair Friedman said that would be great.

Ms. Baer said, "Not to my recollection. I know I've spoke with Mr. Coca on several occasions, but the gist of those conversations have been procedural, in other words, when something would happen or how to submit an application. I don't remember discussing the merits of the applications ever with Mr. Coca. I did on occasion, discuss the merits with Mr. Firstenberg who was asking about the actual shroud surrounding the antennas. Because in one of the earlier drawings, it appeared there was a gap in the shroud and you could see the antennas. And actually the drawing showed the antennas behind the shroud and it was his concern it wasn't actually a shroud, it was maybe a screen that you could see through. And I assured him that wasn't the case, so we did have that conversation, but the shroud was in fact opaque and its purpose was to hide the actual antennas."

Chair Friedman said when we discuss the application which was submitted, we're talking about an application for a building.

Ms. Brennan said no.

Chair Friedman asked, "Or are we talking about an application that was previous to the building permit."

Ms. Brennan said, "The mailed notices required in relation to an application for administrative approval of the facilities and that is a prerequisite for an application for a building permit. The notice of the building permit is provided by posting."

Chair Friedman asked when that was done.

Ms. Baer said the permit was obtained on October 30, 2012, and the permit would have been posted soon thereafter. And just for the record, people post their permits sometimes a little late. We always start the appeal period running when the permit is actually posted as opposed from the date of issuance, because that's when the public has notice of the building permit issuance."

Chair Friedman asked Mr. Coca if he saw some of the various ideas for designs that had been talked about between the City and the Applicant.

Mr. Coca said no.

Chair Friedman asked Mr. Coca if he ever went to the City and asked what kinds of designs were being discussed and offer alternatives with any of the City staff.

Mr. Coca said no, because they were told at the unofficial ENN meeting that this was our choice – either a pine tree or a traditional looking antenna – those were our only options.

Mr. Maahs asked, "We were just discussing the dates of notice being sent, and I want to understand correctly that in one sentence it's supposed to be within 24 hours, but it was done with 48 hours, depending on the time of day for each event to have happened." He asked Ms. Brennan to restate this for him so he can understand it – that it met New Mexico standards.

Ms. Brennan said that is correct.

Mr. Maahs said, "And yet it states. I just want to be clear that if it states 24 hours, where is it stated that there is a New Mexico standard that different than that, so that I'm clear on that, please."

Ms. Brennan said, "That is in case law and I believe I cited to some of it in my Memo too. The New Mexico Supreme Court has found substantial compliance to be sufficient notice."

Chair Friedman said, "One of the neighbors brought up the issue of noise remediation. Can you address that, and what's going to be done. What kind of noise decibels. Is that a legitimate concern for the neighborhood, and if so, how are you going to address it."

Mr. Dwyer said, "I consider all the concerns of the neighborhood to be legitimate, so yes, it's very legitimate. What we did, thus far, and I think it was pointed out previously to the Board, is that we said we

would comply with the City's Noise Ordinance, and I did a certification which I signed myself, saying if there's any problems with landscaping or with sound or noise, we would rectify that. But that we certified that this, of course, would meet the City's sound restrictions. I'm trying to find the page where the certification is."

Ms. Brennan said it is on page 155.

Mr. Dwyer said, "We've certified that if there were we would fix them. But the truth is that I have no doubt in my mind that between the box that houses the electrical switching equipment, the wall that surrounds that box and the ambient noise from Cerrillos Road and from the surrounding properties, that this is not going to generate any noise that will be audible to the neighborhood in the area. When in the past we have looked into these things, the road noise far exceeds the noise from the equipment. So I have no doubt that we'll comply with the City Code, that we will meet all the noise requirements, and the noise is not going to be an issue."

Chair Friedman asked, "Where exactly is the tower going up in relationship to Baillio's and the lot lines that I assume are behind Baillio's."

Mr. Dwyer said, "You have to be familiar with the lot, but what it is, if you think about Cerrillos Road and then Richards tees off Cerrillos Road. So to get to Baillio's, you take the tee down Richards Avenue, and you go past the lot that's on the corner, and then you come to the Baillo's lot. As you're going in toward Baillio's, the store is on your right. It's a typical big box, parking straight in front of you. The parking straight in front of you is of course the most choice parking, it's not there. If you go further, there is additional parking past the actual structure. If you're facing Baillio's it's straight ahead of you and to the right. And it's past the store, and it's in one of the parking medians in the parking lot. It was set back from the property lines to meet the setback requirements, so it's more than 75 feet from the property lines."

Chair Friedman asked how many feet it is from the property line.

Mr. Dwyer said it is more than 100 feet from any property lines, noting there are 4 property lines and the property is not a perfect rectangle. He said, "The utilities that are located on the ground on the compound are not where the pole is. There is actually a conduit that goes under the parking lot. The utilities where the switches are located are in a compound, which is on the border of the property toward the Los Alamos Bank toward the Cerrillos Road side. That's where those are and then the conduit goes under the parking lot to the pole which is in the middle of the parking lot coming out of one of the medians in the parking lot."

Ms. Hawkins said, "I'm sorry Mr. Dwyer, I'm, still unclear. If you're standing with your back to Cerrillos Road and you're looking at Baillo's. Where is the pole."

Mr. Dwyer said, "On your left there is a parking area that goes the length of the building on your left. The early designs were changed because of the setback."

Ms. Brennan said she has some color photo simulations which will help people to locate the pole [Exhibit "6"].

Chair Friedman asked that the record reflect that Ms. Brennan is providing simulation photos of the tower for the record.

Ms. Brennan said, "For the record, the setback requirement of the Code is at least 100% of the height of the tower, which moved the tower to its present location as opposed to being on the other side of the buildings."

Chair Friedman said that is a minimum requirement which has been met by the location.

Ms. Brennan said, "It's a requirement of the Code, yes."

Ms. Winston asked staff to speak to the burden of proof in this case, or who has the burden of proof, what is the evidentiary standard.

Ms. Brennan said, "The Appellant has the burden of proof to show, and I believe I outlines the 3 bases for appeal in my Memo. The final action appealed from does not comply with Chapter 14, or the Statute; Chapter 14 has not been properly applied; and the decision appealed from is not supported by substantial evidence. So the Appellant has the burden of showing that the application does not comply with Code requirements or the Code was improperly applied to the application, or that the decision made by the City was not based upon substantial evidence.

Chair Friedman said he will give the parties the opportunity to make final comments, and asked the Appellant to go first, noting each person will have a maximum of 5 minutes to comment.

Wrap-up by Appellant

Mr. Coca thanked the Board for "bearing with us tonight." He said, "I have a couple of comments to make here, the most important one being that notice was not given within 24 hours. City staff admits to that. Peter Dwyer admits to that, and that's the letter of the law. It wasn't followed. Secondly, I'm not asking for a lot. I'm not asking for AT&T to be good corporate neighbors. I'm just asking for them to listen to us, to include us, which we have not been. Landscaping camouflaging, we were only given two options. That doesn't seem equitable."

Mr. Coca continued, "I'm here tonight trying to do the right thing for our little neighborhood, and by finding that this application is deficient will do that. That will give us the opportunity to speak with AT&T, they can get to know us, realize what we have to look at every day, and rather Marty Segura moreso than me. We walk up and down the streets. It's a neighborhood. We take pride in our neighborhood. Help us take pride in our neighborhood. It's something as simple as that. Include us, because a lot of us have lived there close to 50 years, the original owners and we were never included. Thank you very much."

Wrap-Up by Appellee

Mr. Dwyer said, "I'd just like to clarify the notice point first. If you got to page 170 of your packet, Exhibit L, you'll see that in fact, the Land Use Department considers the application date on this to be September 15th. I don't know if they enter these things the day after the application is made, or how they determine the actual formal application date, but based on my own personal appearance and recollection, I can tell you that we mailed those letters. They have certified return receipts on them, but they're not certified return receipts, they're actually done by the mailing system that was required, and they were mailed on the exact same day as the application was made. What I would conclude from page 170 of your packet, is that the letter from me with the application was written two days before the application was filed with the City. It was filed on the fourteenth. I mailed all those mailings on the fourteenth, and then the City entered it into the system on the fifteenth. So we were vigilant in our notification."

Mr. Dwyer continued, "I would point out two other issues on the notification issue. One. This appeal is not of the administrative approval. It is of the building permit. That's what's being appealed. And two, the point of notification is to give due process, to give people an opportunity to know what's going on, and to take action. And I believe that has been substantially achieved. We've been here for over two hours and they've had an opportunity to contest whether this is right or not right. I'm not sure that a notification is really a decisive issue here since we're all here tonight, so clearly there was notification. Clearly they didn't know that this was being constructed, and it has in fact been stopped. So I don't know that notification issues even would be the foremost issue in this particular case, because the real question is should it be built. We all know that there's an appeal. Here we are."

Mr. Dwyer continued, "So notification. I think it was fine. I think it was done according to hoyle. I think you'll find that that's correct."

Mr. Dwyer continued, "In terms of the site. The only reason I shared with you the 185 foot tower at the intersection of Cerrillos Road and Rodeo Road is because I wanted to show you that we're not trying to make things unpleasant for people. We're not trying to do things that are bad for the neighborhoods. We would like to be good, responsible corporate neighbors, so we try to do our designs. Jonathan who testified previously, designed the St. John's Methodist Church. If you drive by, I encourage you go there. That's the Pumpkin Church on the corner of Old Pecos Trail and Cordova Road. It's on that corner, and if you look at that site, I think you'll agree that it looks pretty good. It's basically just the logo of the church on a chimney. And that's it. Well, there is no church on this site. We couldn't integrate it into some existing architectural element, so you have to deal with what the site provides. This is a C-2 Zone site with a big parking lot. So yes, it's not as nice I'd say as the one at St. John's Methodist Church, but it's as nice as we could make it on the site. We didn't build a 185 foot lattice tower. We tried to sheath it, we tried to paint it different colors. We tried to do whatever the City staff requested of us."

Mr. Dwyer continued, "I understand the neighborhood's point which is they would like to be directly involved. And I know that there have been proposals over the years to transform the ENN process into that, a negotiation between neighborhoods and developers on projects in the early stages of the projects. But really, the whole point of ENN at present is to have a meeting, present what's being done and take feedback and comments. And then you can, if you're wise, of course you'll listen to some of that feedback

and comments, and I though we did, but obviously it wasn't satisfactory to the neighborhood. I understand that. Quite honestly, I'm not what would be satisfactory to the neighborhood. We went through an iterative process with the staff. We tried different things, saying, well would this be better, would that be better. Didn't like the Mono-Pine, I understand. There's no other trees there. Fine, not a Mono-Pine. That was what was in your packet, that was what was originally proposed. It evolved from there. Can you do three poles. No, we don't have room for 3 poles. Can you do one pole and make it uniform. We can, but it will be 3 feet wide and it will be taller and it probably won't accommodate co-siting. Okay, then you can do one pole, but it has to be colored properly and it has to be sheathed. That's the process that fundamentally we went through and it's not perfect."

Mr. Dwyer continued, "I don't think there's going to come a point in time when the staff is going to be able to invite in the community to every administrative approval here, because I don't even know you would want do that. How you would invite people to an administrative approval, because fundamentally what they're trying to do is enforce the Code requirements. And if you deny this appeal, you would be supporting the staff and their decision that the Code requirements through this process have been met. "

Mr. Dwyer continued, "So I would encourage you to deny the appeal and say we understand that there are concerns and the design is an iterative process and difficult and challenging, but we also understand that if you met the Code requirements. If you've gone through the process, if you've met with the staff, if you've done multiple iterations, if you've made multiple attempts and this is the best you can come up with, at some point, that's the best you can come up with and it should be approved. It's a needed service. Believe me, this is a service that nobody in this country, well very few people in this country are willing to live without nowadays. Thank you."

Ms. Winston expressed appreciation to the Appellant and the Appellee for their presentations, and said she shares the neighbors' concerns about esthetics, as well as that this is the first time she really understood the restrictions that certain towers face based on band width in terms of diameter and height and number of towers. These were two very excellent presentations.

Chair Friedman thanked everyone for their attendance, and courtesy and cooperating during the hearing. He said he realizes these are difficult issues for residents and neighbors, especially when you've lived in a neighborhood for so many years, and an expectation of what you will see every dat and expect to see in the future.

MOTION: Rachel Winston moved, seconded by Patricia Hawkins, with respect to Case #2012-13, Appeal. Steven Coca, on behalf of the Southwest Bellamah Neighborhood Association, appeals the issuance of Building Permit #12-1902 for construction of a new telecommunications tower at 3294 Cerrillos Road (Baillio's), to deny the appeal on the basis that the Appellant has failed to meet its burden of proof with respect to each of its seven claims, that the Land Use Director's issuance of the permit complied with Chapter 14 requirements, that Chapter 14 was properly applied and that the issuance of the permit was supported by substantial evidence.

VOTE: The motion was approved unanimously on a voice vote.

H. STAFF COMMUNICATIONS

Ms. Baer said she distributed the most recent meeting schedule for 2013, noting the Board will be meeting on the first Tuesday of the month, and the next meeting will be February 5, 2013, at 6:00 p.m., in the Council Chambers.

I. MATTERS FROM THE COMMISSION

Chair Friedman thanked the members of the Board for "your very perceptive and insightful questions and discussion." He said the Board did a fine job this evening.

J. ADJOURNMENT

There was no further business to come before the Board.

MOTION: Rachel Winston moved, seconded by Patricia Hawkins, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at

approximately 8:30 p.m.

Gary Friedman, Chair

Melessia Helberg, Stenographer

City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law

Case No. 2012-51 — Appeal of Construction Permit #12-338 1240 Camino Cruz Blanca Fence Appellants — Kurt Gilbert and Elicia Montoya Appellees — James and Jennifer Day

THIS MATTER came before the Board of Adjustment (<u>Board</u>) for hearing on December 18, 2012 (the <u>Hearing</u>), upon the appeal (<u>Appeal</u>) of Kurt Gilbert and Elicia Montoya (<u>Appellants</u>) of the issuance by the City of Santa Fe (<u>City</u>) Land Use Department Director (<u>Director</u>) of construction permit #12-338 (<u>Permit</u>) to James and Jennifer Day (<u>Applicants</u>) to construct a fence at 1240 Camino Cruz Blanca (<u>Lot 2</u>). The Permit was issued on April 20, 2012 and the appeal was filed on April 25, 2012.

The record on the Appeal (Record) includes the following documents:

- 1. The Verified Appeal Petition (<u>Petition</u>) filed on April 25, 2012;
- The Memorandum to Board Members from Kelley Brennan, Assistant City Attorney, via Geno Zamora, City Attorney, regarding Case No. 2012-51, Appeal of Construction Permit No 12-338, 1240 Camino Cruz Blanca Fence, dated November 13, 2012 for the November 20, 2012 Meeting of the Board, with Exhibits A through C;
- 3. Letter to the Board from John F. McCarthy, Jr., Cuddy & McCarthy, regarding Case No. 2012-51 and Case No. 2012-99, dated December 14, 2012, submitted for the Record at the Hearing;
- 4. Slides from a Power Point presentation made to the Board at the Hearing and submitted in writing for the Record after the Hearing; and
- 5. The relevant portion of the minutes of the December 18, 2012 Board meeting.

After conducting a public hearing and having reviewed the Record and heard from the Appellants, the Applicants, City staff and members of the public interested in the matter, the Board hereby FINDS, as follows:

FINDINGS OF FACT

- 1 The Board heard reports from staff and received testimony and evidence from the Appellants, the Applicants and members of the public interested in the matter.
- 2. The Board has authority under Santa Fe City Code (SFCC) §14-2.4(C)(1) "[t]o hear appeals of final actions of the [Director] applying the provisions of [Chapter 14]..."
- 3. Under SFCC §14-3.17(A)(1)(c), "[f]inal actions of the [Director] include the written issuance or denial of a permit or other approval within the [Director's] jurisdiction."
- 4. The issuance of the Permit constituted a final action of the Director subject to appeal to the Board.

Esthibit "1"

- 5. SFCC §14-3.17(A)(2) provides for the filing of an appeal "[t]o contest noncompliance of a final action with Chapter 14 or §§3-21-1 through 3-21-14 NMSA 1978; ..[t]o contest the application of Chapter 14; or to appeal a decision lacking substantial evidence to support it."
- 6. SFCC §14-3.17(H)(4) provides that the Appellants have the burden of proving that the issuance of the Permit did not comply with Chapter 14 requirements; that Chapter 14 requirements were improperly applied in the issuance of the Permit; or that the issuance of the Permit was not supported by substantial evidence.
- 7. The Permit allows the construction of a 6-foot high coyote fence within Lot 2, which is shown on a plat of survey entitled "Lot Split Plat of Survey Prepared for Stewart L. Udall of Lands within the Santa Fe Grant, City of Santa Fe, Santa Fe County, New Mexico", prepared by Richard E. Smith for Smith Williamson & Associates and dated during the month of February 1990 and approved by the City's Development Review Committee, now known as the Planning Commission, at its meeting on July 12, 1990 and recorded on July 23, 1990 in plat book 212, page 019 in the records of Santa Fe County (Plat).
- 8. The Plat shows 4 lots identified as Lots 1 through 4. Lot 2 shares a common boundary with Lot 4 to the south (Lot 4), which is owned by the Appellants.
- 9. The southern portion of Lot 2 is labeled on the Plat "Building Restricted Area". There are no other notations on the Plat relating to the Building Restricted Area.
- 10. The Director does not issue construction permits for work that would obstruct or otherwise interfere with rights that are unambiguously shown on a recorded plat or other document that was reviewed and approved by the City prior to recordation, e.g., the Director will not issue a construction permit for a wall that would block an access easement shown on a recorded plat approved by the City.
- 11. The word "Building" as used on the Plat can be interpreted to mean either a thing, e.g., a house, or a process, e.g., constructing a bridge. Thus the words "Building Restricted Area" could mean either "no buildings may be constructed in this area" or "no construction may take place in this area". As a result, the meaning of the words "Building Restricted Area" cannot be determined without reference to sources outside the Plat.
- 12. The Director consulted the definition of "building" contained in SFCC §14-12.1 to determine the meaning of the word "building", and finding that the word encompassed only structures "covered and connected by a permanent roof", concluded that the Fence was not a building and issued the Permit.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Commission CONCLUDES as follows:

- 1. The Board has the power and authority to hear and decide the Appeal.
- 2. The words "Building Restricted Area" shown on the southern portion of Lot 2 on the Plat are ambiguous in that they may permit or prohibit the construction of the Fence within that area.
- 3. Neither the Director nor the Board has the authority to interpret the meaning of the words "Building Restricted Area" as shown on the Plat by reference to sources outside the Plat, except the SFCC or records of the City that are contemporaneous with the Plat and that unequivocally demonstrate that the City has an interest either in permitting or in prohibiting construction in such area.

Case No. 2012-51 Appeal of Construction Permit #12-338 Page 3 of 3

- 4. The Fence is not a building within the meaning of SFCC §14-12.1.
- 5. None of the records of the City contemporaneous with the Plat introduced by the Appellants at the Hearing unequivocally indicated that the City has an interest either in permitting or in prohibiting construction in the "Building Restricted Area".
- 6. The Appellants have not met their burden of proof.

WHEREFORE, IT IS ORDERED O BOARD OF ADJUSTMENT OF TH	OF JANUARY 2013 BY THE ANTA FE:		
That the Appeal is denied.			
Gary Friedman Chair	Date:		
FILED WITH THE CITY CLERK:			

Date:

Yolanda Y Vigil City Clerk

APPROVED AS TO FORM:

Kelley Brennan Assistant City Attorney Date:

City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law

Case No. 2012-99 — Appeal of Construction Permit #12-1337 1240 Camino Cruz Blanca Gates Appellants — Kurt Gilbert and Elicia Montoya Appellees — James and Jennifer Day

THIS MATTER came before the Board of Adjustment (<u>Board</u>) for hearing on December 18, 2012 (the <u>Hearing</u>), upon the appeal (<u>Appeal</u>) of Kurt Gilbert and Elicia Montoya (<u>Appellants</u>) of the issuance by the City of Santa Fe (<u>City</u>) Land Use Department Director (<u>Director</u>) of construction permit #12-1337 (<u>Permit</u>) to James and Jennifer Day (<u>Applicants</u>) to construct two gates at 1240 Camino Cruz Blanca (<u>Lot 2</u>). The Permit was issued on July 18, 2012 and was revised on August 1, 2012. The Appeal was filed on August 2, 2012.

The record on the Appeal (Record) includes the following documents:

- 1. The Verified Appeal Petition (Petition) filed on August 2, 2012;
- 2. The Memorandum to Board Members from Kelley Brennan, Assistant City Attorney, via Geno Zamora, City Attorney, regarding Case No. 2012-99, Appeal of Construction Permit No 12-1337, 1240 Camino Cruz Blanca Gates, dated November 13, 2012 for the November 20, 2012 Meeting of the Board, with Exhibits A through C;
- 3. Letter to the Board from John F. McCarthy, Jr., Cuddy & McCarthy, regarding Case No. 2012-51 and Case No. 2012-99, dated December 14, 2012, submitted for the Record at the Hearing;
- 4. Slides from a Power Point presentation made to the Board at the Hearing and submitted in writing for the Record after the Hearing; and
- 5. The relevant portion of the minutes of the December 18, 2012 Board meeting.

After conducting a public hearing and having reviewed the Record and heard from the Appellants, the Applicants, City staff and members of the public interested in the matter, the Board hereby FINDS, as follows:

FINDINGS OF FACT

- 1 The Board heard reports from staff and received testimony and evidence from the Appellants, the Applicants and members of the public interested in the matter.
- 2. The Board has authority under Santa Fe City Code (SFCC) §14-2.4(C)(1) "[t]o hear appeals of final actions of the [Director] applying the provisions of [Chapter 14]..."
- 3. Under SFCC §14-3.17(A)(1)(c), "[f]inal actions of the [Director] include the written issuance or denial of a permit or other approval within the [Director's] jurisdiction."
- 4. The issuance of the Permit constituted a final action of the Director subject to appeal to the Board.

- 5. SFCC §14-3.17(A)(2) provides for the filing of an appeal "[t]o contest noncompliance of a final action with Chapter 14 or §§3-21-1 through 3-21-14 NMSA 1978;...[t]o contest the application of Chapter 14; or to appeal a decision lacking substantial evidence to support it."
- 6. SFCC §14-3.17(H)(4) provides that the Appellants have the burden of proving that the issuance of the Permit did not comply with Chapter 14 requirements; that Chapter 14 requirements were improperly applied in the issuance of the Permit; or that the issuance of the Permit was not supported by substantial evidence.
- 7. Lot 2 is shown with three other lots identified respectively as Lot 1, Lot 3 and Lot 4 on a plat of survey entitled "Lot Split Plat of Survey Prepared for Stewart L. Udall of Lands within the Santa Fe Grant, City of Santa Fe, Santa Fe County, New Mexico", prepared by Richard E. Smith for Smith Williamson & Associates and dated during the month of February 1990 and approved by the City's Development Review Committee, now known as the Planning Commission, at its meeting on July 12, 1990 and recorded on July 23, 1990 in plat book 212, page 019 in the records of Santa Fe County (the Plat).
- 8. Lot 2 shares a common boundary with Lot 4 to the south. Lot 4 is owned by the Appellants and is accessed via a driveway easement that enters Lot 2 at the northeast corner and passes through Lot 2 and Lot 1 to the boundary between Lot 1 and Lot 4 (the <u>Relocated Easement</u>).
- 9. Access to Lot 4 was originally across an asphalt driveway also serving the existing residence on Lot 2 and passed through Lot 2 and Lot 1 to the boundary between Lot 1 and Lot 4 (the <u>Original Easement</u>).
- 10. Both the Original Easement and the Relocated Easement benefit Lot 4 and burden Lot 2 and Lot 1.
- 11. The Permit allows the construction of two gates (the <u>Gates</u>) parallel to Camino Cruz Blanca on Lot 2, one across the Original Easement and the second across the Relocated Easement.
- 12. The Director does not issue construction permits for work that would obstruct or otherwise unreasonably interfere with rights that are unambiguously shown on a recorded plat or other document that was reviewed and approved by the City prior to recordation, e.g., the Director will not issue a construction permit for a wall that would block an access easement shown on a recorded plat approved by the City.
- 13. The Director did not believe that the Gates would obstruct or unreasonably interfere with the Appellants' access to Lot 4 and therefore issued the Permit.
- 14. Construction of the Gates in accordance with the Permits would unreasonably interfere with the Appellants' access to Lot 4, in that they would be forced to exit the car to open and close the Gates; while they did so, the car would stand on Camino Cruz Blanca and would be at risk of accident; if one of the Appellants was traveling with a child in the car, they would be required to take the child out of the car with them, in order to prevent potential injury to the child in the event of accident; elderly parents and guests would be forced to exit their cars to open and close the Gates, with the same risks; and in the event of inclement weather, the inconvenience and risk of accident and injury would be exacerbated.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Commission CONCLUDES as follows:

1. The Board has the power and authority to hear and decide the Appeal.

Case No. 2012-99 Appeal of Construction Permit #12-1337 Page 3 of 3

- 2. Construction of the Gates would unreasonably interfere with the Appellants' access to Lot 4.
- 3. The Appellants have met their burden of proof.

WHEREFORE, IT IS ORDERED ON THE _____ OF JANUARY 2013 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:

- 1. That the Appeal is granted.
- 2. That the Director revoke the Permit based upon the foregoing Findings of Fact and Conclusions of Law.

O. P. I	
Gary Friedman Chair	Date:
Citali	
FILED WITH THE CITY CLERK:	
Yolanda Y Vigil	Date:
City Clerk	Date.
APPROVED AS TO FORM:	
Kelley Brennan	Date:
Assistant City Attorney	Date.

City of Santa Fe Board of Adjustment Findings of Fact and Conclusions of Law

Case #2012-93 – 994 Old Pecos Trail Special Use Permit Owner/Applicant – Mark A. Hogan

THIS MATTER came before the Board of Adjustment (<u>Board</u>) for hearing on December 18, 2012 (<u>Hearing</u>) upon the application (<u>Application</u>) of Mark Hogan (<u>Applicant</u>).

The Applicant seeks a special use permit for an office use at 994 Old Pecos Trail (<u>Property</u>) for the time that the Applicant owns the Property. The Property is zoned RAC (Residential Arts and Crafts).

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 Applicant and members of the public interested in the matter.
- 2. Pursuant to Code §14-2.4(C)(2) the Board has the authority to hear and decide applications for special use permits as provided in Santa Fe City Code (Code).
- 3. Pursuant to Code §14-3.6(B) the Board has the authority to hear and decide applications for special use permits in accordance with applicable provisions of Code Chapter 14; to decide questions that are involved in determining whether special use permits should be granted; and to grant special use permits with such conditions and safeguards as appropriate under Code Chapter 14; or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
- 4. Pursuant to Code §14-6.1(C) Table 14-6.1-1, entitled "Table of Permitted Uses", business and professional offices excluding medical, dental and financial services are permitted uses in RAC districts if reviewed and approved as special use permits in accordance with the review procedures of §14-3.6.
- 5. The Property is located in an RAC district.
- 6. Code Section 14-3.6(C) sets out the procedures to be followed prior to the grant by the Board of a special use permit, including:
 - (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [Section 14-3.6(C)(1)];
 - (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [Section 14-3.6(C)(2)]; and
 - (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [Section 14-3.6(C)(3)].

- 7. Code Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit, including:
 - (a) That the Board has the authority to grant a special use permit for the Project [Section 14-3.6(D)(1)(a)];
 - (b) That granting a special use permit for the Project does not adversely affect the public interest [Section 14-3.6(D)(1)(a)]; and
 - (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [Section 14-3.6(D)(1)(c)].
- 8. Code Section 14-3.6(D)(2) authorizes the Board to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
- 9. Code Section 14-3.1(F)(2)(a)(viii) requires an ENN for special use permits and Code Section 14-3.1(F)(4)-(6) establishes procedures for the ENN, including:
 - (a) Compliance with the notice requirements of Code Section 14-3.1(H) [Section 14-3.1(F)(4)];
 - (b) Timing for the ENN meeting and the principles underlying its conduct [Section 14-3.1(F)(5)]; and
 - (c) Guidelines for the conduct of the ENN meeting [Section 14-3.1(F)(6)].
- 10. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
- 11. An ENN meeting was held at 5:30 p.m. on October 2, 2012 at the Unitarian Universalist Church at 107 West Barcelona Road.
- 12. The ENN meeting was attended by the Applicant, City staff, and other interested parties, and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6).
- 13. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
- 14. Board staff provided the Board with a report dated December 11, 2012 for the December 18, 2012 Board Meeting (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).
- 15. Granting the special use permit for the Project will not adversely affect the public interest in that the Property has been used continuously since 2006 for an office as a City-approved Home Occupation and the special use permit is only required to continue the existing office use because the Applicant no longer resides at the Property and thus the office use no longer qualifies as a Home Occupation; the office use will not result in any material change to the Property; existing parking and ingress and egress is sufficient to serve the office use; and the use will be permitted only for the period that the Applicant owns the Property.
- 16. The office use is compatible with and adaptable to adjacent properties and to other properties in the vicinity in that it is a continuation of a long-term existing use and will not result in any material changes to the Property.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Commission CONCLUDES as follows:

Case #2012-121 – 994 Old Pecos Trail Special Use Permit Page 3 of 3

- 1. The Board has the power and authority under Code §§14-2.4(C)(2) and 14-3.6(B) and Code §14-6.1(C) Table 14-6.1-1 to grant the special use permit applied for.
- 2. The special use permit was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
- 3. The ENN meeting complied with the requirements established under the Code.
- 4. The granting of the special use permit will not adversely affect the public interest.
- 5. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
- 6. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Board under a new or amended special use permit or as otherwise permitted by applicable Code.

WHEREFORE, IT IS ORDERED ON THE _____ OF OCTOBER 2012 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:

- 1. That the special use permit for a business and professional office use excluding medical, dental and financial services is approved, subject to the Conditions.
- 2. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of one hundred eighty (180) days.

Gary Friedman Chair	Date:		
FILED WITH THE CITY CLERK:			
Yolanda Y Vigil City Clerk	Date:		
APPROVED AS TO FORM:			
Kelley Brennan	Date:		
Assistant City Attorney			

Cityof Santa Fe, New Mexico Memory Cityof Santa Fe, New Mexico

DATE:

January 02, 2012 for the January 14, 2013 Board of Adjustment Meeting

TO:

Board of Adjustment

VIA:

Matthew S. O'Reilly, P.E., Director, Land Use Department

Tamara Baer, Planner Manager, Current Planning Division

FROM:

Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

ASHLEY FURNITURE SIGN VARIANCE

Case #2012-126. Ashley Furniture Sign Variance. Liaison Planning, Agent for Bill Johnson, Owner, requests a variance to Article 14-8-10(G)(8)(a)(d) and (e) SFCC regarding size, height, and setback to allow signage for a new retail establishment. The property is zoned General Commercial (C-2/PUD) and is located on the east side of Cerrillos Road, north of the Santa Fe Auto Park. (Dan Esquibel, Case Manager)

RECOMMENDATIONS

The Applicant is requesting postponement of this case to the February 05, 2013 Board of Adjustment meeting. (Reference Exhibit A)

Ashley Furniture Sign Variance – Board of Adjustment: January 14, 2013

BOA 1/14/12 Superior 1/2"

Page 1 of 1

SS001.PM5 - 7/95

ESQUIBEL, DANIEL A.

From:

Dolores Vigil liaisonplanning@gmail.com>

Sent:

Wednesday, January 02, 2013 1:01 PM

To:

ESQUIBEL, DANIEL A.

Cc:

Bill Johnston; JDreskin@studioswarch.com; Jeff Seres

Subject:

Ashley Sign Variance

Hello Dan,

I'm concerned that all of the parties required to make a final decision on the sign design are not available at this time. This is a very important factor to the applicant. I would like to postpone our hearing until February, in order to finalize the revised application.

Thank you for all your assistance. Please contact me if you have any questions.

Dolores I Vigil

Liaison Planning Services Inc.

P.O. Box 1835

Santa Fe, NM 87504

505.920.6839



BOA 1/14/12 Page 2 of 204



City of Santa Fe, New Mexico

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

David Coss, Mayor

Councilors:

Rebecca Wurzburger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Board of Adjustment (Board)

From: Kelley Brennan

Assistant City Attorney

Via: Geno Zamora

City Attorney

Re: Appeal of Steven Coca, President

Southwest Bellamah Neighborhood Association

from the October 30, 2012 Issuance of Construction Permit #12-1902 for a Telecommunications Tower at Baillo's, 3294 Cerrillos Road

Case No. 2012-133

Date: January 4, 2012 for the January 14, 2013 Meeting of the Board of Adjustment

The Appeal

On November 13, 2012 Steven Coca, President of the Southwest Bellamah Neighborhood Association (Appellant) filed a Verified Appeal Petition (Petition) appealing the October 30, 2012 issuance of Construction Permit #12-1902 (Permit) for construction of a 75-foot high telecommunications tower carrying 12 antennas and related equipment (Project) at Baillo's at 3294 Cerrillos Road (Property) by a contractor for AT&T (Applicant). A copy of the Petition is attached as Exhibit A. The Property is set back from Cerrillos Road behind Walgreens and the Del Norte Credit Union on the northwest and is bounded by Richards Avenue on the southwest and is zoned C-2 (General Commercial).

¹ It appears that Mr. Coca is appealing as President of the Southwest Bellamah Neighborhood Association (<u>Association</u>) rather than individually, although there is no indication that the appeal was authorized by the Association's members; however, Mr. Coca may be appealing individually.

History of the Case

The Permit was issued after the Land Use Department (<u>LUD</u>) Director approved the Project administratively (the <u>Project Approval</u>) in accordance with Santa Fe City Code (<u>SFCC</u>) §14-6.2(E)(3)(a)(iii) which permits the LUD Director to review and approve applications for "new towers or antennas in C-2...districts".

A "tower" is defined in SFCC §14-12.1 as "...any structure that is designed and constructed primarily for the purpose of supporting one or more antennas used for telecommunications services, including self-supporting lattice towers, guyed towers, or monopole towers...." The Project as initially applied for included construction of a new 75-foot high "monopine" to support twelve antennas and the installation of equipment at grade screened by a wall. Because the Project is for a new telecommunications tower and antennas in a C-2 district, administrative approval in accordance with SFCC §14-6.2(E)(3)(a)(iii) was appropriate.

The administrative review process was extended and comprehensive, and included a number of meetings between the Applicant and LUD and City Attorney's Office (CAO) staff, as well as at least two telephone discussions with the Applicant's technical consultants relating to the design of the monopole. Both the Applicant and City staff acknowledged that because the Application was the first under the City's amended³ Telecommunications Facilities ordinance, SFCC §14-6.2(E), (the Ordinance), the review process was likely to be a learning experience for the Applicant and City staff. A chronology follows:

October 25, 2010

Although the Applicant was not required to conduct an Early Neighborhood Notification (ENN) meeting for the Project under the Ordinance in effect on the date the Application was filed, the Project was addressed at an informational meeting held by the Applicant on October 25, 2010.

September 12, 2011

The Applicant filed its application (<u>Application</u>) for administrative approval for the Project. A copy of the Application is attached as **Exhibit B**.

September 20, 2011

The LUD Director responded to the Applicant identifying thirteen deficiencies (each, a <u>Deficiency</u>, collectively, the <u>Deficiencies</u>) in the Application (the <u>9/20 City Memo</u>). A copy of the <u>9/20 City Memo</u> is attached as **Exhibit C**.

October 3, 2011

The Applicant responded by e-mail to the 9/20 Memo, attaching a letter dated September 27, 2011 (the 10/3 Applicant Response), addressing

² A monopine is a monopole camouflaged to look like a pine tree.

³ SFCC §14-6.2 (E) was amended by Ordinance No. 2011-16 on May 25, 2011, which repealed and replaced the former ordinance.

	some of the Deficiencies and disputing others. A copy of the 10/3 Applicant Response is attached as Exhibit D .
November 9, 2011	The LUD Director replied to the 10/3 Applicant Response (the 11/9 City Reply) answering some of the questions raised by the 10/3 Applicant Response and clarifying the nature and extent of the information sought by the City pursuant to the Ordinance. A copy of the 11/9 City Reply is attached as Exhibit E .
May 11, 2012	The Applicant responded to the 11/9 City Reply (the <u>5/11 Applicant</u> Response) with additional information as requested. A copy of the 5/11 Applicant Response is attached as Exhibit F .
May 15, 2012	The Applicant submitted supplementary information in follow up to the 5/11 Applicant Response (the <u>Supplementary Information</u>). A copy of the Supplementary Information is attached as Exhibit G .
May 22, 2012	Having rejected the monopine design as inappropriate for the Property, City staff advised the Applicant by e-mail (the 5/22 City Email) that the proposed monopole design (with externally mounted antennas) was not satisfactory and provided an additional example of a preferred design. A copy of the 5/22 City Email is attached as Exhibit H.
May 23, 2012	The Applicant responded by e-mail (the <u>5/23 Applicant Email</u>) to the 5/22 City Email disputing the reasonableness of the City's request for design alternatives to the monopole with externally-mounted antennas. A copy of the 5/23 Applicant Email is attached as Exhibit I .
May 31, 2012	The LUD Director wrote to the Applicant (the <u>5/31 City Letter</u>) to advise that there were two issues remaining to be addressed, the monopole design and proposed lighting. A copy of the 5/31 City Letter is attached as Exhibit J .
August 1, 2012	The LUD Director wrote to the Applicant administratively approving the Project (the <u>Approval</u>). A copy of the Approval is attached as Exhibit K .
October 30, 2012	The Permit issued. A copy of the Permit is attached as Exhibit L.
Basis of Appeal	

The Appellant cites the following bases for appeal:

1. The Project does not comply with a stated purpose of the Ordinance set out in SFCC §14-6.2(E)(1)(d)(ii) because it does not minimize adverse land use impacts of towers and antennas by requiring collocation of antennas, minimizing new tower sites, and encouraging

Appeal from Issuance of Construction Permit #12-1902 Baillio's Tower and Antennas (AT&T) Page 4 of 12

- the use of minimally visually intrusive technology to the maximum extent technically feasible (Claim 1).
- 2. The Project does not minimize the visual impact upon adjacent lands, public rights-of-way and residentially zoned property in accordance with the criteria set out in SFCC §14-6.2(E)(5)(c)(ii) (Claim 2).
- 3. The Applicant did not provide sufficient information for the LUD to assess the feasibility of alternative antenna configurations at the proposed site (the <u>Site</u>) and in the vicinity that might result in less visual impact in accordance with SFCC §14-6.2(E)(6)(b)(viii) requirements (Claim 3).
- 4. The Applicant did not provide sufficient information for the LUD to assess the feasibility of alternative sites to the Site, including the potential for collocation in accordance with SFCC §14-6.2(E)(6)(b)(vii) requirements (Claim 4).
- 5. The Applicant did not minimize noise as required by SFCC §14-6.2(E)(5)(g) by choosing a site further from residences (Claim 5).
- 6. The Applicant did not properly post the Permit as required by SFCC §14-3.11 (Claim 6).
- 7. The Applicant did not properly notify either property owners and addresses within 200 feet of the Site or the Southwest Bellamah Neighborhood Association as required by SFCC §14-6.2(E)(10)(a)(i) (Claim 7).

Discussion

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

- (1) the final action appealed from does not comply with SFCC Chapter 14 (<u>Chapter 14</u>) or §§3-21-1 through 3-21-14 NMSA⁴ (the <u>Statute</u>);
- (2) Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence⁵.

Pursuant to SFCC §14-3.17(I)(4), the Appellant has the burden of proving the validity of his claim. That is, in order to prevail, the Appellant must show that the issuance of the Permit was erroneous in at least one of the foregoing three ways. Unsupported statements are not sufficient. For the reasons set out in the responses to the individual claims below, the City Attorney's Office does not believe that the Appellant has met its burden of proof.

The purposes of the Ordinance set out in SFCC §14-6.2(E)(1) include, generally, compliance with state and federal laws relating to the provision of telecommunications services; regulatory

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. ..."
⁵ A ruling by an administrative agency is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in light of the whole record. *Rio Grande Chapter of Sierra Club v. New Mexico Mining Com'n.*, 133 N.M. 97, 61 P. 3d 806 (2002) There must be a rational connection between the facts found and the choices made, taking into account all relevant factors. *Atlixco Coalition v. Maggiore*, 125 N.M. 786, 965 P.2d 360 (1998). The decision must be supported by substantial evidence. Substantial evidence supporting administrative agency action is relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Dick v. City of Portales*, 118 N.M. 541, 883 P. 2d 127 (1994).

Appeal from Issuance of Construction Permit #12-1902 Baillio's Tower and Antennas (AT&T) Page 5 of 12

certainty; minimization of adverse land use impacts of towers and antennas by encouraging their location in nonresidential districts to preserve the character of Santa Fe neighborhoods; requiring collocation and the use of minimally visually intrusive technology; requiring careful design, siting, landscape screening and camouflaging techniques, including tower alternatives; and enhancing the ability of telecommunications providers to provide services to the community quickly, effectively and efficiently.

Claim 1. The Project does not comply with a stated purpose of the Ordinance set out in SFCC §14-6.2(E)(1)(d)(i) and (ii) because it does not minimize adverse land use impacts of towers and antennas by requiring collocation of antennas, minimizing new tower sites, and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible.

Response: SFCC §14-6.2(E)(1)(a) through (e) state the purposes of the Ordinance. As such the section outlines generally the goals of the Ordinance, rather than creates standards to be applied in evaluating applications. Those standards are set out elsewhere, including in SFCC §14-6.2(E)(5) and (6) and will be discussed in more detail below. Pursuant to SFCC §14-6.2(E)(12), the LUD Director "...has the authority to interpret [the Ordinance] in accordance with its purposes and shall administer and enforce its provisions." Thus the Ordinance's purpose provisions are intended to assist in interpretation of its standards, rather than to operate as standards themselves.

In addition, SFCC §14-6.2(E)(1)(d) is only one of five stated purpose provisions. Other Ordinance purposes include "[compliance] with applicable state and federal laws and regulations regarding the provisions of telecommunications services" [SFCC §14-6.2(E)(1)(a)] and "[enhancing] the ability of telecommunications providers to provide telecommunications services to the community quickly, effectively and efficiently." [SFCC §14-6.2(E)(1)(e)]

One of the federal laws the City must comply with in administering the Ordinance is the Telecommunications Act of 1996 (TCA), which specifically bars state or local regulations that prohibit or have the effect of prohibiting the ability of an entity to provide interstate or intrastate telecommunications services [See 47 U.S.C. 253(a)]. The TCA also prohibits the City from regulating the placement, construction and modification of telecommunications facilities on the basis of the environmental (including health) effects of radio frequency emissions (RFEs) to the extent the facilities comply with applicable FCC emissions regulations [See 47 U.S.C. §332(c)(7)(B)(iv)]. Finally, the TCA requires the City to act on applications "...to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed..." [See 47 U.S.C. §232(c)(3)(B)(7)(ii)] The FCC has interpreted a "reasonable period of time" to mean 90 days for collocation applications and 150 days for applications for new facilities.

⁶ Personal wireless services generally include wireless telecommunications services that are interconnected with the public telephone network and are offered commercially to the public. Examples include cellular and similar services, such as Personal Communications Service (PCS) and paging services, dispatch services and services that use wireless technology to provide telephone service to a fixed location such as a home or office.

Thus the City, in reviewing tower and antenna applications, must find a balance between reducing land use and visual impacts as much as possible while facilitating the ability of providers to meet the telecommunications needs of the community, all without discriminating among providers and within fixed time limits. The balance is achieved by applying the standards set out in the Ordinance. For example, SFCC §14-6.2(E)(5)(a) requires that telecommunications facilities be sited (1) on existing structures, (2) in nonresidential districts and (3) in C-2, I-1 and I-2 districts, to the maximum extent technically feasible.

Technical feasibility is thus a critical factor. For example, since wireless telecommunications rely on line-of-sight technology, it is not technically feasible to install them underground, as might otherwise be required by SFCC §14-6.2(E)(5)(c)(i)⁷. And while some related equipment might be susceptible to undergrounding, the cost compared to installing it above ground may be so high as to become prohibitive in violation of the TCA⁸. In addition, line-of-sight technology requires an unobstructed path from antenna to user. Thus height must exceed the highest structural and topographical features in the vicinity. Height is also critical in maximizing service coverage. For example, the Applicant submitted as part of the Application a 35-foot⁹ and a 71-foot coverage map, attached as Exhibit M and Exhibit N respectively. Comparing the two, it is easy to see that the 71-foot mount provides significantly greater coverage. As a result, fewer towers are needed to serve the larger area. Thus permitting a higher tower minimizes new tower sites while enhancing the provision of telecommunications services to the community.

The Project tower is 75 feet high in a C-2 district where the Ordinance permits towers as high as 100 feet [SFCC §14-6.2(E)(5)(b)]¹⁰. The Applicant addressed height in the Application, noting the C-2 zoning and the 100-foot permitted height and its efforts to mitigate visual impact as much as possible while maximizing coverage by building to only 75 feet. The Applicant also noted that in order to comply with the setback and separation distance requirements of SFCC §14-6.2(E)(5)(k)¹¹, the Project tower could not be sited further from adjacent residential properties. Nevertheless the City sought additional information relating to the proposed tower height in the 9/20 City Memo¹². In its 10/3 Applicant Response, the Applicant expanded on the information contained in the Application. In the 11/9 City Reply the City continued to press for additional information relating to height. The 5/11 Applicant Response included radio frequency (RF) propagation maps showing the relationship between tower height and coverage and with the 5/11 City Letter, the City advised the Applicant that the information indicated that the tower height was warranted.

¹² See 9/20 City Memo, Deficiency 12.

^{7&}quot;...telecommunications facilities shall be installed underground to the maximum extent technically feasible..."

⁸ In Qwest's 2000 lawsuit against the City, Qwest prevailed by arguing that the increase in fees under the City's 1998 telecommunications facilities ordinance was so "massive" that it effectively prohibited the provision of telecommunications services in the City in violation of the TCA.

⁹ The given height is at the center of the antennas, which are eight feet high; tower height is thus approximately four feet higher.

^{10 &}quot;...in C-2, I-1 and I-2 districts the height limit of telecommunications facilities shall be one hundred feet."

[&]quot;All towers shall be set back a distance equal to at least one hundred percent of the height of the tower from any adjoining lot line, measured from the base of the tower..."

In addition, the technical feasibility of siting the Project antennas on an existing structure (collocation) was the subject of extended discussion between the Applicant and LUD staff. In fact, LUD staff identified as Deficiency 2 in the 9/20 City Memo the Applicant's failure to explain why it was not locating the tower and/or antennas on an existing structure. The issue was addressed by the Applicant in the 10/3 Applicant Response and the 5/11 Applicant Response and by the City in the 11/9 City Reply and the 5/31 City Letter, when the City indicated that the matter had been sufficiently addressed.

The Ordinance also establishes aesthetic requirements as a means of minimizing the adverse land use impacts of towers and antennas. In fact, SFCC §14-6.2(E)(1)(d)(iii) identifies "...careful design, siting, landscape screening and innovative camouflaging techniques" as an effective a way to reduce tower and antenna impacts. These aesthetic requirements include undergrounding, concealment, screening, camouflaging, the retention of natural land forms and landscape features, the prohibition of permanent lighting, and the use of color, materials, texture, shape, size and location to minimize the visual impact of telecommunications facilities [SFCC §14-6.2(E)(5)(c)].

The Applicant originally proposed a tower camouflaged as a monopine. However, LUD staff believed that the visual impact of a single 75+-foot "pine" in the center of a commercial parking lot was more visually intrusive ¹³ than a monopole painted a neutral pale blue-gray ¹⁴. In response, the Applicant proposed a monopole with exterior-mount antennas. City staff pressed for a monopole with interior-mount antennas. When discussions with the Applicant indicated that a monopole with interior-mount antennas would be at least 6 feet in diameter, City staff agreed that it would be more visually intrusive than a 2-foot diameter monopole with exterior-mount antennas. The parties also discussed a grouping of three smaller monopoles, one for each antenna sector with interior-mount antennas, but the Project lease site was not big enough to accommodate the design. Ultimately, the Applicant agreed to cover the antennas with a concealing screen.

Finally, while the City can "[encourage] the use of minimally visually intrusive technology" such as wireline (fiberoptic cable) on existing utility poles or underground in conduit or a wireless distributed antenna system (DAS) using more, but smaller, antennas, the City cannot mandate it or prohibit the use of wireless technologies like the Project.

To minimize something means "to reduce [it] to the smallest possible amount or degree 15." It does not mean to eliminate it entirely. The Ordinance establishes standards to achieve the five stated purposes, which all must be considered. Here, the Appellant points to only one of the five purposes, and to only one part of that purpose's three subparts, while ignoring the other four purposes. As a result, the Appellant's conclusion that the Project does not comply with SFCC §14-6.2(E)(1)(d)(i) and (ii) is fundamentally biased, as it does not take into consideration the

15 Dictionary.com

¹³ See 9/20 City Memo, Deficiency 5.

¹⁴ In discussions with the State Historic Preservation Office about a similar site, SHPO agreed that a plain monopole design was preferable to a monopine.

Appeal from Issuance of Construction Permit #12-1902 Baillio's Tower and Antennas (AT&T) Page 8 of 12

other, and equally important, provisions of the purpose section, while inappropriately treating the cited purpose as a standard.

The Appellant states that "[t]he horizon of at least fifty residents will be obstructed. Currently most residents have a clear view of the horizon. There is nothing in the neighborhood of this height. The antenna/tower will be at least two to three times taller than anything else around." While this is of understandable concern to these residents, the Property is commercially zoned and towers up to 100 feet are permitted. In fact, maximum building height in C-2 districts is 45 feet and buildings can be constructed as close to residential property lines as 15 feet, as long as the 15 feet is landscaped to provide a buffer for the residential use. The Project will not block light or views as a 45-foot-high building set 15 feet from a lot line might. Photographic simulations submitted with the Application illustrate the relationship between various tower/antenna configurations and the surrounding built environment. While each extends above the horizon, none of them can reasonably be described as obstructing the horizon. There is no provision of the SFCC that protects private views.

The Appellant has not met his burden of proof with respect to Claim 1.

Claim 2. The Project does not minimize the visual impact upon adjacent lands, public rights-of-way and residentially zone property in accordance with the criteria set out in SFCC §14-6.2(E)(5)(c)(ii).

Response: See the response to Claim 1 above. The criteria set out in SFCC §14-6.2(E)(5)(c)(ii) are the aesthetic requirements addressed under Claim 1. The Appellant's conclusory statement that the Project does not minimize visual impact is not supported by the record. The Project Approval and issuance of the Permit were in accordance with SFCC and other applicable requirements of law and were supported by substantial evidence on the record.

The Appellant has not met his burden of proof with respect to Claim 2.

Claim 3. The Applicant did not provide sufficient information for the LUD to assess the feasibility of alternative antenna configurations at the proposed site and in the vicinity that might result in less visual impact in accordance with SFCC §14-6.2(E)(6)(b)(viii) requirements.

Response: See the response to Claim 1 above. The 9/20 City Memo identified as Deficiency 11 the Applicant's failure to submit an "...analysis assessing the feasibility of alternative antenna configurations such as roof mounts, monopoles, omni directorial, antenna mounts on existing towers in the area etc., both at the proposed site and in the surrounding vicinity that might result in less visual impact, including an explanation of why other antenna configurations were not selected..." The 10/3 Applicant Response referred LUD staff to pages 8-9 of the Application for the information and pointed to the limited nonresidential siting opportunities within the

¹⁶ Simulations were provided showing a monopole with exterior mounted antennas, a monopine and a lattice tower, each from Richards Avenue and Cerrillos Road (See Exhibit B).

geographical area where the Applicant is seeking to expand and improve its coverage (the Search Ring). The 11/9 City Reply sought additional information 17 from the Applicant and in the 5/11 Applicant Response the Applicant pointed out, among other things, that there were no structures on the Property high enough to achieve the required coverage, that constructing a stealth facility on the Baillio's building would not only present significant engineering challenges, but would have a greater visual impact than a monopole, and that, in any event, the lessor had not agreed to lease space on the building roof. The Applicant also stated its belief that the Site "...does not lend itself to false chimneys, steeples, or other false structures..." and that "[c]onstruction of a more massive structure such as a clock tower or landmark signage would only make the [Project] more obtrusive and implicate other prohibitions in the code such as signage and lighting limitations." Over the 7-month period that this correspondence took place, the City also met with the Applicant multiple times to discuss Project compliance with SFCC requirements. With the 5/31 City Letter, the City indicated that it was finally satisfied with the Applicant's responses. The Appellant's conclusory statement that the Applicant did not provide sufficient information for the City to assess alternative antenna configurations at the Site or alternative locations within the Search Ring is not supported by the record. The Project Approval and issuance of the Permit were in accordance with SFCC and other applicable requirements of law and were supported by substantial evidence.

The Appellant has not met his burden of proof with respect to Claim 3.

<u>Claim 4.</u> The Applicant did not provide sufficient information for the LUD to assess the feasibility of alternative sites to the Site, including the potential for collocation in accordance with SFCC §14-6.2(E)(6)(b)(vii) requirements.

Response: See the response to Claims 1 and 3 above.

The Appellant has not met his burden of proof with respect to Claim 4.

<u>Claim 5.</u> The Applicant did not minimize noise as required by SFCC §14-6.2(E)(5)(g) by choosing a site further from residences.

Response: SFCC §14-6.2(E)(5)(g) requires that "[a]ll telecommunications facilities...be designed, constructed and installed in such a manner as to minimize noise to the maximum extent feasible, but in no event shall noise exceed the standards set forth in [the City's noise ordinance]." First, the provision requires that operating (permanent) noise be minimized through design and that (temporary) noise associated with the construction and installation of the facilities also be minimized to the maximum extent feasible. The provision does not require that noise be minimized by locating the facilities as far from residences as possible and indeed, given other requirements of the Ordinance, including the setback requirements of SFCC §14-6.2(E)(5)(k), the Project could not have been sited further from residences. Second, the City's noise ordinance regulates noise on the Property now and will continue to do so when the Project is complete and operating. The Appellant states that "[s]ome residents, whose front doors and

¹⁷ See paragraphs 2 and 11.

Appeal from Issuance of Construction Permit #12-1902 Baillio's Tower and Antennas (AT&T) Page 10 of 12

living room windows will directly face the tower, are only 100 feet away and will be subject to equipment noise twenty-four hours a day, seven days a week." However, the Appellant has provided no evidence that this is true or that any noise generated from Project operations or construction will exceed noise ordinance standards.

Finally, City staff addressed noise concerns with the Applicant in the 9/20 City Memo and the 11/9 City Reply and after the Applicant submitted the Supplementary Information, the City indicated in the 5/31 City Letter that the Applicant's response was sufficient.

The Appellant's conclusory statement that the Applicant did not minimize noise by locating the Project further away from residences is not based upon SFCC requirements and is not otherwise supported by evidence on the record. The Project Approval and issuance of the Permit were in accordance with SFCC and other applicable requirements of law and were supported by substantial evidence.

The Appellant has not met his burden of proof with respect to Claim 5.

Claim 6. The Applicant did not properly post the Permit as required by SFCC §14-3.11.

Response: The Permit issued on October 30, 2012. Pursuant to SFCC §14-3.11(B)(5), construction permits are required to be posted "...within twenty-four hours after issuance..." and to "...be prominently displayed, readable from each public and private road abutting the property, and securely placed..." According to the Appellant, "The only road abutting the property is Richards Avenue." The Appellant claims that on November 12, 2012 the Permit poster "...was posted in the middle of the rear parking lot where it was not visible from Richards Avenue" and that "[o]n November 13, 2012 it was laying face up on the sidewalk on Richards Avenue." The Appellant attaches a photograph of the Permit poster face-up on the ground.

The Applicant states that the Permit was posted on October 30 in accordance with SFCC §14-3.11(B)(5) requirements, that on November 5 the Applicant replaced it after noticing that it had become detached from its supporting post, that it was still in place on November 9, that on November 13, after reviewing an e-mail indicating that the Permit had been removed, the Applicant went to the Property and discovered that the Permit had been moved from its street-side location to the construction site and arranged for the Permit to be returned to its original location and secured with rocks at its base, that on November 20 the Applicant found that the Permit was nowhere in sight and on November 21 obtained a replacement from the LUD and had it posted again. A copy of the Applicant's November 27, 2012 e-mail outlining these events and supporting photographs are attached as **Exhibit O**. The Appellant does not dispute that the Permit was properly posted on October 30, but merely states that it was lying face-up on the sidewalk on Richards Avenue on November 13. It often happens that permits and other notices are blown off their supports by strong winds or destroyed by rain or even defaced or torn down. Generally, if they are appropriately posted in the first instance and replaced, posting is considered sufficient.

But even if there were a deficiency in posted notice, the Appellant had actual notice of the Permit. "'Actual notice' refers to information that was communicated directly to or received by a party." Pollock v. Ramirez, 117 N.M. 187 (Ct. App. 1994). "Actual notice... is sufficient and dispenses with statutory notice." Acceptance Corp. of Sante Fe v. Valencia, 70 N.M. 307, 309 (1962). See also, Bennett v. City Council for City of Las Cruces, 1999-NMCA-015, 126 N.M. 619, 621 ("Our Supreme Court has held that 'substantial compliance' with notice and publication is sufficient to satisfy statutory requirements. ...stating that while 'some courts have held that even a minor defect in notice will invalidate an action taken by the zoning authority, New Mexico does not take such a strict view..." (citations omitted)).

The photograph of the poster lying face-up on the ground on November 13, together with the timely filing of this appeal, are clear indications that the Appellant had actual notice of the Permit. As the President of the Southwest Bellamah Neighborhood Association (the Association) it can be presumed that the Appellant, as a fiduciary, notified Association members of the issuance of the Permit.

The Appellant cannot now with this appeal raise failure of notice as a reason to overturn the LUD Director's decision to issue the Permit. In any event, we know that the poster was visible from Richards Avenue on November 13, 2012, when the Applicant photographed it after reerecting it. Had there been a failure of notice, the remedy would be to start the 15-day appeal period on that day, which would mean that it would terminate on November 28, 2012. As of the date of this memorandum, no appeals other than this appeal have been filed.

The Appellant has not met his burden of proof with respect to Claim 6.

Claim 7. The Applicant did not properly notify either property owners and addresses within 200 feet of the Site or the Southwest Bellamah Neighborhood Association as required by SFCC §14-6.2(E)(10)(a)(i).

Response: See the response to Claim 6 above. The Application was filed on September 12, 2011. Pursuant to the notice provisions of SFCC §14-6.2(E)(10)(a)(i) in effect at the time ¹⁸, the Applicant was required within 24 hours of submitting the Application to "...provide notification by certificate of mailing, proof of which is submitted to the [LUD] director...to all property owners and addresses within two hundred (200) feet of the proposed site, exclusive of right of way, and, if the proposed site lies within the boundaries of a neighborhood association that has been listed with the [LUD] director, to such neighborhood association..."

The "old ordinance" provided for administrative approval of new towers in nonresidential districts [§14-6.2(E) (5)(b)(iii)] and required notice "...by certified mail, return receipt requested...to all property owners within 100 feet of the subject property." [§14-6.2(E)(5)(b)(v)]

¹⁸ The Appellant states that the Applicant "...failed to fulfill its notice requirements under either the old or new ordinance." SFCC §14-6.2(E) was repealed and a new §14-6.2(E) created by Ordinance No. 2011-16, which was adopted on May 25, 2011, several months before the Application was submitted. As a result, the notice requirements currently in effect apply to the Application.

Appeal from Issuance of Construction Permit #12-1902 Baillio's Tower and Antennas (AT&T) Page 12 of 12

Mailing labels for the Application were provided to the Applicant by LUD staff in April 2011 for residents and addresses within 200 feet of the Property. The Applicant has provided to the LUD Director copies of Certified Mail Receipts for those residents and addresses, which are attached as Exhibit P¹⁹. While the Association is listed with the LUD Director, the Property is located in a C-2 district and thus the Site does not lie within the boundaries of the Association. The notice requirements of SFCC §14-6.2(E)(10)(a)(i) have thus not only been met, but have been exceeded by the Applicant. Notably, these notice requirements relate to the filing of the Application. Neither the Application nor the LUD Director's August 2, 2012 Project Approval are appealable final actions. Instead, the appealable final action here is the October 30, 2012 issuance of the Permit, for which, as noted in the response to Claim 6 above, there was actual notice.

In addition, as early as April 13, 2011, five months before the Application was filed, the Appellant wrote to the Applicant asking for copies of location maps at the prior night's meeting for "...a handful or residents in the neighborhood who do not have computers..." and promising to "...share this information with them." The Applicant responded that same day and later that day the Appellant agreed to pick them up at the end of that week. On October 4, 2011, just three weeks after the Application was filed, the Appellant wrote to the Applicant asking if the Applicant had "...responded to the city and their concerns regarding the Baillio's cell tower..." It is clear that the Appellant, both individually and as President of the Association, had actual notice of the Application both well before and soon after its filing and that he was acting on behalf of "residents in the neighborhood". Copies of e-mail correspondence relating to the Project between Mr. Coca and the Applicant dated April 13, 2011 and October 4, 2012 are attached as Exhibit Q.

The Appellant has not met his burden of proof with respect to Claim 7.

Conclusion

For the reasons stated above, the City Attorney's Office recommends that the Board deny the Appellant's appeal.

If the Board agrees that the LUD Director's issuance of the Permit complied with Chapter 14 requirements, that Chapter 14 was properly applied, and that the issuance of the Permit was supported by substantial evidence, the Board should deny the appeal.

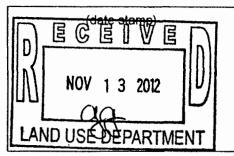
If, however, the Board finds that the LUD Director's issuance of the Permit did not comply with Chapter 14 requirements, or that Chapter 14 was applied improperly, or that the decision of the LUD Director was not supported by substantial evidence, the Board should grant the appeal.

¹⁹ Although the Certified Mail Receipts are not dated, since they were generated by the Applicant's representative in its office, the Applicant has provided returned (incomplete delivery) notices for addressees for which there is a Certified Mail Receipt that shows they were mailed on September 14, 2011. Copies of those documents are included at the end of Exhibit P.



Basis for

LUD Use Only Time Filed. " Fee paid: \$ Receipt attached: [9



251-6106#Wn")

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: Camino Consuelo Address: Suite/Unit # anta Fe, New Mexico 87507 Phone: 1505 670-6926 E-mail Address: Steve coca @ Notwail. Com Additional Appellant Names: Correspondence Directed to: Appellant ☐ Agent ☐ Both Agent Authorization (if applicable) to act as my/our agent to execute this application. Date: //-/3-20/2 Signed: Subject of Appeal Project Name: Dailio's Applicant or Owner Name: 3294 Cerrillos Location of Subject Site: Case Number: 12-1902 Permit Number (if applicable): /2-/902 Final Action Appealed: Issuance of Building Permit Other Final Determination of LUD Director Final Action of Board or ☐ Board of Adjustment ☐ HDRB Commission (specify): Planning Commission ☐ BCD-DRC Basis of Standing (see Section 14-3.17(B) SFCC 2001):

☐ The facts were incorrectly determined Description of the final action appealed from, and date on which final action was taken:

Ordinances/laws were violated and/or misrepresented

Issuane of Building Permit of October 30, 2012

EXHIBIT

The ck 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): See addockment # 1, Explain the Basis for Appeal Flease detail the basis for Appeal here (be specific): See addackment # 1 Flease detail the basis for Appeal here (be specific): See addackment # 1 I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been propared to meet the minimum standards cultimed in the tend pevelopment 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 meet with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements. Appellant Signature: Agent Signature: Date: //- /3 - 20/12 State of New Mexico) Ss. Countly of Santa Fe being first duly sworm, depose and say. IWNe have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge. Petitioneris: Signature S	
See attachment # . Explain the Basis for Appeal Please detail the basis for Appeal here (be specific): See attachment #2 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 cuttined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or opstonement 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: Jate: 1/-13-2012 Agent Signature: Jate: 1/-13-2012 State of New Mexico) ss. County of Santa Fe I/Ne Jeing 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. Petitioneris: Signature Signature Signature Signature Print Name Print Name NOTARY PUBLIC My commission expires:	Description of Harm
Explain the Basis for Appeal Please detail the basis for Appeal here (be specific): See althourself H2 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 meet 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: - 3-20 2 State of New Mexico	Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):
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County of Santa Fe I/We	Agent Signature: Date: //-/3-2012
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BOA 1/14/12 Page 16 of 204

ATTACHMENT 1

The horizon of at least fifty residents will be obstructed. Currently most residents have a clear view of the horizon. There is nothing in the neighborhood of this height. The antenna/tower will be at least two to three times taller than anything else around. Some residents, whose front doors and living room windows will directly face the tower, are only 100 feet away and will be subject to equipment noise twenty-four hours a day, seven days a week.

See attached petition from neighbors to this project.

ATTACHMENT 2

Basis for Appeal

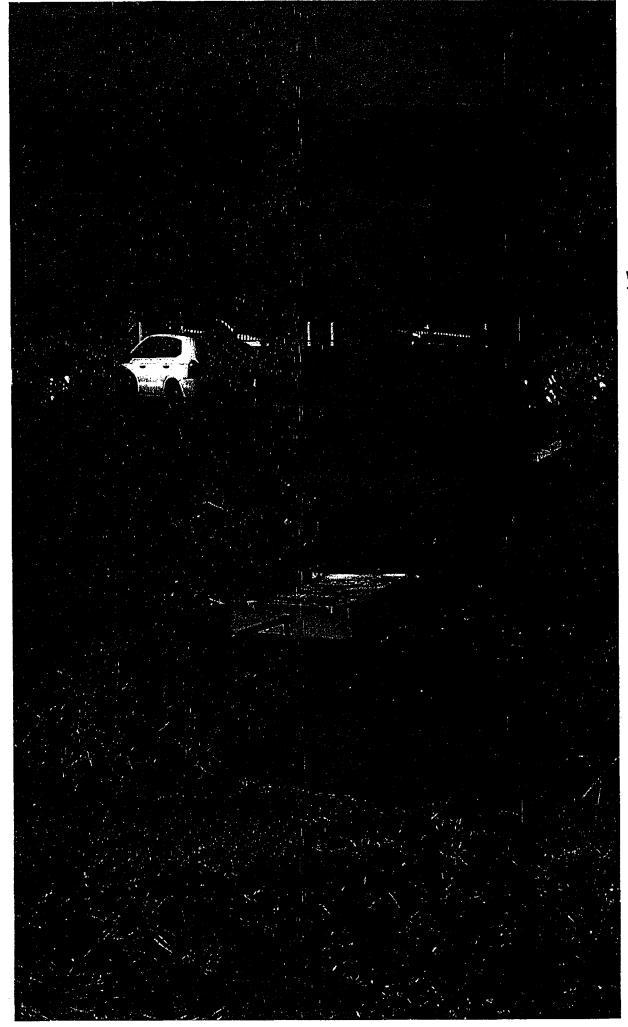
- 1. 14-6.2 (E) (1) (d) (ii) Failure to minimize adverse land use impacts of towers and antennas by: requiring co-location of antennas, minimizing new tower sites, and encouraging the use of minimally visually intrusive technology to the maximum extent technically feasible.
- 2. 14-6.2 (E) (5) (c) (ii) Failure to minimize the visual impact upon adjacent lands, public rights-of-way and residentially zoned property.
- 3. 14-6.2 (E) (6) (b) (viii) Failure to sufficiently assess the feasibility of alternative antenna configurations, both at the proposed site and in the surrounding vicinity, that might result in less visual impact.
- 4. 14-6.2 (E) (6) (b) (vii) Insufficient reasons for not siting tower/antenna elsewhere. Failure to sufficiently assess the feasibility of alternative sites to the one proposed, including the potential for co-location. Failure to explain why other sites further from residences were not selected.
- 5. 14-6.2 (E) (5) (g) Failure to minimize noise by choosing a site further from residences.
- 6. 14-3.11 (B) (5) Failure to post construction permit along Richards Avenue. This section requires the posting, until construction is completed, of a construction permit that is "securely placed" and "readable from each public and private road abutting the property." The only road abutting the property is Richards Avenue. On November 12, 2012 the construction permit was posted in the middle of the rear parking lot where it was not visible from Richards Avenue. On November 13, 2012 it was laying face down on the sidewalk on Richards Avenue. See photo (Attachment 3).
- 7. 14-6.2 (E) (10) (a) (i) Failure to notify neighbors within 200 feet and the Southwest Bellamah Neighborhood Association. "Within twenty-four hours of submitting an application to the land use director, the applicant shall provide notification by certificate of mailing, proof of which is submitted to the land use director to be included with the application, to all property owners and addresses within two hundred (200) feet of the proposed site, exclusive of right of way, and, if the proposed site lies within the boundaries of a neighborhood association that has been listed with the land use director, to such neighborhood association."

Further explanation of number 6: The ordinance regarding notification has changed, and the applicant has failed to fulfill its notice requirements under either the old or the new ordinance.

Under the old ordinance, after the submission of an application for a Special Exception, a public hearing was required before the Board of Adjustment. Section 14-6.2 (E) (3) (i) required notice of the public hearing to be mailed to neighbors and Southwest Bellamah Neighborhood Association. If a Special Exception was not required, Section 14-6.2 (E) (5) (v) still required the applicant to notify neighbors and the neighborhood association by certified mail after submission of its application, and prior to issuance of administrative approval.

Under the new ordinance, after the submission of an application for Administrative Approval, Section 14-6.2 (E) (10) (a) (i) requires an applicant to mail notice to neighbors and Southwest Bellamah Neighborhood Association within 24 hours of submitting the application.

Neighbors and the neighborhood association received no notice of the submission of this application prior to the granting of a building permit.



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

* * BUILDING PERMIT * 12-00001902 Application Number Date 10/30/12 Property Address 3294 CERRILLOS RD Application type description TELECOMMUNCATION TOWER Subdivision Name Property Zoning GENERAL COMMERCIAL Application valuation 90000 Owner Contractor ------______ BAILLIO, JACK CALTROP CONSTRUCTION 1265 BONA TERRA LP NW 3766 HAWKINS ALB, NM ALBUQUERQUE NM 87109 (602) 330-5150 Structure Information 000 000 NEW TELECOM POLE W/ ENCLOSURE FOR UTILI Construction Type UPDATE Occupancy Type (OLD CODE) UPDATE MIN. FLOODING/OUTSIDE 500 Flood Zone Permit BUILDING PERMIT COMMERCIAL Additional desc . . Phone Access Code . 1055888 Permit Fee Plan Check Fee . . 973.75 Valuation Issue Date 10/30/12 90000 Expiration Date . . 10/28/14 Special Notes and Comments I, THE OWNER OR AGENT FOR THE OWNER HAVE RECEIVED THE FOLLOWING REVIEW SHEETS. I UNDERSTAND I AM TO COMPLY WITH ALL CONDITIONS INDICATED ON THE REVIEW SHEETS. INITIALS ~ Paid Credited Due Fee summary Charged

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 10/2/2

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within thirty (30) days of its issuance (the "appeal period") pursuant to 14-7.4 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 unders appeal by my signature assent to the terms stated herein.

Pane 21 of 204

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

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

Application Number		12-00001902		Page Date	2 10/30/12
Permit Fee Total Plan Check Total	973.75 692.81	973.75 692.81	.00		.00
Grand Total	1666.56	1666.56	.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 1c/3/10

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within thirty (30) days of its issuance (the "appeal period") pursuant to 14-7.4 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 turing the appeal period. I hereby certify that I have read the foregoing and understand the appeal by my signature assent to the terms stated herein

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

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	for sched	luling	sued AFTER 08/01/2009, you MUST use Vi inspections! Call in by 3:00 PM for a (based on availability). 955-6110		

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within thirty (30) days of its issuance (the "appeal period") pursuant to 14-7.4 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 that I have read the foregoing and understand the switch as with all the conditions stated above. I further state that I understand that this permit may be appealed within thirty (30) days of its instance of the 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 within this permit may be required to remove any building.

DATE

DATE

APPROVED BY

APPLICANT

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

* * * * * * * BUILDING PERMIT * * * * * * * Page Application Number 12-00001902 Date 10/30/12 Page Application Number 12-00001902 Date 10/30/12 Property Address 3294 CERRILLOS RD Application description . . . TELECOMMUNCATION TOWER Subdivision Name Property Zoning GENERAL COMMERCIAL Permit BUILDING PERMIT COMMERCIAL Additional desc . . Phone Access Code . 1055888 Required Inspections Phone Insp Seq Insp# Code Description Initials Date 599 G002 GRADING & DRAINAGE, FINAL 10 307 P007 PLUMBING, IRRIGATION 10 499 EL04ELECTRICAL, FINAL 10 308 P008 YARD LINE, GAS 10 309 P009 YARD LINE, WATER 10 SE03 SEWER, LATERAL 10 321 322 SE04 SEWER, PRIVATE SEPTIC SYSTEM 10 10 320 SE01 SEWER, SEWER CONNECTION 10 202 TMGS TEMPORARY HEAT FOR GAS TEMPORARY HEAT FOR HEATING 10 203 TMHT 303 PLUMBING, BACKFLOW PREVENTION BFP1 10 PLUMBING, TOP OUT ROOF/DRAINS 10 315 P015 425 EL25 ELECTRICAL, TEMP POLE OVRHD 10

For permits issued AFTER 08/01/2009, you MUST use VIPS	
for scheduling inspections! Call in by 3:00 PM for a next-	
day inspection (based on availability). 955-6110	
APPROVED BY DATE	_
APPLICANT DATE	

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

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

Page Application Number 12-00001902 Date 10/30/12 Page Application Number 12-00001902 Date 10/30/12 Property Address 3294 CERRILLOS RD Application description . . . TELECOMMUNCATION TOWER Subdivision Name Property Zoning GENERAL COMMERCIAL BUILDING PERMIT COMMERCIAL Permit Additional desc . . Phone Access Code . 1055888 Required Inspections Phone Insp Code Description Sea Insp# Initials Date ELECTRICAL, CEILING ROUGH EL15 10 415 ELECTRICAL, LOW VOLT FINAL 10 419 EL19 417 EL17 ELECTRICAL, ROOF ROUGH 10 EL18 ELECTRICAL, GROUND RING 10 418 FRAME, FIRE WALL FR26 126 10 FRAME, POCKET ROOF FR27 10 127 504 LD01 LANDSCAPE 10 10 M006 MECHANICAL, ROUGH UNDERGROUND RADIANT HEAT, FINAL 205 HV05 10 10 MECH, SOLAR HEATING FINAL 210 M010 MECH, SOLAR HEATING ROUGH 209 M009 10 PLBG, SOLAR WTR HEATER FINAL 10 319 P019 PLBG, SOLAR WTR HEATER ROUGH 10 318 P018

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

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. . . Page 25 of 204

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

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

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Date: 1//0//2

PETITION AGAINST CELL TOWER AT BAILLIO'S

We, the undersigned, oppose the place in the parking lot at Baillio's Appliance	s and Electron	
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Jo Ann Malinnuski Printed Name	Signature	Malindi
3236 Louraine St SF Address	<u>Nm</u>	S82-1165 Phone
CTILBERT WILDARVI Printed Name	Signature	
3205 LOURAINE ST		
Address		Phone
Paula Ulban	Paula	Olibani
Printed Name 3205 LOURAINE ST	Signature	
Address Sala		Phone
Printed Name 317 LOUNATY E 51	Signature	<u>1173-1983</u> Phone
BENJAMIN BACA	Lenjan	4
Printed Name	Signature	
3220 LOUBAINE CIR_		471-5145
Address		Phone

Date: November 10,2012

PETITION AGAINST CELL TOWER AT BAILLIO'S

We, the undersigned, oppose the placement of the proposed 75-foot cell tower in the parking lot at Baillio's Appliances and Electronics, 3294 Cerrillos Road.

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JANE MAGAJETTA		////aantito
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Address		Phone

Date: November 10,2012

PETITION AGAINST CELL TOWER AT BAILLIO'S

Melanie Thrall	Melanie Threll
Printed Name	Signature
3260 Louraine St.,	SF (812)371-3227
Address	Phone
C'olette Tiner	Catabald
Printed Name	Signature
3248 Louraune Address	St 473-9698 Phone
RITH BOULES Printed Name	Quita Bourle Signature
3232 Loveane Address	Phone Phone
Printed Name Sinha.	La Signature Studio
370 Louis Cia	(a 5059777877
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PETITION AGAINST CELL TOWER AT BAILLIO'S

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PETITION AGAINST CELL TOWER AT BAILLIO'S

We, the undersigned, oppose the place in the parking lot at Baillio's Appliance		
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Date: November 10, 2012

PETITION AGAINST CELL TOWER AT BAILLIO'S

Annabelle Iburra	_ Umo	will wisher
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3221 Leevane in		4716417
Address		Phone
Brian Siler Printed Name	Brian Signature	Liler
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Pedro Cuellax Printed Name 245 Louraine Ci		3 16 05 10
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Murgaret Segura Printed Name 3237 Louvaine St. St.		(505) 471-1269 Phone
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3245 Lourain.		
Address	711300	Phone 43 80097

Date: <u>Movember 10, 20</u>12

PETITION AGAINST CELL TOWER AT BAILLIO'S

Leslie Pasker		
Printed Name	Signature	\
3261 Cerrilles		505-428-9555
Address		Phone
Francisco Hernandez Printed Name	Signature	
Addiess Swrado		Phone
Printed Name SO Cently	Signature	505-310-302
Eduir mit		Phone
Printed Name 3081 Cerrilos Rio	Signature	505471-1420
Address		Phone
Michael Julius Vizal Printed Name	Signature	
3261 Louraine Street Address		<u>505-670-814</u> Phone
Jana L. Cordova Printed Name 3261 Lourainest Santa Fe, 875	<u>Jana</u> Signature	L Crelva
3261 Lourainest Santa Fe, 875	07	505-478-8306 Phone

Date: November 10, 20/2

PETITION AGAINST CELL TOWER AT BAILLIO'S

Printed Name Address Phone MARAARITA LYNGEN Maraanta K. Lyngen Printed Name Signature DOU Camino Consulto #57 505-471-9314 Address Printed Name Signature Signature JULIA JANOUA SIGNATURE Printed Name Signature JOD Camino Consulto #58 474 5585 Phone Printed Name JOD Camino Consulto #58 474 5585 Phone Printed Name JOD Camino Consulto #58 474 5585 Phone Signature JOD Camino Consulto #58 473-3072 Printed Name JOHN B. JULIANEN Signature JOD CONSULTO S.F. N.M. 570.0213 Address Phone Address Phone Signature JOD CONSULTO S.F. N.M. 570.0213 Printed Name Signature JOD CONSULTO S.F. N.M. Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature Signature JOD CONSULTO S.F. N.M. Signature Signature Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature Signature JOD CONSULTO S.F. N.M. Signature Signature Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature JOD CONSULTO S.F. N.M. Signature Signature JOD CONSULTO S.F. N.M. Signature Signature JOD CONSULTO S.F. N.M. Signature Printed Name Signature	Carolyn Jones Caro	lywanes
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PETITION AGAINST CELL TOWER AT BAILLIO'S

We, the undersigned, oppose the placement of the proposed 75-foot cell tower in the parking lot at Baillio's Appliances and Electronics, 3294 Cerrillos Road. 3265 Formaine ST. SF 87507 $\frac{49912}{5+8750} = \frac{505-982-8119}{9}$ Signature **Printed Name** Phone Address Signature **Printed Name**

Address

Phone

City of Santa Fe Cashiers Office Santa Fe, NM 87504 (505)955-4333

11/13/2012 4:44:32 PM Your cashier was LEONA B002202112318 T5

Development Review STEVEN COCA 11001.431470

\$100.00

Total

\$100.00

\$100.00

Visa XXXXXXXXXXXXXXXXX1402

Customer Signature

Change

\$0.00

Thank you!

City of Santa Fe Cashiers Office Santa Fe, NM 87504 (505)955-4333

11/13/2012 4:44:32 PM Your cashier was LEONA B002202112318 T5

Development Review STEVEN COCA 11001.431470

\$100.00

Total

\$100.00

\$100.00

Visa XXXXXXXXXXXXXXXXX1402

Customer Signature

Change

\$0.00

Thank you!

BASHAM & BASHAM, P.C.

September 12, 2011

City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: AT&T Antenna S243 Building Permit Application at 3294 Cerrillos Road

Dear Sirs:

Attached is AT&T's application for a building permit for telecommunications facilities to be located at 3294 Cerrillos Road. Although an ENN meeting is not formally required for administrative approvals of telecommunications facilities the Applicant has had several meetings with the neighboring property owners. It has become apparent that those in attendance did not concur that the site should be used for telecommunications facilities and were generally opposed to the use. However, due to the C-2 zoning, the need for a new facility and the lack of better alternatives, all as indicated in the application, AT&T has chosen to proceed with this application. Notice pursuant to 14-6.2 (E) (10) will be provided promptly (within 24 hours) as required by the code.

I am fully aware that the approval and construction of telecommunications facilities represents a unique set of circumstances that do not always fall squarely under established zoning and construction parameters. If you have any questions, require additional information or simply wish to discuss the application please contact me.

Enclosed for your review are:

The Indexed application form.

Exhibits A through H

The check for \$500.00 for administrative approval under Resolution 2011-34

It is my understanding that there will be a subsequent fee for building permit plan review and yet another fee for the actual building permit itself. Please correct me if I am not correct. I realize this is the first such application under the new telecommunications ordinance and, although I have worked with the City Attorney's Office and staff to attempt to meet all code requirements I realize that the first application may be a bit of a learning process for all parties.

I have also reviewed the online Building Permit Application Checklists and realize that additional information including the following that may be required at the time the administrative approval review is complete.

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW MI PHONE: (505) 988-4575 • FAX: (505) 992-6170 Title Page
Building Permit Application
Check for Permit Fee
Plat showing legal lot of record

If there are other additional items to be included at the time of Building Permit submission please let me know. The Commercial New Construction Checklist is different from the City's old telecommunications checklist and includes such as landscape plans, grading and drainage plans, slope analysis, erosion control plans, floor and roof plans, plumbing plans and solid waste plans. These items do not seem pertinent in the context of this application but if I am wrong please let me know.

The plans have been prepared so as to be reasonably legible. Upon inquiry with the City I was informed that the plans would be accepted as long as they are legible. I note that the Building Permit Application Checklist has specific scale requirement. Due to the nature of the facilities and the size of the properties I am not sure if these scales are appropriate. If the attached plans need to be printed in a larger format or rescaled please let me know.

Very truly yours,

Peter A. Dwyer

Application for New Cingular PCS, LLC Baillio's

3294 Cerrillos Road, Santa Fe, NM 87507

Site # S243

September 2011

Basham & Basham, PC

2205 Miguel Chavez Rd.

Santa Fe, New Mexico 87505-1111

Mark Basham- (505) 988-4575

Contents Page Number A. Narrative Regarding General Compliance3 B. Application Letter......4 C. Scaled Site Plan.....4 D. Setback Distances......4 E. Map and Inventory of Existing Sites......4-7 F. Radio Frequency (RF) Coverage Maps......8 G. Search Ring......8 H. Site Selection Analysis......8 I. Visual Impact Analysis......9 J. Height......9 K. Certifications......10 L. Traffic Control Plan......10 M. Construction Drawings...... 10 N. Public Record Acknowledgement......10 O. Other Information......10

P. Application Fee......10

A. Narrative regarding general compliance with §14-6.2 (E) (5) and other pertinent code provisions is as follows.

§14-6.2 (E) (5) (a) The site is located in a C-2 district which is contemplated as a "preferred" zone for siting telecommunications facilities as it is designated as one of three districts in which administrative approval of towers and antennas with heights of up to 100' is permissible.

§14-6.2 (E) (5) (b) The proposed pole height is 75'. The height limit in C-2 zones is 100'.

§14-6.2 (E) (5) (c) As explained in the general EMF information under subsection Q of this application, wireless phone and data are transmitted using a line of site between the user's handset and the antenna. Therefore it is not technically feasible to place the facilities underground. The proposed facility has been designed as a "Monopine" meaning it will be disguised to look like a large pine tree. It will be visible from public rights of way and residentially zoned property. Every effort has been made to mitigate the visual impact of the site. AT&T is open to suggestions on aesthetic mitigation as it is a very subjective analysis and different communities have had very different ideas about what is preferable. No disruption or alterations to the natural land forms and landscape of the property will be required. The pole itself will be located within a parking lot median area and the ground utilities will be enclosed in a walled compound on the boundary of the site. No permanent lighting will be placed upon the facilities.

§14-6.2 (E) (5) (d) The site is located within the "suburban" designated areas of the City's Archaeological Review Districts. The code describes this area as "Land within the suburban archaeological district has a moderate potential of containing significant cultural remains, and is not a part of the historic downtown or river and trails districts." 14-3.13 (b) states that a permit in this district is only required for "other development requiring approval by the Planning Commission, having over 10.000 acres." The proposed application neither exceeds the 10 acre area requirement nor requires Planning Commission review.

§14-6.2 (E) (5) (e) The facilities will only have such safety signage as is required by law.

§14-6.2 (E) (5) (f) The applicant agrees to maintain its facilities in accordance with the provisions of this section.

§14-6.2 (E) (5) (g) The applicant agrees to design and maintain its facilities in accordance with the provisions of this section. The primary source of noise will be from the ground utilities which are contained within metal containers and are further insulated against noise impacts by the presence of a surrounding wall.

§14-6.2 (E) (5) (h) The applicant agrees to design and maintain its facilities in accordance with the provisions of this section.

§14-6.2 (E) (5) (i) The facilities are not located in the airport area. The height of the structures is beneath the levels requiring FAA compliance.

§14-6.2 (E) (5) (j) The facility is designed to mitigate visual impacts through reduced height below the 100' permitted in the zone. Due to the reduced height there are limited opportunities for cositing on the pole. However, to the extent that other providers seek to utilize the site for co-location the applicant agrees to permit on a nondiscriminatory basis, to the maximum extent technically feasible, the co-location for other antennas upon commercially reasonable terms.

§14-6.2 (E) (5) (k) The proposed pole meets the setback and separation requirements as indicated on the site plan. While every effort was made to mitigate the visual impact upon residential properties the 100 % set back requirement limits the mitigation possible on all sites. Due to this setback requirement the pole cannot be pushed back away from residentially zoned property and needs to be sited more centrally within the site.

§14-6.2 (E) (5) (I) Structural integrity certification will be provided as required.

Applicant asserts that all other provisions of the City Code have been met by this application.

B. Application Letter. § 14-6.2 (E) (6) (b) (i)

See attached Exhibit A for the formal application letter.

C. Scaled Site Plan. § 14-6.2 (E) (6) (b) (ii)

See Attached Exhibit B. for the scaled site plans. They have been submitted in regular and large formats for your convenience in filing and reviewing the plans respectively.

D. Setback Distances § 14-6.2 (E) (6) (b) (iii)

All setback distances are indicated on the site plan. The applicant conferred with the staff prior to making application and verified that setbacks are only required for the pole and antenna and are not required for the ground utilities. There is no tower within the prescribed radius.

E. Map and Inventory of Existing Sites. § 14-6.2 (E) (6) (b) (iv)

AT&T sites are presently on a City GIS system map but the map requires updating. A copy of the current City map is attached hereto as Exhibit C.

Three sites indicated on the map S253, S256 and S207 appear to be incorrectly listed as existing AT&T sites.

The proposed sites are listed currently but some or all may or may not be constructed due to leasing, zoning and other issues beyond AT&T's control. Current updated information on the present

planned sites is indicated in the chart below and the City may wish to update its map with the data provided.

Status of the site mapping is indicated on the charts below. A specific map of the listed sites can be provided in the form and format requested or the data can be provided so that the City's GIS can update the current map. Some sites may not be on the current City map due to the map scale. The new telecommunications ordinance requires listing of all sites within 3 miles of the City. AT&T will work with GIS to get a three mile boundary line map and have all the data corrected an updated as a condition of approval on this application.

Height data is required by the ordinance. However the heights normally are tracked by the industry based upon the center point of the antenna delivering the signal. Due to the possibility of cositing multiple antennae on a single tower or structure it is unclear whether the City wishes to track antenna heights or top of tower heights. Please note that the top of a tower or pole will generally be higher than the center point for any antenna sited on the tower or pole.

E. Inventory of Existing Sites

Existing ATT sites in City of Santa Fe

Cit			Existing ATT site	s in City of Santa Fe	-		
Site ID	Lat	Long	Structure Type	Street Address		City GIS Map Status	Height
0310	35.295228	-106.211042	Wooden Power Pole			Need Data	
0315	35.071298	-106.208654	Stealth Cactus			Need Data	
0500	35.544992	-105.862989	Wooden Pole			Need Data	
0501	35.596048	-105.775266	Monopole			Need Data	
0540	35.558183	-105.82221	Wooden Pole			Need Data	
S204	35.521051	-106.167936	Monopole			Need Data	
S205	35.688883	-105.978879	Lattice Tower	1686 Paseo de las Vistas		Incorrectly labeled	
S206	35.588606	-106.063879	Mono Pole - Stealth	216 East Frontage Road		Need Data	
S208	35.637968	-106.020155	Lattice Tower	2502 Camino Entrada		Indicated	
S210	35.639604	-105.96224	Roof Top	1474 Rodeo Road		Indicated	
S211	35.658327	-105.95799	Roof Top	2009 South Pacheco		Indicated	
S212	35.673383	-105.954824	Roof Top	1100 Saint Francis Drive		Indicated	
S213	35.687662	-105.934934	Lattice Tower	210 Marcy Street		Indicated	
S214	35.662466	-105.936544	Roof Top	1605A Old Pecos Trail		Indicated	
S215	35.656881	-105.985715	Monopole - stealth	1214 Camino Carlos Rey		Indicated	
S218	35.546999	-105.893209	Platform			Need Data	
S220	35.583322	-105.897962	Power Pole			Need Data	
S221	35.613603	-105.913602	Water Tank - Side	25 Puye Road		Indicated	
S222	35.632562	-105.922872	Stealth Pine Tree	52 Old Las Vegas Highway		Indicated	
S223	35.666933	-106.014387	Lattice Tower	4679 West Alameda		Indicated	
S232	35.763216	-105.945959	Light Standard	1 Opera Drive		Indicated	
S238	35.609774	-106.07011	Stealth Pine Tree	195 Mutt Nelson Road		Indicated	
S244	35.667974	-105.96695	Monopole	102 Taos Street		Indicated	
5284	35.516934	-106.213323	Monopole	74A Waldo Canyon road		Need Data	
S285	35.566624	-106.07254	Water Tank - Side	47 Bataan Boulevard		Need Data	
S286	35.632804	-106.06649	Monopole - Stealth	7510 Airport Road		Indicated	

E. Proposed New Sites

Proposed 2011 build plan for City of Santa Fe

Site				30364 2011	build plan for City of Santa		7
ID	Lat	Long	Structure Type	Status	Address	Map Status	Height
					School For the Deaf		1
S239			Monopine	Approved	4851 Paseo Del Sol	Indicated	100′
					Baillio's		
S243			Monopine	Applied	3294 Cerrillos Road	Indicated	75'
					St. John's Methodist		
					Church		1
S246			Stealth Chimney	Approved	1200 Old Pecos Trail	Indicated	54'
					Veterans Memorial	,	
					Highway & Nth St Francis		
S251			Unknown	Pending	Drive	Indicated	
			Stealth		Quail Run		
S254			Penthouse	Pending	3101 Old Pecos Trail	Move to Quail Run	
	-	}		ļ	St. John's College	Move to Saint John's	
S255			Monopine	Pending	1160 Camino Cruz Blanca	College	
5287			Unknown	Pending	2706 Senda Jarosa	Indicated	
			Stealth				
S289			Penthouse	Pending	PERA Building	Need Data	
					Hotel Santa Fe		
S290			Stealth Facade	Pending	230 West Manhattan	Indicated	
					Burger King		
S291			Monopole	Pending	100 St. Francis Drive North	Move to Burger King	
S927	1		Existing Tower	Pending	Existing Qwest Tower	Indicated	
					Santa Fe Community		
	1				College		
S928			Monopole	Pending	6401 Richards Avenue	Need Data	
S929			Unknown	Pending	Agua Fria Fire Station	Need Data	
S931			Unknown	Pending	Tano Road and US84/285	Indicated	

- F. RF Coverage Maps. § 14-6.2 (E) (6) (b) (v) See attached Exhibit D radio frequency coverage map. Search rings are indicated by the dotted black lines. The signal strength is indicated under "Outdoor RSCP." Please note that RF coverage maps only indicate the outdoor reception and do not comprehensively address the needs of the consumer. People want to use their phones indoor as well, they do not want the service interrupted or dropped calls when passing into zones where there is a high call volume and the current market demand is trending toward increased data, video and graphics services which have higher capacity demands upon the system. The goal of the project is to improve the existing yellow zone so that there is better coverage, fewer dropped calls and higher quality service.
- G. Search Ring. § 14-6.2 (E) (6) (b) (vi) See attached Exhibit D for the search ring.
- H. Site Selection Analysis. § 14-6.2 (E) (6) (b) (vii) The site was selected because it is an existing commercial property within a C-2 zone and within the search ring. In selecting site's the applicant must consider a number of factors to determine whether a particular site is suitable. First, the site must be within the search ring. Second, the site must allow sufficient height to effectively send and receive signals to and from the antenna to consumers carrying mobile devices. Third, the owner of the site must be willing to enter into a lease on terms that are sufficiently secure to warrant the large capital investment associated with the construction and maintenance of new sites. Many sites are not viable because the owner of the land is not interested in leasing land for a site or is unwilling to provide terms which justify the expense. The search typically focuses on property owners within a ring who are responsive when contacted, agreeable to terms of a lease, and are willing to work through the site acquisition, design, zoning and construction issues. Many owners are simply unwilling to take these steps.

In this case the site was initially selected some time ago when AT&T had begun a program of construction for the area in 2007. Other sites considered were a PNM pole at Executive Auto, and Los Alamos National bank. The PNM pole would require multiple leases one with the City and another with the landowner for ground utility space. The Los Alamos bank building is very new and the landlord had serious reservations about the design and construction of a new facility that would change the appearance of the newly designed building. Also, at the request of neighbors we explored the option of leasing vacant land across Cerrillos behind the McDonalds. The agent for that land was called multiple times at the number listed on a sign posted on the property and never returned the calls. Due to the responsiveness and willingness to lease of the proposed site's owner and the non-responsiveness of the other property owner the current site was deemed more appropriate.

It should be noted that on the City's C-2 (and industrial) zoning is predominately limited to the major highway corridors and is typically bordered by residentially zoned property. (See Exhibit E) In the present case the Cerrillos Road corridor has residentially zoned properties adjacent to the C-2 zoned properties on both sides of the road. Although some members of the community have asked that AT&T move the site across the street that would only mean that that the site was closer to those residential areas to the North rather than the present neighborhood to the South. The current site is the best commercially available property within the search ring.

Upon examination of the existing telecommunications sites in Santa Fe, there is no existing facility within the search ring that can be used for colocation. Cricket has sites to the Northeast but they are on the periphery or outside the ring. There is no major tower in the area and there are no tall buildings, or structures in the area. AT&T has established agreements in place with some other carriers and pole companies that make co-siting a quick and desirable process wherever feasible. No such opportunity exists in this case.

ı. Visual Impact Analysis. § 14-6.2 (E) (6) (b) (viii) The current technology requires use of 3 sector antennae in order to insure a combination of good coverage in all directions while also allowing the provider to adjust and fine tune the signal strength to make sure that the coverage is seamless between zones and does not interfere with other antennae signals (including AT&T's own signal from other sites which are using the same bandwidth. The configuration selected is specifically to meet this balanced coverage requirement. It should be noted that by dividing the antennae into sectors the provider is able to limit the watts of emission to strictly the signal strength that is needed in a given direction. Furthermore, with antennae divided by sectors the provider is able to gather more specific data about where coverage is lacking. Overall, the three sector antenna design is an industry standard that optimizes functionality. The visual impact of an alternative design seems unlikely to yield a different aesthetic response. The eye is drawn to telecommunications structures principally due to their height and not due to any particular configuration of the antennae upon the structure. The monopine design proposed will mitigate visual impact by blending the antennae into the branches of the tree thus making the entire length of the pole appear more uniform and less top-heavy. But the best way to "hide" a telecommunications antennae is very debatable. Some people prefer a large monumental object (notably one community asked that the pole be made to appear like a giant pencil). Some people prefer that the facility simply be painted a neutral color so as not to draw attention. There are many variations of "stealth" antennae AT&T is willing to provide whatever visual mitigation the City deems appropriate. The proposed monopine design was simply the design proposed when meeting with neighbors to discuss the possible site and it was thought wise to stick with that design unless and until a request for a different configuration comes forward. It should be noted that the neighboring property owners have been contacted along with the neighborhood association and that when asked about alternative designs they stated a simple preference that nothing be built or that it be built on property near other residential neighborhoods.

J. Height. § 14-6.2 (E) (6) (b) (ix)

The height needed for a specific antenna is always site specific. A common misconception is that higher is always better. Because the signal from an antenna often uses the same bandwidth as other antennas within a system it is very important that the signal not bleed over into the areas already covered by another site. This is not to say that the antennas can be kept very low to the ground. If they are too low they do not propagate their signal at all due to interference from existing solid objects. It should be noted that common objects such as buildings, trees, hills and other structures that block the line of site between the antenna and the user will interfere with the signal and defeat the whole purpose of the site. In order to function properly the antenna must be high enough to send a signal past

the parapet, roof or surface of the structure it is mounted on. It also must have clear site lines in three directions for the three sectors. Therefore, height is a function of the specific surrounding topography.

In the present case the height of 75' (for the pole) was chosen by a radio frequency engineer based upon the need for coverage in the area. By submitting this application AT&T asserts that it has consulted with a duly trained and accredited radio frequency engineer regarding the height needed for this site and has attempted to mitigate the visual impact of the site by keeping the height to the minimum amount needed to address the yellow areas indicated on the RF map. Please note that by limiting height to 75' in a zone where 100' is permitted there are some limitations on potential subsequent co-location. The applicant has done its best to mitigate visual impacts rather than to maximize co-location opportunities because the expressed opinion of neighboring property owners indicated that they did not wish to have any site at all.

K. Certifications § 14-6.2 (E) (6) (b) (x)

See attached Exhibit F.

L. Traffic Control Plan § 14-6.2 (E) (6) (b) (xi)

All construction will be done on site within an existing overflow parking lot. Arrangements have been made with the property owner to ensure that construction is performed during non-peak season when the parking area affected is vacant. No construction or equipment will be located on or obstruct the public rights of way.

M. Construction Drawings § 14-6.2 (E) (6) (b) (xii)

The Construction Drawings are attached hereto as Exhibit B and are included along with the site plan.

N. Public Record Acknowledgment § 14-6.2 (E) (6) (b) (xiii)

The applicant hereby acknowledges that the application and related submittals will become public record. Further acknowledgement is indicated on the Construction Drawings.

O. Other Information § 14-6.2 (E) (6) (b) (xiv)

The applicant agrees to submit such other information as may be reasonably required. In addition the applicant has provided a copy of the "Optional Checklist for Determination of Whether a Facility is Categorically Excluded." (See attached Exhibit G) Also included are information on general EMF, technological requirements for wireless technology and Santa Fe specific information.

P. § 14-6.2 (E) (7) and Resolution

The application fee check in the amount of \$500.00 for the administrative review process pursuant to Resolution 2011-34 is attached hereto.

EMF INFORMATION SHEET

W=Watts mW=MilliWatt or 1/1000 of a Watt

Power Levels

Maximum Antenna Power

5-10 W per channel

Average Microwave Oven power

500-700W

Typical Urban Area Radiated Power per channel

.5-1 W

(Note: providers REDUCE power in urban area due to increased number of sites)

Exposure Limits

FCC Standard for Antennas

1.0 mW/cm-sq.

Microwave ovens Leakage limit

5mW/cm-sq.

Average microwave oven leakage

.2mW/cm-sq.

Background Exposure Levels

Large City Average Background RF

.050 mW/m sq.

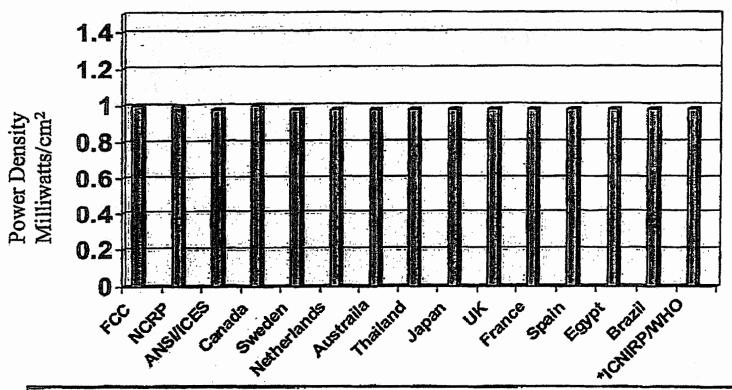
Sources:

http://www.fcc.gov/Bureaus/Engineering Technology/Documents/bulletins/oet56/oet56e4.pdf

http://www.scantech7.com/forms/RF%20&%20FMF%20Safety%20Levels%20Comparative%20 Guide%20REY%20A.pdf

http://www.ccohs.ca/oshanswers/phys_agents/microwave_ovens.html

National and International Public RF Exposure Standards (PCS @ 1,950 MHz)



*International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Safety Exposure Standard. ICNIRP standard recommended by the World Health Organization (WHO). Members of the ICNIRP Scientific Committee were from:

- Australia • Italy
- Finland
 Sweden
- France
- Germany
 - United Kingdom
- Hungary
- · United States

Figure 1

Typical Exposure from Various Radio Frequency / Microwave Sources

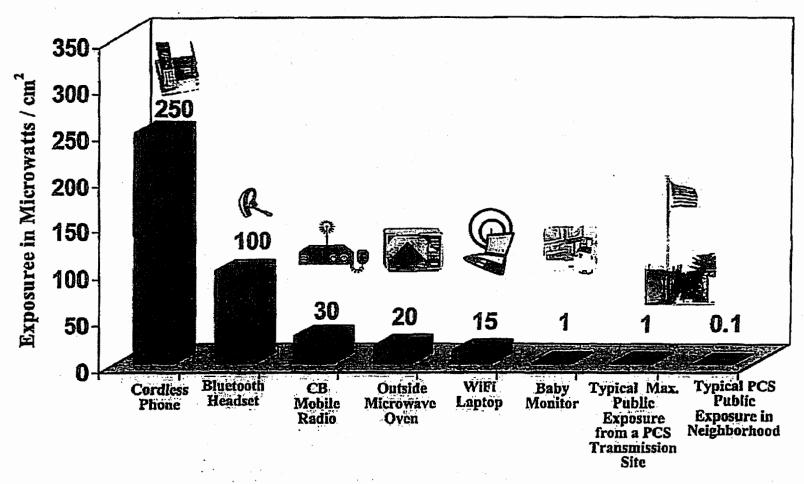
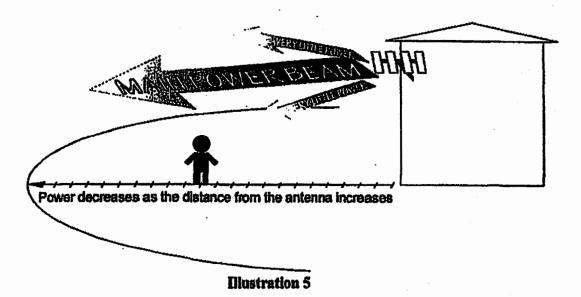


Figure 3



Personal wireless service antennas typically do not emit high levels of RF energy directed above or below the horizontal plane of the antenna. Although the precise amount of energy transmitted outside the horizontal plane will depend upon the type of antenna used, we are aware of nowireless antennas that produce significant non-horizontal transmissions. Thus, exposures even a small distance below the horizontal plane of these antennas would be significantly less than in the horizontal plane. As discussed above, the tables and figures in Appendix B show distances in the horizontal plane from typical antennas at which exposures could potentially exceed the guidelines, assuming "worst case" operating conditions at maximum possible power levels. In any direction other than horizontal, including diagonal or straight down, these "worst case" distances would be significantly less.

Where unidirectional antennas are used, exposure levels within or outside the horizontal plane in directions other than those where the antennas are aimed will typically be insignificant. In addition, many new antennas are being designed with shielding capabilities to minimize emissions in undesired directions.

C. Multiple Facility Sites.

Where multiple facilities are located at a single site, the FCC's rules require the total exposure from all facilities to fall within the guideline limits, unless an EA is filed and approved. In such cases, however, calculations of predicted exposure levels and overall evaluation of the site may become much more complicated. For example, different transmitters at a site may operate different numbers of channels, or the operating power per channel may vary from transmitter to transmitter. Transmitters may also operate on different frequencies (for example, one antenna array may belong to a PCS operator, while the other belongs to a cellular operator). A large number of variables such as these make the calculations more time consuming, and make it difficult to apply a simple rule-of-thumb test. See the following illustration.

Table B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single, sectorized, cellular base-station antenna to meet FCC RF exposure guidelines

Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Horizontal* distance (feet) that should be maintained from a single sectorized cellular antenna
0.5	0.82	1.6
1	1.6	2.3
5	8.2	5
10	16.4	7.1
25	41	11.3
50	82	16
100	164	22.6

For intermediate values not shown on this table, please refer to the Figure B1-2

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Collular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

^{*}These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

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American Radio Relay League: www.arrl.org

American National Standards Institute: www.ansi.org

Bioelectromagnetics Society: www.bioelectromagnetics.org

COST 244 (Europe): www.radio.fer.hr/cost244

DOD: www.brooks.af.mil/AFRL (select radiofrequency radiation)

European Bloelectromagnetics Association: www.ebea.org

Electromagnetic Energy Association: www.elecenergy.com

Federal Communications Commission: www.fcc.gov/oet/rfsafety

ICNIRP (Europe): www.icnirp.de

IEEE: www.ieee.org

IEEE Committee on Man & Radiation: www.seas.upenn.edu/~kfoster/comar.htm

International Microwave Power Institute: www.impl.org

Microwave News: www.microwavenews.com

J.Moulder, Med.Coll.of Wisc.: www.mcw.edu/gcrc/cop/cell-phone-health-FAQ/toc.html

National Council on Radiation Protection & Measurements: www.ncrp.com

NJ Dept Radiation Protection: www.state.nj.us/deplrpp (select non-ionizing

radiation) Richard Tell Associates: www.radhaz.com

US OSHA: www.osha-sic.gov/SLTC (select subject: radiofrequency radiation)

Wireless Industry (CTIA): www.wow-com.com

Wireless Industry (PCIA): www.pcla.com

World Health Organization EMF Project: www.who.ch/peh-emf

Base Stations & Health

Explained Series - Wireless Technology and Health

Issue Date - July 2008

What is a base station and wheless network?

Wireless systems use a network of radio base stations to provide service for impoller phones and other wireless devices. Base stations send and receive low.powered radio signals to and from mobile phones, and provide the connection to the main telephone network. A mobile network is usually configured in a cellular grid format.

Base stations need to be located close to mobile phone users to provide good quality reception.

What do base stations look like?

Base stations usually consist of a small equipment cabinet or hut, and antennas mounted on a support structure.

The antenna support structure can vary considerably. Typical examples are:

Buildings / Light poles / Towers or masts

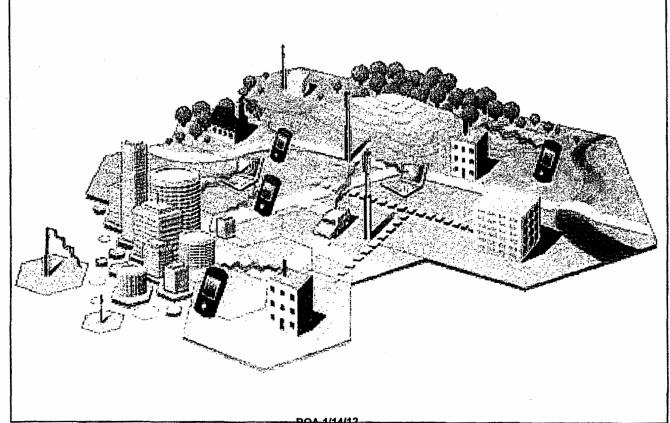
Base station antennas are usually located on the most suitable structure in the area for example an existing building, tower or structure. Sometimes a new tower or mast is required if there are no existing structures. Each base station is connected to the main telephone network either via a microwave link using a small dish antenna, or via optical fibre cable.

How do mobile network operators decide where to site base stations?

To provide a good quality mobile service, base stations need to be located where people use their mobile phones. A mobile network is typically designed on a "cell grid" basis covering a geographic area. Base stations are located either in the centre of each cell or on the corner of a group of cells. The number of base stations required for a given area will depend on the terrain and number of people using mobile phones.

The radio signals that base station antennas transmit are primarily transmitted from the centre of the antenna outwards. This means that the antennas need to be placed in locations where there are no obstructions, such as building rooftops and masts.

In built-up and mountainous areas with many buildings, trees and obstructions, it is likely that more base stations will be required to provide service to the local community. In rural areas with fewer obstructions, less base stations will be required.



BOA 1/14/12 -- Page 57 of 204

Base Stations & Health

Explained Series - Wireless Technology and Healthi

Issue Date - July 2008

How many base stations are required in a given area?

Mobile networks have a finite capacity which means the ability to cater for simultaneous phone calls. The more people using mobile phones, the more capacity is required and this usually means more base stations closer together. Mobile networks must be designed according to the local population and number of people using the network.

What different types of base stations are there?

Base stations are broadly divided into the following categories:

Macro celis

towers, masts and poles providing wide are coverage

Micro cells

small antennas at street level providing local area coverage

Pico cells

- very small antennas providing dedicated coverage spots
- In Building Systems
- small antennas inside a building providing dedicated coverage

Should base stations be located near homes and schools?

Today's society relies on mobile phones working everywhere including at home, at school and at work. When base stations are located close to users, the transmitter power required by the mobile phone and the base station to communicate is relatively low. If base stations were located further away, the power required is generally higher, and this means a higher EMF.

Therefore to provide good reception and minimise EMF, base stations need to be located close to users and where we live.

How strong are the environmental EMF levels near a base station?

Base station transmitters use relatively low power and environmental EMF surveys conducted in many countries around the world have shown background EMF levels to be equally very low.

The World Health Organisation has reviewed the background EMF levels from wireless systems and says,

*Recent surveys have shown that the RF exposures from base stations range from 0.002% to 2% of the levels of international exposure guidelines, depending on a variety of factors such as the proximity to the antenna and the surrounding environment. This is lower or comparable to RF exposures from radio or television broadcast transmitters"

Specifically on EMF levels in public areas the WI-IO says.

"Recent surveys have indicated that RF exposures from base stations and wireless technologies in publicly accessible areas (including schools and hospitals) are normally thousands of times below international standards."

Are base stations safe - Is it safe to live near a base station?

Base stations operate at low power, Independent surveys demonstrate that the background EMF level in the community from base stations is very low, and similar to environmental EMF levels from broadcast radio and television.

The World Health Organisation monitors scientific research into EMF and concludes.

"Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects"

Do base station EMF levels vary?

Mobile networks are specifically designed to use the lowest possible power from base stations and mobile phones necessary to quality voice or data services. The network automatically adjusts the base station transmitter power according to how far away the mobile phone users are.

With the optimal network design, base stations are located close to mobile phone users and produce the lowest possible EMF.

The further away base stations are located from mobile phone users. the higher the power required resulting in higher EMF levels.

Current WHO advice http://www.who.int/peh-emf/en/

The World Health Organisation advises "Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects."



Federal Search | RSS | Updates | E-Filing | Initiatives | Communications Consumers | Find People



Consumer & Governmental Affairs Bureau

FCC > CGR Home > Consumer Publications > Human Exposure to RF Fields Guidelines

ECC sile map

Human Exposure To Radio Frequency Fields: Guidelines For Cellular & PCS Sites

FCC Consumer Facts

Background

Primary antennas for transmitting wireless telephone service, including cellular and Personal Communications Service (PCS), are usually located outdoors on towers, water tanks, and other elevated structures like rooftops and sides of buildings. The combination of antenna towers and associated electronic equipment is referred to as a "cellular or PCS cell site" or "base station." Cellular or PCS cell site towers are typically 50-200 feet high. Antennas are usually arranged in groups of three, with one antenna in each group used to transmit signals to mobile units, and the other two antennas used to receive signals from mobile units.

At a cell site, the total radio frequency (RF) power that can be transmitted from each transmitting antenna depends on the number of radio channels (transmitters) that have been authorized by the Federal Communications Commission (FCC) and the power of each transmitter. Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

An ERP of 100 watts corresponds to an actual radiated power of 5-10 watts, depending on the type of antenna used. In urban areas, cell sites commonly emit an ERP of 10 watts per channel or less. For PCS cell sites, even lower ERPs are typical. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antenna increases.

Consequently, normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

Guidelines

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The FCC's guidelines are identical to those recommended by the National Council on Radiation Protection and Measurements (NCRP), a non-profit corporation chartered by Congress to develop information and recommendations concerning radiation protection. The FCC's guidelines also resemble the 1992 guidelines recommended by the Institute of Electrical and Electronics Engineers (IEEE), a non-profit technical and professional engineering society.

and endorsed by the American National Standards Institute (ANSI), a non-profit, privately-funded, membership organization that coordinates development of voluntary national standards in the United States.

In the case of cellular and PCS cell site transmitters, the FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters.

Calculations corresponding to a "worst-case" situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC's guidelines, an individual would essentially have to remain in the main transmitting beam and within a few feet of the antenna for several minutes or longer. Thus, the possibility that a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

When cellular and PCS antennas are mounted on rooftops, RF emissions could exceed higher than desirable guideline levels on the rooftop itself, even though rooftop antennas usually operate at lower power levels than free-standing power antennas. Such levels might become an issue for maintenance or other personnel working on the rooftop. Exposures exceeding the guidelines levels, however, are only likely to be encountered very close to, and directly in front of, the antennas. In such cases, precautions such as time limits can avoid exposure in excess of the guidelines. Individuals living or working within the building are not at risk.

For More Information

For more information on this issue, visit the FCC's RF Safety Web site at www.fcc.gov/oet/rfsafety. For further information about any other telecommunications-related issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at http://www.fcc.gov/cgb/, or contact the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-35-5322) TTY; faxing 1-866-418-0232; or writing to:

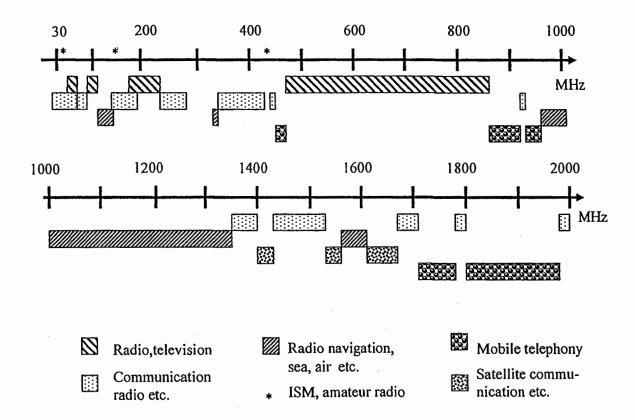
Federal Communications Commission Consumer and Governmental Affairs Bureau Consumer Information and Complaints Division 445 12 St. SW Washington, DC 20554.

For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on http://www.fcc.gov/cgb/contacts/.

This document is for consumer education purposes only and is not intended to affect any proceeding or cases involving this subject matter or related issues.

11/08/07



<u>Figure 2</u>. Allocation of frequencies between 30 MHz and 2 GHz (Swedish data, from www.pts.se). Some emerging telecommunication systems such as UMTS will also utilise frequencies above 2 GHz (not shown in figure).

Mobile telephony specific emissions are limited to bands around 450 MHz (analog system), 900 MHz (a second analog system now being phased out, and digital systems/GSM), 1800 MHz (further GSM services) as well as 1900-2200 MHz (the coming UMTS). (GMS = Global System for Mobile Telecommunication, UMTS = Universal Mobile Communications System.)

As indicated in figure 2, and verified by measurements in several European countries, emissions from mobile telephony systems corresponds to only a part of the total radiofrequency exposure (see further discussion below on broadband vs. frequency specific measurements).

Description of the mobile telephone system

The mobile (cellular) phone system works as a network containing base stations. Within each cell, a base station (with an antenna) can link with a number of handsets (mobile phones). The mobile phones and the base stations communicate with each other, sharing a number of operation frequencies. Other

transmission links connect this base station with switches connecting to base stations in other cells, or with switches connected to conventional phones. The cell exists in order to permit re-use of frequencies – the same frequency can be used in different cells (given a sufficient distance). The links (uplink from handset to base station, downlink from base station to handset) employ high frequency electromagnetic fields. Figure 3 outlines this structure.

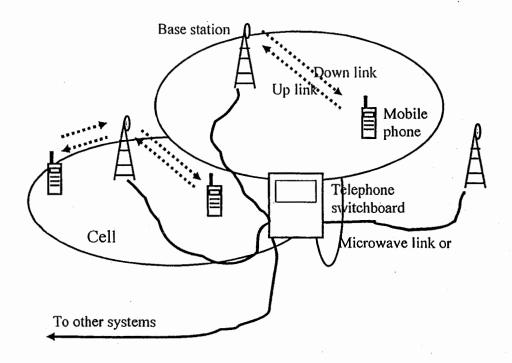


Figure 3. The structure of the mobile telephone system (here with three cells).

The outdoor base station antennas may be mounted on the roof or walls of buildings or on free standing masts. The size of the cells may vary, from several kilometres (in rural areas with low traffic density) down to some 10-100 meters (in high traffic density areas in cities). Small indoor cells occur, using either normal mobile telephone systems such as GSM, or systems for cordless telephony (e.g. DECT).

A particular base station may operate several channels (typically 2 or 3), where each channel uses a specific set of frequencies, one for the uplink and one for the downlink. Depending on technique, each channel can (at the same time) handle communication from one or several active handsets. In an analogue system such as the NMT or the TACS, one call is handled in each channel, which — with the fast increase in traffic — has been found incapable of sufficient capacity. In order to increase the capacity, digital systems such as the GSM 900 and GSM 1800 were introduced in 1992 and 1993, respectively. In these

The 1992 ANSI standard was developed by Scientific Coordinating Committee 28 (SCC 28) under the auspices of the Institute of Electrical and Electronic Engineers (IEEE). This standard, entitled "IEEE Standards for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz" (IEEE C95.1-1991), was issued in April 1992 and subsequently adopted by ANSI. A revision of this standard (C95.1-2005) was completed in October 2005 by SCC 39 the IEEE International Committee on Electromagnetic Safety (ICES). Their recommendations are similar to the NCRP recommendation for the maximum permissible exposure (MPE) to the public PCS frequencies (950 uW/cm² for continuous exposure at 1,900 MHz) and incorporates the convention of providing for a greater margin of safety for public as compared with occupational exposure. Higher whole body exposures are allowed for brief periods provided that no 30 minute time-weighted average exposure exceeds these aforementioned limits.

On August 9, 1996, the Federal Communications Commission (FCC) established a RF exposure standard that is a hybrid of the current ANSI and NCRP standards. The maximum permissible exposure values used to assess environmental exposures are those of the NCRP (i.e., maximum public continuous exposure at PCS frequencies of 1,000 uW/cm²). The FCC issued these standards in order to address its responsibilities under the National Environmental Policy Act (NEPA) to consider whether its actions will "significantly affect the quality of the human environment." In as far as there was no other standard issued by a federal agency such as the Environmental Protection Agency (EPA), the FCC utilized their rulemaking procedure to consider which standards should be adopted. The FCC received thousands of pages of comments over a three-year review period from a variety of sources including the public, academia, federal health and safety agencies (e.g., EPA & FDA) and the telecommunications industry. The FCC gave special consideration to the recommendations by the federal health agencies because of their special responsibility for protecting the public health and safety. In fact, the maximum permissible exposure (MPE) values in the FCC standard are those recommended by EPA and FDA. The FCC standard incorporates various elements of the 1992 ANSI and NCRP standards which were chosen because they are widely accepted and technically supportable. There are a variety of other exposure guidelines and standards set by other national and international organizations and governments, most of which are similar to the current ANSI/IEEE or NCRP standard, figure one.

The FCC standards "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation" (Report and Order FCC 96-326) adopted the ANSI/IEEE definitions for controlled and uncontrolled environments. In order to use the higher exposure levels associated with a controlled environment, RF exposures must be occupationally related (e.g., PCS company RF technicians) and they must be aware of and have sufficient knowledge to control their exposure. All other environmental areas are considered uncontrolled (e.g., public) for which the stricter (i.e., lower) environmental exposure limits apply. All carriers were required to be in compliance with the new FCC RF exposure standards for new telecommunications facilities by October 15, 1997. These standards applied retroactively for existing telecommunications facilities on September 1, 2000.

The task for the physical, biological, and medical scientists that evaluate health implications of the RF data base has been to identify those RF field conditions that can produce harmful biological effects. No panel of experts can guarantee safe levels of exposure because safety is a null concept, and negatives are not susceptible to proof. What a dispassionate scientific assessment can offer is the presumption of safety when RF-field conditions do not give rise to a demonstrable harmful effect.

Summary & Conclusions

The analysis of the AT&T wireless facility described in this report is representative of the highest likely RF exposure from the facilities planned for Santa Fe, NM. This "worst case" projection will no doubt overestimate the typical public exposures that would be expected from these wireless facility during routine operation. Nevertheless, even this "worst case" projection, as specified above, will be in full compliance with FCC RF public safety standards. PCS and cellular transmitters, by design and operation, are low-power devices. Even under maximal exposure conditions in which all the channels from all antennas are operating at full power, the maximum RF exposure will not be in excess of 1.0% of the public safety standard at any publically accessible location. This maximum exposure is more than 100 times lower than the FCC public exposure standards for these frequencies. A chart of the electromagnetic spectrum and a comparison of RF power densities from various common sources is presented in figures two and three respectively in order to place exposures from PCS and cellular telecommunications systems in perspective.

It is important to realize that the FCC maximum allowable exposures are not set at a threshold between safety and known hazard but rather at 50 times below a level that the majority of the scientific community believes may pose a health risk to human populations. Thus, the previously mentioned maximum exposure from the site represents a "safety margin" from this threshold of potentially adverse health effects of more than 5,000 times.

Given the low levels of radiofrequency fields that would be generated from this facility, and given the evidence on biological effects in a large data base, there is no scientific basis to conclude that harmful effects will attend the utilization of the proposed wireless telecommunications facility. This conclusion is supported by a large numbers of scientists that have participated in standard-setting activities in the United States who are overwhelmingly agreed that RF radiation exposure below the FCC exposure limits has no demonstrably harmful effects on humans.

These findings are based on my professional evaluation of the scientific issues related to the health and safety of non-ionizing electromagnetic radiation and my analysis of the technical specification as provided by AT&T. The opinions expressed herein are based on my professional judgement and are not intended to necessarily represent the views of any other organization or institution. Please contact me if you require any additional information.

Sincerely,

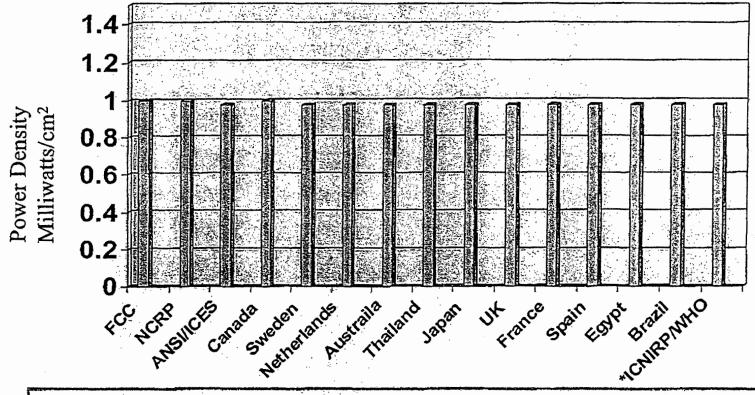
Jerrold T. Bushberg Ph.D., DABMP, DABSNM

Diplomate, American Board of Medical Physics (DABMP)

Diplomate, American Board of Science in Nuclear Medicine (DABSNM)

Enclosures: Figures 1-3; Attachments 1, 2; Appendix A, and Statement of Experience.

National and International Public RF Exposure Standards (PCS @ 1,950 MHz)



*International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Safety Exposure Standard. ICNIRP standard recommended by the World Health Organization (WHO). Members of the ICNIRP Scientific Committee were from:

- Australia
 Italy
- FinlandSweden
- France
 Japan
- Germany
- United Kingdom
- Hungary
- United States

Figure 1

The Electromagnetic Spectrum

Typical Exposure from Various Radio Frequency / Microwave Sources

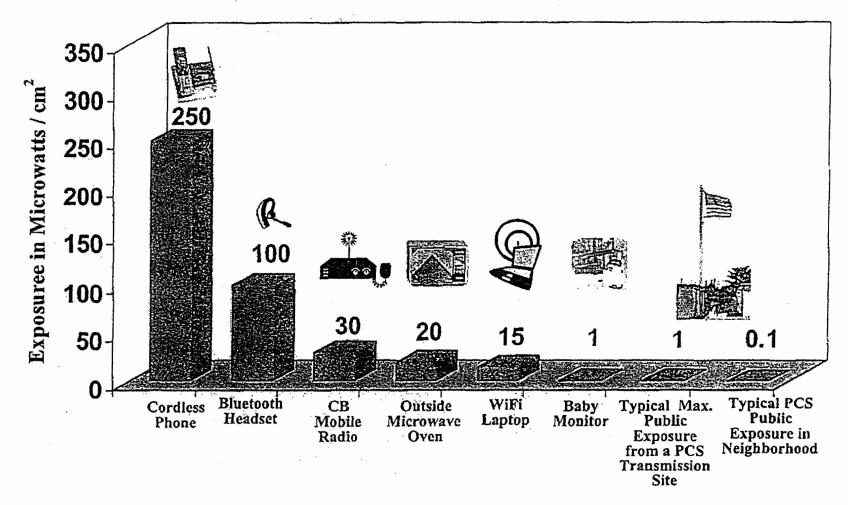


Figure 3

Attachment 1

Site Specifications

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ALBOQUEROUE, INV 87108 LATITUDE: 35' 03' 47.8122" N (HAD 83)	SITE NUMBE	R: A060-AA	
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REDLINE DRAWING REVIEW	<u> </u>	TELCORDIA GR-1503, COARIAL CABLE CONNECTIONS	1
NAME (PRINT) SIGNATURE DATE	SITE QUALIFICATION PARTICIPANTS COMPANY NAME COMPANY NAME COMPANY NAME COMPANY NAME	ANSI TL311, FOR TELECON - DC POWER SYSTEMS - TELECOM, EMMROHMENTAL PROTECTION	
GENERAL CONTRACTOR — CONTRIN ACCURACY OF THESE REPLINE DRAWINGS NAME (PRINT) SIGNATURE DATE	ATAT RETH ROLLEY (505) 400-3333	FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR DITHER RECURDIDIES, THE MOST RESTRICTIVE	1
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ENCINEERING - Market Engineer Shall Review Redline Drawings To Ensure Changes Do Not After The Original Design Intent And/Or Are Code Compliant	1. UTILITY NOTIFICATION CENTER OF NEW MEJOCO AT 1-800-321-ALERT 48 HOURS SEPTIRE ANY DICCING.		_ A
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Must 940 Houston, Texas 77042 CANDIDATE NAME TABERNA Ph: 281.870.8727 FAX: 281.870.8728	at&t SALVATA	FY SY SI SY TABLESHAGLE MAY LAND	
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BOA 1/14/12 Pane 78 of 204

Attachment 2

Antenna Specifications

4,2

700 MHz Dual Band 8', 65 Degree Antenna RET



Kathrein's X-polarized antennas are designed for use in digital polarization diversity systems.

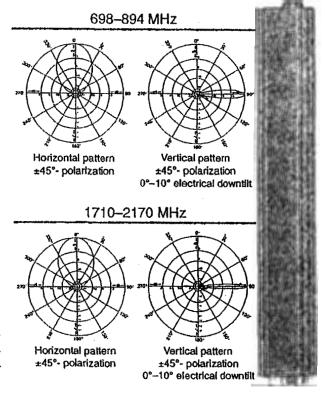
- X-polarized (+45° and -45°).
- · UV resistant fiberglass radomes.
- · Wideband vector dipole technology.
- · DC Grounded metallic parts for impulse suppression.
- RET motor housed inside the radome and field replaceable.

General specifications:

Frequency range	698-894 MHz // 1710-2170 MHz
Impedance	50 ohrns
VSWR	<1.5:1
Intermodulation (2x20w)	IM3:< -150 dBc
Polarization	+45° and -45°
Connector	4 x 7-16 DIN female (long neck)
Isolation	intrasystem >30 dB // Intersystem >40 dB
See reverse for order infor	mation.

IRT specifications:

Logical interface ex factory"	AISG 1.1
Protocols	AISG 1.1 and 3GPP/AISG 2.0 compliant
Hardware interface ²⁾	2 x 8pin connector acc, IEC 60130-9; according to AISG: - IRTin (male): Control / Dalsy chain in - IRTout (female): Daisy chain out
Power supply	10–30 V
Power Consumption	<1 W (standby); <8.5 W (motor activated)
Adjustment time (full range)	40 seconds
Adjustment cycles	>50,000
Certification	FCC 15.107 Class B Computing Devices



¹⁾ The protocol of the logical interface can be switched from AISG 1.1 to 3GPP/AISG 2.0 and vice versa with a vendor specific command.

Please note: If the Primary of the RETsystem doesn't support the standard of the 'logical interface ex factory', the RCU must be switched to the appropriate standard of the Primary before installation. Please contact Kathrein for further information.

2º The tightning torque for fixing the connector must be 0.5 - 1.0 Nm ('hand-tightened'). The connector should be tightened by hand only!

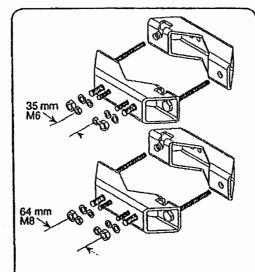
Specifications:	698-806 MHz	824-894 MHz	1710-1755 MHz	1850-1990 MHz	2110-2170 MHz	
Gain	16,4 dBi	17 dBi	18 dBi	18.5 dBi	18 dBi	
Front-to-back ratio	>30 dB (co-polar) 34 dB (average)	>30 dB (co-polar) 34 dB (average)	>27 dB (co-polar) 34 dB (average)	>27 dB (co-polar) 34 dB (average)	>27 dB (co-polar) 34 dB (average)	
Maximum input power per input	500 watts (at 50°C)	500 watts (at 50°C)	300 watts (at 50°C)	300 watts (at 50°C)	300 watts (at 50°C)	
+45° and -45° polarization horizontal beamwidth	68° (half-power)	65° (half-power)	63° (half-power)	62° (half-power)	63° (half-power)	
+45° and -45° polarization vertical beamwidth	9.5° (half-power)	8.5° (half-power)	5.8° (half-power)	5.8° (half-power)	5,8° (half-power)	
Electrical downtilt continuously adjustable	0°-10°	0°-10°	0°-10°	0°-10°	0°-10°	
Min sidelobe suppression for first sidelobe above main beam average	0° 5° 10° T 16 16 16 dB 18 20 18 dB	0° 5° 10°T 18 18 16 dB 20 20 20 dB	0° 5° 10° T 18 18 18 dB 20 22 20 dB	0° 5° 10°T 18 18 17 dB 20 22 20 dB	0° 5° 10° T 18 18 18 dB 20 22 20 dB	
Cross polar ratio Main direction 0° Sector ±60°	25 dB (typical) >10 dB, 15 dB (avg)	20 dB (typical) >10 dB, 12 dB (avg)	25 dB (typical) >8 dB, 15 dB (avg)	30 dB (typical) >10 dB, 15 dB (avg)	25 dB (typical) >8 dB, 15 dB (avg)	





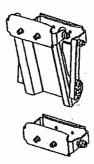
700 MHz Dual Band 8', 65 Degree Antenna RET

HOTHREIN SCALA DIVISION



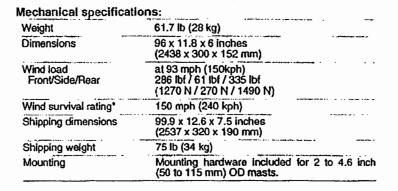
Mounting Brackets

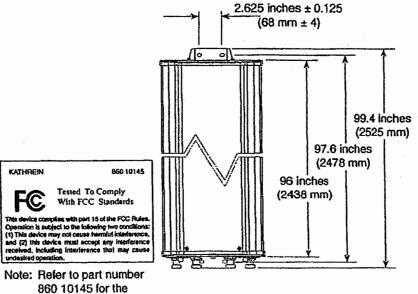
for use with 2-point mount antennas Mast dia, 2-4.5 inches (50-115 mm) Weight: 4 lb (1.8 kg)



Mechanical Tilt Brackets

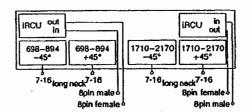
for use with 2-point mount antennas Weight: 13 lb (5.9 kg) (Model 850 10007)





specifications of the remote control actuator.

6 inches (152 mm)



Order Information:

• • • • • • • • • • • • • • • • • • •	
Model	Description
800 10766	Dualband antenna with mounting bracket 0°-10° // 0°-10° electrical downtilt
800 10766 K	Dualband antenna with mounting bracket and mechanical tilt bracket

*Mechanical design is based on environmental conditions as stipulated in TIA-222-G-2 (December 2009) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

Appendix A

Kathrein Scala model # 800-10766 Exposure Calculation 6.0 ft AGL Antenna RF Center 40.0 ft

ERP 5,232 Watts (1,955 and 1,990 MHz)

Max gain 34 (dBd): 16.37

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Level	Precent of
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm²	FCC STD
	•	J					
0	90.000	-21.67	-38.04	1036.32	821.6138	0.00026	0.02556
1	88.315	-18.06	-34.43	1036.77	1886.5475	0.00059	0.05864
2	86.634	-16.18	-32.55	1038.11	2908.4911	0.00090	0.09017
3	84.958	-16.41	-32.78	1040.35	2758.4666	0.00085	0.08515
4	83.290	-16.49	-32.86	1043.47	2708.1189	0.00083	0.08310
5	81.634	-16.35	-32.72	1047.47	2796.8407	0.00085	0.08517
6	79.992	-15.93	-32.3	1052.33	3080.8300	0.00093	0.09295
7	78.366	-15,23	-31.6	1058.06	3619.6596	0.00108	0.10803
8	76.759	-13.7	-30.07	1064.62	5148.3461	0.00152	0.15176
9	75.174	-13.46	-29.83	1072.01	5440.8623	0.00158	0.15818
10	73.610	-13.93	-30.3	1080.21	4882.7865	0.00140	0.13980
11	72.072	-14.03	-30.4	1089.21	4771.6407	0.00134	0.13438
12	70.560	-13.61	-29.98	1098.97	5256.1498	0.00145	0.14540
13	69.075	-13.38	-29.75	1109.49	5542.0155	0.00150	0.15042
14	67.620	-13.08	-29.45	1120.74	5938.3766	0.00158	0.15796
15	66.194	-13.18	-29.55	1132.69	5803.2026	0.00151	0.15112
16	64.799	-14.89	-31.26	1145.33	3914.4228	0.00100	0.09970
17	63.435	-16.97	-33.34	1158.64	2424.7543	0.00060	0.06035
18	62.103	-19.25	-35.62	1172.59	1434.3916	0.00035	0.03485
19	60.803	-17.4	-33.77	1187.16	2196.1790	0.00052	0.05206
20	59.534	-16.12	-32.49	1202.32	2948.9522	0.00068	0.06816
21	58.299	-15.92		1218.06	3087.9321	0.00070	0.06954
22	57.095			1234.35	2544.8825	0.00056	0.05580
23	55.923	-18.87	-35.24	1251.17	1565.5529	0.00033	0.03341
24	54.782			1268.50	1704.7776	0.00035	0.03540
25	53.673	-18.99	-35.36	1286.31	1522.8872	0.00031	0.03075
26	52.595			1304.60	983,2586	0.00019	0.01930
27	51.546			1323.34	1477.9772	0.00028	0.02820
28	50.528			1342.50	4194.3796	0.00078	0.07775
29	49.538			1362.08	7918.9525	0.00143	0.14260
30	48.576		-27.28	1382.06	9787.4090	0.00171	0.17119
31	47.643			1402.41	8273.0897	0.00141	0.14054
32	46.736			1423.13	4849.1736	0.00080	0.07999
33	45.855			1444.19	2012.1842	0.00032	0.03223
34	45.000				2012.1842	0.00031	0.03130
35	44.170			1487.29	884.4387	0.00013	0.01336
36	43.363	-20.09	-36.46	1509.30	1182.1368	0.00017	0.01734

Apdx. A Page 1 Kathrein 800-10766

		Max gain	
ARL	34	(dBd):	16.37

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathreln 80010766

Feet from site: 391

RF Exposure Level

Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Level	Precent of
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm ²	FCC STD
37	42.580	-16.09		1531.60	2969,3934	0.00042	0.04229
38	41.820	-12.07	-28.44	1554.18	7493.2071	0.00104	0.10364
39	41.082	-12.07	-28.44	1577.03	7493.2071	0.00101	0.10066
40	40.365	-8.82	-25.19	1600.13	15836.8111	0.00207	0.20665
41	39.668	-6.51	-22.88	1623.47	26956.7627	0.00342	0.34171
42	38.991	-5.03	-21.4	1647.05	37902.4894	0.00467	0.46680
43	38.333	-5.03	-21.4	1670.85	37902.4894	0.00454	0.45359
44	37.694	-4.17	-20.54	1694.86	46202.7404	0.00537	0.53737
45	37.073	-4.17	-20.54	1719.08	46202,7404	0.00522	0.52233
46	36.469	-3.65	-20.02	1743.50	52079.6114	0.00572	0,57240
47	35.882	-3.28	-19.65	1768.10	56711.0561	0.00606	0.60608
48	35.311	-3.28	-19.65	1792.89	56711.0561	0.00589	0.58943
49	34.756	-3.03	-19.4	1817.85	60071.3975	0.00607	0.60733
50	34.216	-3.03	-19.4	1842.97	60071.3975	0.00591	0.59089
51	33.690	-3.08	-19.45	1868.25	59383.7659	0.00568	0.56842
52	33.179	-3.08		1893.69	59383.7659	0.00553	0.55325
53	32.681	-3.67	-20.04	1919.27	51840.3274	0.00470	0.47018
54	32.196	-3.67		1945.00	51840.3274	0.00458	0.45783
55	31.724	-5.03		1970.86	37902.4894	0.00326	0.32601
56	31.264	-5.03		1996.85	37902.4894	0.00318	0.31758
57	30.816			2022.96	21363.2703	0.00174	0.17441
58	30.379			2049.20	21363.2703	0.00170	0.16997
59	29.954			2075.55	7992.2256	0.00062	0.06198
60	29.539			2102.02	7992.2256	0.00060	0.06043
61	29.134			2128.59	7992.2256	0.00059	0.05893
62	28.740			2155.26	1354.1530	0.00010	0.00974
63	28.355			2182.04	1354.1530	0.00010	0.00950
64	27,979			2208.91	257.4351	0.00002	0.00176
65	27.613			2235.87	257.4351	0.00002	0.00172
66	27.255			2262.92	257.4351	0.00002	0.00168
67	26.906			2290.06	464.1600	0.00003	0.00296
68	26.565				464.1600	0.00003	0.00289
69	26.232				464.1600	0.00003	0.00282
70	25.907			2371.96	15.7640	0.00000	0.00009
71	25.589						0.00009
72	25.278						0.00009
73	24.974				2016.8228	0.00011	0.01118
74	24,677				2016.8228	0.00011	0.01094
75	24.386				2016.8228		0.01070
76	24.102				2016.8228		0.01046
77	23.824	-10.48	-26.85	2565.58	10806.0690	0.00055	0.05485

Apdx. A Page 2 Kathrein 800-10766

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Lovol	Organit of
				•		Level	Precent of
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm²	FCC STD
78	23.552	-10.48	-26.85	2593.49	10806.0690	0.00054	0.05368
79	23.286	-10.48	-26.85	2621.46	10806.0690	0.00053	0.05254
80	23.025	-10.48	-26.85	2649.48	10806.0690	0.00051	0.05143
81	22.770	-6.75	-23.12	2677.56	25507.4906	0.00119	0.11887
82	22.521	-6.75	-23.12	2705.69	25507.4906	0.00116	0.11641
83	22.276	6.75	-23.12	2733.87	25507.4906	0.00114	0.11402
84	22.036	-6.75	-23.12	2762.10	25507.4906	0.00112	0.11170
85	21.801	-4.97	-21.34	2790.38	38429.7656	0.00165	0.16490
86	21.571	-4.97	-21.34	2818.70	38429.7656	0.00162	0.16160
87	21.346	-4.97	-21.34	2847.07	38429,7656	0.00158	0.15840
88	21.125	-4.97	-21.34	2875.48	38429.7656	0.00155	0.15528
89	20.908	-4.68	-21.05	2903.93	41083.5284	0.00163	0.16277
90	20.695	-4.68	-21.05	2932.42	41083.5284	0.00160	0.15962
91	20.487	-4.68	-21.05	2960.96	41083.5284	0.00157	0.15656
92	20.283			2989.53	41083.5284	0.00154	0.15358
93	20.082	-4.68		3018.14	41083.5284	0.00151	0.15068
94	19.885			3046.78	32186.0540	0.00116	0.11584
95	19.692	-5.74		3075.46	32186.0540	0.00114	0.11369
96	19.502			3104.18	32186.0540	0.00112	0.11160
97	19.316			3132.92	32186.0540	0.00110	0.10956
98	19.134			3161.70	32186.0540	0.00108	0.10757
99	18.954			3190.52	19983.3243	0.00066	0.06559
100	18.778			3219.36	19983.3243	0.00064	0.06442
101	18.605			3248.23	19983.3243	0.00063	0.06328
102	18.435				19983.3243	0.00062	0.06217
103	18.268				19983.3243	0.00061	0.06108
104	18.104				19983.3243	0.00060	0.06003
105	17.942			3364.00	14678.0288	0.00043	0.04333
106	17.784				14678.0288	0.00043	0.04260
107	17.628				14678.0288	0.00042	0.04188
108	17.475				14678.0288	0.00041	0.04117
109	17.324	-9.15	-25.52	3480.20			0.04049
110	17.176			3509.31	14678.0288		0.03982
111	17.030				14678.0288		0.03917
112	16.887	-8.43	-24.8	3567.59	17324.7803	0.00045	0.04548
113	16.746						0.04474
114	16.607			3625.97	17324.7803	0.00044	0.04402
115	16.470		-24.8	3655.19	17324.7803	0.00043	0.04332
116	16.336				17324.7803	0.00043	0.04264
117	16.204					0.00042	0.04197
118	16.074					0.00041	0.04132
<u> </u>		-					

Apdx. A Page 3 Kathrein 800-10766 ARL 34 (dBd): 16.37

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

C4-	0	A-4					
Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Level	Precent of
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm ²	FCC STD
119	15.945	-8.06	-24.43	3772.26	18865.4746	0.00044	0.04429
120	15.819	-8.06	-24.43	3801.58	18865.4746	0.00044	0.04361
121	15.695	-8.06	-24.43	3830.91	18865.4746	0.00043	0.04295
122	15.573	-8.06	-24.43	3860.27	18865.4746	0.00042	0.04230
123	15.452	-8.06	-24.43	3889.63	18865.4746	0.00042	0.04166
124	15.333	-8.06	-24.43	3919.02	18865.4746	0.00041	0.04104
125	15.216	-8.06	-24.43	3948.42	18865,4746	0.00040	0.04043
126	15.101	-8.06	-24.43	3977.84	18865.4746	0.00040	0.03983
127	14.988	-9.98	-26.35	4007.28	12124.6088	0.00025	0.02523
128	14.876	-9.98	-26.35	4036.73	12124.6088	0.00025	0.02486
129	14.765	-9.98	-26.35	4066.20	12124.6088	0.00024	0.02450
130	14.657	-9.98	-26.35	4095.68	12124.6088	0.00024	0.02415
131	14.550	-9.98	-26.35	4125.17	12124.6088	0.00024	0.02380
132	14.444	-9.98	-26.35	4154.68	12124.6088	0.00023	0.02347
133	14.340	-9.98	-26.35	4184.21	12124.6088	0.00023	0.02314
134	14.237	-9.98	-26.35	4213.74	12124.6088	0.00023	0.02281
135	14.136	-9.98	-26.35	4243.29	12124.6088	0.00022	0.02250
136	14.036	-9.98		4272.86	12124.6088	0.00022	0.02219
137	13.938	-16.54	-32.91	4302.43	2677.1194	0.00005	0.00483
138	13.841	-16.54	-32.91	4332.02	2677.1194	0.00005	0.00477
139	13.745	-16.54		4361.62	2677.1194	0.00005	0.00470
140	13.650			4391.24	2677.1194	0.00005	0.00464
141	13.557	-16.54		4420.86	2677.1194	0.00005	0.00458
142	13.465			4450.50	2677.1194	0.00005	0.00452
143	13.374			4480.15	2677.1194	0.00004	0.00446
144	13.285			4509.80	2677.1194	0.00004	0.00440
145	13.196			4539.47	2677.1194	0.00004	0.00434
146	13.109			4569.15	2677.1194	0.00004	0.00428
147	13.023			4598.85	2677.1194	0.00004	0.00423
148	12.938	-20.02		4628.55	1201.3450	0.00002	0.00187
149	12.854			4658.26	1201.3450	0.00002	0.00185
150	12.771	-20.02		4687.98	1201.3450	0.00002	0.00183
151	12.689				1201.3450	0.00002	0.00180
152	12.609				1201.3450	0.00002	0.00178
153	12.529						0.00176
154	12.450	-20.02	-36.39	4806.96	1201.3450	0.00002	0.00174
155	12.372				1201.3450	0.00002	0.00172
156	12.295	-20.02	-36.39	4866.50	1201.3450	0.00002	0.00169
157	12.219	-20.02	-36.39	4896.29	1201.3450	0.00002	0.00167
158	12.144			4926.08	1201,3450	0.00002	0.00165
159	12.070	-20.02	-36.39	4955.88	1201.3450	0.00002	0.00163

Apdx. A Page 4 Kathrein 800-10766 ARL 34 | Max gain | 16.37

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

Mr Exposure Level									
Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Level	Precent of		
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm ²	FCC STD		
160	11.997	-13.92	-30.29	4985.69	4894.0425	0.00007	0.00658		
161	11.925	-13.92	-30.29	5015.51	4894.0425	0.00006	0.00650		
162	11.853	-13.92	-30.29	5045.34	4894.0425	0.00006	0.00642		
163	11.782	-13.92	-30.29	5075.17	4894.0425	0.00006	0.00635		
164	11.712	-13.92	-30.29	5105.01	4894.0425	0.00006	0.00627		
165	11.643	-13.92	-30.29	5134.86	4894.0425	0.00006	0.00620		
166	11.575	-13.92	-30.29	5164.72	4894.0425	0.00006	0.00613		
167	11.508	-13.92	-30.29	5194.58	4894.0425	0.00006	0.00606		
168	11.441	-13.92	-30.29	5224.45	4894.0425	0.00006	0.00599		
169	11.375	-13.92	-30.29	5254.33	4894.0425	0.00006	0.00592		
170	11.310	-13.92	-30.29	5284.22	4894.0425	0.00006	0.00586		
171	11.245	-13.92	-30.29	5314.11	4894.0425	0.00006	0.00579		
172	11.182	-13.92	-30.29	5344.01	4894.0425	0.00006	0.00573		
173	11.119	-13.92	-30.29	5373.91	4894.0425	0.00006	0.00566		
174	11.056	-13.92	-30.29	5403.82	4894.0425	0.00006	0.00560		
175	10.995	-18.52	-34.89		1696.9449	0.00002	0.00192		
176	10.934	-18.52			1696.9449	0.00002	0.00190		
177	10.874	-18.52			1696.9449	0.00002	0.00188		
178	10.814	-18.52			1696.9449	0.00002	0.00186		
179	10.755	-18.52			1696.9449	0.00002	0.00184		
180	10.697	-18.52			1696.9449	0.00002	0.00182		
181	10.639	-18.52			1696.9449	0.00002	0.00180		
182	10.582	-18.52			1696.9449	0.00002	0.00178		
183	10.525				1696.9449	0.00002	0.00176		
184	10.469				1696,9449	0.00002	0.00174		
185	10.414				1696.9449	0.00002	0.00172		
186	10.359				1696.9449	0.00002	0.00171		
187	10.305				1696,9449	0.00002	0.00169		
188	10.251				1696.9449	0.00002	0.00167		
189	10.198				1696.9449	0.00002	0.00165		
190	10.146				.1696.9449	0.00002	0.00164		
191	10.094				1696.9449	0.00002	0.00162		
201	9.601				13888.8963	0.00012	0.01202		
211	9.154					0.00011	0.01093		
221	8.746						0.10437		
231	8.373					0.00096	0.09571		
241	8.030					0.00088	0.08809		
251	7.714	6.69	-9.68	7720.35	563206.5998	0.00316	0.31570		
261	7.422			8022.50	563206.5998	0.00292	0.29236		
271	7.151	6.69	-9.68				0.27151		
281	6.899	10.64	-5.73	8627.35	1398516.9530	0.00628	0.62775		

Apdx. A Page 5 Kathrein 800-10766 ARL 34 | Max gain | 16.37 | Max exposure: 0.00913875 | mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

Ant. base angle gain max ERP in cm in mW mW/cm² FCC STD 291 6.664 10.64 5.73 9330.02 1388516.9530 0.00586 0.55692 301 6.445 10.64 5.73 9232.82 1389516.9530 0.00548 0.54812 311 6.239 10.64 -5.73 9535.76 1389516.9530 0.00544 0.51384 321 6.046 10.64 -5.73 9838.81 1398516.9530 0.00483 0.48268 331 5.685 13.34 -3.03 10141.97 2604160.4286 0.00769 0.79746 351 5.533 13.34 -3.03 10745.52 2604160.4286 0.00753 0.75308 361 5.380 13.34 -3.03 11051.97 2604160.4286 0.00712 0.71230 371 5.236 13.34 -3.03 11652.93 2604160.4286 0.00767 0.67473 381 5.100 13.34 -3.03 11652.93	Foot to	Doorooo	Antenna	dB from	Prop dist	Act ERP	Lovol	Dropont of
291	Feet to	Depress			•		Level	Precent of
301 6.445 10.64 5.73 9232.82 1398516.9530 0.00548 0.54812 311 6.239 10.64 5.73 9535.76 1398516.9530 0.00514 0.51384 321 6.046 10.64 5.73 9638.81 1398516.9530 0.00684 0.84586 331 5.865 13.34 -3.03 10141.97 2804160.4286 0.00846 0.84586 3341 5.684 13.34 -3.03 10445.22 2604160.4286 0.00797 0.79746 351 5.533 13.34 -3.03 10748.52 2604160.4286 0.00793 0.79746 361 5.380 13.34 -3.03 11045.22 2604160.4286 0.00753 0.75308 361 5.380 13.34 -3.03 11051.97 2804160.4286 0.00753 0.75308 371 5.236 13.34 -3.03 11055.97 2804160.4286 0.00753 0.75308 381 5.100 13.34 -3.03 11659.03 2804160.4286 0.00676 0.67473 381 5.100 13.34 -3.03 11659.03 2804160.4286 0.00667 0.64005 391 4.970 15.11 -1.26 11982.65 3914422.8267 0.00849 0.86918 401 4.846 15.11 -1.26 12266.34 3914422.8267 0.00869 0.86918 411 4.729 15.11 -1.26 12270.63 3914422.8267 0.00889 0.86918 421 4.617 15.11 -1.26 12873.86 3914422.8267 0.00769 0.79959 431 4.511 15.11 -1.26 13481.57 3914422.8267 0.00769 0.78999 431 4.511 15.11 -1.26 13481.57 3914422.8267 0.00769 0.78999 431 4.511 15.11 -1.26 14089.44 3914422.8267 0.00769 0.78999 431 4.511 15.11 -1.26 14089.44 3914422.8267 0.00659 0.65880 471 4.129 15.11 -1.26 14089.44 3914422.8267 0.00689 0.68817 481 4.043 15.11 -1.26 14697.46 3914422.8267 0.00631 0.63127 481 4.043 15.11 -1.26 14697.46 3914422.8267 0.00631 0.63127 5511 3.807 16.09 -0.28 15001.52 4905324.4202 0.00703 0.72823 501 3.882 16.09 -0.28 15001.52 4905324.4202 0.00703 0.69959 551 3.734 16.09 -0.28 15913.66 4905324.4202 0.00605 0.60542 491 3.961 16.09 -0.28 15903.66 4905324.4202 0.00605 0.60542 501 3.882 16.09 -0.28 15001.52 4905324.4202 0.00605 0.60542 501 3.882 16.09 -0.28 15903.60 4905324.4202 0.00630 0.60935 551 3.531 16.09 -0.28 16826.42 4905324.4202 0.00605 0.60542 561 3.468 16.09 -0.28 16908.49 4905324.4202 0.00605 0.60542 561 3.468 16.09 -0.28 16908.79 4905324.4202 0.00630 0.60935 561 3.531 16.09 -0.28 16908.79 4905324.4202 0.00647 0.64713 581 3.084 16.09 -0.28 18968.43 4905324.4202 0.00647 0.64713 581 3.084 16.09 -0.28 18968.63 4905324.4202 0.00471 0.47107 621 3.134								
311 6.239 10.64 5.73 9635.76 1398516.9530 0.00514 0.51384 321 6.046 10.64 5.73 9638.81 1398516.9530 0.00483 0.48268 331 5.865 13.34 3.03 10141.97 2604160.4286 0.00846 0.84586 341 5.694 13.34 3.03 10141.97 2604160.4286 0.00797 0.79746 351 5.593 13.34 3.03 10748.55 2604160.4286 0.00753 0.75308 361 5.380 13.34 3.03 11051.97 2604160.4286 0.00753 0.75308 361 5.380 13.34 3.03 11051.97 2604160.4286 0.00712 0.71230 371 5.236 13.34 3.03 11051.97 2604160.4286 0.00712 0.71230 371 5.236 13.34 3.03 11051.97 2604160.4286 0.00675 0.67473 381 5.100 13.34 3.03 11659.03 2804160.4286 0.00640 0.64005 391 4.970 15.11 -1.26 11982.65 3914422.8267 0.00840 0.64005 401 4.846 15.11 -1.26 12266.34 3914422.8267 0.00849 0.86918 411 4.729 15.11 -1.26 12873.86 3914422.8267 0.00828 0.82769 421 4.617 15.11 -1.26 12873.86 3914422.8267 0.00789 0.78909 431 4.511 15.11 -1.26 13481.57 3914422.8267 0.00789 0.78909 431 4.511 15.11 -1.26 13481.57 3914422.8267 0.00789 0.78909 431 4.511 15.11 -1.26 13481.57 3914422.8267 0.00789 0.78959 451 4.311 15.11 -1.26 14089.44 3914422.8267 0.00688 0.68817 461 4.218 15.11 -1.26 14389.44 3914422.8267 0.00688 0.68817 461 4.218 15.11 -1.26 14393.44 3914422.8267 0.00688 0.68817 481 4.043 15.11 -1.26 14393.44 3914422.8267 0.00688 0.68817 481 4.043 15.11 -1.26 14393.44 3914422.8267 0.00630 0.63827 501 3.882 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 481 4.043 15.11 -1.26 14393.44 3914422.8267 0.00630 0.69859 501 3.882 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00630 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.892 16.09 -0.28 15005.60 4905324.4202 0.00631 0.63127 501 3.893 16.09 -0.28 16000000000000000000000000000000000000								
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001 2.017 10.07 01 2.1001.10 02.0200.0000 01.00010	691	2.817				5232000.0000	0.00393	0.39310

Apdx. A Page 6 Kathrein 800-10766

Max gain (dBd): ARL 34 16.37

Max exposure: 0.00913875

mW/cm²

Max ERP

(W):

5232

Ant type: Kathrein 80010766

Feet from site: 391

RF Exposure Level

	M Exposure Level												
Feet to	Depress	Antenna	dB from	Prop dist	Act ERP	Level	Precent of						
Ant. base	angle	gain	max ERP	in cm	in mW	mW/cm²	FCC STD						
701	2.777	16.37	0	21391.60	5232000.0000	0.00382	0.38199						
711	2.738	16.37	0		5232000.0000	0.00371	0.37135						
721	2.700	16.37	0	22000.50	5232000.0000	0.00361	0.36114						
731	2.663	16.37	0	22304.97	5232000.0000	0.00351	0.35135						
741	2.627	16.37	0	22609.44	5232000.0000	0.00342	0.34195						
751	2.592	16.37	0	22913.93	5232000.0000	0.00333	0.33292						
761	2.558	16.37	0	23218.42	5232000.0000	0.00324	0.32425						
771	2.525	16.37	0	23522.92	5232000.0000	0.00316	0.31591						
781	2.493	16.37	0	23827.43	5232000.0000	0.00308	0.30788						
791	2.461	16.37	0	24131.94	5232000.0000	0.00300	0.30016						
801	2.431	16.37	0	24436.46	5232000.0000	0.00293	0.29273						
811	2.401	16.37	0	24740.99	5232000.0000	0.00286	0.28557						
821	2.371	16.37	0	25045.53		0.00279	0.27866						
831	2.343	16.37	0	25350.07	5232000.0000	0.00272	0.27201						
841	2.315	16.37	.0	25654.62	5232000.0000	0.00266	0.26559						
851	2.288	16.37	0	25959.17	5232000.0000	0.00259	0.25939						
861	2.261	16.37	0	26263.73	5232000.0000	0.00253	0.25341						
871	2.235	16.37	0	26568.30	5232000.0000	0.00248	0.24764						
881	2.210	16.37	0	26872.87	5232000.0000	0.00242	0.24205						
891	2.185	16.37	0	27177.45	5232000.0000	0.00237	0.23666						
901	2.161	16.37	0			0.00231	0.23144						
911	2.137	16.37	0			0.00226	0.22640						
921	2.114	16.37	0			0.00222	0.22151						
931	2.092	16.37	0			0.00217	0.21679						
941	2.069		. 0			0.00212	0.21221						
951	2.048					0.00208	0.20778						
961	2.026					0.00203	0.20348						
971	2.005					0.00199	0.19932						
981	1.985	15.97				0.00178	0.17810						
991	1.965	15.97	-0.4	30223.45		0.00175	0.17452						
1001	1.945	15.97	-0.4	30528.07	4771640.7115	0.00171	0.17106						
1011	1.926	15.97	-0.4	30832.70	4771640.7115	0.00168	0.16769						
1021	1.907	15.97	-0.4			0.00164	0.16443						
1031	1.889	15.97	-0.4	31441.96	4771640.7115	0.00161	0.16126						

Apdx. A Page 7 Kathrein 800-10766

STATEMENT OF EXPERIENCE

Jerrold Talmadge Bushberg, Ph.D., DABMP, DABSNM (800) 760-8414 jbushberg@hampc.com

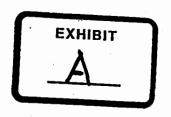
Dr. Jerrold Bushberg has performed health and safety analysis for RF & ELF transmissions systems since 1978 and is an expert in both health physics and medical physics. The scientific discipline of Health Physics is devoted to radiation protection, which, among other things, involves providing analysis of radiation exposure conditions, biological effects research, regulations and standards as well as recommendations regarding the use and safety of ionizing and non-ionizing radiation. In addition, Dr. Bushberg has extensive experience and lectures on several related topics including medical physics, radiation protection, (ionizing and non-ionizing), radiation biology, the science of risk assessment and effective risk communication in the public sector.

Dr. Bushberg's doctoral dissertation at Purdue University was on various aspects of the biological effects of microwave radiation. He has maintained a strong professional involvement in this subject and has served as consultant or appeared as an expert witness on this subject to a wide variety of organizations/institutions including, local governments, school districts, city planning departments, telecommunications companies, the California Public Utilities Commission, national news organizations, and the U.S. Congress. In addition, his consultation services have included detailed computer based modeling of RF exposures as well as on-site safety inspections and RF & ELF environmental field measurements of numerous transmission facilities in order to determine their compliance with FCC and other safety regulations. The consultation services provided by Dr. Bushberg are based on his professional judgement as an independent scientist, however they are not intended to necessarily represent the views of any other organization.

Dr. Bushberg is a member of the main scientific body of International Committee on Electromagnetic Safety (ICES) which reviews and evaluates the scientific literature on the biological effects of nonionizing electromagnetic radiation and establishes exposure standards. He also serves on the ICES Risk Assessment Working Group that is responsible for evaluating and characterizing the risks of nonionizing electromagnetic radiation. Dr. Bushberg was appointed and is serving as a member of the main scientific council of the National Council on Radiation Protection and Measurement's (NCRP). He is also a Scientific Vice-President of the NCRP, a member of the NCRP Board of Directors and chairs its committee on Radiation Protection in Medicine. In addition, Dr. Bushberg is a member of NCRP's scientific advisory committee on Non-ionizing Radiation Safety. The NCRP is the nation's preeminent scientific radiation protection organization, chartered by Congress to evaluate and provide expert consultation on a wide variety of radiological health issues. The current FCC RF exposure safety standards are based in large part on the recommendations of the NCRP. Dr. Bushberg was elected to the International Engineering in Medicine and Biology Society Committee on Man and Radiation (COMAR) which has as its primary area of responsibility the examination and interpreting the biological effects of non-ionizing electromagnetic energy and presenting its findings in an authoritative and professional manner. Dr. Bushberg is also a member of a six person U.S. expert delegation to the international scientific community on Scientific and Technical Issues for Mobile Communication Systems established by the Federal Communications Commission.

Dr. Bushberg is a full member of the Bioelectromagnetics Society, the Health Physics Society and the Radiation Research Society. Dr. Bushberg received both a Masters of Science and Ph.D. from the Department of Bionucleonics at Purdue University. Dr. Bushberg is certified by several national professional boards with specific sub-specialty certification in radiation protection and medical physics. Prior to coming to California, Dr. Bushberg was on the faculty of Yale University School of Medicine.

BASHAM & BASHAM, P.C.



September 12, 2011

City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: AT&T Antenna S243 Building Permit Application at 3294 Cerrillos Road

Dear Sirs:

Attached is AT&T's application for a building permit for telecommunications facilities to be located at 3294 Cerrillos Road. Although an ENN meeting is not formally required for administrative approvals of telecommunications facilities the Applicant has had several meetings with the neighboring property owners. It has become apparent that those in attendance did not concur that the site should be used for telecommunications facilities and were generally opposed to the use. However, due to the C-2 zoning, the need for a new facility and the lack of better alternatives, all as indicated in the application, AT&T has chosen to proceed with this application. Notice pursuant to 14-6.2 (E) (10) will be provided promptly (within 24 hours) as required by the code.

I am fully aware that the approval and construction of telecommunications facilities represents a unique set of circumstances that do not always fall squarely under established zoning and construction parameters. If you have any questions, require additional information or simply wish to discuss the application please contact me.

Enclosed for your review are:

The Indexed application form.

Exhibits A through H

The check for \$500.00 for administrative approval under Resolution 2011-34

It is my understanding that there will be a subsequent fee for building permit plan review and yet another fee for the actual building permit itself. Please correct me if I am not correct. I realize this is the first such application under the new telecommunications ordinance and, although I have worked with the City Attorney's Office and staff to attempt to meet all code requirements I realize that the first application may be a bit of a learning process for all parties.

I have also reviewed the online Building Permit Application Checklists and realize that additional information including the following that may be required at the time the administrative approval review is complete.

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW MEXICO • 87505 PHONE: (505) 988-4575 • FAX: (505) 992-6170 Title Page
Building Permit Application
Check for Permit Fee
Plat showing legal lot of record

If there are other additional items to be included at the time of Building Permit submission please let me know. The Commercial New Construction Checklist is different from the City's old telecommunications checklist and includes such as landscape plans, grading and drainage plans, slope analysis, erosion control plans, floor and roof plans, plumbing plans and solid waste plans. These items do not seem pertinent in the context of this application but if I am wrong please let me know.

The plans have been prepared so as to be reasonably legible. Upon inquiry with the City I was informed that the plans would be accepted as long as they are legible. I note that the Building Permit Application Checklist has specific scale requirement. Due to the nature of the facilities and the size of the properties I am not sure if these scales are appropriate. If the attached plans need to be printed in a larger format or rescaled please let me know.

Very truly yours,

Peter A. Dwyer

PROJECT INFORMATION UNMANNED TELECOMMUNICATIONS FACILITY SCOPE OF WORKS 3294 CERRILLOS ROAD, SANTA FE, NM 87507 SITE ADDRESS: 35" 38" 58.9" N (NAD83) 105" 59" 53.2" W (NAD83) 6686.0" (NAVD88) LONGITUDE: ELEVATION: JURISDICTION: CITY OF SANTA FE EXISTING USE: COMMERCIAL PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY WITH A NEW MONOPINE REV DRAWING INDEX TITLE SHEET STANDARD NOTES STANDARD NOTES STANDARD NOTES STANDARD NOTES STANDARD NOTES SITE SURVEY SITE SURVEY OVERALL SITE PLAN DETAILED SITE PLAN TOWER ELEVATIONS & DETAILS DETAILS ELECTRICAL DIAGRAM & A/C PANEL NOKIA & L'UCENT WIRING DIAGRAM SE-BLOCK & ALARM WIRING & GROUNDING PLAN GROUNDING DETAILS: GROUNDING DETAILS: GN PACKAGE BASED ON RF DATA SHEET DATE STAMPED 03/02/11, VERSION 4 THE FOLLOWING NOTES, SYMBOLS AND DETAILS FROM BECHTEL DOCUMENT NUMBER \$25471-000-ASJ-0000-00001 APPLIES TO THE IMPLEMENTATION OF THIS SITE DESIGNED STANDARD NOTES SHEET. MGENERAL NOTES-CONSTRUCTION NOTES CROUNDING NOTES ELECTRICAL INSTALLATION NOTES. DETAIL 1007 DETAIL 1008 DETAIL 1009

		A/E DOC	UMENT R	EVIEV	V STA	rus				
1	ACCEPT		IOR OR NO COM					EED		
2	2 NOT ACCEPTED - PLEASE RESOLVE COMMENTS AND RESUBMIT									
	SELECTE	ATIONS, ANALYS	T CONSTITUTE AP IS, TEST METHOD TRACTOR AND DO CE WITH CONTRAC	S OR MA	TERIALS DE RELIEVE SU	VELOP	ED OR			
		ENG.	CONST.	1						

REDLINE DRAWING REVIEW

NAME (PRINT) SIGNATURE

GENERAL CONTRACTOR - CONFIRM ACCURACY OF THESE REDLINE DRAWINGS SIGNATURE

FIELD COORDINATOR - VERIFY INSTALLATION PER REDLINE DRAWINGS SIGNATURE NAME (PRINT) DATE

ENGINEERING - Market Engineer Shall Review Redline Drawings To Ensure Changes Do Not Alter The

Original Design Intent And/Or Are Code Compliant

ROAD, SUITE 217, TEMPE, AZ 85282

VOICE: 480.805.8688 FAN: 480.805.8618

BAILLIOS \$243-AA 3294 CERRILLOS ROAD

DATE

DATE



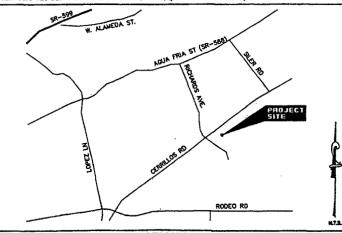
APPROVALS AT&T (RF): _ DATE: AT&T (CONST.):_ AT&T (OPS): DATE: LANDLORD: DATE: LANDLORD:

SITE NUMBER: S243-AA **CANDIDATE NAME: BAILLIO'S** 3294 CERRILLOS ROAD, SANTA FE, NM 87507

DIRECTIONS: FROM DOWNTOWN SANTA FE: HEAD EAST ON E SAN FRANCISCO ST TOWARD CATHEDRAL PL. TURN RIGHT AT CATHEDRAL PL. TURN RIGHT AT EALAMEDA ST, TAKE THE ZND LETT ONTO DON GASPAR AVE, TAKE THE ZND RIGHT ONTO PASCO DE PEPALTA, SUGHT LETT TO STATE ON CERTILIDS RD MAKE A U-TURN AT RICHARDS AVE. DESTINATION WILL BE ON THE RIGHT, (3294 CERRILLOS ROAD)

VICINITY MAP

FROM DOWNTOWN ALBUQUERQUE: MERGE ONTO 1-25 N VIA THE RAMP ON THE LEFT TO SANTA FE, TAKE EXIT 278 TO MERGE ONTO NA-14 N/CERRILLOS RO/EL CAMINO REAL, CONTINUE TO FOLLOW NAI-14 N/CERRILLOS RD, DESTINATION WILL BE ON THE RIGHT, (3284 CERRILLOS RODD)



SITE QUALIFICATION PARTICIPANTS

BAILLIO'S

A/E SAC RF PNM LANDLORD

NAME SANDEEP MANE RODRICK VAN HEUSEN GEOFFREY BURLEY DONNA SANFORD JACK BAILLIOS

COMPANY TELESPAN NETWORK SERVICES **BECHTEL COMMUNICATIONS** ATAT MOBILITY PNM

602-368-1567 619-316-3308 505-241-3306 505-816-6900

480-905-8689

NUMBER

APPLICABLE BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE MAIL ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

INTERNATIONAL BUILDING CODE 2006 AS AMENDED BY NEW MEXICO CID.

ELECTRICAL CODE:

(NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 - 2008, NATIONAL ELECTRICAL CODE, LIGHTNING PROTECTION CODE: (NFPA 780 - 2000, LIGHTNING PROTECTION CODE)

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING

AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE

AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISO), MANUAL OF STEEL, THIRTEENTH EDITION TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND AITENNA SUPPORTING STRUCTURES. TA 607, COMMERCIAL BUILDING CROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 81, QUIDE FOR MEASURING EARTH RESISTINTY, GROUND IMPEDIANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC

IEEE C82.41, RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW YOUTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS

ANSI 71.311. FOR TELECOM -- DC POWER SYSTEMS -- TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL, METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT, SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.



DETAIL

AT&T MOBILITY

TITLE SHEET

25471-620 NM-5243-AA-01

at&t

AT&T MOBILITY 20830 N. TATUM BLVD. SUITE 400 PHOENIX, AZ 85050 PHONE: (480) 414-1829

1 06/22/11 CLIDIT COMIDITS W M SW 6 08/11/11 ISSUED FOR CONSTRUCTION WE IN SW A |08/08/11 ISSUED FOR REVIEW MY JH SAU HO. DATE ACVISIONS BY CH 49 SCALE: AS SHOWN DESIGNED BY: CH DRAWN BYL CH

SANTA FE. NM 87507

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY: CONTRACTOR - BECHTEL

SUBCONTRACTOR - GENERAL CONTRACTOR (CONSTRUCTION)

OEM - ORIGINAL EQUIPMENT MANUFACTURE

- PRIOR TO THE SUBJUSSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FABILIARIZE BITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPILISED AS SHOWN ON THE CONSTRUCTION DRAWNOS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.
- ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE 3. CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.

ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND LITLITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.

- 4. DRAWINGS PROVIDED HERE ARE NOT TO BE SCALED AND ARE INTENDED TO SHOW OUTLINE ONLY.
- UNLESS HOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT APPURITINANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE
- 7. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.
- 8. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.
- SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING. SUBCONTRACTOR SHALL UTILIZE EXISTING TRAYS AND/OR SHALL ADD NEW TRAYS AS NECESSARY. SUBCONTRACTOR SHALL CONFIRM THE ACTUAL ROUTING WITH THE CONTRACTOR. ROUTING OF TRENCHING SHALL BE APPROVED
- 10. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES, ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE
- 11. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.
- 12. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.
- 13, ALL CONCRETE REPAIR WORK SHALL BE DONE IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE
- 14. ANY NEW CONCRETE NEEDED FOR THE CONSTRUCTION SHALL HAVE 4000 PSI STRENGTH AT 28 DAYS OTHERWISE SPECIFIED. ALL CONCRETING WORK SHALL BE DONE IN ACCORDANCE WITH ACI 318
- 15. ALL STRUCTURAL STEEL WORK SHALL BE DONE IN ACCORDANCE WITH AISC SPECIFICATIONS.
- 15. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 25741-000-3APS-ACOZ-00002, "GENERAL CONSTRUCTION SERVICES.
- 17. SUBCONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS PRIOR TO COMMENCING ANY WORK. ALL DIMENSIONS OF EXISTING CONSTRUCTION SHOWN ON THE DRAWINGS MUST BE VERIFIED. SUBCONTRACTOR SHALL NOTIFY THE CONTRACTOR OF ANY DISCREPANCIES PRIOR TO ORDERING MATERIAL OR PROCEEDING WITH CONSTRUCTION.

CONCRETE AND REINFORCING STEEL NOTES

- 1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST—IN—PLACE CONCRETE.
- 2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS, UNLESS
- 3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60. DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKES SHALL BE STANDARD, UND.
- 4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

CONCRETE CAST AGAINST EARTH.........3 IN.

CONCRETE EXPOSED TO EARTH OR WEATHER: #6 AND LARGER ...

CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:

- 5. A CHAMPER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.
- 6. POST INSTALLED ANCHORS SHALL BE PROVIDED IN ACCORDANCE WITH SPECIFICATION 3GS-T18-00013 "SELECTION, DESIGN, INSTALLATION, INSPECTION AND TESTING OF ADHESIVE AND MECHANICAL EXPANSION ANCHORS FOR WIRELESS SITE FACILITIES", ANCHORS SHALL BE HILTI OR APPROVED EQUAL, INSTALLED, INSPECTED AND TESTED AS SHOWN ON THE DESIGN DRAWINGS. NO REINFORCING STEEL SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL
- 7, CONCRETE CYLINDER TEST IS NOT REQUIRED FOR SLAB ON GRADE WHEN CONCRETE IS LESS THAN 50 CUBIC YARDS (IBC 1905.6.2) IN THAT EVENT THE FOLLOWING RECORDS SHALL BE PROVIDED BY THE CONCRETE SUPPLIER
 - (A) RESULTS OF CONCRETE CYLINDER TESTS PERFORMED AT THE SUPPLIER'S PLANT,
- (B) CERTIFICATION OF MINIMUM COMPRESSIVE STRENGTH FOR THE CONCRETE GRADE SUPPLIED.
 FOR GREATER THAN 50 CUBIC YARDS THE 6C SHALL PERFORM THE CONCRETE CYLINDER IEST, TAKING THREE CYLINDERS FROM EACH TRUCK.



GROUNDING NOTES

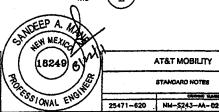
- THE SUBCONTRACTOR SHALL REVIEW AND INSPECT THE EXISTING FACILITY GROUNDING SYSTEM AND LIGHTHING PROTECTION SYSTEM (AS DESIGNED AND INSTALLED) FOR STRICT COMPULANCE WITH THE NEC (AS ADOPTED BY THE ANJ), THE SITE—SPECIFIC (U.S., LPI, OR NIPA) LIGHTING PROTECTION CODE, AND GENERAL COMPULANCE WITH TELCORDIA AND TA GROUNDING STANDARDS. THE SUBCONTRACTOR SHALL REPORT ANY VIOLATIONS OR ADVERSE FINDINGS TO THE CONTRACTOR FOR RESOLUTION.
- 2. ALL GROUND ELECTRODE SYSTEMS (INCLUDING TELECOMMUNICATION, RADIO, LIGHTNING PROTECTION, AND AC POWER GES'S) SHALL BE BONDED TOGETHER, AT OR BELOW GRADE, BY TWO OR MORE COPPER BONDING CONDUCTORS IN ACCORDANCE WITH THE NEC.
- 3. THE SUBCONTRACTOR SHALL PERFORM IEEE FALL-OF-POTENTIAL RESISTANCE TO EARTH TESTING THE SUBCONTRACTOR SHALL PERFORM RES. PALL-OF-POINTIME, RESTANCE TO EARTH RESTING (PER IEEE 1100 AND BI) FOR NEW GROUND ELECTRODE SYSTEMS. THE SUBCONTRACTOR SHALL FURMISH AND INSTALL SUPPLEMENTAL GROUND ELECTRODES AS NEEDED TO ACHIEVE A TEST RESULT OF 5 OHMS OR LESS, TESTS SHALL BE PERFORMED IN ACCORDANCE WITH 25471-000-3978-E600-0001, DESIGN & TESTING OF FACILITY GROUNDING FOR CELL SITES.
- 4. METAL RACEWAY SHALL NOT BE USED AS THE NEC REQUIRED EQUIPMENT GROUND CONDUCTOR. STRANDED COPPER CONDUCTORS WITH GREEN INSULTANDS, SIZED IN ACCORDANCE WITH THE NEC, SHALL BE FURNISHED AND INSTALLED WITH THE POWER CIRCUITS TO BTS EQUIPMENT.
- 5. EACH BTS CASINET FRAME SHALL BE DIRECTLY CONNECTED TO THE MASTER GROUND BAR WITH GREEN INSULATED SUPPLEMENTAL EQUIPMENT GROUND WIRES, 8 AWG STRANDED COPPER OR LARGER FOR MIDOOR BTS, 2 AWG STRANDED COPPER FOR OUTDOOR BTS.
- 6. EXOTHERMIC WELDS SHALL BE USED FOR ALL GROUNDING CONNECTIONS BELOW GRADE.
- APPROVED ANTIOXIDANT COATINGS (I.E., CONDUCTIVE GEL OR PASTE) SHALL BE USED ON ALL COMPRESSION AND BOLTED GROUND CONNECTIONS.
- 8. ALUMINUM CONDUCTOR OR COPPER CLAD STEEL CONDUCTOR SHALL NOT BE USED FOR GROUNDING CONNECTIONS.

- 9. MISCELLANEOUS ELECTRICAL AND NON-ELECTRICAL METAL BOXES, FRAMES AND SUPPOR SHALL BE BONDED TO THE GROUND RING, IN ACCORDANCE WITH THE NEC.
- 10. METAL CONDUIT AND TRAY SHALL BE GROUNDED AND MADE ELECTRICALLY CONTINUOUS LISTED BONDING PITTINGS OR BY BONDING ACROSS THE DISCONTINUITY WITH 6 AWG CD WIRE UL. APPROVED GROUNDING TYPE COMDUIT CLAMPS.
- 11. GROUND CONDUCTORS USED IN THE FACILITY GROUND AND LIGHTNING PROTECTION SYS SHALL NOT BE ROUTED THROUGH METALLIC OBJECTS THAT FORM A RING AROUND THE CONDUCTOR, SUCH AS METALLIC CONDUCTS, METAL SUPPORT CLIPS DR SLEEVES THROU WALLS OR FLOORS, WHEN IT IS REQUIRED TO BE HOUSED IN CONDUCT TO MEET CODE REQUIREDMENTS OR LOCAL CONDITIONS, NON-METALLIC MATERIAL SUCH AS PAY PLASTIC CONDUCT SHALL BE USED. MALES DEFINE OF METAL COMPUTER IS MALESTICATION. CONDUIT SHALL BE USED. WHERE USE OF METAL CONDUIT IS UNAVOIDABLE (E.G., NON-METALLIC CONDUIT PROHIBITED BY LOCAL CODE) THE GROUND CONDUCTOR SHALL BONDED TO EACH END OF THE METAL CONDUIT.
- 12. ALL TOWER GROUNDING SYSTEMS SMALL COMPLY WITH THE REQUIREMENTS OF ANS/TW FOR TOWERS BEING BUILT TO REV G OF THE STANDARD, THE WIRE SIZE OF THE BUF GROUND RING AND CONNECTIONS BETWEEN THE TOWER AND THE BURIED GROUND RINK BE CHANGED TO 2 AWG. IN ADDITION, THE MINIMUM LENGTH OF THE GROUND ROOS SI INCREASED FROM 8 FEET TO 10 FEET.



SITE WORK GENERAL NOTES:

- 1. THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START CONSTRUCTION.
- 2. ALL EXISTING ACTIVE SEWER, WATER, CAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIFED BY PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED. BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROMDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING &
- 3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATION
- 4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REPUSE AND REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.
- 5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH AND THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUMED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL TILL
- 6. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION
- 7. THE SUBCONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE ATACT ME SPECIFICATION FOR SITE SIGNAGE.
- 8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.
- 9. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED DN FROZEN GROUND. FROZEN MATERIALS, SHOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.
- 10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE TO FINISHED SURFACE APPLICATION.
- 11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABILIZED TO PREVENT EROSION.
- 12. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL JURISDICTION'S GUIDELINES FOR EROSION AND SEDIME CONTROL.



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1 08/22/11 CUENT COMMENTS NC N 24 8 06/11/11 ISSUED FOR CONSTRUCTION W JH SW A 06/06/11 ESUED FOR REVIEW IN IN SW NO. DATE BOWEN STATE OF THE BY CHE WAT SCALE: AS SHOWN DESIGNED IN: CH W BY: CH

- WIRING, RACEWAY, AND SUPPORT METHODS AND MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE NEC AND TELCORDIA.
- SUBCONTRACTOR SHALL MODIFY EXISTING CABLE TRAY SYSTEM AS REQUIRED TO SUPPORT RF AND TRANSPORT CABLING TO THE NEW BTS EQUIPMENT. SUBCONTRACTOR SHALL SUBMIT MODIFICATIONS TO
- ALL CIRCUITS SHALL BE SEGREGATED AND MAINTAIN MINIMUM CABLE SEPARATION AS REQUIRED BY THE NEC AND TELCORDIA.
- CABLES' SHALL NOT BE ROUTED THROUGH LADDER-STYLE CABLE TRAY RUNGS.
- EACH END OF EVERY POWER, GROUNDING, AND TI CONDUCTOR AND CABLE SHALL BE LABELED WITH COLOR-CODED INSULATION OR ELECTRICAL TAPE (3M BRAND, 1/2 INCH PLASTIC ELECTRICAL TAPE WITH UV PROTECTION, OR EQUAL). THE IDENTIFICATION METHOD SHALL CONFORM WITH NEC & OSHA, AND MATCH EXISTING INSTALLATION REQUIREMENTS.
- POWER PHASE CONDUCTORS (I.E., HOTS) SHALL BE LABELED WITH COLOR-CODED INSULATION OR ELECTRICAL TAPE (3M BRAND, 1/2 INCH PLASTIC ELECTRICAL TAPE WITH UV PROTECTION, OR EQUAL). PHASE CONDUCTOR COLOR CODES SHALL CONFORM WITH THE NEC & OSHA AND MATCH EXISTING INSTALLATION
- ALL ELECTRICAL COMPONENTS SHALL BE CLEARLY LABELED WITH ENGRAVED LAMACOID PLASTIC LABELS. ALL EQUIPMENT SHALL BE LABELED WITH THEIR VOLTAGE RATING, PHASE CONFIGURATION, WIRE CONFIGURATION, POWER OR AMPACITY RATING, AND BRANCH CIRCUIT ID NUMBERS (I.E., PANELBOARD AND
- PANELBOARDS (10 NUMBERS) AND INTERNAL CIRCUIT BREAKERS (CIRCUIT IO NUMBERS) SHALL BE CLEARLY LABELED WITH ENGRAYED LAMACOID PLASTIC LABELS.
- TIE WRAPS WHERE PERMITTED SHALL BE CUT FLUSH WITH APPROVED CUTTING TOOL TO REMOVE SHARP EDGES. USE LOW PROFILES TIE WRAPS.
- 1D. POWER, CONTROL, AND EQUIPMENT GROUND WIRING IN TUBING OR CONDUIT SHALL BE SINGLE CONDUCTOR (12 AWG OR LARGER), 600 V, OIL RESISTANT THEN OR THINN-2, CLASS B STRANDED COPPER CABLE RATED FOR 80 C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED,
- TI, SUPPLEMENTAL EQUIPMENT GROUND WIRING LOCATED INDOORS SHALL BE SINGLE CONDUCTOR (8 AWG OR LARGER, 800 V. OIL RESISTANT THINN OR THINN-E GREEN RESULATION, CLASS 8 STRANDED COPPER CABLE RATED FOR 80 °C WET AND BRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED, UNLESS OTHERWISE SPECIFIED.
- SUPPLEMENTAL EQUIPMENT GROUND WIRING LOCATED OUTDOORS, OR BELOW GRADE, SHALL BE SINGLE CONDUCTOR 2 AWG SOLID TINNED COPPER CABLE, UNLESS OTHERWISE SPECIFIED.
- POWER WIRING, NOT IN TUBING OR CONDUIT, SHALL BE WULTI-CONDUCTOR, TYPE TO CABLE (12 AWG OR LARGER), 800 V, OIL RESISTANT THINN OR THINN-2; CLUSE B STRANGED COPPER CABLE RATED FOR 90 °C (MET_AMD_DRY) OPENION, WITH OUTER JACKET, USTED OR LABELED FOR THE LOCATION WITH OUTER JACKET, USTED OR LABELED FOR THE LOCATION LOSS, UNLESS
- 14. ALL POWER AND GROUNDING CONNECTIONS SHALL BE CRAIP-STYLE, COMPRESSION WIRE LUGS AND WIRENUTS BY THOMAS AND BETTS (OR EQUAL). LUGS AND WIRENUTS SHALL BE RATED FOR OPERATION AT NO LESS THAN 75'C (90'C IF AVAILABLE).
- 15. RACEWAY AND CABLE TRAY SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA, UL ANSI/EEE, AND NEC.
- 16. NEW RACEWAY OR CABLE TRAY WILL MATCH THE EXISTING INSTALLATION WHERE POSSIBLE.
- 17. ELECTRICAL METALLIC TUBING (EMT) OR RIGID NONMETALLIC CONDUIT (I.E., RIGID PVC SCHEDULE 40, OR RIGID PVC SCHEDULE 80 FOR LOCATIONS SUBJECT TO PHYSICAL DAMAGE) SHALL BE USED FOR EXPOSED
- ELECTRICAL METALLIC TUBING (EMT), ELECTRICAL NONMETALLIC TUBING (ENT), OR RIGID NONMETALLIC CONDUIT (RIGID PVC, SCHEDULE 40) SHALL BE USED FOR CONCEALED INDOOR LOCATIONS.
- 19. GALVANIZED STEEL INTERMEDIATE METALLIC CONDUIT (IMC) SHALL BE USED FOR OUTDOOR LOCATIONS ABOVE GRADE.
- 20. RIGID NOMMETALLIC CONDUIT (I.E., RIGID PVC SCHEDULE 40 OR RIGID PVC SCHEDULE 80) SHALL BE USED UNDERGROUND; DIRECT BURIED, IN AREAS OF OCCASIONAL LIGHT VEHICLE TRAFFIC OR ENCASED IN REINFORCED CONCRETE IN AREAS OF HEAVY VEHICLE TRAFFIC.
- 21. LIQUID-TIGHT FLEXIBLE METALLIC CONDUT (LIQUID-TITE FLEX) SHALL BE USED INDOORS AND OUTDOORS, WHERE VIBRATION OCCURS OR FLEXIBILITY IS NEEDED.
- 22. CONDUIT AND TUBING FITTINGS SHALL BE THREADED OR COMPRESSION—TYPE AND APPROVED FOR THE LOCATION USED. SETSCREW FITTINGS ARE NOT ACCEPTABLE.

- 23. CABINETS, BOXES, AND WIREWAYS SHALL BE LISTED OR LABELED FOR ELECTRICAL USE IN ACCORDANCE WITH NEMA UL ANSI/IEEE, AND NEC.
- 24. CABINETS, BOXES, AND WIREWAYS TO MATCH THE EXISTING INSTALLATION WHERE POSSIBLE.
- 25. WIREWAYS SHALL BE EPOXY-COATED (GRAY) AND INCLUDE A HINGED COVER, DESIGNED TO SWING OPEN DOWNWARD; SHALL BE PANDUIT TYPE E (OR EQUAL); AND RATED NEWA 1 (OR BETTER) INDOORS, OR NEWA 3R (OR BETTER) OUTDOORS.
- 26. EQUIPMENT CABINETS, TERMINAL BOXES, JUNCTION BOXES, AND PULL BOXES SHALL BE GALVANIZED OR EPOXY—COATED SHEET STEEL, SHALL MEET OR EXCEED UL 50, AND RATED NEMA 1 (OR BETTER) INDOORS, OR NEMA 3R (OR BETTER) OUTDOORS
- 27. METAL RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL BE GALVANIZED, EPOXY-COATED, OR NON-CORRODING; SHALL MEET OR EXCEED UL 514A AND HEMA OS 1; AND RATED NEWA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
- 28. NONMETALLIC RECEPTACLE, SWITCH, AND DEVICE BOXES SHALL MEET OR EXCEED NEMA OS 2; AND RATED NEMA 1 (OR BETTER) INDOORS, OR WEATHER PROTECTED (WP OR BETTER) OUTDOORS.
- 29. THE SUBCONTRACTOR SHALL NOTIFY AND OBTAIN NECESSARY AUTHORIZATION FROM THE CONTRACTOR BEFORE COMMENCING WORK ON THE AC POWER DISTRIBUTION PANELS.
- 30. THE SUBCONTRACTOR SHALL PROMDE NECESSARY TAGGING ON THE BREAKERS, CABLES AND DISTRIBUTION PANELS OF ACCOMPANCE WITH THE APPLICABLE CODES AND STANDARDS TO SAFEGUARD AGAINST LIFE AND PROPERTY.

STRUCTURAL STEEL NOTES:

- 1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM ASPA UNLESS OTHERWISE NOTED.
- ALL WELDING SHALL BE PERFORMED USING ETOIX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J.2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL,
- 3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4°) CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.
- 4. NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. ASTM A 307 BOLTS
- 5. POST INSTALLED ANCHORS SHALL BE PROVIDED IN ACCORDANCE WITH SPECIFICATION JOS-TIB-GOOD'S SELECTION DESIGN, INSTALLATION, INSPECTION AND TESTING OF ADHESINE AND MECHANICAL DEPAYSION ANCHORS FOR MIRELESS SITE FACILITIES", ANTARGRS SHALL BE HILTI OR APPROVED EQUAL, INSTALLED, RISPECTED AND TISTED AS SHOWN ON THE DESIGN DRAWNIOS. NO REINFORCING STELL SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL.
- 6. ALL EXPANSION/WEDGE ANCHORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. THE ANCHOR BOLT DOWEL AND ROD SHALL BE STAINLESS STEEL WITH STAINLESS STEEL
- ALL STRUCTURAL STEEL WORK SHALL BE DESIGNED, FABRICATED AND ERECTED TO AISC SPECIFICATIONS AND STANDARD PRACTICES FOR BUILDINGS.
- 8. STRUCTURAL STEEL PLATES AND SHAPES CONFORM TO ASTM A-36. STRUCTURAL STEEL PIPE SHALL CONFORM TO ASTM A-53 GRADE "B". STRUCTURAL STEEL TUBE SHALL CONFORM TO ASTM A-501. RENFORCING BARS SHALL CONFORM TO ASTM A615. STRUCTURAL STEEL W-BEAM SHALL CONFORM TO ASTM A992, (FY=50 KSI).

1014-DSW

COMPACTION NOTES FOR SLAB ON GRADE:

- EXCAVATE AS REQUIRED TO REMOVE VEGETATION & TOPSOIL EXPOSE UNDISTURBED NATURAL SUBGRADE AND PLACE CRUSHED STONE AS REQUIRED.
- 2g. COMPACTION CERTIFICATION: AN INSPECTION AND WRITTEN CERTIFICATION BY A QUALIFIED GEOTECHNICAL TECHNICIAN OR ENGINEER IS ACCEPTABLE.
- AS AN ALTERNATIVE TO ITEM 20. THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED I "COMPACTION EQUIPMENT", LISTED BELOW, TO AT LEAST BOX MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.
- 2c. AS AN ALTERNATIVE TO ITEMS 20 AND 26 PROOFROLL THE SUBGRADE SOILS WITH 5 PASS OF A MEDIUM SIZED VIBRATORY PLATE COMPACTOR (SUCH AS BOMAG BPR 30/38) OR HAND-OPERATED SINGLE DRUM VIBRATORY ROLLER (SUCH AS BOMAG BW 55E), ANY SOFT AREAS THAT ARE ENCOUNTERED SHOULD BE REMOVED AND REPLACED WITH A WELL-GRADE GRANULAR FILL AND COMPACTED AS STATED ABOVE.
- 3. COMPACTED SUBBASE SHALL BE UNIFORM & LEVELED, PROVIDE 6" MINIMUM CRUSHED STON OR GRAVEL COMPACTED IN 3" LIFTS ABOVE COMPACTED SOIL GRAVEL SHALL BE NATURAL CRUSHED WITH 100% PASSING 1" SIEVE.

COMPACTION EQUIPMENT:

HAND OPERATED DOUBLE DRUM, VIBRATORY ROLLER, VIBRATORY PLATE COMPACTOR OR JUMPIN JACK COMPACTOR.



	SYMBOLS	ABE	REVIATIONS
		AGL	ABOVE GRADE LEVEL
<u>इ∕</u> ₫	SOLID GROUND BUS BAR	BTS	BASE TRANSCEIVER STATION
S/N	SOLID NEUTRAL BUS BAR	(E) (N)	EXISTING NEW
θ θ	SUPPLEMENTAL GROUND CONDUCTOR	MIN	MINIMUM
\mathcal{T}	2-POLE THERMAL-MAGNETIC CIRCUIT BREAKER	N.T.S. REF	NOT TO SCALE REFERENCE
•	SINGLE-POLE THERMAL-MAGNETIC CIRCUIT BREAKER	RF T.B.D.	RADIO FREQUENCY TO BE DETERMINED
0	CHEMICAL GROUND ROD	T.B.R.	TO BE RESOLVED
ĕ	GROUND ROD	TYP	TYPICAL
ď	DISCONNECT SWITCH	REQ	REQUIRED EQUIPMENT GROUND RING
®	METER	AWG	AMERICAN WIRE GAUGE
	CADWELD TYPE CONNECTION	MGB	MASTER GROUND BUS
•	COMPRESSION TYPE CONNECTION	EG	EQUIPMENT GROUND
	GROUNDING WIRE	BCW	BARE COPPER WIRE
		SIAD	SMART INTEGRAGED ACCESS DEVI

ABBREVIATIONS & SYMBOLS 1010 -DSW

RBS



Νb.

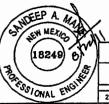
BAILLIO'S 5243-AA

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AT&T MOBILITY STANDARD NOTES

INTERIOR GROUND RING (HALO)

RADIO BASE STATION

NM-5243-AA-034

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BUILDING CODE:

2006 EDITION OF THE INTERNATIONAL BUILDING CODE, WITH NEW MEXICO CID AMENDMENTS.

SEE STRUCTURAL NOTES FOR MONOPINE AND IT'S FOUNDATION PROVIDED BY OTHERS

FOUNDATIONS:

1. SOILS REPORT BY TERRACON- PROJECT # 86115008cc, 05/11/11.
FOR REQUIREMENTS AND FOR FOUNDATION BASE PREPARATION REFER TO SOILS REPORT. MINIMUM FROST DEPTH = 36" BELOW GRADE.

CONCRETE:

MECHANICALLY VIBRATE ALL CONCRETE WHEN PLACED, EXCEPT THAT SLABS ON GRADE NEED BE VIBRATED ONLY AROUND UNDER-FLOOR DUCTS, ETC. MAXIMUM SLUMP S" FOR CONCRETE WITHOUT PLASTICIZER, IF PLASTICIZER IS USED, A HIGHER FINAL SLUMP MAY BE ALLOWED UPON RUCTURAL ENGINEER'S APPROVAL UNLESS APPROVED OTHERWISE IN WRITING BY THE RECORD ENGINEER, ALL CONCRETE SLABS ON GRADE SHALL BE BOUND BY CONTROL JOINTS (KEYED OR SAW CUT), AS SHOWN ON THE FOUNDATION PLAN, SUCH THAT THE ENCLOSED AREA DOES NOT EXCEED 225 Square Fett, Keyed Control Joints NEED GAY OCCUR AT EXPOSED EGGES DURING POURING, ALL OTHER JOINTS MAY BE SAW CUT. FLY ASH — UF PERMITTED BY OWNER THEN IT SHALL BE LIMITED TO 20% OF CEMENTITIOUS MATERIALS AND SHALL HAVE A REPLACEMENT FACTOR OF 1.2 RELATIVE TO CEMENT REPLACED.

MASONRY:

- HOLLOW CONCRETE MASONRY UNITS SHALL CONFORM TO ASTM C90, GRADE N, TYPE 1, F'M = 1,500
 PSI, RUMBING BOND, MORTAR TYPE S, 1,800 PSI, GROUT 2,000 PSI, MECHANICALLY MBRATE GROUT
 IN VERTICAL SPACES MANEDIATELY AFTER POURING AND AGAIN ABOUT 5 MINUTES LATER. PROVIDE
 CLEANDUTS IF GROUT LIFT EXCEEDS 4'-O" IN BLOCK WALLS. MANIMUM CROUT LIFT SHALL BE 8'-0'. UNLESS NOTED OTHERWISE ON THE PLANS, PLACE CONTROL JOINTS IN MASONRY WALLS SUCH THAT NO STRAIGHT RUN OF WALL EXCEEDS 24"-0". CONTROL JOINTS SHALL NOT OCCUR AT WALL CORNERS, MITERSECTIONS, ENDS, WITHIN 24" OF CONCENTRATED POINTS OF BEARING OR JAMES, OR DEED FOR SHALL BE SPECIFICALLY SHOWN ON THE STRUCTURAL DRAWINGS. ALL MASONRY BELOW FINISHED FLOOR OR GRADE SHALL BE GROUTED SOLID. LAP SPLICES SHALL BE AS
- SINGLE BAR PER CELL CENTERED (INCHES) -----

VERTICAL REINFORCING:

ACE 1 # 5 IN CENTER OF GROUTED CELL AT CENTER OF WALL, CONTINUOUS FOR FULL HEIGHT OF WALL AT ALL CORNERS, INTERSECTIONS, WALL ENDS, BEAM BEARINGS, JAMES, EACH SIDE OF CONTROL JOINTS AND AT INTERVALS NOT TO EXCEED 48" O.C. UNLESS NOTED OTHERWISE. TIE AT 8-0" VERTICALLY, WITH SINGLE WIRE LOOP THE BY AA. WIRE PRODUCTS COMPANY. LAP SPLICES SHALL CONFORM TO THE SCHEDULE UNDER "MASONRY" SECTION, DOWEL ALL VERTICAL REINFORCING TO FOUNDATION WITH DOWELS TO MATCH SIZE AND SPACING OF VERTICAL REINFORCING.

HORIZONTAL REINFORCING:

PLACE 2 # 5 RM MINIMUM 8" DEEP GROUTED CONTINUOUS BOND BEAM AT (ELEVATED FLOORS AND) ROOFLINE. 1 #5 IN MINIMUM 8" CEEP GROUTED CONTINUOUS BOND BEAM AT TOP OF PAPAPET OR TOP OF A PRESSTANDING WALL. PLACE THESE BARS CONTINUOUS THRU CONTROL JOINTS PER TYPICAL DETAIL. PROVIDE BENT BARS POR TYPICAL DETAILS, TO MATCH HORIZONTAL BOND BEAM REINFORCING, AT CORNERS AND WALL INTERSECTION TO MANTAIN BOND BEAM CONTINUITY. LAP SPLICES SHALL BE AS PER SCHEDULE UNDER "MASONRY" SECTION. DO NOT SPLICE WITHIN B"-0" OF COMTROL JOINTS. PLACE STANDARD MEIGHT (MO. 9 QUE WIRE) DUR-O-WAL OR DUR-O-WIRE (OR EDWALDIN) LADDER TYPE JOHN RENFORCEMENT AT 16" OC. IN ALL MASONRY WALLS.

STONE VENEER WITH CMU BACKING (ADJUSTABLE WIRE):

VENEER TIES SHALL BE OF 3/16" DIA. WIRE AND SHALL CONFORM TO ASTIM AB2. TIES SHALL BE SUFFICIENT LENGTH SUCH THAT MINIMUM EMBEDMENT INTO CHIU WALL AND MASONRY VENEER SHALL BE AT LEAST & THE BLOCK WIDTH. VENEER THE SHALL BE HOT DIPPED CALVANIZED AND SHALL CONFORM TO ASTM A153. VENEER THE SHALL BE PLACED 18" O.C. MAXIMUM VERTICAL SPACING AND 24" O.C. MAXIMUM HORIZONTAL SPACING AND SHALL BE PLACED HORIZONTAL USING ADJUSTABLE TIES AS REQUIRED.

LAP SPLICES IN CONCRETE:

1. LAP SPLICES, UNLESS NOTED OTHERWISE, SHALL BE CLASS "8" TENSION LAP SPLICES PER LATEST EMPONES, WHILES MOTHER OTHERWISE, SHOUL BE CLUSAS & TENSION TWO SPICES PER CALLS!

EDITION OF ACI 318. LPF SPICES IN CONCRETE COLUMNS SHALL BE STANDARD COMPRESSION LAP

SPICES. STAGGER SPICES A MONMAN OF ONE LIP LENGTH. LIPS IN WELDED WIRE FABRIC SHALL

BE MADE SO THAT THE OVERLAP, MEASURED BETWEEN OUTERMOST CROSS WIRES OF EACH FABRIC

SHEET, IS NOT LESS THAN THE SPACING OF CROSS WIRES PLUS 2 INCHES. ALL WELDED WIRE

FABRIC SHALL BE CHARLED TO ENSURE PROPER CLEARANCES.

STRUCTURAL STEEL:

- ALL STRUCTURAL STEEL SHALL BE ASTM A992 (FY = 50 KS)). ALL CHANNELS, ANGLES, AND PLATES
 AND ASS (FY = 36 KS)). ALL PIPE STEEL SHALL BE ASTM ASOL (FY = 36 KS) OR
 ASTM ASS, TYPE E OR S, GRADE B (FY = 35 KS). (NOTE: ALL PLATE IM MOMENT, CONNECTIONS. BRACED FRAMES AND WHERE OTHERWISE NOTED SHALL BE FY = 30 KS STEEL). ALL TUBE STEEL SHALL BE ASTM ASOO (FY = 40 KS). ALL BOLTS SHALL BE ASTM ASOT, UNLESS NOTED OTHERWISE. ALL CONSTRUCTION PER LATEST AND CHANBOOK.
- ALL EXPANSION AND EPOXY BOLTS TO HAVE L.C.C. RATING FOR MATERAL INTO WHICH INSTALLATION TAKES PLACE. ALL BOLTS, ANCADOR BOLTS, DEPANSION BOLTS, ETC. SHALL BE INSTALLED WITH STEEL WASHERS AT FACE OF WOOD OR AT SLOTTED HOLES IN STEEL SECTIONS. ALL HIGH STRENGTH BOLTING SHALL BE INSPECTED BY AN INDEPENDENT TESTING LABORATOM. ALL WELDING SHALL BE PERFORMED BY WELDERS HOLDING VALUE GETTERCATES AND HAVING CURRENT EXPERIENCE IN THE PERFORMED BY WELDERS HOLDING VALID CERTIFICATES AND HANNIG CURRENT EXPERIENCE IN THE TYPE OF WELD SHOWN ON THE DRAWINGS OR NOTES, CERTIFICATES SHALL BE THOSE ISSUED BY AN ACCEPTED TESTING ACENCY. ALL WELDING DONE BY E70 SERIES LOW HYDROGEN ROOS UNLESS NOTED OTHERWISE. FOR GRADE 80 REINFORCING BARS, USE E90 SERIES, ALL WELDING PER LATEST AMERICAN WELDING SOCIETY STANDARDS, (EXCEPT STEEL JUSTS AND JOIST GROERS SHALL COMPLY WITH SJI STANDARDS). THESE DRAWINGS DO NOT DISTINGUISH BETWEEN SHOP AND FIELD WELDS. THE CONTRACTOR MAY SHOP WELD AND FIELD WELDS. SHALL BE SHOWN ON THE SHOP DRAWINGS SUBMITTED FOR REMEW. ALL FULL (COMPLETE) PENETRATION WELDS SHALL BE TESTED AND CERTIFIED BY AN INDEPENDENT TESTING LABORATORY. WHEN STRUCTURAL STEEL IS FURNISHED TO A SPECIFIED MINDAUM YIELD POINT GREATER THAN 38 KSI, THE ASTEM OR OTHER SPECIFICATION DESIGNATION SHALL BE INCLIDED NEAR THE ERECTION MARK ON EACH SHIPPING ASSEMBLY OR IMPORTANT CONSTRUCTION COMPONENT, OVER ANY SHOP COAT OF PAINT, PRIOR TO SUBMEAUM FERD THE FABRICATOR'S PLANT. PAINT, PRIOR TO SHIPMENT FROM THE FABRICATOR'S PLANT.
- ALL SPLICE LOCATIONS SUBJECT TO APPROVAL BY THE STRUCTURAL ENGINEER. PROVIDE BENT CORNER BARS TO MATCH AND LIP WITH HORIZONTAL BARS AT ALL CORNERS AND INTERSECTIONS PER TEPHCAL DETAILS. REMPORING BAR SPACING GIVEN ARE MAXIMUM ON CODITESS. ALL BARS FOR CRSS SPECIFICATIONS AND HANDBOOK. DOWEL ALL VERTICAL REMPORCING TO FOUNDATION WITH STANDARD ON-DEGREE, HOOKS UNLESS MOTED OTHERWISE. SECURIELY TIE ALL BARS IN LOCATION BEFORE

DRYPACK:

DRYPACK SHALL BE 5,000 PSI NON-SHRINK GROUT, FIVE STAR OR EQUIVALENT. RISTALL DRYPACK UNDER BEARING PAITES BEFORE FRAMING BURGER IS INSTALLED, AT COLUMNS, RISTALL DRYPACK UNDER BUSPLATES AFTER COLUMN HAS BEEN PLUNIED BUT PRIOR TO FLOOR OR ROOF. INSTALLATION.

EXPANSION BOLTS:

- 1. CONTRACTOR, TO, USE STAINLESS STEEL KWIK BOLT TZ TYPE EXPANSION ANCHOR PROVIDED BY HILTI HICH HAS ICC-ESR REPORT OR APPROVED EQUAL ALTERNATE PRODUCT.
- FOR MINIMUM BOLT EMBEDMENT LENGTH SEE DÉTAIL CONTRACTOR SHALL SUBMIT MANUFACTURER'S SIZE AND STRENGTH DATA TO ENGINÉER PRIOR TO CONSTRUCTION, INSTALL ALL BOLTS AS OUTLINED IN MANUFACTURER'S SPECIFICATIONS, UTILIZING PROPER SIZE AND TYPE OF DRILL, CLEANING HOLE, DRIVING AND TIGHTENING BOCT.

EPOXY ANCHORS IN MASONRY:

- 1. BLIECTABLE ADHESIVE SHALL BE USED FOR INSTALLATION OF REINFORCING STEEL DOWELS OR THREADED ANCHOR RODS AND INSERTS INTO NEW OR DUSTING CONCRETE OR SOLD GROUTED CONCRETE MASONRY UNITS WHERE SPECIFIED ON PLANS, ADHESIVE SHALL BE FURNISHED IN SIDE BY SIDE PACKS WHICH KEEP COMPONENT A NON COMPONENT B SEPARATE. USE OALLY INECTION TOOLS AND STATIC MIXING NOZZLES RECOMMENDED BY MANUFACTURER. MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED, INJECTION ADHESIVE SHALL BE FOLLOW BY THE PROPERTY OF MAIL OF THE AST AND STRENGTH AND STRENGTH AND WHITE TO PROVIDE OPTIMAL CURING SPEED AS WELL AS INCH STRENGTH AND STRENGS. MANUAL RECOMMENT BEEN STRENGTH AND STRENGS. MANUAL RECOMMENT BEEN STRENGTH AND STRENGS. MANUAL RECOMMENTED CURING TIME AT 80 DEGREES PARIERMENT SHALL BE 42 MINUTES. CLEAN HOLE THOROUGHLY WITH A WIRE BRUSH AND COMPRESSED AIR PRIOR TO PLACEMENT OF ADHESINE. PLACEMENT OF ADHESIVE.
- 2. INJECTION ADHESIVE SHALL BE HIT HY-150, AS FURNISHED BY HILTI, INC., TULSA, OK, WITH APPROVED ICC-ESR REPORT OR BETTER.
- NOTE: ADHESINE ANCHORS ARE NOT APPROVED FOR USE IN FIRE RATED CONSTRUCTION, CONTA THE STRUCTURAL ENGINEER FOR ALTERNATE ANCHORS.

SHOP DRAWINGS:

- SHOP DRAWINGS SHALL BE SUBMITTED FOR ALL STRUCTURAL ITEMS IN ADDITION TO ITEMS REQUIR BY ARCHITECTURAL SPECIFICATIONS.
- THE CONTRACTOR SHALL REVIEW ALL SHOP DRAWINGS PRIOR TO SUBMITTAL. ITEMS NOT IN ACCORDANCE WITH CONTRACT DOCUMENTS SHALL BE FLAGGED UPON HIS REVIEW.
- VERIFY ALL DIMENSIONS WITH ARCHITECT AND ALL FINISHED GRADE WITH CMIL DRAWINGS.
- ANY CHANGES, SUBSTITUTIONS, OR DEVATIONS FROM CONTRACT DOCUMENTS SHALL BE CLOUDED MANUFACTURER OR FABRICATOR. ANY OF THE AFOREMENTIONED WHICH ARE NOT CLOUDED OR FLAGGED BY SUBMITTING PARTIES, SHALL NOT BE CONSIDERED APPROVED AFTER ENGINEER'S REVI UNLESS NOTED ACCORDINGLY.
- THE ENGINEER HAS THE RIGHT TO APPROVE OR DISAPPROVE ANY CHANGES TO CONTRACT DOCUMENTS AT ANYTHE BEFORE OR AFTER SHOP DRAWING REVIEW.
- THE SHOP DRAWINGS DO NOT REPLACE THE CONTRACT DOCUMENTS. ITEMS OMITTED OR SHOWN THE THAT WAS ARE ONLY PAGED BY THE STRUCTURAL ENGINEER OR ARCHITECT ARE NOT TO CONSIDERED CHANGES TO CONTRACT DOCUMENTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO STRIP THE CONTRACTOR T
- 7. THE ADEQUACY OF ENGINEERING DESIGNS AND LAYOUT PERFORMED BY OTHERS RESTS WITH THE DESIGNING OR SUBMITTING AUTHORITY.
- 8. REVIEWING IS INTENDED ONLY AS AN AID TO THE CONTRACTOR IN OBTAINING CORRECT SHOP DRAWINGS. RESPONSIBILITY FOR CORRECTINESS SHALL REST WITH THE CONTRACTOR.
- 9. DEFERRED SUBMITTALS: (PER 2006 IBC)
- 10. FOR THE PURPOSES OF THIS SECTION, DETERRED SUBMITTALS ARE DEFINED AS THOSE PORTONIAL THE DESIGN WHICH ARE NOT SUBMITTED. AT THE THE OF THE APPLICATION AND WHICH ARE TO B SUBMITTED, TO THE BUILDING OFFICIAL WITHIN A SPECIFIED PERIOD.
- 11. DEFERRAL OF ANY SUBMITTAL ITEMS SHALL HAVE PRIOR APPROVAL OF THE BUILDING OFFICIAL. ARCHITECT OR ENGINEER OF RECORD SHALL LIST THE DEFERRED SUBMITTALS ON THE PLANS / THE OWNER/CONTRACTOR SHALL SUBLIT THE DEFERRED SUBMITTAL DOCUMENTS FOR REVIEW BY
- 12. SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHIT DR ENGINEER OF RECORD, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFI WITH A NOTATION MODICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN FOUND. TO BE IN CENERAL CONFORMANCE WITH THE DESIGN OF BUILDING. THE DEFERRED SUBMITTAL THEMS SHALL MOT BE INSTALLED LIMIT. THEN DESIGN , SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.
- 13. ENTIRE CONTRACT DOCUMENTS SHALL BE USED TO BUILD BUILDING. SOME CRITICAL ITEMS REQUIR BY OTHER DISCIPLINES MAY NOT BE SHOWN ON STRUCTURAL DRAWING (LE WALL FLOOR AND RO OPENING, ARCHITECTURAL, MECHANICAL AND PLUMBING LOADS, SUPPORT PLATES ETC.)



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BALL IO'S S243-AA 3294 CERRILLOS ROAD SANTA FE, NM 87507



AT&T MOBILITY 20830 N. TATUM BLVD. SUITE 400 PHOENIX, AZ 85050

PHONE: (480) 414-1829

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AT&T MOBILITY STANDARD NOTES NM-S243-AA-03B 25471-620

- 14. FIEMS SHOWN BY OTHER DISCIPLINES WITH REFERENCE TO STRUCTURAL DRAWING BUT NOT SHOWN ON THESE STRUCTURAL DOCUMENTS SHALL BE CONSIDERED DESIGN BUILD ITEMS. CONTRACTOR SHALL SUBMIT DESIGN BY OTHERS FOR REVIEW.
- 15. THE STRUCTURAL CONSTRUCTION DOCUMENTS REPRESENT THE FINISHED STRUCTURE. THEY DO NOT MOICATE THE METHOD OF CONSTRUCTION, THE CONTRACTOR SHALL PROVOE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE DURING CONSTRUCTION, SUCH MUSGURES SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING, SHORING FOR LOADS DUE TO CONSTRUCTION COMPRIENT, ETC. THE STRUCTURAL ENGINEER SHALL NOT BE RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS, TECHNOUSES, SEQUENCES FOR PROCEDURE OF CONSTRUCTION, OR THE SAFETY PRECAUTIONS AND THE BUTCH THE STRUCTURE METHOD. THE PROGRAMS INCIDENT THERETO (HOR SHALL OBSERVATION VISITS TO THE SITE INCLIDE INSPECTION OF THESE TIEMS), CONSTRUCTION MATERIALS SHALL BE SPREAD OUT F PLACED ON PRAMED CONSTRUCTION. LONG SHALL NOT EXCEED THE DESIGN LIVE LOAD PER SQUARE FOOT.
- 15. WHERE REFERENCE IS MADE TO VARIOUS TEST STANDARDS FOR MATERIALS, SUCH STANDARDS SHALL BE THE LATEST EDITION AND/OR ADDENDA.
- 17. ESTABLISH AND VERIFY ALL OPENINGS AND INSERTS FOR ARCHITECTURAL MECHANICAL, PLUMBING AND ELECTRICAL WITH APPROPRIATE TRADES, DRAWINGS AND SUBCONTRACTORS PRIOR TO
- 18. OPTIONS ARE FOR CONTRACTOR'S CONVENIENCE. IF HE CHOOSES AN OPTION, CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY CHANGES AND SHALL COORDINATE ALL DETAILS.
- NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL STRUCTURAL NOTES AND TYPICAL DETAILS. WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR WORK ON THE PROJECT.
- 20, ALL DIMENSIONS SHOWN (INCLIDING ELEVATIONS) ON STRUCTURAL DRAWINGS ARE TO ASSIST CONTRACTOR IN VERIFICATION. SCALING DIMENSIONS FROM DRAWINGS IS NOT PERMITTED, LOCATION OF ALL FIELDS SHALL, BE DETERMINED BY DIMENSIONS OR NOTES ONLY; DO NOT USE GRAPHIC PEARANCE TO ASSUME SPECIFIC LOCATIONS
- 21. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL DIMENSIONS WITH ARCHITECTURAL AND FINISHED GRADE WITH CML DRAWINGS PRIOR TO START OF CONSTRUCTION, RESOLVE ANY DISCREPANCY WITH THE ARCHITECT
- 22. TYPICAL DETAILS MAY NOT NECESSARILY BE CUT ON PLANS, BUT APPLY UNLESS NOTED OTHERWISE.
- 23. WHERE DISCREPANCIES OCCUR BETWEEN PLANS, DETAILS, GENERAL STRUCTURAL NOTES AND SPECIFICATIONS, THE GREATER REQUIREMENTS SHALL GOVERN.
- 24. ANY ENGINEERING DESIGN, PROVIDED BY OTHERS AND SUBMITTED FOR REVIEW, SHALL BEAR THE SEAL OF AN ENGINEER REGISTERED IN THE STATE OF NEW MEXICO.
- 25. SUPPLIER OF ENGINEERED STRUCTURAL COMPONENTS (LE. STEEL JOISTS, STARS, PRECAST ITEMS)
 SHALL BE RESPONSIBLE FOR COMPLETE DESIGN AND SHALL USE ENTIRE CONTRACT DOCUMENTS TO
 SHALL BOARD AND DETAR, RECOMMENDENTS FROM ALL DISCIPLIVES. SUPPLIER SHALL PROVADE ADDITIONAL MATERIAL REQUIRED TO MEET ALL THEIR REQUIREMENTS FOR INSTALLATION (I.E., WIDER BEARING PLATES, SHIMS, ERECTION BOLTS ETC.).
- 26. STRUCTURAL STEEL SUPPLIER SHALL FURNISH BOLTS FOR OSHA CONNECTIONS (SEE DRAWINGS FOR
- 27. WALL SHORING SHALL BE ENSTALLED PRIOR TO BACKFILLING BEHIND ALL BUILDING RETAINING WALLS, UNLESS ALL RESTRAINING SLABS ARE INSTALLED. USE HANDTAPPING ONLY WHEN WITHIN B. O", OR WITHIN HALF THE WALL HEIGHT OF BACKFILLED WALL.
- 28. CONTINUOUS FOUNDATION DRAIN PIPES (FRENCH DRAINS) OR WEEP HOLES SHALL BE PROVIDED BEHIND ALL BASEMENT WALLS AND ALL STERRIOR RETAINING WALLS THAT RETAIN MORE THAN 3'-0" OF SOIL WEEP HOLES WHERE USED SHALL BE 2" IN DAMETER AT 6'-0" O.C. MAGNING.

GENERAL:

BUILDING TOLERANCES:

 STANDARD TOLERANCES SHALL BE BASED ON THE REQUIREMENTS OF THE ASC CODE OF STANDARD PRACTICE AND ACI 117, STANDARD SPECIFICATIONS FOR TOLERANCES FOR CONCRETE CONSTRUCTION AND MATERIALS

EXISTING STRUCTURE:

1. EXISTING STRUCTURAL DIMENSIONS AND MEMBER SIZES ARE FOR REFERENCE ONLY. CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO FABRICATION, THE CONTRACTOR SHALL VERIFY THE ACTUAL CONFIGURATION OF EXISTING CONSTRUCTION AND THE CONDITION OF THE STRUCTURE BEFORE BEGINNING WORK. ANY DISCREPANCIES OR UNSOUND CONDITIONS SHALL BE REPORTED TO THE ARCHITECT FOR RESOLUTION BEFORE BEGINNING WORK, REFER TO ARCHITECTURAL PLANS FOR DIMENSIONS, EMBEDMENTS, AND OPENINGS NOT SHOWN, REFER TO MECHANICAL AND ELECTRICAL PLANS FOR DUCTS, PIPMG, EMBEDMENTS, AND OPENINGS NOT SHOWN.

 TEMPORARY SHORING AND BRACING MAY BE HECESSARY IN ORDER TO PERFORM THE MECESSARY STRUCTURAL MODIFICATIONS TO THE EXISTING STRUCTURE SHOWN ON THE STRUCTURAL AND ARCHITECTURAL PLANS AND DETAILS. THE CONTRACTOR MUST RETAIN A LICENSED STRUCTURAL ENGINEER WHO SHALL INVESTIGATE WHERE THIS TEMPORARY SHORING/BRACING IS REQUIRED, AND SHALL DESIGN THIS TEMPORARY SHORING/BRACING.

SEQUENCING CONSTRUCTION AND LATERAL STABILITY:

THE STRUCTURAL COMPONENTS BY THEMSELVES ARE A NON-SELF-SUPPORTING STRUCTURE, LATERAL FORCES DUE TO WIND, EARTHOLINKE, OR SOIL ARE CARRED BY THE ROOF AND FLOOR DAPHRACIUS TO THE LATERAL STREAM, CERTIAN ELEMENTS SHOWN ON OR LOCAL STREAMY OF OTHER ELEMENTS. (SUCH AS BEAMS, COLUMNS, AND WALLS). IF, DUE TO SEQUENCING OF CONSTRUCTION, THESE STABILITY ELEMENTS ARE NOT IN PLACE THE CONTRACTOR SHALL RETAIN A LICENSED STRUCTURAL DIGINEER WHO SHALL INVESTIGATE WHERE TEMPORARY SHORING/BRACING IS REQUIRED, AND SHALL DESIGN THIS TEMPORARY SHORING/BRACING, THE CONTRACTOR SHALL PROVIDE THIS SHORING/BRACING UNTIL THE REQUIRED STRUCTURAL ELEMENTS AND THEIR CONNECTIONS HAVE BEEN INSTALLED AND REACH THEIR FINAL DESIGN STRENGTHS.

MISCELLANEOUS:

REFER TO ARCHITECTURAL, MECHANICAL, ELECTRICAL, CMIL, ELEVATOR, OR OTHER SPECIALTY ENGINEERING DRAWINGS FOR DIMENSIONS NOT SHOWN, INCLUDING BUT NOT LIMITED TO: SIZE AND LOCATION OF CURBS, SOLAMPHEAT HOUSEKEEPING PADS, WALL AND FLOOR OPENINGS, BLOCKOUTS, FLOOR DEPRESSIONS, SUMPS, ORAINS, ANCHOR BOLTS, EMBEDDED ITEMS, ANCHITECTURAL TREATMENT, ETC. CONTRACTOR SHALL VERLY DIMENSIONS AND RESOLVE DISCREPANCES OR CONFLICTS PROTE TO CONSTRUCTION. WHERE SECTIONS ARE INDICATED ON THE PLAN BY A NUMBER AND A DRAWING NUMBER THUS, 1/5, THE INDICATED SECTION (1) IS SHOWN ON DRAWING SHEET 5.

SPECIAL INSPECTION:

PER IBC SECTION 1701, SPECIAL INSPECTION IS REQUIRED FOR THE FOLLOWING ITEMS:

- 1. CONCRETE GRADE OF 3000 PSI OR HIGHER (CONTINUOUS). NO INSPECTION OR BREAK TEST IS REQUIRED FOR SLAB ON GRADE CONCRETE POUR OF 50 CUBIC YARDS OR LESS A) DURING THE TAKING OF TEST SPECIMENS.
 - B) DURING THE PLACEMENT OF ALL REINFORCED CONCRETE, UNLESS NOTED OTHERWISE
- 2. BOLTS IN CONCRETE AND HIGH STRENGTH BOLTING (CONTINUOUS)
- 3. REINFORCING STEEL (PERIODIC)
- 4. WEIDING (PERIODIC)

 - A) VISUAL INSPECTION OF ALL FIELD WELDS.

 B) NON-DESTRUCTIVE TESTING OF ALL COMPLETE PENETRATION WELDS
- 5. ANY INSPECTION REQUIRED FOR STRUCTURAL OF EXISTING POLE PLEASE REFER TO DRAWINGS BY
- 6. EXPANSION AND EPOXY BOLTS (CONTINUOUS):
- A) DURING PLACEMENT OF ALL EXPANSION AND EPOXY BOLTS, FOR VISUAL VERIFICATION OF HOLE B) DIAMETER AND DEPTH AND PLACEMENT OF BOLT AND/OR EPOXY.
- 7. UNDERGROUND CONDUIT INSPECTION TO BE PREFORMED BY UTILITY COMPANY BEFORE BACKFILLING
- 8. MASONRY CONSTRUCTION (PERIODIC)
- 9. DUTIES AND RESPONSIBILITIES OF THE SPECIAL INSPECTOR:

 A) THE SPECIAL INSPECTOR SHALL DESERVE THE WORK ASSIGNED TO BE CERTAIN IT CONFORMS WITH
 THE APPROVED DESIGN DRAWINGS AND SPECIFICATION.
- B) THE SPECIAL INSPECTOR SHALL FURNISH INSPECTION REPORTS TO THE BUILDING OFFICIAL, AND TO THE DIGINEER.
- OPEN COMPLETION OF THE ASSIGNED WORK THE ENGINEER SHALL COMPLETE AND SIGN THE APPROPRIATE FORMS CERTIFING THAT TO THE BEST OF HIS KNOWLEGGE THE WORK IS IN THE CONFORMANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND THE APPLICABLE WORKGAMSHIP PROVISIONS OF THE CODE.

- THS SHOULD BE RETAINED TO REVIEW THE CIVIL AND STRUCTURAL ASPECTS DURING ACTUAL CONSTRUCTION OF THE PROJECT PER PROVIDED PLANS AND SPECIFICATIONS FOR CONFORMANCE. WITH OUR RECOMBIDIATIONS. THE LAYOUT, PLANS AND SPECIFICATIONS PROVIDED THESE DRAWINGS ARE BASED ON THE ASSUMPTION THAT THE STRUCTURAL/CIVIL ENGINEER OF RECORD BE RETAINED DURING CONSTRUCTION TO MONITOR ALL THE ACTIVITIES ASSOCIATED ROUBE FOR SPECIAL INSPECTION PER JURISDICTION AND TO CONFIRM THAT THE STIE CONGITIONS ARE SIMILAR TO THOSE ENCOUNTERED DURING OUR DESIGN SITE VISIT. IF WE ARE NOT RETAINED FOR THESE SERVICES, THIS CANNOT ASSUME ANY RESPONSIBILITY FOR ANY POTDITIAL CLAUSE THAT MAY ARISE DURING OR ATER CONSTRUCTION AS A RESULT OF MISUSE OR MISMITERPRETATION OF THE PLANS BY OTHERS. FURTHERMORE, THIS MILL CEASE TO BE THE DISGREEF OF RECORD IF WE ARE ADMITTED THE SERVICES SERVICES. THE TIME AND THE TIME AND THE CONSTRUCTION OF THE PLANS BY OTHERS. FURTHERMORE, THIS MILL CEASE TO BE THE DISGREEF OF RECORD IF WE ARE ADMITTED THE SERVICES SERVICES AND FOR THE TIME AND THE CONSTRUCTION OF THE PLANS BY OTHERS. FURTHERMORE, THIS MILL CEASE TO BE THE DISGREEF OF RECORD IF WE ARE NOT RETAINED FOR THESE SERVICES AND/OR AT THE TIME ANOTHER CONSULTANT IS RETAINED FO FOLLOW UP SERVICE TO THIS CONSTRUCTION SET.
- IT IS THE OWNER'S RESPONSIBILITY TO SEE THAT ALL PARTIES TO THE PROJECT INCLUDING THE DESIGNER, CONTRACTOR, SUBGODITACTORS, PIELD DOIGNER, ETC. ARE MADE AWARE OF THESE CONSTRUCTION DRAWNES IN ITS DITRIETY. THE USE OF INFORMATION CONTAINED IN THESE CRAWNINGS FOR BIDDING PURPOSES SHOULD BE DONE AT THE CONTRACTOR'S OPTION AND RISK. THE SCOPE OF THE NEW CONSTRUCTION CHANGES FROM THAT DESCRIBED IN THIS DRAWNING, OUR FIRM SHOULD BE NOTIFIED.
- THIS CONSTRUCTION SET MAY BE USED ONLY BY THE CLIENT AND ONLY FOR THE PURPOSES THAS CONSTRUCTION SET MAY BE USED ONLY BY THE CLEENT AND ONLY FOR THE PURPOSES STATED, WITHIN A REASONNELE TIME FROM ITS ISSUINCE. LAND USE, SITE CONDITIONS (BOTH ON AND OFFSITE) OR OTHER FACTORS MAY CHANGE OVER TIME. CHANGES IN APPLICABLE STANDARDS OF PRACTICE CAN GOLDR AS A RESELT OF LEGISLATION AND/OR THE BROUGHING OF KNOWLEDGH FURTHERMORE. CONSTRUCTION ISSUES MAY ARSE THAT WERE NOT APPARENT AT THE TIME OF OUR DEPLOPMENT. ANY PARTY, OTHER THAN THE CHARLET, WHO WISHES TO USE THESE CONSTRUCTION DRAWING SHALL NOTIFY THIS OF SUCH INTENDED USE. NON-COMPLIANCE WITH ANY OF THESE REQUIREMENTS, BY THE CLIENT OR ANYONE ELSE, WILL RELEASE THIS FROM ANY LABBILITY RESULTI FROM THE USE OF THIS CONSTRUCTION CRAWING BY ANY UNAUTHORIZED PARTY.
- OUR PROFESSIONAL SERVICES HAVE BEEN PERFORMED USING DEGREE AND SKILL ORDINARILY EXERCISED UNDER SIMILAR CIRCUMSTANCES, BY REPUTABLE CIVIL & STRUCTURAL ENGINEERS PRACTICING IN THIS OR SMILAR LOCALITIES. NEITHER THIS NOR THEIR AGENTS OR EMPLOYEES PRACTICING IN THIS OR SMALL LICALITIES. NEITHER THIS NOR THEIR ARCHIS OR DIPLOTEES SHALL BE JOINTLY, SEVERALLY, NOR INDIVIDUALLY LIABLE TO. THE OWNER IN DICCESS OF THE COMPENSATION TO BE PAID PURSILIANT TO THIS AGREEMENT, BY ANY REASON OF ANY ACT OR OMISSION, INCLUDING BREACH OF CONTRACT OR REQUIRENCE NOT AMOUNTING TO A WILLIAL OR INTERTIONAL WRONG, NO OTHER WARRANTY, EXPRESSED OR IMPLED, IS MADE. THIS CONSTRUCT DRAWINGS SET WAS SEALED AND SIGNED IN ACCORDANCE WITH THE GENERALLY ACCEPTED STANDING OF PRACTICE IN NEW MEDICO AT THE TIME THE DRAWINGS WERE PREPARED.
- 5. THE CONSTRUCTION LAYOUT, SPECIFICATIONS, AND DETAILS ARE BASED ON OUR SITE VISIT, OF PROMOED DATA AND OUR UNDERSTANDING OF THE NEW CONSTRUCTION. WE ARE NOT RESPONSI FOR DATA PRESENTED BY OTHERS.
- 6. DRAWINGS WILL BECOME PUBLIC RECORD UPON FILING WITH THE REVIEWING JURISDICTION.

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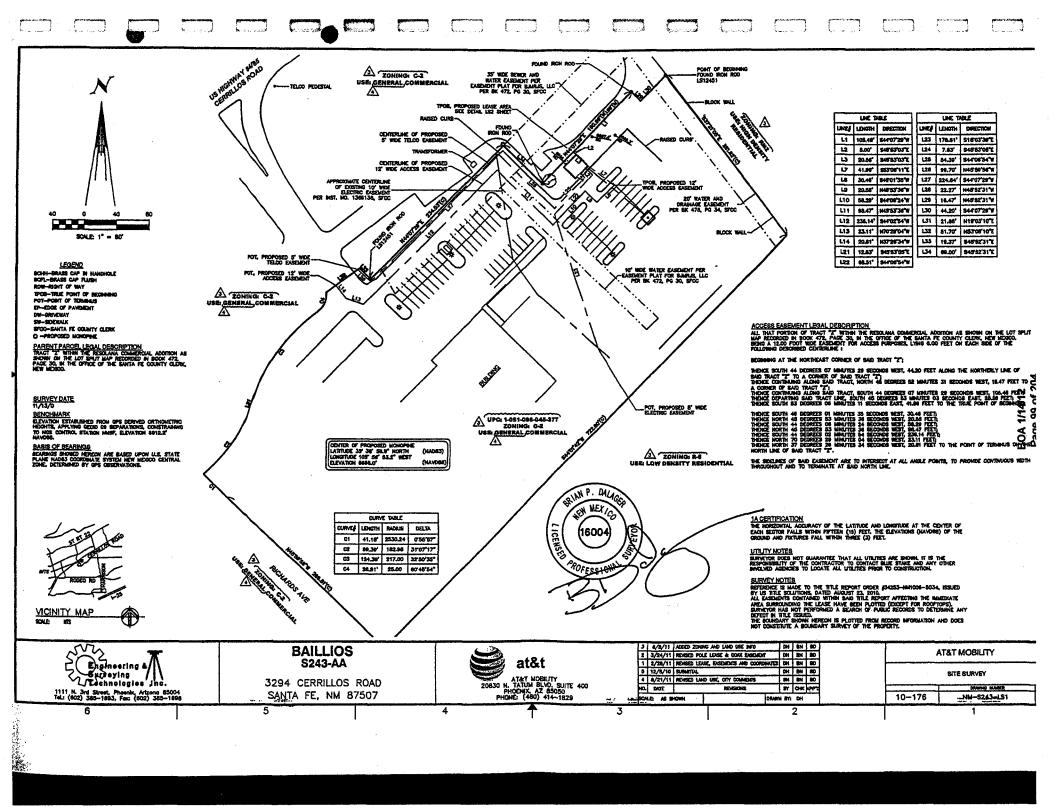


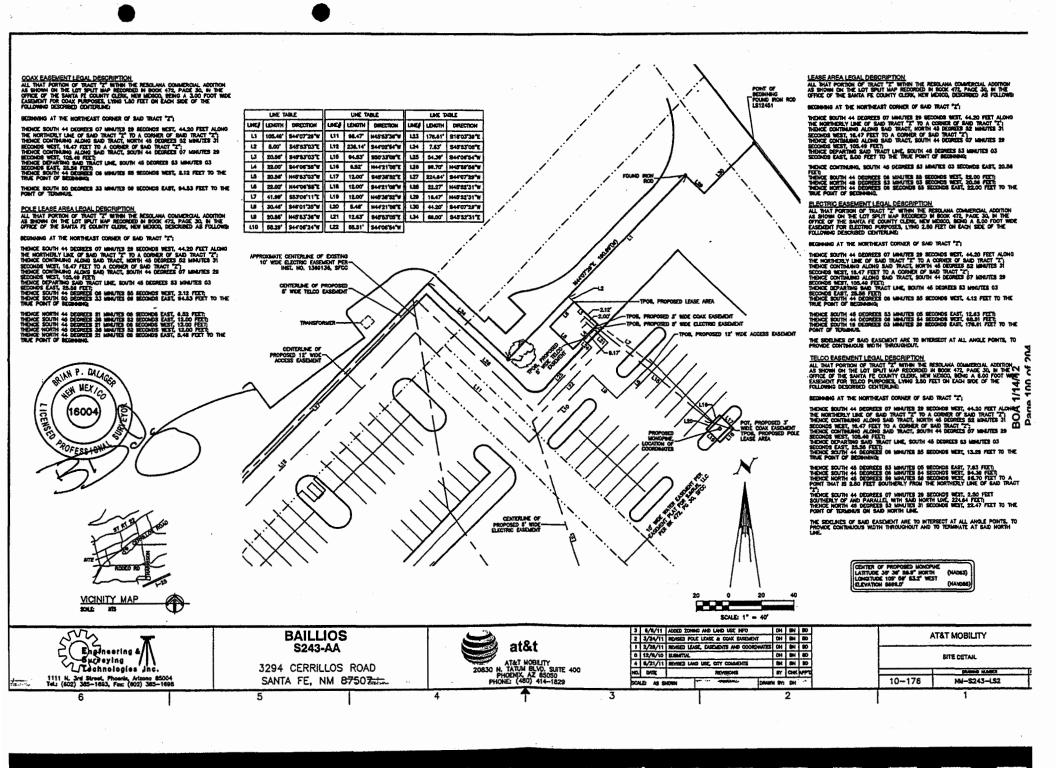
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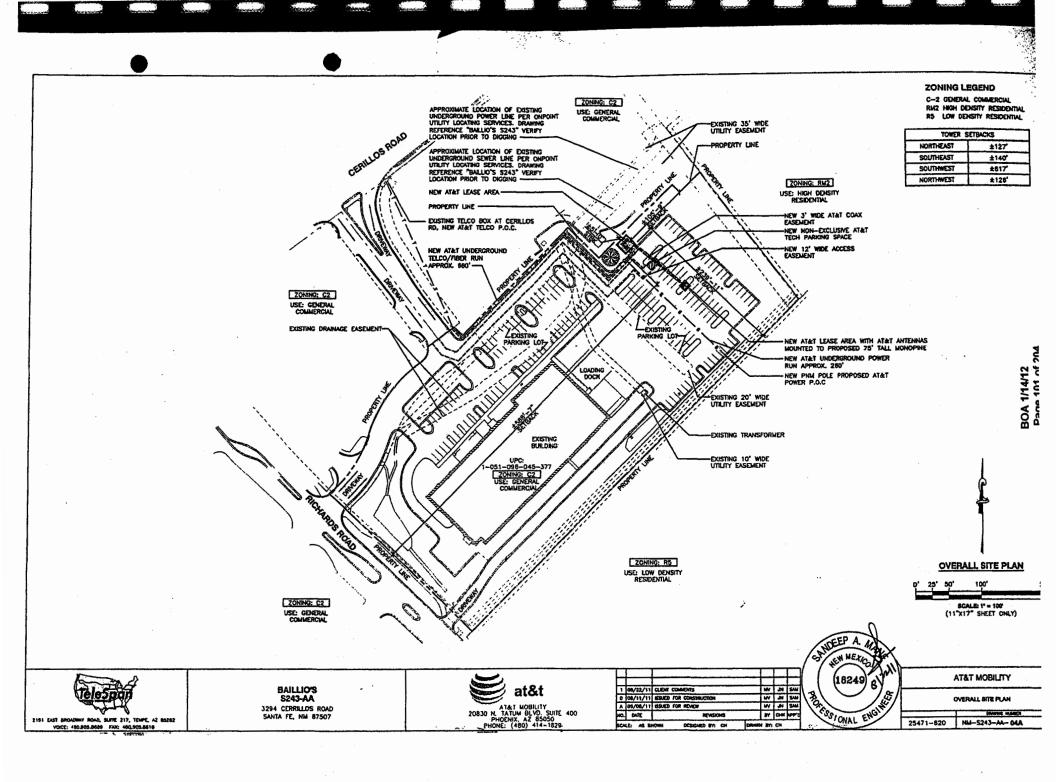
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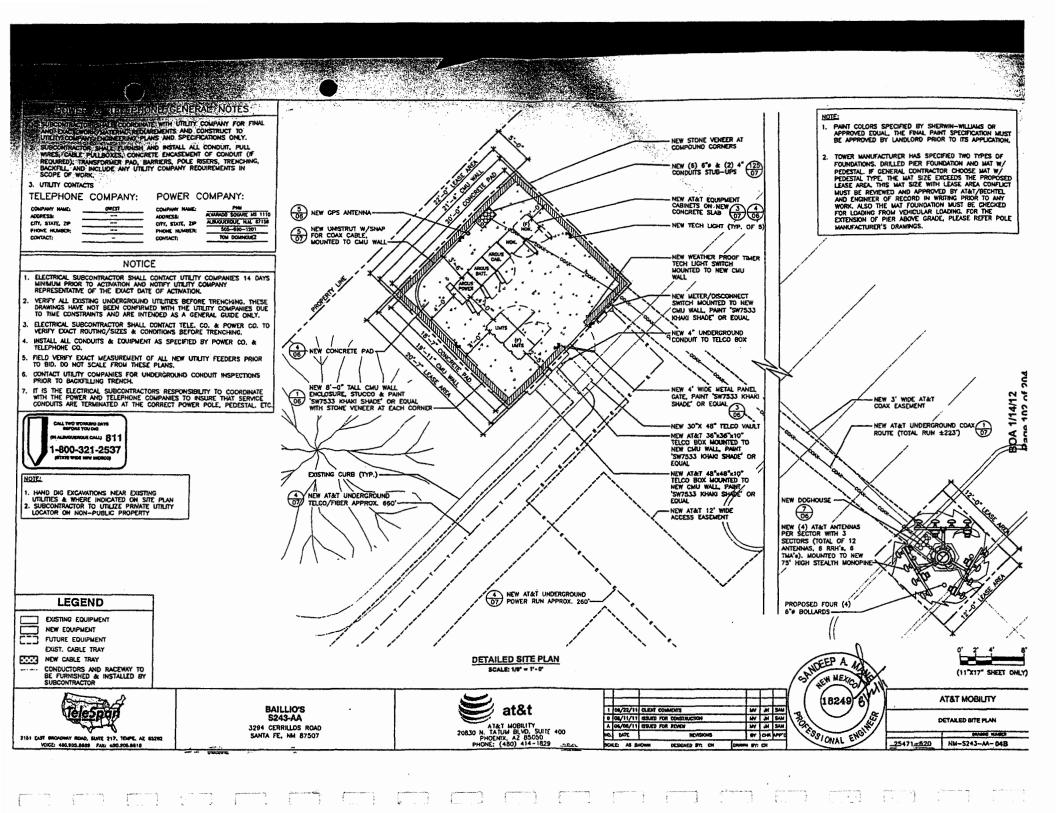


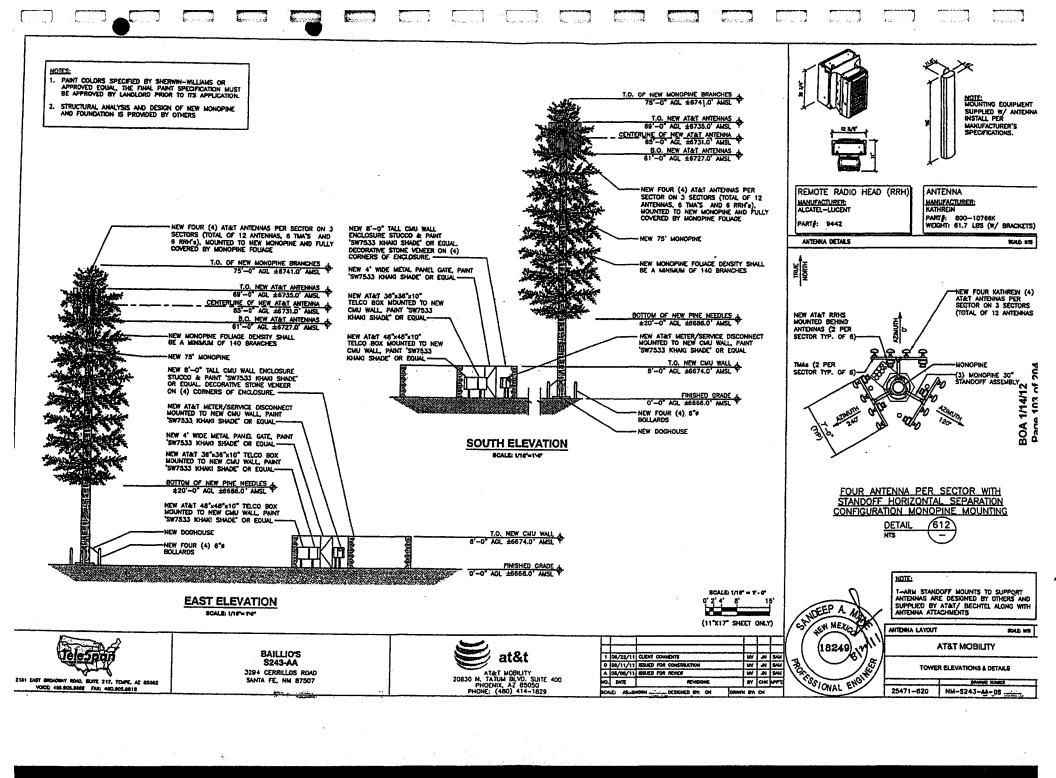
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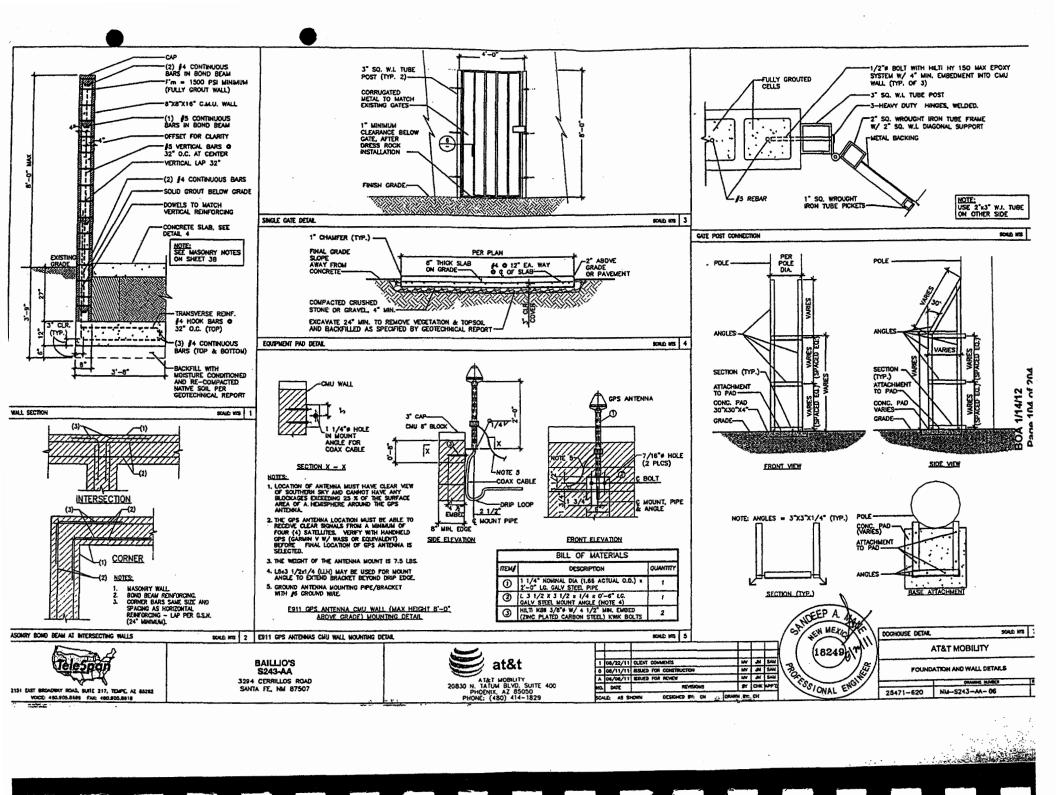


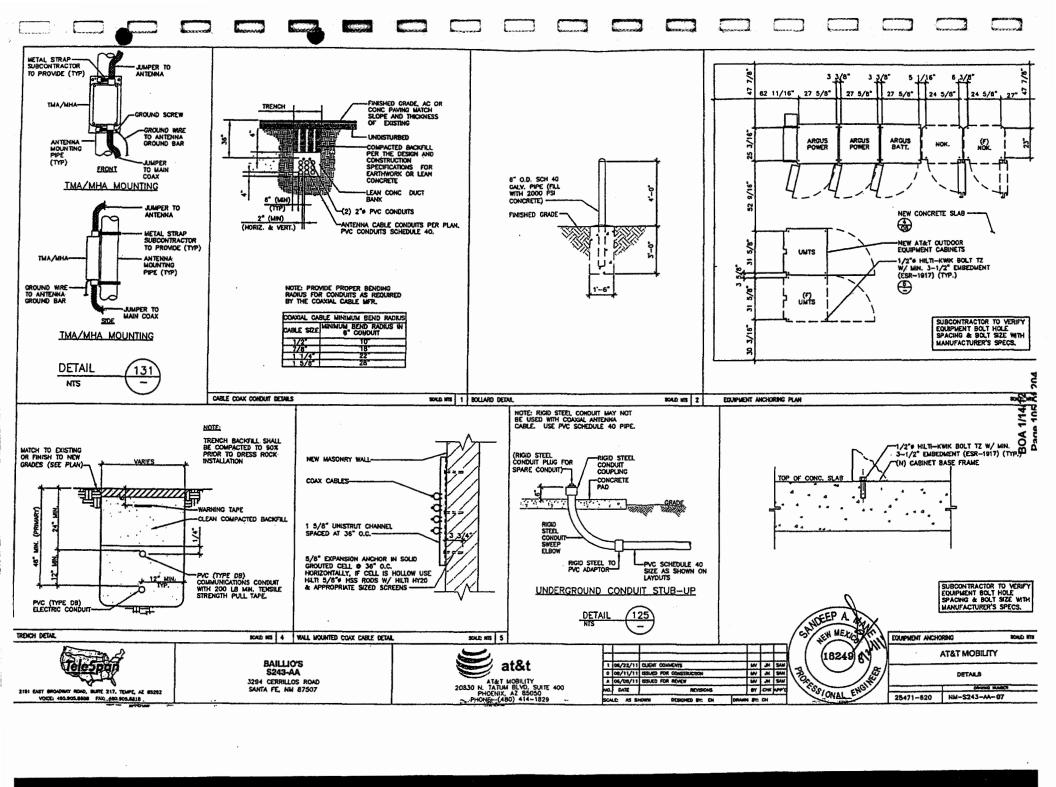


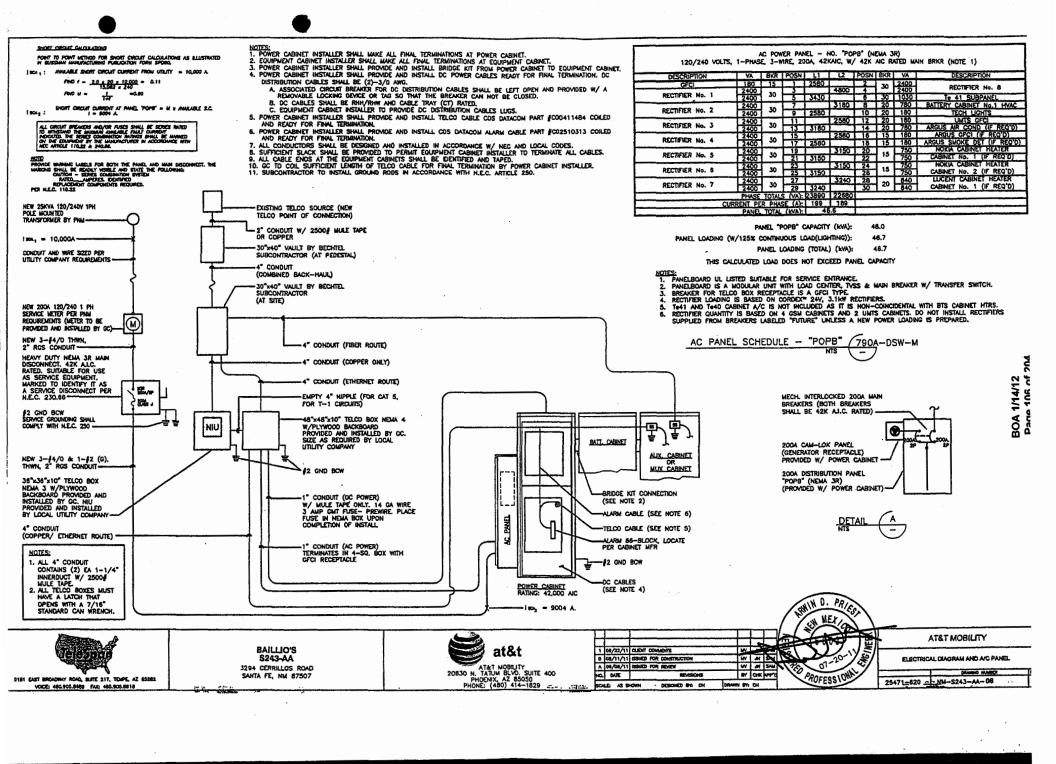


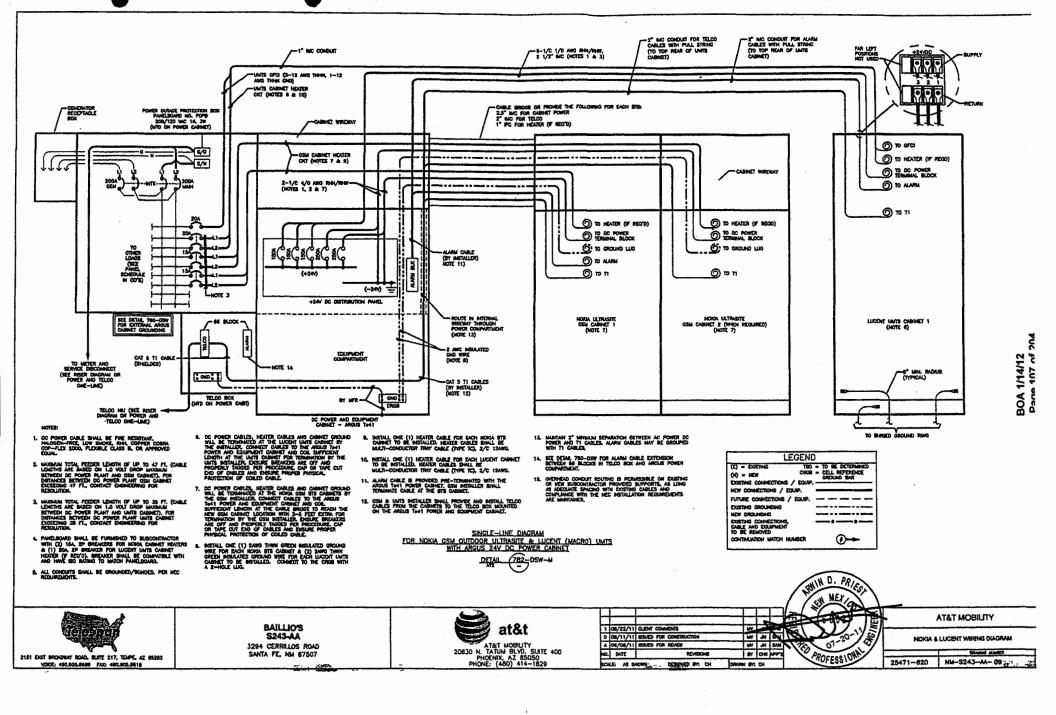












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	DT_ALS	1 =	m(1/80)		744	MC	DITTUSION	REQUIRED - ALL STICS	LUCENT - Reserved for Pamer (BITR-Power Cabinet Intrusion)			
-	DT_A4	1	WIT/SUT	3LT/M/IT	0 & 10	MÇ	BATTERY DISCHARGE	REQUIRED - ALL SITES	LUCDII - Reserved for Power (BD-Batteries on Discharge)			
BLOCK	فلدتك	4	NED/BUI	BUJ/RED	11 & 12	NC.	PLSE FAL	REQUIRED — ALL SITES (Wire all externed time & brooker distribution panel clarine is parles with the primary DC plant distribution alarm)	LUCCHT - Reserved for Power (FA-Fuse Alorm)			
	DELAG	ě	RED/ORG	ORG/RED	13 & 14	ж			LUCDAT - Reserved for Power (80-2-Bollery Disconnect 2)			
ALARM	DT_ALT	10 COMPECTOR (P.	RED/GRM	GRK/RED	15 & 18	NC	SMOKE DETECT	REQUIRED ~ ALL, SITES	LUCDIT - Reserved (Power Cabinet Smoke Detector)			
≱	DIT_ALB		PA COMPECTOR	700/8AH	BADY/MED	17 & 18	ю			LUCENT - Reserved (Urgant Generator)		
	D(1_AL9			200 MZ		RED/SUT	\$17/RED	10 4 20	28			LUCENT - Reserved (Non Urgent Generator)
	DIT_AL10						21 4 22	10			LUCENT — Reserved (Bettery Discharge 2)	
i	EXT_AL11	₹ :	BUK/ONG	ORO/BLK	23 4 24	ж			LUCENT — Reserved (Battery Discharge 3)			
1	DOT_AL12	1		OLON\BMK	25 4 24	ю			LUCCHT - Reserved (Urgant Fon)			
l	DEL.ALIS			BAN/BLK	27 & 28	*	DC/DC CONNERTOR		LUCENT - Reserved (Non Urgent Fan Sattery Fan Alorm)			
l	EXT_AL14		BUÇ/BLT	SLT/BUX	29 & 30	HO			LUCENT - Reserved (Link Equipment 1)			
	EXT_AL15		151/BW	em\u0	31 & 32	Ю			LUCENT - Reserved (Link Equipment 2)			
1	NOTE: 66	Stock terr	minate 33-	SO NOT US	ED (our be	used for	elerm group wiring)					

ı	AT&T ·	- LUCEN	it umts i	ACROCE	LL EXTERN	AL ALARMS
İ	ALARM	Wept			ALARM NORMAL	

	BAPUT/ OUTPUT	MODE-19	8	UCTOR LOR MR	#4 F0	BLOCK S/RONS	HORMAL CONTACT TYPE (HO! HC)	RHOC ALAM	ADDITIONAL INFORMATION	TECHNOLOGIES RESERVED ASSIGNMENTS
	DIT_AL16		MIL/BYN		1	4 2	MC	HAG FALURE	REDURED - ALL SITES (who oil NAC unit planne in parties for this trout).	CUSTOMER DEFINED
	D47_AL17		MIT/ONG	GRG/MIT	,	* *	ж	TOUR HOOK/LOW	REQUIRED — ALL STES (control shell be set for high temp between 90° at 100° and low temp between 45° at 36°. If separate surgary report high it less element, who elemen in period to provide single high/ion elem)	CUSTOMER DEFINED -
	EXT_AL18		MHT/OWN	ORN/WIT	•	* 5	NC	RECT OVERVOLT	REQUIRED - ALL SITES (ofre DC avervallage & DC undervoltage clores in series to provide a single DC voltage aut of range alarm)	OUSTONER BETNED
	DIT_AL19	2	MILL/BUSK	BRU/MIT	7	4 6	NO	CENERATOR MUM	REGULARED - ALL SITES	CUSTOMER DEFINED
	D(T_AL20)	1	MAT/SLT	SLT/WHT	•	± 10	ж	ODIERATOR_PUB.	RETURNED - ALL, SITES	DUSTOMER DEPINED
	D(T_AL21	8	HED/NCU	BITT\JEED	"	£ 12	NC	GENERATOR THEFT	REQUIRED ALL SITES	CUSTOMEN DEFINED
	DAT_M22	2	NCD/ORG	ORG/RED	13	4 14	МО	GENERATOR_FAIL	HEQUIRED - ALL SITES	CLYSTOMER DEFINED
	DT_M23	=	RED/ORUS	GROUPINGS	16	# 16	NO	OCHERATOR DISABLED	REQUIRED - ALL STES	CUSTOMER DEPINED
	DXT_AL24	ECTOR	RCO/BRH	BRH/RED	17	& 18	MÓ		SMRE	CUSTOMER DEPINED
	DIT_N25	ž.	XD/	91/MD	19	# 20	NC	POWER LOSS MAJOR	SMRE	CRELOWER DELINED
i	DXT_M26	NAME OF		BITT/BIX	21	A 22	HO		SPARE	DUSTOMER DEFINED
	DT_M21	1 1	BUC/ORG	ORQ/BUX	23	# 24	140		SPARE	CUSTOMER DEPINED
	DIT_JU28		BUK/OWN	CHIK/BLK	25	# 28	ю		SPARE	CUSTOMER BEFINED
	DX.1120		BLK/BRM	BRN/SUK	27	£ 20	ж		SPARE	CLUSTOMER DEFINED
	D(T_JU30]		ST/STK	25	A 30	HO.		SAME	CUSTOMER DEPINED
	D(T_AL3)		157gm	BITT/AET	31	à 32	ж		SPARE	CUSTOMER DEFINED
	NOTE: 64	Block terr	ninaia 33-	50 NOT US	Ð	(oon be	used for	alams group wiring)		

NOTE: #2 COPPER WIRE OR GREATER FOR THE GROUNDING OF THE BUSS BAR COAX GROUND BAR 121 TINNED TO ANTENNA
12 CABLE GROUNDING
SEE DETAILS -EXOTHERMIC WELD CONNECTION, (TYP.) 2 AWG SOLID, TINNED, NEW PNM POLE GROUND RING, #2 AWG, TIN, SOLID, BTCW BURIED AT 38" BELOW GRADE -NEW AT&T ANTENNAS, SEE PLANS -ANTENNA GROUND BAR, TYP. OF (3) TEST WELL **1** NEW EQUIPMENT
GROUND RING, #2
AWG, TIN, SOLID,
BTCW BURIED AT
36" BELOW GRADE ON TOP & BOTTOM OF MONOPINE

TYPICAL MONOPOLE SITE GROUNDING PLAN SCALE N.T.S.

DETAIL NTS RWIN D. PRIE AT&T MOBILITY 1 08/22/11 CLIDIT COMMENTS D 06/11/11 ESUED FOR CONSTRUCTION 66-BLOCK & ALARM WIRING & GROUNDING PLAN A 06/08/11 BSUED FOR REVIEW BY CHK MPP'E NO. DATE 25471-620 NM-\$243-AA- 10

66-BLOCK & ALARM WIRING



BAILLIO'S \$243-AA 3294 CERRILLOS ROAD SANTA FE, NM 87507



at&t

20830 N. TATUM BLVD. SUITE 400 PHOENIX, AZ 65050 PHONE: (480) 414-1829



AT&T MOBILITY

GROUNDING DETAILS

-NM-\$243-AA- 11

25471-620

MEX

01-

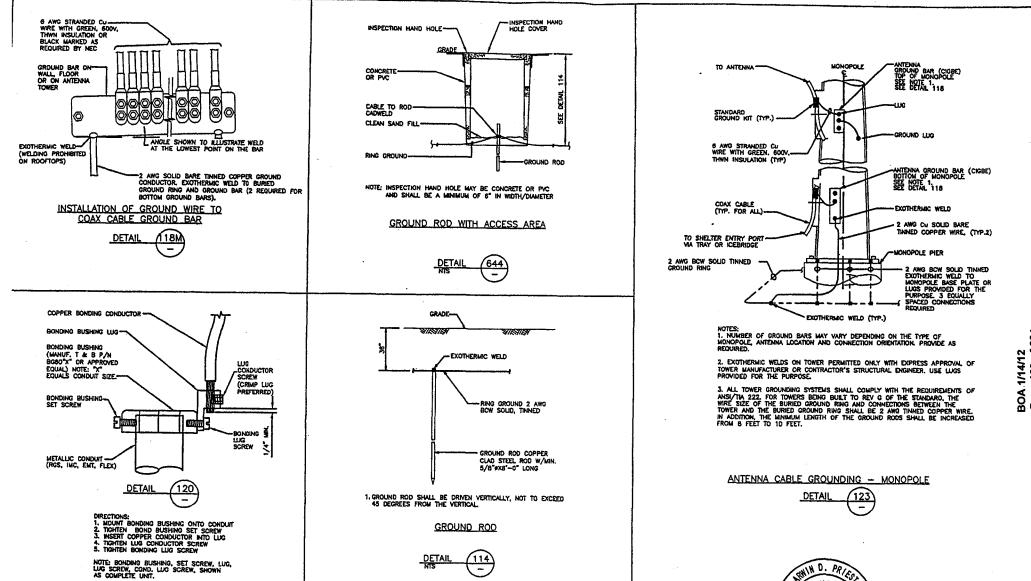
PROFESSIONAL

WE IN IN

WY JN SAL

BY CHK MPP

DRAWN BY: CH



at&t

20830 N. TATUM BLVO. SUITE 400 PHOENIX, AZ 85050 PHONE: (480): 414-1829

1 08/22/11 CUENT COLONENTS

A 06/08/11 ESUED FOR REVER

NO. DATE

SCALE: AS SHOWN

0 08/11/11 ESUED FOR CONSTRUCTION

DESIGNED BY: CH

BAILLIO'S

S243-AA

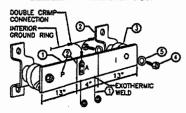
3294 CERRILLOS ROAD

SANTA FE, NM 87507

1151 EAST BROADNAY ROAD, BLITE 217, TEMPE, AZ 850A2

VOICE: 480.905.8689 FAX: 460.805.8818

NEWTON INSTRUMENT COMPANY, INC. BUTNER, N.C. OR APPROVED EQUAL									
NO.	NO. REQ. PART NO. DESCRIPTION								
0	1	1/4"x4"x30"	SOLID GND. BAR						
@	2	A6058	WALL WITC. BRKT.						
3	2	3061-4	INSULATORS						
0	4	3012-1	5/8"-11x1" H.H.C.S.						
3	4	3015-B	5/8 LOCKWASHER						



EACH GROUND CONDUCTOR TERMINATING ON ANY GROUND BAR SHALL HAVE AN IDENTIFICATION TAG ATACHED AT FACH END THAT WILL IDENTIFY ITS ORIGIN AND DESTINATION.

SECTION "P" - SURGE PROTECTORS

CABLE ENTRY PORTS (HATCH PLATES) (2 AWG)
GENERATOR FRAMEWORK (IF AVAILABLE) (2 AWG) TELCO GROUND BAR (2 AWG)
COMMERCIAL POWER COMMON NEUTRAL/GROUND BOND (2 AWG)
+24V POWER SUPPLY RETURN BAR (2 AWG)
-48V POWER SUPPLY RETURN BAR (2 AWG)
RECTIFIER FRAMES.
COM: SUPPRESSION

SECTION "A" - SURGE ABSORBERS

INTERIOR GROUND RING (2 AWG)
EXTERNAL EARTH GROUND FIELD (BURIED GROUND RING) (2 AWG)
METALLIC COLD WATER PIPE (F AVAILABLE) (2 AWG)
BUILDING STEEL (IF AVAILABLE) (2 AWG)

SECTION "I" - ISOLATED GROUND ZONE

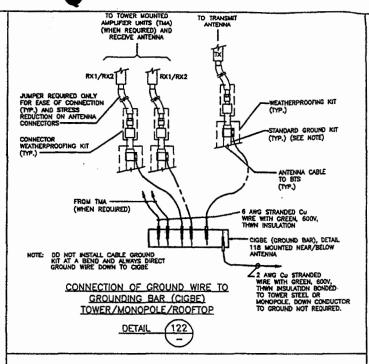
ALL COMMUNICATIONS EQUIPMENT FRAMES. ISOLATED GROUND BAR - IGB (2 AWG)

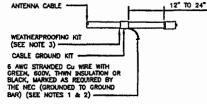
DETAIL NOTES:

- EXOTHERMICALLY WELD 2 AWG BARE TINNED SOLID COPPER CONDUCTOR TO GROUND BAR. ROUTE CONDUCTOR TO BURIED GROUND RING AND PROVIDE PARALLEL EXOTHERMIC WELD.
- 2. USE PERMANENT MARKER TO DRAW THE LINES BETWEEN EACH SECTION AND LABEL EACH SECTION ("P", "A", "I") WITH 1" HIGH LETTERS.

(RGB) REFERENCE GROUND BAR - DETAIL







CONNECTION OF CABLE GROUND KIT TO ANTENNA CABLE

NOTES:

- DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR.
- GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.
- WEATHER PROOFING SHALL BE (TYPE AND PART NUMBER) AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER AND APPROVED BY CONTRACTOR.





BAILLIO'S S243-AA 3294 CERRILLOS ROAD SANTA FE, NM 87507



at&t

AT&T MOBILITY 20830 N. TATUM BLVO. SUITE 400 PHOENIX, AZ 85050 PHONE: (480) 414-1829

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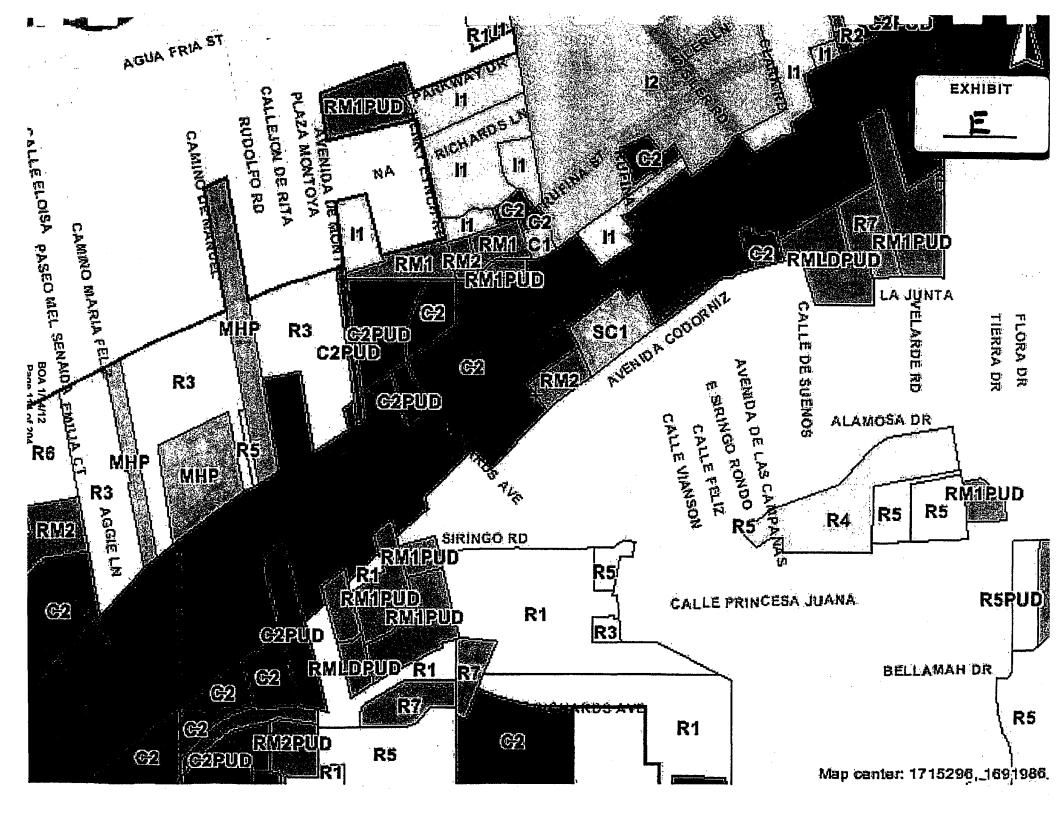
ONIN D. PRIS

AT&T MOBILITY						
Gi	ROUNDING DETAILS					
	DRAWNS HUNGER					
11-620	1 -620 NU-5243-44-42					

VOICE: 480.905,8689 PAIX 460,806.8818

ЕХНІВІТ	Carillos Road & Richards Avenue Carillos Road & Richards Avenue Carillos Road & Richards Avenue	Santa Fe	Santa Fe	QBI	703/1900 FEST 1 11/475 & 1 TE	A (Control of the Control of the Con	The best bett de de 11 to 11 t	aLattrain (35.648548	-100.00.222
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	SITE ACQUISITION 11/8/09 Caris Lamb Steve isbea	\$243	Desert SW SECL 2	NW	Sæta Fe	10114075	COVERAGE PASIEMISERISE	。我们们的自己的意思的,但是我们的自己的一个人,我们就是一个人的一个人,他们就是这个人的,我们就是这个人的,我们就是这个人的。我们就是这个人的一个人的一个人,他	8	-1cc-t-2.079 6255
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BASHAM & BASHAM, P.C.

F

September 12, 2011

City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: AT&T Antenna S243 Building Permit Application at 3294 Cerrillos Road

Dear Sirs:

This letter is to certify compliance with City Code § 14-6.2 (E)(6)(b (x) that:

Co-location, to the maximum extent technically feasible and upon commercially reasonable terms, will be permitted on a non-discriminatory basis if the application is approved, or (applicant will provide) an explanation of why co-location is not technically feasible;

To the extent that the proposed telecommunication facilities are located in the historic, escarpment or south central highway corridor overlay district or do not comply with the priorities set forth in § 14-6.2 (E)(5)(a) that the applicant has investigated alternative siting and that no other practicable alternative exists;

That the proposed telecommunications facilities comply with all applicable federal, stte and local requirements, including without limitation, radiofrequency radiation exposure limits set ou int 47 C.F.R. 1.310 Table 1(A) and (B), building codes and all other safety standards, National Historic Preservation Act requirements for the siting of facilities that are listed or are eligible for listing in the National Register of Historic Places and all franchises, leases and other contracts, if any, for the use of real property required by any regulatory body with jurisdiction, for the construction and/or operation of telecommunications facilities in the City have been obtained;

That the Proposed telecommunications facilities are necessary to close a defined and significant gap in service coverage (including in that definition reliable service from the consumer point of view) based upon actual signal strength data for the area where the gap is claimed and for the type of gap claimed and the proposed facilities are the least intrusive method to do so;

That the applicant will remove the proposed telecommunications facilities if required pursuant to § 14-6.2 (E) (11) and that if the applicant fails to do so, the City may remove such facilities at the applicant's expense and such expense, if unpaid upon demand, shall constitute a lien upon the property where such facilities are located. In the event that the applicant is not the owner of such facilities and the property, the applicant shall provide certification to this effect by the owner of such facilities and such property;

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW MEXICO • 87505 PHONE: (505) 988-4575 • FAX: (505) 992-6170 That the proposed telecommunications facility will be completed and will be used to provide telecommunications services within 180 days of the date the application is finally approved, or if a building permit is required, the date the building permit issues.

Please note that I am acting as an agent for the applicant in the zoning process and that I rely upon the representations of various employees, vendors, contractors and other parties in giving this certification.

Peter A. Dwyer

STATE OF NEW MEXICO) ss.
COUNTY OF SANTA FE)

SUBSCRIBED TO AND SWORN to before me this 12th day of September, 2010, by Peter Dwyer.

NOTARY PUBLIC

My commission expires:



EXHIBIT

APPENDIX A

Optional Checklist for Determination

Of Whether a Facility is Categorically Excluded

Optional Checklist for Local Government To Determine Whether a Facility is Categorically Excluded

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION
1. Facility Operator's Legal Name: AT + T 2. Facility Operator's Mailing Address: 20830 N. Tahun BlvD. Side 400 3. Facility Operator's Contact Name/Title: Peter Purper, Attanne, /kgent 4. Facility Operator's Office Telephone: (500) 188-4575 5. Facility Operator's Fax: (500) 188-4575 6. Facility Name: S243 7. Facility Address: 3254 ceroibul R2.
8. Facility City/Community: Sank Fe Un 9. Facility State and Zip Code: \$7507 10. Latitude: 35° 38' 58.9' N. 11. Longitude: 105° 59' 53.2 W

continue

Optional Local Government Checklist (page 2)

EVALUATION OF CATEGORICAL EXCLUSION
12. Licensed Radio Service (see attached Table 1): Personal Company Control Services 13. Structure Type (free-standing or building/roof-mounted): Free Standing 14. Antenna Type [omnidirectional or directional (includes sectored)]: Predictor 3 Sectors 15. Height above ground of the lowest point of the antenna (in meters): 18.6 M. (6) Feet 16. Check if all of the following are true: (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12). (b) This facility will not be mounted on a building (see question 13). (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).
If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.
17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: EIRP = (1.64) X ERP):
18. Enter the total number of channels if this will be an omnidirectional antenna, or the
maximum number of channels in any sector if this will be a sectored antenna:
19. Enter the ERP or EIRP per channel (using the same units as in question 17):
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)?
If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.
If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

^{*&}quot;ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power

SHKVICE COURT AGE DE COURTE PARTE	Jawani gango ninggoning pul
Experimental Radio Services (part 5)	power > 100 W ERP (164 W EIRP)
Multipoint Distribution Service (subpart K of part 21)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP building-mounted antennas: power > 1640 W EIRP
Paging and Radiotelephone Service (subpart E of part 22)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1000 W ERP (1640 W EIRP) building-mounted antennas: power > 1000 W ERP (1640 W EIRP)
Cellular Radiotelephone Service (subpart H of part 22)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1 (cont.)

A SPRAY TO LABORATE PROSPECT PROSPECT AND A SPRAY TO SPRA	
Personal Communications Services (part 24)	(1) Narrowband PCS (subpart D): non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels > 1000 W ERP (1640 W EIRP)
	(2) Broadband PCS (subpart E): non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 2000 W ERP (3280 W EIRP) building-mounted antennas: total power of all channels > 2000 W ERP (3280 W EIRP)
Satellite Communications (part 25)	all included
General Wireless Communications Service (part 26)	total power of all channels > 1640 W EIRP
Wireless Communications Service (part 27)	total power of all channels > 1640 W EIRP
Radio Broadcast Services (part 73)	all included

TABLE 1 (cont.)

Experimental, auxiliary, and special broadcast and other program distributional services (part 74)	subparts A, G, L: power > 100 W ERP subpart I: non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP building-mounted antennas: power > 1640 W EIRP			
Stations in the Maritime Services (part 80)	ship earth stations only			
Private Land Mobile Radio Services Paging Operations (part 90)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1000 W ERP (1640 W EIRP) building-mounted antennas: power > 1000 W ERP (1640 W EIRP)			
Private Land Mobile Radio Services Specialized Mobile Radio (part 90)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels > 1000 W ERP (1640 W EIRP)			

TABLE 1 (cont.)

STREAM COMMENT AND CONTROL OF A PROPERTY AND COMMENT A	THE VARIOUS PROCESSING TO THE
Amateur Radio Service (part 97)	transmitter output power > levels specified in § 97.13(c)(1) of this chapter
Local Multipoint Distribution Service (subpart L of part 101)	non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP building-mounted antennas: power > 1640 W EIRP
	LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter.

Cityof Santa Fe, New Mexico

memo

DATE:

Prepared September 20, 2011

TO:

Peter A. Dwyer, agent for New Cingular (AT&T) PCS, LLC

VIA:

Matthew S. O'Reilly, P. E., Director, Land Use Department

Tamara Baer, Planning Manager, Current Planning Division

FROM:

Dan Esquibel, Land Use Planner Senior

3294 CERRILLOS ROAD (SITE S243 - BAILLIO'S LOCATION) AT&T TELECOMMUNICATION FACILITY

Case #2011-111. 3294 Cerrillos Road. New Cingular PCS, LLC, d.b.a. AT&T applicant, Basham & Basham PC agents, request an administrative review and decision pursuant to Ordinance 2011-16 creating a new Section 14-6.2(E) SFCC 1987 Regarding Telecommunications Facilities outside public rights-of-way. The application is for a 75 foot high Mono-Pine Telecommunication tower with related equipment in a C-2 District. (Dan Esquibel, case manager)

EXECUTIVE SUMMARY:

The Land Use has identified deficiencies in the application. The following items are required to complete staff review:

- 1. Proof of legal lot of record
- 2. Reason for not placing antenna on existing structures (14-6.2(E)(5)(a)(i))
- 3. Reason for not placing related antenna facility equipment underground (vault) (14-6.2(E)(5)(c)(i))
- 4. If technical response to item 3 above is to place above ground the Method to reduce visual impacts to facility equipment structure including but not limited to proposed walls. (14-6.2(E)(5)(c)(ii))
- 5. Analysis for proposing mono-pine verses architectural structure that better blends with the surrounding area. (14-6.2(E)(5)(c)(ii))
- Landscape plan to off set reduction of Baillo's existing and approved l 6.2(E)(5)(c)(iii))

Case #2011-11 3294 Cerrillos Road Telecommunication Facility Administrative review: September 20, 2011

- 7. Specify any proposed lighting within the facility equipment area. If proposed submit required analysis pursuant to 14.8-9. (14-6.2(E)(5)(e))
- 8. Proposed method of maintenance for all structures and landscaping including responsible party. (14-6.2(E)(5)(f))
- 9. Provide information of any generators with Noise analysis. (14-6.2(E)(5)(g))
- 10. Submit scaled plans with labeled setbacks to property lines. (14-6.2(E)(6)(b)(ii)&(iii))
- 11. Submit analysis assessing the feasibility of alternative antenna configurations such as roof mounts, mono-poles, omni directorial, antenna mounts on existing towers in the area etc., both at the proposed site and in the surrounding vicinity that might result in less visual impact, including an explanation of why other antenna configurations were not selected. (14-6.2(E)(6)(b)(vii) & viii)
- 12. Technical information supporting the proposed height of the proposed antenna mount (14-6.2(E)(6)(b)(ix))
- 13. New Notarized document per (14-6.2(E)(6)(b)(x)(D)) correcting spelling for "State"

CONCLUSION:

The applicants are proposing to develop a telecommunication facility (Base Station) at the Baillo's retail property. The facility design will comprise a three sector (four antennas per sector) 120 degree cell site constructed on a 75' mono-pine tower.

The proposed mono-pine design and height will not blend in with the surrounding area to achieve any visual mitigation. The type of tree proposed is not present in the area thereby creating an anomaly drawing attention to itself. The proposed cabinet equipment is not landscaped to help mitigate appearance. Additionally, while not cost effective, cabinet equipment can be placed in underground vaults to help mitigate visual impacts in the area. The purpose of the Ordinance encourages careful design, siting, landscape screening, innovative camouflaging techniques; the application currently does not meet this goal.

ESQUIBEL, DANIEL A.

From: Sent:

Peter Dwyer [pdwyer@bbpcnm.com] Monday, October 03, 2011 9:59 AM

To:

ESQUIBEL, DANIEL A.

Subject:

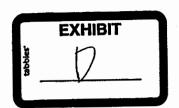
Letter on S243



Admin Approval Respose Letter....

As you can see AT&T does not agree that the application is deficient in all the identified areas but is willing to supplement the application. It was not clear to AT&T whether the application was being approved, denied, approved with conditions or subject to further consideration in light of the required additional information.

Peter A. Dwyer, Esq. Basham & Basham, P.C. pdwyer@bbpcnm.com



Page 126 of 204

BASHAM & BASHAM, P.C.

September 27, 2011

City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: AT&T Antenna S243 Building Permit Application at 3294 Cerrillos Road

Dear Sirs:

I am responding to your September 20, 2011 memo. I will address the 13 identified items below. Although some issues may be addressed through the supplemental information herein, the larger issue is the City's apparent delay and expense tactics.

The code allows administrative approval of towers in C-2 zones (14-6.2 (E) (3)). My reading of the code is that there are three zones (C-2, I-1 and I-2) in the City where a traditional tower structure remains permitted. (14-6.2 (E) (3) (a) (iii) The code even provides that the tower can be up to 100' in these zones 14-6.2 (E) (5) (b) presumably because these relatively limited areas of the City are preferred locations for telecommunications towers and are better suited to development of towers than the predominant residential zones covering the majority of the community. However, your memo does not acknowledge this portion of the zoning code and in fact seems to give unfavorable analysis of the proposal for construction of a commercial facility in a commercial zone.

It is not at all clear what you have decided. On the one hand you list 13 items that you describe as "deficiencies" and "items... required to complete staff review." On the other hand the "Conclusion" section does not state that the application is incomplete, approved or denied as required by 14-6.2(E) (3) (d).

While AT&T understands that the ordinance is new and the implementation may require some getting up to speed, it is not clear whether responding to the 13 items is designed to move the application toward approval. The Conclusion section suggests, to the contrary, that the City has already decided it does not intend to permit commercially reasonable uses of the property. The conclusion critiques the design without suggesting alternatives, fails to state why a new tower 25' lower than the permitted height is not acceptable, and implies that the City will require unprecedented and expensive placement of ground utilities in an underground vault. If the City intends to deny the application based on its subjective analysis of the aesthetic impacts upon an existing commercial parking lot then any request for further information can only be intended to increase costs and cause delay at the applicant's expense.

Specific responses to the 13 criteria are as follows:

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- 1. Proof of Legal Lot of Record. This was specifically required under the old telecommunications ordinance Section 14-6.2 (E)(6)(b)(ii) but is no longer required by either 14-6.2 (E)(5) or (6). The ordinance gives a lengthy list of required items and the deletion of this item between the old and new ordinance clearly indicates it was considered and rejected. Notwithstanding the fact that this is no longer required by the code, I have attached the title report on the property. AT&T notes that the imposition of additional requirements immediately following the deletion of those same requirements from the code indicates that the City is intentionally imposing unwarranted expense and delay tactics when reviewing the application.
- 2. Existing Structure. The proposed height of the facility is 75'. None of the existing structures on the site are 75'. The reason AT&T is applying to build a tower (above existing structure height but below the height limits of the zone) is fully explained elsewhere in the application. Existing structure analysis is limited, as are all applications, by the availability of leasable space. The applicant cannot place facilities on land it does not own or lease and the City is well aware of the applicant's efforts to utilize existing structures where possible such as \$927.
- 3. Underground Facilities. The existing application gives a full response to this item with respect to the tower and antenna. Nothing in the code, the legislative history of the telecommunications ordinance or the historical approval process suggests or implies that the City intended or required that the electrical switching equipment is required to be placed in an underground vault. This would be very expensive and would make it difficult for maintenance personnel to service the equipment. The proposal addresses aesthetics by shielding the equipment from public view with a wall that will be painted and textured to match surrounding buildings and facilities. A similar facility was just approved by the City at S246 in a residential zone in the historic districts. The Board of Adjustment, Historic Design Review Board, City Council, City Staff and general public never suggested that a yard wall around the facilities was not sufficient to address aesthetic concerns at that site. The fact that the staff is now raising the prospect of undergrounding the same facilities in the parking lot of an existing commercial property in a C-2 zone strongly indicates that the staff is not even attempting to address aesthetic concerns. Clearly the City's intention at this point is simply to interpose cost, delay and expense to prejudice the application.
- 4. Proposed Walls. Either the staff has not reviewed the application or they are once again imposing delaying tactics. Sheets 04B, 05, and 06 give detailed drawings of the walls. They note: "New stone veneer at compound corners." and "New 8'-0" tall cmu wall enclosure stucco & paint 'sw7533 khaki shade' or equal. Decorative stone veneer on (4) corners of enclosure" and "Corrugated metal to match existing gates." The code expressly provides for these forms of aesthetic mitigation in section 14-6.2 (E)(5)(c)(ii) which states that "Acceptable methods of minimize visual impacts shall include, but not be limited to: concealment, screening, camouflaging, color, materials, texture, shape, size and location."

- 5. Monopine. This is already addressed in existing application section I. Visual Impact Analysis. § 14-6.2 (E) (6) (b) (viii). It is unclear if staff did not read the application or simply requires a redundant response in this section. Particularly problematic is the staff's mention of an "architectural structure that better blends with the surrounding area." First of all, this is a commercial facility in an existing parking lot in a C-2 zone. It is not clear why a simple monopole design does not meet code objectives for this zone. Second, while AT&T wishes to do its best to mitigate the visual impacts it appears that the staff has an inchoate concept of what "better blends with [the] surrounding area." If the City wants something different they need to say what they want. AT&T is flexible on its design but due to the subjective nature of aesthetics it is impossible to definitively say what is "better." If, what the City really want is an endless succession of applications without any specific guidance that is simply a delaying tactic.
- 6. Landscape Plan. While AT&T remains open to whatever landscaping the City may require the staff memo misrepresents the requirements of the code. The memo states the application should "offset reduction of Baillio's existing and approved landscaping." Section 14-6.2 (E)(5)(c)(iii) does not require a landscape plan. In fact what it states is that "consideration shall be given to minimize disruption to or alteration of the natural land forms and landscape." If anything this section is admonishing applicants from changing the landscape at all; not requiring them to do so. But it is astonishingly disingenuous to even raise this section. The "natural land forms and landscape" in question is a parking median and a strip of flat bare un-vegetated land between a road and a parking lot. The code seems to contemplate preservation of natural landscape features but this site has none.
- 7. Lighting. It is not clear what the staff is referring to here. The citation is to the code's general outdoor lighting standards and the telecommunications ordinance's signage requirement. Sequentially the code section on lighting is 14-6.2 (E)(5)(c)(iv). But that section only deals with "Permanent lighting" and the application clearly states that there is no permanent lighting. There are detailed drawings of the facility equipment area in the application. Once again the staff seems to be inventing issues where there are none.
- 8. Maintenance. The staff memo implies that section (f) requires some sort of plan for the "method of maintenance." The code does not require any such plan but affirmatively states that the facilities "shall be maintained." The application states they will be maintained. Once again the staff is creating barriers for the applicant that are not contained in the code. The property is subject to the same obligations as any other property in the City and the imposition of additional requirements above the maintenance required of all other properties is unwarranted.

- 9. Noise. As with the prior section the code is simply reiterating the need to comply with existing city-wide noise standards. The application states that it will comply and how the cabinets and walls will mitigate noise. There is no requirement in the code for a "noise analysis" as stated in the staff memo. It is notable that the City appears to be attempting to impose more stringent application requirements on AT&T than other similarly situated applicants. This section and the preceding section regarding weeds, trash and graffiti are general City code requirements handled routinely through code enforcement. Yet the City appears to be assuming that this applicant will violate the City code (despite the applications assertion that AT&T will comply) without providing any bases for this assumption. Speculation by the City that the applicant will violate its codes at some future date is neither legitimate nor a legitimate basis for delaying approval of an application. I note that the substantive provisions of the City code are quasi-criminal in nature and that the applicant is entitled to the same due process protections as any other citizen.
- 10. Setbacks. The applicant provided this information on sheet 04A with the scale on bottom left, the setbacks on the body of the diagram and even a chart of setback distances on top right. Furthermore, the applicant diligently inquired about setback requirements in the zone for the walled facilities and was informed by the staff prior to applying that there is no setback requirement. Once again the staff has either failed to review the application or is interposing delay tactics.
- The memo cites to code provisions dealing with site analysis 14-6.2 11. Alternatives. (E)(6)(b)(viii) and antenna configurations 14-6.2 (E)(6)(b)(viii) and ironically asks why we did not consider such options as a "monopole." The application is in fact for a monopole concealed to look like a pine tree (a.k.a a monopine). The application spends nearly two pages on this topic from pages 8-9. Prior to making application I spent a great deal of time meeting with the City Attorney's Office on this requirement. My notes from those meetings indicate that we should address these requirements in the application by showing what efforts were made to locate and utilize other sites and configurations. That is what the current application contains. If there is some specific information about the technology, how it works, or why we selected this site that is not in the current application then please specifically state what it is you want. I have already provided what I think is ample information. If the City's response is "give me more" information then I need to know "more" of what?

The City itself collects data on sites and locations throughout the City and the application affirmatively asserts the need for a site within the search ring. I am not sure what else there is to say about site alternatives beyond what is in the current application. The property is clearly in a preferred city zone and the use is consistent with the goals of locating facilities in commercial zones. I do not think the City seriously wants the applicant to look at alternatives in residentially zoned areas so it is difficult to understand what a preferable alternative might be.

12. Height. Again, the existing application deals with this issue at great length. It is unclear what additional information the City wants. The applicant has already provided a RF propagation map showing the need for a better signal in this area. That is the "technical information" that causes AT&T to look for, lease, design and build the site as proposed. The height of the proposal will meet our coverage needs, which in simple terms means it will make the yellow areas on the map pink.

We have also provided data on our other sites so you can see the whole matrix of sites throughout the City and surrounding area. As explained in the application the height requirement is a product of the specific relationship between multiple sites and the existing coverage. Height is established by the radio frequency engineer to meet the coverage goals that drove AT&T to initiate the project in the first place.

Furthermore, the City is ambiguous in its height goals and limitations. On the one hand the code allows 100' towers in the zone and encourages co-siting; this means that potentially we should build a 100' tower so that as many providers as possible can go at the site. This site is in a preferred, C-2, zone and therefore a good place to put a new facility for future co-siting. On the other hand the City code seeks to mitigate the visual impact, the principle cause of which is height.

The City needs to state affirmatively which goal they want this site to achieve. We can "support" either application within the meaning of 14-6.2 (E)(6)(b)(ix). If we build higher we can potentially provide more co-siting. Typically the separation distance between providers is about 10' and, as explained in the application, the precise height desired is a variable depending on the provider, technology and existing coverage. If we build to a lower height (such as the 75 feet applied for) then there are less co-siting options on this site for future users.

If the City wants more technical information then please state with specificity not only what information you want but how it should address the codes 100 foot height provision.

13. See attached certification (labeled F for uniformity) correcting typographical errors.

Very truly yours,

Peter A. Dwyer

P.O. BOX 1654 • SANTA FE, NEW MEXICO • 87504-1654 PHONE: (505) 988-4575



City of Santa Fe, New Mexico

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

David Coss, Mayor

Councilors:

Rebecca Wurzburger, Mayor Pro Tem. Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 5

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

November 9, 2011

Peter A. Dwyer, Esq. Basham & Basham, P.C. 2205 Miguel Chavez Road, Suite A Santa Fe, NM 87505

Re:

AT&T Telecommunications Facility 3294 Cerrillos Road – Site S243

Dear Mr. Dwyer:

We are writing in response to your letter of September 27, 2011 addressed to the City of Santa Fe. The comments that follow are numbered to correspond to the numbered paragraphs in your letter. General comments follow those.

- 1. <u>Legal lot of record</u>. Proof of legal lot of record for the subject property is required as a matter of long-standing City practice at the time any application is filed with the Land Use Department. By assuring that the subject property is a legally-created lot, both the City and the applicant are assured that processing the application will not waste either party's time and money. We do not agree that the request imposes an unwarranted or unreasonable burden on the applicant, and deny absolutely that the request constitutes a "delay tactic". Please note that the title report referred to in your September 27 letter was not attached to that letter and as a result we cannot verify legal lot of record.
- 2. Existing structure. The proposed telecommunications facility (Facility) site is located in a C-2 district and thus complies with Santa Fe City Code 1987 (SFCC) §14-6.2(E)(5)(a)(ii) and (iii). We understand from Exhibit II to your September 12, 2011 application letter (Application) that AT&T identified multiple potential locations for siting the Facility before settling on the Baillo's site. We also understand that it also explored the possibility of locating the Facility on the Baillo's building, but that the location was not feasible. We are seeking a short statement for the written record setting forth the circumstances that led to the rejection of the building as a location to address the siting preference expressed in SFCC §14-6.2(E)(5)(a)(i). You should address roof-mounted and façade-mounted options, including the integration of the antennas into existing

Peter A. Dwyer, Esq.
AT&T Telecommunications Facility – 3294 Cerrillos Road – Site S243
November 9, 2011
Page 2 of 3

architectural features of the building or the addition to the building of architectural features specifically to camouflage the antennas.

- 3. <u>Underground facilities</u>. SFCC §14-6.2(E)(5)(c)(i) requires telecommunications facilities to be undergrounded to the extent technically feasible. "Telecommunications facilities" is broadly defined. We understand that undergrounding some telecommunications facilities, like antennas, is functionally impossible and that at some point due to the nature of certain other kinds of facilities the cost of undergrounding becomes prohibitive and that other considerations, such as difficulty in servicing, make undergrounding technically infeasible. We are seeking a short statement for the written record setting forth the circumstances that mitigate against undergrounding. While your September 27 letter generally addresses the issue, you should verify that AT&T specifically explored undergrounding and the reasons it was deemed infeasible. While it is true that the City approved above-ground facilities at AT&T Site S246, that approval was based upon a number of aesthetic considerations specifically related to the site.
- 4. <u>Proposed walls</u>. We acknowledge the detail provided with respect to the walls proposed to screen the above-ground equipment. However, in accordance with SFCC §14-6.2(E)(5)(c)(ii) we are seeking screening of the wall itself with plantings in order to mitigate the visual impact from Cerrillos Road.
- 5. Monopine. We understand that AT&T presented the Facility as a "monopine" in meetings with neighboring property owners. However, as noted in Application Exhibit I, the best way to conceal a telecommunications tower is debatable. Given the character of the Baillo's site, we believe a monopole painted a neutral color or a flagpole or light pole design would distract the eye less than the proposed monopine design. We would therefore like to consider those possibilities, or other suitable designs utilized by AT&T in other similar locations. Photo simulations of each (including the monopine) as viewed from Cerrillos, Richards and adjacent neighborhoods will assist us in evaluating what design has the least visual impact. We have enclosed photographs of a number of "stealth" telecommunications facilities that we hope will clarify for you the City's concept of how visual impact can be mitigated through facility design. Not all of these are successful we note specifically the fully-branched monopine surrounded by a block wall in an area without trees of similar height.
- 6. <u>Landscape plan</u>. As noted above in paragraph 4, we are seeking landscaping to mitigate the visual impact of the walls screening the above-ground equipment from Cerrillos Road. We are requiring a landscape plan in accordance with SFCC §14-6.2(E)(6)(b)(xiv) showing how AT&T will address this visual impact.
- 7. <u>Lighting</u>. We understand that the Application does not include permanent lighting. Please identify emergency lighting, if any.
- 8. <u>Maintenance</u>. We acknowledge that SFCC §14-6.2(E)(5)(f) does not require submittal of a maintenance plan. However, pursuant to SFCC §14-6.2(E)(6)(b)(xiv) we are requiring a maintenance plan because of the high visibility of the walls and concerns about graffiti and landscaping materials loss. We are seeking information as to who will be responsible for

Peter A. Dwyer, Esq. AT&T Telecommunications Facility – 3294 Cerrillos Road – Site S243 November 9, 2011 Page 3 of 3

monitoring the Facility, a schedule indicating the frequency with which the Facility will be monitored and how and by whom issues identified as a result of that monitoring will be addressed.

- 9. <u>Noise</u>. Please indicate whether the Application includes generators and if so, please provide specifications relating to noise.
- 10. <u>Setbacks</u>. We are seeking scalable plans that can be read. Reduction and duplication of the plans provided made it difficult to apply the scale to the plans with accuracy. We believe that 18" by 24" should be sufficient for this purpose.
- 11. <u>Alternatives</u>. We are seeking information relating to alternative "stealth" options to the monopine, not to the site. As noted above in paragraph number 6, photo simulations of the monopole without camouflage and camouflaged as a monopine, flagpole and lighting fixture or other similar "stealth" application that AT&T has used successfully in other similar settings will help us evaluate and determine which is most suitable for the site.
- 12. <u>Height</u>. We understand generally that the height of the Facility relates to existing conditions on the property and to other AT&T sites. However, we are seeking the technical information relied upon by AT&T in determining the proposed height of the antenna mounts. While we understand that height relates to function and safety, it also relates to visual impact, i.e., if reduced height would mitigate visual impact without impairing functionality or violating safety requirements, a reduction in height might be called for.
- 13. Certification. We acknowledge receipt of the corrected certification.

We hope this clarifies the City's intent with respect to the Application and look forward to receipt of the information identified above. If you feel it would be productive to meet to discuss these outstanding items, please contact me at 505.955.6587 to schedule a date and time.

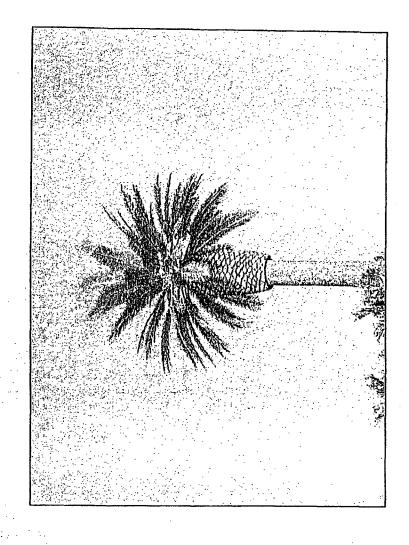
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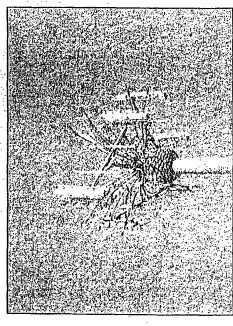
Dan Esquibel

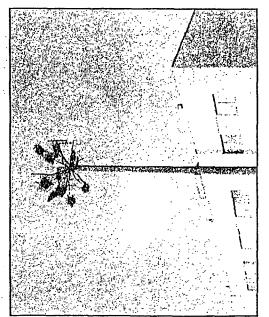
Land Use Planner Senior

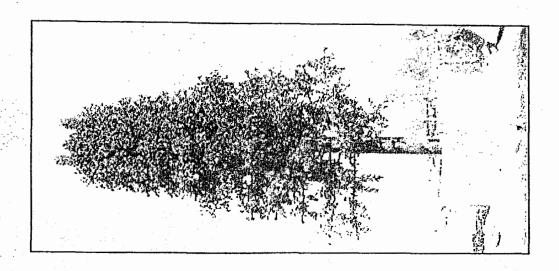
 Matthew O'Reilly, Land Use Department Director Greg Smith, Division Director, Current Planning Kelley Brennan, Assistant City Attorney

COLODINES, MONOCYPARSS, MIC.





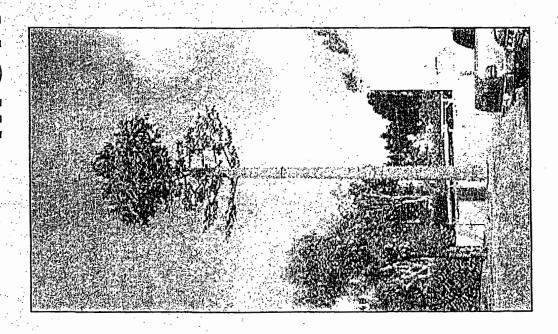


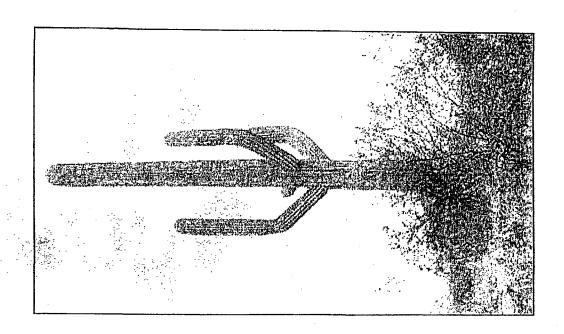


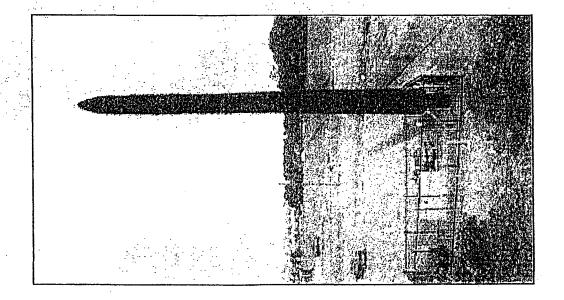


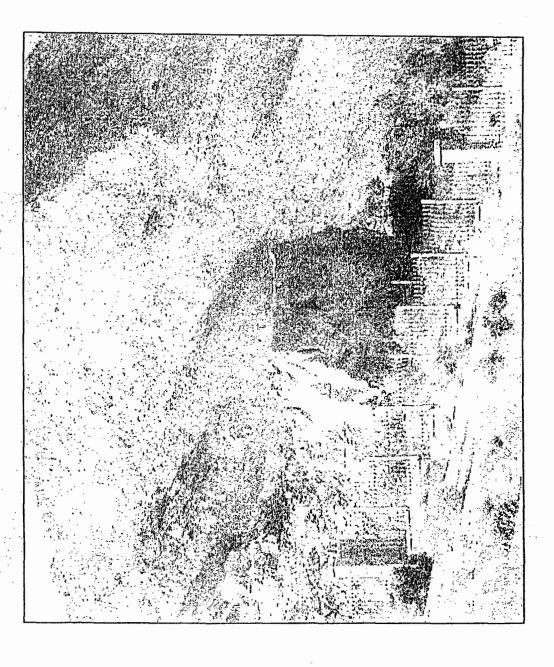


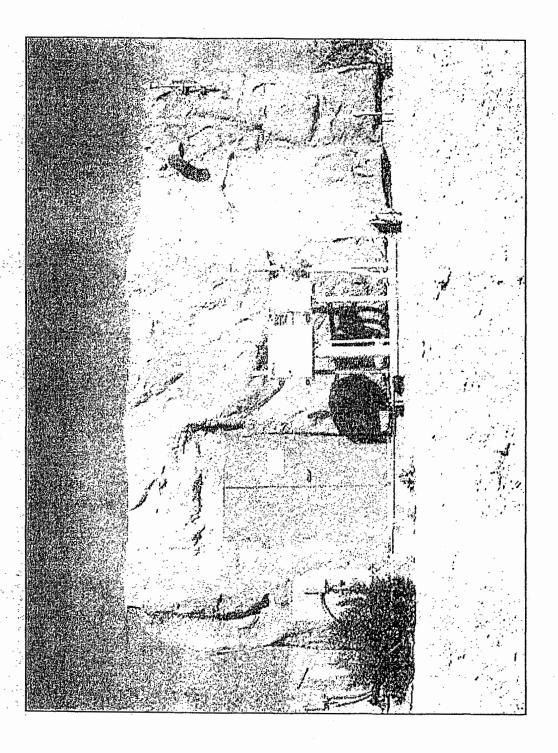


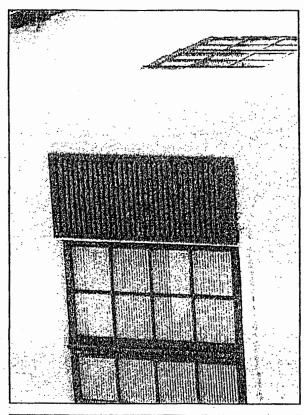


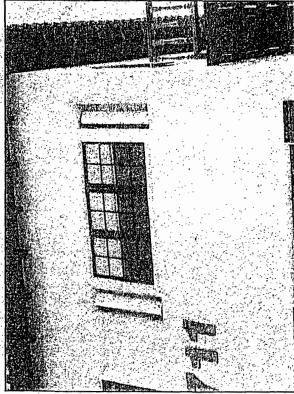


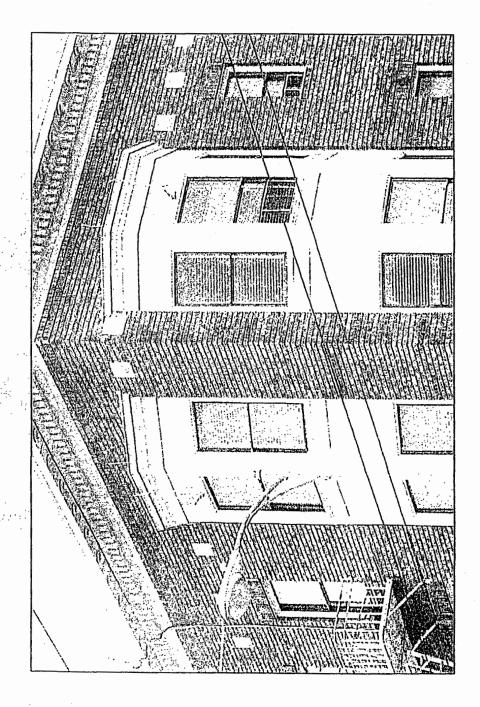


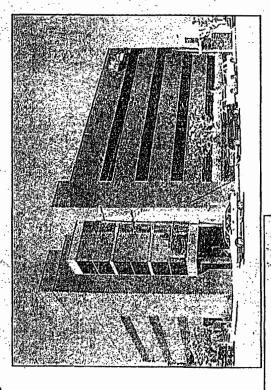


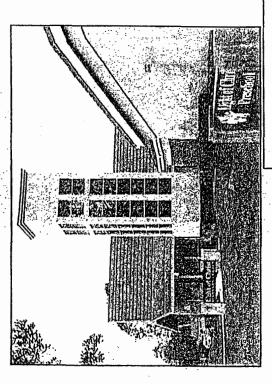




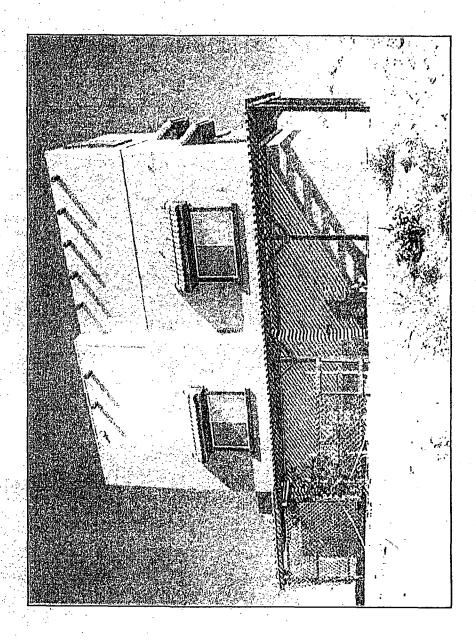


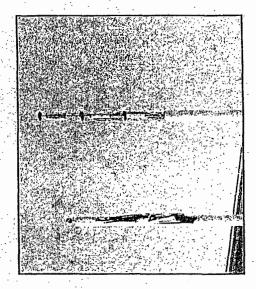


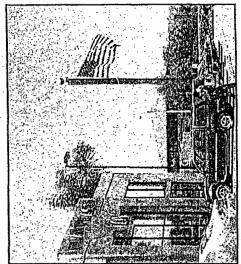


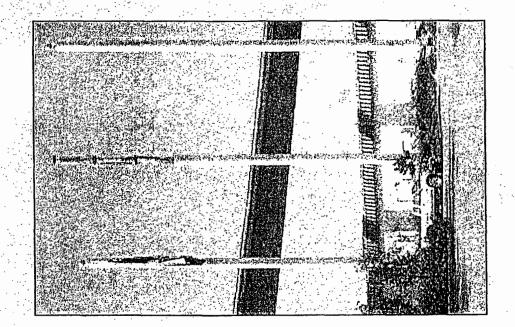


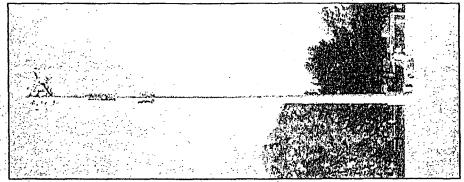


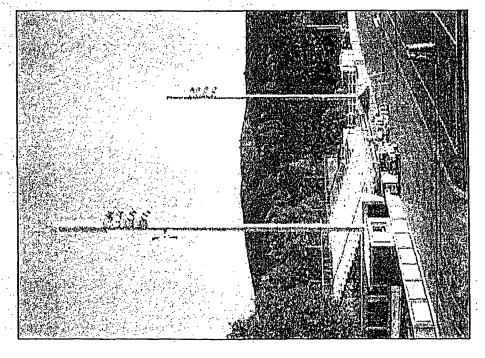


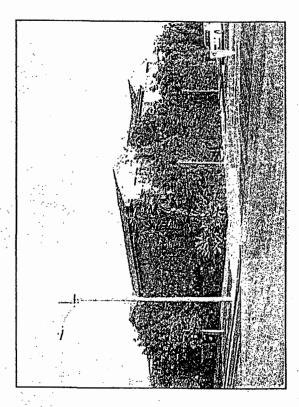


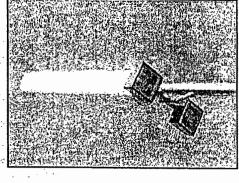


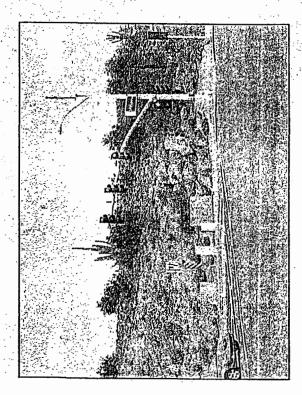


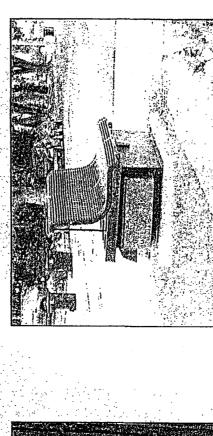




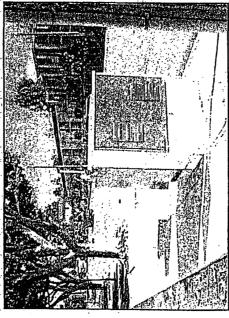


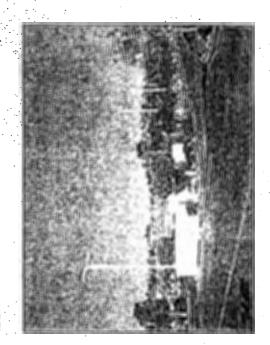


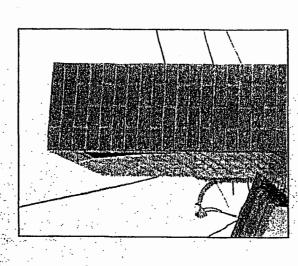


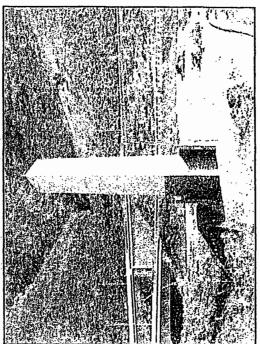


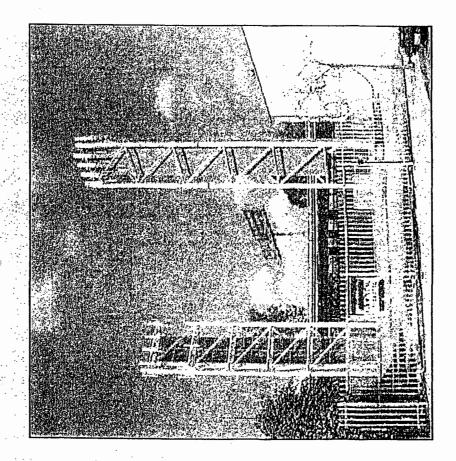




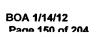












BASHAM & BASHAM, P.C.

May 11, 2012

City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: AT&T Antenna S243 Building Permit Application at 3294 Cerrillos Road

NEW APPLICATION FORM

I have completed the most recent application form. I note that the form was developed during the pendency of this application.

EXISTING STRUCTURES

Building a roof mounted structure would impose additional costs, difficulties with maintenance, renegotiation of the site lease, and delay. The code allows administrative approval of monopoles in C-2 zones (14-6.2 (E) (3)). My reading of the code is that there are three zones (C-2, I-1 and I-2) in the City where a monopole structure remains permitted. (14-6.2 (E) (3) (a) (iii) The code even provides that the tower can be up to 100' in these zones 14-6.2 (E) (5) (b) presumably because these relatively limited areas of the City are preferred locations for telecommunications towers and are better suited to development of towers than the predominant residential zones covering the majority of the community. The proposed height of the facility is 75'. Since a monopole of this height is permitted in this zone it was deemed appropriate. When entering into lease negotiations AT&T seeks to minimize the impact on existing landlord uses and therefore a ground build achieves both code objectives and landlord objectives.

None of the existing structures on the site are 75'. A façade placed on the top of the existing building would be far too high. If the façade extended the entire perimeter of the roof line it would present significant engineering challenges due to extreme height and wind load. It would also significantly alter the appearance and massing of the structure creating a greater visual impact than the pole.

The land lord has not agreed to lease space on the roof and that is why we are applying for the monopole as a ground build.

EXHIBIT

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW ME PHONE: (505) 988-4575 • FAX: (505) 992-6170 UNDERGROUND FACILITIES. The antennas simply cannot go underground because they require line of sight to work. The ground utility equipment needs to be near to the tower. The farther away it is the more massive the tower becomes because you need to use larger and larger cables to connect the antennas to the ground utilities. Therefore the ground utilities for telecom sites are either placed inside a building near the monopole or in a compound with a yardwall. Some ground utilities such as switches cannot be placed directly on the ground because they can be damaged by water. Placement underground would also expose them to similar risks. The portions of the facilities that can be placed underground such as the cables connecting the antennas to the switches, power and phone lines are placed underground as has been shown on the drawings. Placement of all ground utilities underground would be commercially impracticable. Placement of all ground utilities underground would also create access and safety risks for the personnel required to maintain the facilities. The ground utilities need regular maintenance and when selecting sites the provider needs to ensure that there is safe and convenient access between the designated parking area for the service vehicle and the facilities. In summary, the facilities that can go underground such as the wires and cables do go underground.

PROPOSED WALLS It is not at all clear how a provision on screening is being interpreted to require screening the screening. There is no express code provision regarding screening of walls with planting and the section cited initially was 14-6.2 (E) (5) (c) (ii) which does not even mention landscape plans. The subsequent letter of the City cites provision (14-6.2 (E) (6)(b)(xiv) which provides does not mention landscape plans and does not address requirements for additional work. It only states that the City can require additional information. The pertinent section of the Code is 14-8.4 (B) (1) (d) which exempts this project from landscaping requirements. If they city has some specific idea about what they would like AT&T will consider that request but there is nothing in the code which would apply specifically to landscaping or screening walls for this site.

MONOPINE AT&T proposes to simply build a monopole. The monopine design is more visually obvious than a simple pole. We have attached multiple design photosims to show what a lattice tower, a monopole and a monopine would look like from Richards Avenue and from Cerrillos Road. The photosims show options in multiple configurations and colors. The aesthetics of a given site are completely subjective. However, it is AT&T's contention that a simple pole design will have the least visual impact. This application has been pending for some time. During that time design alternatives for a monopine design have been specifically critiqued as obtrusive in comments AT&T received from City staff and the State Historic Preservation Office. We agree that the monopole design is the best option.

LANDSCAPE PLAN. As stated above there is nothing in the code that requires a landscape plan or explains how to effectively screen a screening wall. If the City will describe what it wants we can consider that request.

LIGHTING. There is nothing proposed for construction other than the facilities indicated on the detailed plans.

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW MEXICO • 87505 PHONE: (505) 988-4575 • FAX: (505) 992-6170

MAINTENANCE. There is no code provision requiring a maintenance plan. The cited section 14-6.2 (E) (6) (b) (xiv) reads "Such other information as may reasonably be required by the Land Use Director." It does not say anything about providing maintenance services for the landlord or the City and it is unclear why this section would be used to impose substantive obligations that are nowhere described in the code.

The information regarding maintenance of an as yet unapproved and unbuilt structure is as follows. The facility will be monitored on a regular basis in order to ensure that the telecommunications equipment is working properly. There is no regular schedule for this maintenance at present as the site is not even in operation. Agents who monitor the site normally have a letter provided from the landlord to show authority to enter onto the site as needed and may go to the site at any time in order to perform maintenance. The maintenance would include any structure or facility on the site built by the applicant but would not extend beyond the leased area or to non-AT&T facilities. For example if another provider co-sites on the pole then they would maintain their own equipment.

NOISE. There is nothing proposed for construction other than the facilities indicated on the detailed plans.

SETBACKS. I have attached one full size set of plans and provided them on CD as well. The setbacks are clearly indicated.

ALTERNATIVES. See attached photo simulations. I note that the City permits lattice towers in various locations around the community and that the monopole design is, in our opinion, preferable. The monopine alternative has been specifically proposed and rejected. Other stealth applications are not being proposed because the site is a parking lot in a C-2 zone and is a ground build lease. This sort of site does not lend itself to false chimneys, steeples, or other false structures. The City specifically permits monopoles and they are appropriate in this zone. Construction of a more massive structure such as a clock tower or landmark signage would only make the site more obtrusive, and implicate other prohibitions in the code such as signage and lighting limitations. The best alternative for this site is a monopole.

HEIGHT Attached are Radio Frequency (RF) propagation maps. They show before and after coverage as well as coverage at various heights. The application is for a pole that is 25 feet lower than the zone's height limit. The City's code and prior response imply that there is some absolute measure of height requirements. As previously stated in the application this is a false assumption. The relationship between height and coverage is shown in the attached RF maps. You can see that the lower the height is the worse the coverage. AT&T is trying to provide better coverage and therefore seeks the height proposed in the application. It is not arbitrary. It is less than the zone permits. It is warranted in this case as shown by the attachments.

S243 Baillios

Proposal for landsaping, maintenance, graffiti and sound abatement.

Although AT&T does not agree that these substantive requirements are contained in or required by the City Code AT&T offers the following proposal to ensure processing of this application.

- 1. Landscaping. AT&T will undertake such planting within the leased area of the premises as is reasonably required by the City to ensure that the yard wall for the ground utilities is as attractive as reasonably achievable given the limitations of the leased area, the access to utilities and the overall site design.
- 2. Maintenance. AT&T will maintain any and all facilities, property, plants or other materials within the leased area including removal of any graffiti, repair of any walls or other structures, removal of litter and debris and upkeep of the facilities shown on the plans.
- 3. Noise Abatement. AT&T will ensure that all noise from the cabinets and equipment meets the applicable standards for noise under the City Code. By means of this Proposal AT&T, by and through its agents of record, Basham & Basham, P.C. represent that there will be no generators placed upon the leased property and that the yard walls and equipment cabinets will reduce the noise generated by the equipment to levels below the ambient traffic and road noise. AT&T will test this representation if the site is approved and built and will provide the City with said test results. In the event that the noise from the facilities is excessive and violates any requirement of the City Code AT&T will abate the noise through baffling and noise containment structures or equipment.

Peter A. Dwyer

Attorney and Agent for Applicant.

EXHIBIT

Very truly yours,

Peter A. Dwyer

	Pr	oj	ect	General Information	11:46:04
				11 00000111 Pin number :	
Project description	•	•	:	3294 CERRILLOS ROAD AT&T ANTENNA REVIEW)	(ADMIN
application date			:	9/15/11	
Project type			:	ADMINISTRATIVE APPROVAL	
Project status			:	ACTIVE	
ayment Receipt Number .			:	B002202111256T2	
elated Project Number .			:		
Planner assigned			:	DAN ESQUIBEL	
Accounting project nbr .			:		
"umber of dwelling units			:	0	
otal square footage			:	0	
uilding Permits notify			:	Blank=None, 1=Not	ify, 2=Hold
Permit Process					

City of Santa Fe Land Use Department

5/16/12

ress Enter to continue. F3=Exit F12=Cancel

Z202104

PZ820I01 City of Santa Fe Land Use Department Project Fees Inquiry

5/16/12 11:47:22

Project number . . . : 11 00000111 Project description . : 3294 CERRILLOS ROAD AT&T ANTENNA (ADMIN

Deposit balance . . . : .00

Description Amt Charged Credited Paid Bal Due MISCELLANEOUS - \$50.00/HR POSTER - LARGE PUBLIC NOTICE .00 500.00 .00 500.00 30.00 .00 30.00 .00 Fee Totals . . . : 530.00 .00 .00 530.00

Press Enter to continue. F3=Exit F7=Receipts display F8=Credit transaction display F12=Cancel WARRANTY DEED

BELLAMAR CORPORATION, a new Mexico corporation

447131

, for consideration paid, grant S

to BELLAMAN COMMUNITY DEVELOPMENT, a New Mexico partnership

whose address is 6121 Indian School Road, N.E., Albuquerque, New Mexico 87110

the following described real estate in

Santa Fe

County, New Mexico:

Tract B-2-B-1 (A), as shown on plat of survey entitled "SUMMARY PLAT OF TRACT B-2-B-1 LA RESOLANA COMMERCIAL ADDITION, SANTA FE, NEW MEXICO," prepared by Richard E. Smith, N.M.P.L.S. #5837, dated October, 1980 and filed for record on January 20, 1981 at 4:06 P.M. as Document No. 472,306, records of Santa Fe County, New Mexico.

SUBJECT TO: That certain Mortgage to the First National Bank of Santa Fe, dated November 15, 1978 and recorded in Mortgage Book 290 at page 667, assumed under Assumption and Release agreement, dated October 29, 1980 and recorded in Mortgage Book 322 at page 522 and re-recorded in Book 324 Mtgs. at page 969, records of Santa Fe County, New Mexico.

ALSO SUBJECT TO: Reservations, restrictions and easements of record and taxes for the current and subsequent years.

with warranty covenants. this 22.5 4 5 . 19 82. day of August trus bun (Scale (Seal) (Scal) ACKNOWLEDGMENT FOR HATURAL PERSONS 111 My commitalen expliqui (Scal) ACKNOWLEDGMENT FOR CORPORATION FOR REPORDERS USE ONLY STATE OF NEW MENIOR CHIPTROLEDWING IN SECT COUNTY OF BERNALLIAD The foregoing instrument was acknowledged by the northis $\gamma = \sqrt{I/\hbar}$ by Track D. Strong Council Corporation

Preactions of Bell Franch Corporation

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My commen policy page 2 :

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EVELOPMENT, (. New	Mexico	general	partnershi

BELLAMAH COMMUNITY DE , for consideration paid, granf... CITY DIFFERINT PARTNERSHIP, a New Mexico General Partnership

whose address to 5700 Harper N.E.

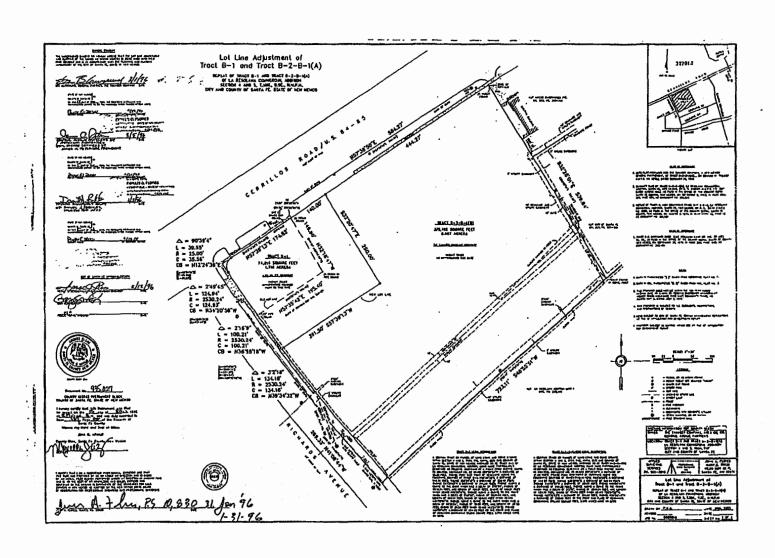
Albuquerque, New Mexico 87109

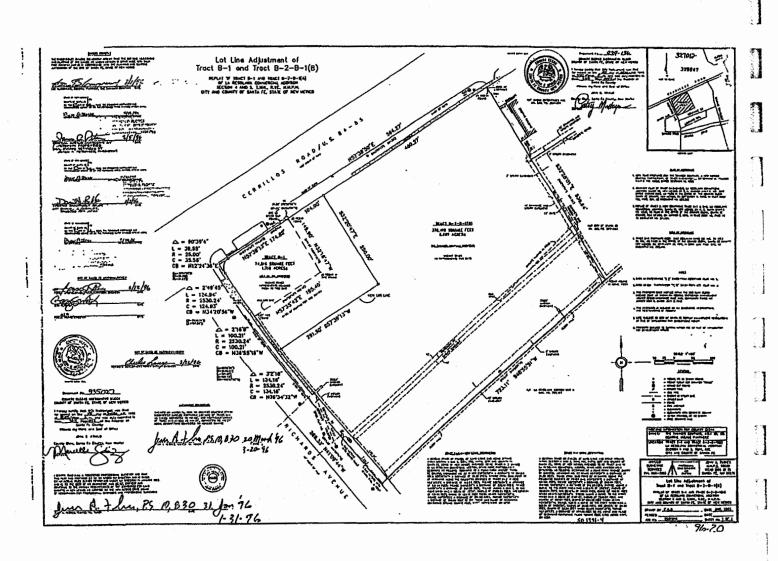
ALL OF TRACT B-2-B-1(B), as shown and designated on the Summary Plat of Tract B-2-B-1(A), LA RESOLANA COMMERCIAL ADDITION, Santa Fo, New Mexico, said Tract B-2-B-1(B) comprising 9.736 acros, more or less, filed in the office of the County Clerk of Santa Fo County, New Mexico, on the 9th day of September, 1983, in Book 132 at page 031;

SUBJECT TO: reservations, restrictions, essements and patent reservations, if any, of record, and subject to taxos for the year 1984 and subsequent years;

FURTIER SUBJECT TO: that cortain Mortgage between Grantot. and Grantoe, being recorded concurrently herewith;

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WITNESSits hand acal	24th day of April 10.85
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	(Beal) BULLAMAH COMMINITY DEVELOPMENT (Beal)
and the sale of th	1101/2011/11
ي اول المان ال معادلة المان ا	(Seal) Sanior Vice President & Regional Manager
ACKNOWLE	DGMENT FOR NATURAL PERSONS
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Ophita in IX)
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by	Persons Achnowledging)
	Persons Achnowledging)
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This way to him to the same of	
566,067	ACKNOWLEDGMENT FOR NACKYEMATION
FOR BECORDER'S USE ONLY	STATE OF NEW MEXICO PARTNERSHIP
COUNTY OF SANTA FE JSS	}
STATE OF NEW MEXICO	COUNTY OF Bernalillo
i hereby certify that this instrument was tiled for record on the death day of the A.D.	The foregoing instrument was acknowledged before me this 24th
110 X S at 10.0 Turchash	day of April 19 85,
and usen duly connected in book 62 / 9	by D. T. Robertson, Senior Vic President 6
page 30 bot the records of Earle Fe County. Witness or / Har 1 and Ecot of Office	INAME of Officer)
l August Vicas Perioz	Regional Manager of Bellamah Community Development
County Class, Senta Fe Cein & R. M.	(Title of Officer) (Name of Corporation Acknowledging)
Virginia Monty	(Name of Corporation Acknowledging) New Mexico Bitate of Incorporation in 1777 hip My computation avoices
The state of the state of the	istate of Incorporations parting thip partnership
ν	My commission expires:
	Notary Public
	BOA 1/14/12 :
	Pane 150 of 204 11-11-17





BAER, TAMARA

From: BAER, TAMARA

Sent: Tuesday, May 22, 2012 10:36 AM

To: 'Peter Dwyer'

Cc: BRENNAN, KELLEY A.; OREILLY, MATTHEW S.

Subject: Baillio's Monopole

Good morning Peter – I am following up on the AT&T cell tower application for the Baillio's site, S-243, at 3294 Cerrillos.

In the City's letter of November 9, 2011, we discussed the issue of visual impact under item 5., "monopine". That letter states, in part, "...we believe a monopole painted a neutral color or a flagpole or light pole design would distract the eye less than the proposed monopine design." We also provided images at that time illustrating various flagpoles, athletic lights and street lights, to show you what we had in mind. Your response letter and submittal of May 11, 2012 state that "the monopole design is the best option," and "that a simple pole design will have the least visual impact." However, the design you have submitted, with externally mounted antennas is not the simple monopole that we envisioned, nor comparable to the visual examples we provided.

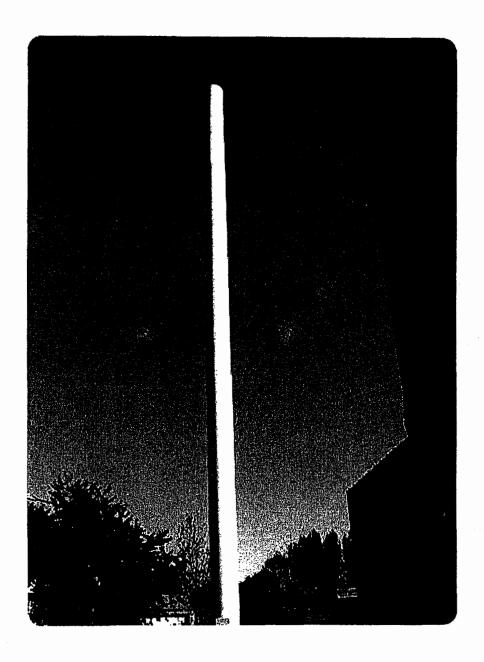
I am attaching another example of a simple monopole design with internally mounted antennas. This is the sort of design we prefer and that we believe would have the least visual impact both on this site and at the Burger King site on St. Francis. I have numerous other examples of this type of installation, which I am happy to share with you if you would like. If there is some technical reason AT&T cannot provide this type of monopole or flagpole design we would like to know what that is and may need to seek technical expertise to advise us on this matter.

Also, I understand your firm has requested a standing meeting with the City Attorney's office and with me to discuss and keep abreast of ongoing applications. We are happy to accommodate this request and will speak with you in the near future to establish a mutually convenient time and location.

In the meantime, you are welcome to call or email me or Assistant City Attorney Kelley Brennan to discuss our concerns on the proposed Baillio's site. Best regards – Tamara

Tamara Baer, ASLA Manager, Current Planning Division Land Use Department City of Santa Fe 505-955-6580 tbaer@santafenm.gov





BAER, TAMARA

From: Peter Dwyer [pdwyer@bbpcnm.com]

Sent: Wednesday, May 23, 2012 9:56 AM

To: BAER, TAMARA

Subject: RE: Baillio's Monopole

Tamara: Thanks for the response. I may have to ask that the RF expert come meet with us so he can explain why he requires the type of facilities that we are designing.

I understand the concern about aesthetics. We have tried to explain many times why a thin pole that is not massive due to stealth facades (which would greatly increase the profile of the structure) is the best alternative. I honestly do not understand why the City won't process our application for a pole. This Site is in a parking lot in a C-2 zoned area of the City and a pole structure is clearly permissible. From my perspective it seems like the City is saying that regardless of the zoning and the law we are going to be prohibited from building a commercial facility comparable to what is already existing in Santa Fe. The code permits towers of up to 100 feet. Rather than build to 100 feet and using a lattice tower like other existing providers we have submitted for a monopole design at a lower height. Other providers have built out their infrastructure and we just want a chance to do the same. We are only seeking a very commercially reasonable use in a C-2 zone and yet I continue to get the impression that the City wants to impose extraordinary requirements upon AT&T's uses simply because the public comes out in large numbers to oppose the sites on grounds that we all agree are federally preempted.

The code requires we look at alternatives which we have done. So far we have proposed a monopine, a lattice tower, a monopole and multiple paint schemes. All of these are permitted under the code. We should be able to apply for what we want to build and not be held captive to a perpetual process of submitting new alternatives.

Providing more design alternatives is just a fool's errand. It is very clear that the vocal elements of the community object to anything and everything based on perceived health impacts. We have done ENN or ENN like meetings at least twice on this site and no one made any serious comments about design alternatives. I believe there were some facetious remarks by a member of Why-fry about making it look like a Christmas tree or something like that. But there was no principled or rational dialogue about design alternatives notwithstanding my express request for suggestions or comments. The persons involved were very clear that they wanted absolutely nothing.

Again last night on S291 that was the bottom line position of the entire group. They did not request or suggest any design alternatives. They did not even discuss the principle visual impact issue which is height. All the focus was on simply not having a site at all. It is therefore, very unclear to me why the City continues to want more design alternatives since each and every alternative has been and continues to be objectionable for reasons that have nothing to do with design.

The bottom line is if you are simply telling us you will not permit a monopole (which is a very standard design and perfectly appropriate in a commercial area) then please give us some kind of written denial of our application. This has been pending for 8 months and we need to move forward one way or another. We would prefer to work with the City toward an agreeable resolution particularly in light of the fact that past experience has shown that we are likely to both be sued and end up defending the cases jointly regardless of what gets approved.



City of Santa Fe, New Mexico

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

David Coss, Mayor

Councilors:

Rebecca Wurzburger, Mayor Pro Tem. Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives. Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera. Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

May 31, 2012

Peter A. Dwyer, Esq. Basham & Basham, P.C. 2205 Miguel Chavez Road, Suite A Santa Fe, NM 87505

RE:

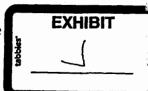
AT&T Telecommunications Facility 3294 Cerrillos Road (Baillio's) – Site S243

Dear Mr. Dwyer,

Thank you for your May 11, 2012 response to our request for additional information per Dan Esquibel's letter to you dated November 9, 2011: There are two remaining issues that we would like you to address before we can state that the application meets the Administrative Approval requirements of 14-6.2 (E)(3)(a)(iii) and the required approval criteria of 14-6.2 (E)(5) and (6) per Santa Fe City Code 1987. These issues relate to the design of the structure (see items 5 and 11 below) and the proposed lighting (see item 7 below).

The following comments address the issues raised in Mr. Esquibel's 11/09/11 letter:

- <u>Legal lot of record</u>. The material submitted is sufficient to establish legal lot of record. Specifically, the Lot Line Adjustment Plat of Tract B-1 and B-2-B-1(A), with City signatures, in the records of Santa Fe County Book 327, Page 12, on February 15, 1996, as Instrument No. 935027.
- 2. <u>Existing structures</u>. Your letter of 5/11/12 addresses the impracticalities of co-location at this site.
- Underground facilities. Your letter of 5/11/12 addresses the impracticalities, prohibitive
 costs and safety problems that would be associated with placement of the utility
 cabinets underground at this site.
- Proposed walls. Your letter of 5/11/12 addresses the appearance and the purpose screening wall. We do not require further screening of the wall.



5. Monopine. Please see Tamara Baer's email to Peter Dwyer on 5/22/12. In the City's letter of November 9, 2011, we discussed the issue of visual impact under item 5., "monopine". That letter states, in part, "...we believe a monopole painted a neutral color or a flagpole or light pole design would distract the eye less than the proposed monopine design." We also provided images at that time illustrating various flagpoles, athletic lights and street lights, to show you what we had in mind. Your response letter and submittal of May 11, 2012 state that "the monopole design is the best option," and "that a simple pole design will have the least visual impact." However, the design you have submitted, with externally mounted antennas is not the simple monopole that we envisioned, nor comparable to the visual examples we provided.

We are attaching another example of a simple monopole design with internally mounted antennas. This is the sort of design we prefer and that we believe would have the least visual impact both on this site and at the Burger King site on St. Francis. We can provide numerous other examples of this type of installation, which we are happy to share with you if you would like. If there is some technical reason AT&T cannot provide this type of monopole or flagpole design we would like to know what that is and may need to seek technical expertise to advise us on this matter.

- Landscape plan. See item 4 above. We agree that the ordinance does not require additional landscape screening.
- 7. <u>Lighting</u>. Your letter of 5/11/12 states "There is nothing proposed for construction other than the facilities indicated on the detailed plans." However, it is not clear from those plans what type of lighting, fixtures, or illumination levels are proposed, or when this lighting would be used. The "Tech lights" shown inside the walled area are not further described. Are these lights only to be used for non-daylight servicing of the equipment and not otherwise illuminated? Please provide additional information on this subject.
- 8. <u>Maintenance</u>. Your supplementary submittal of May 15, 2012 states that "AT&T will maintain any and all facilities, property, plants or other materials within the leased area including removal of any graffiti, repair of any walls or other structures, removal of litter and debris and upkeep of the facilities shown on the plans." This suffices to commit AT&T to maintaining the facilities in good repair.
- 9. Noise. Your supplementary submittal of May 15, 2012 states that "AT&T will ensure that all noise from the cabinets and equipment meets the applicable standards for noise under the City Code. By means of this Proposal AT&T, by and through its agents of record, Basham & Basham, P.C. represent that there will be no generators placed upon the leased property and that the yard walls and equipment cabinets will reduce the noise generated by the equipment to levels below the ambient traffic and road noise. AT&T will test this representation if the site is approved and built and will provide the City with said test results. In the event that the noise from the facilities is excessive and violates any requirement of the City Code AT&T will abate the noise through baffling and noise containment structures or equipment."

Peter A. Dwyer, Esq.
AT&T Telecommunications Facility – 3294 Cerrillos Road – Site S243
May 25, 2012
Page 3 of 3

- 10. Setbacks. Your May 11, 2012 submittal sufficiently describes the setbacks as requested.
- 11. <u>Alternatives</u>. See item 5., 'Monopine" above. We are agreed that a monopole option is acceptable at this location. However, there is not agreement on the definition of 'monopole', by which we mean a single pole with interior mount antennas.
- 12. <u>Height</u>. Your submittal of May 11, 2012 includes Radio Frequency propagation and coverage maps, which indicate that the proposed pole height is warranted.

Finally, please ensure that subsequent design changes are reflected in the design drawings and construction documents.

Completion of the Administrative Review process will allow you to apply for construction permits, which will be subject to all applicable city codes and ordinances, including 2009 IBC, NEC and 2009 IFC. We look forward to your response and to the completion of this administrative review process.

Sincerely yours,

Matthew S. O'Reilly

Land Use Department Director

cc: Kelley A. Brennan, Assistant City Attorney
Dan Esquibel, Land Use Planner Senior



City of Santa Fe, New Mexico

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

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Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

August 1, 2012

Peter A. Dwyer, Esq. Basham & Basham, P.C. 2205 Miguel Chavez Road, Suite A Santa Fe, NM 87505

RE:

AT&T Telecommunications Facility 3294 Cerrillos Road (Baillio's) – Site S243

Dear Mr. Dwyer,

Thank you for your response to our request for additional information. We are satisfied that the application now meets the Administrative Approval requirements of 14-6.2 (E)(3)(a)(iii) and the required approval criteria of 14-6.2 (E)(5) and (6) per Santa Fe City Code 1987. You are authorized to submit your construction permit application. Please present a copy of this letter with that application.

Two outstanding issues had been exterior lighting and compliance with the Aesthetic Requirements of 14-6.2 (E)(5)(c).

Lighting

Your letter of 5/11/12 stated that per the submitted plans there will be no light fixtures outside the walled equipment area. "Tech lights" shown inside the walled area shall only be used for non-daylight servicing of the equipment and shall not otherwise be illuminated.

Aesthetics

We understand that you have contracted for a limited ground space/leased area within the Baillio's site. We discussed with you and the AT&T RF Engineer the possibility of providing three narrower individual poles, possibly of varying heights and also of different but related colors in order to give visual interest and aesthetic appeal to the installation. Your several emails on this subject explained why this would not be possible given the limited ground space under your control. You further indicated that such an alternative installation might be possible for future applications in the City of Santa Fe.

As you know, the City of Santa Fe is well known for the arts and is a city in which arts-based tourism plays a significant role in the economy. We believe it is both possible and important to acknowledge the aesthetics in the economic and cultural life of our community and we encourage AT&T – and all telecommunications providers – to be sensitive and responsive to this concern. We look forward

Peter A. Dwyer, Esq. August 1, 2012 Page 2 of 2

taking these considerations into account when negotiating leases or similar arrangements and planning for future sites in the City.

Sincerely,

Matthew S. O'Revly, Director Land Use Department

cc: Kelley A. Brennan, Assistant City Attorney

Dan Esquibel, Land Use Planner Senior

PZ202I04 City of Santa Fe Land Use Department 11/14/12 Project General Information 09:40:29 11 00000111 Pin number . . : 5477 3294 CERRILLOS ROAD AT&T ANTENNA (ADMIN Project description . . . : REVIEW) Application date : 9/15/11 ADMINISTRATIVE APPROVAL Project type : Project status : : Payment Receipt Number . . . : ACTIVE B002202111256T2 Related Project Number . . . : Planner assigned : DAN ESQUIBEL Accounting project nbr . . .: Number of dwelling units . . : Total square footage . . . : 0 Building Permits notify . . : 1 Blank=None, 1=Notify, 2=Hold

1=Application entry 2=Permit print 3=CO issuance

Press Enter to continue.

F3=Exit F12=Cancel

Permit Process :

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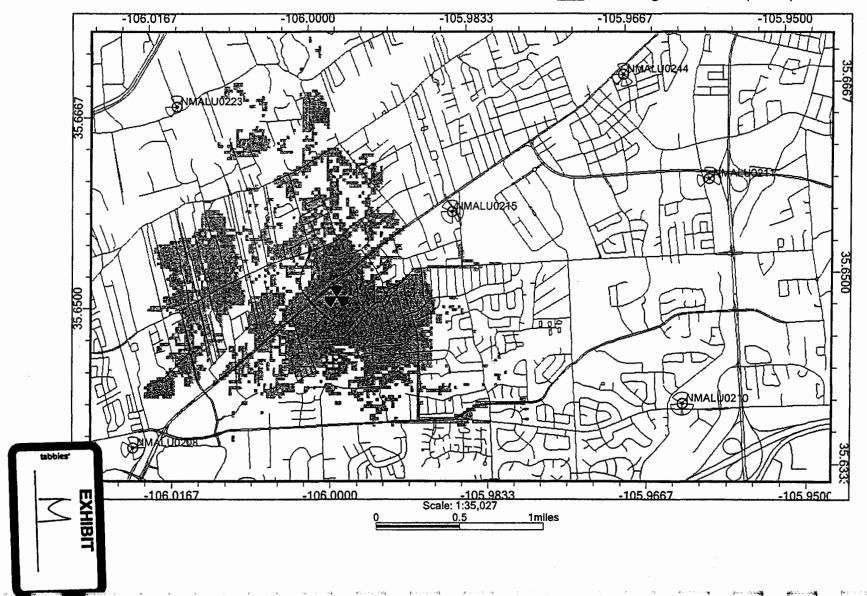
EXHIBIT



S243- 35 Ft Coverage Map

S243_35 ft

Best Signal Level (dBm) >=-95

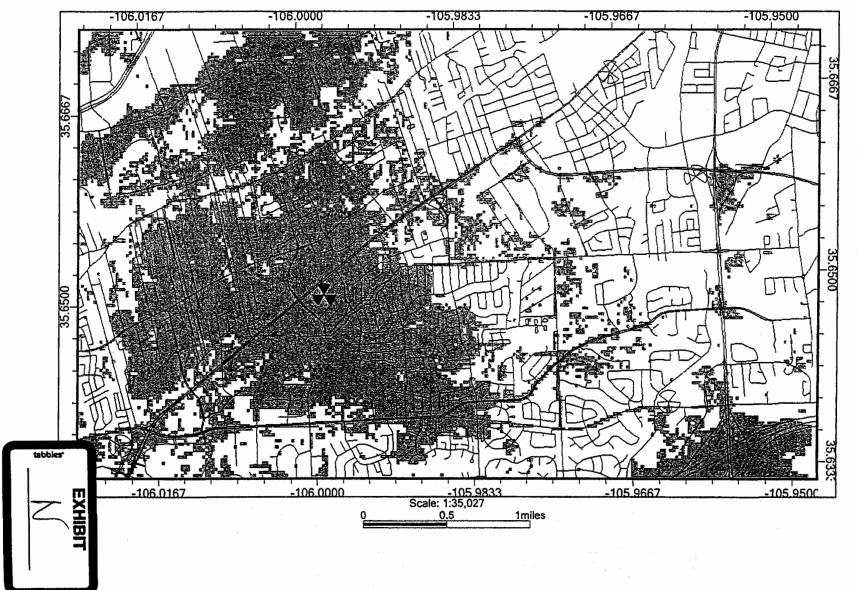




S243-71 Ft Coverage Map

S243_71 ft

Best Signal Level (dBm) >=-95



BRENNAN, KELLEY A.

From:

Peter Dwyer [pdwyer@bbpcnm.com]

Sent:

Wednesday, November 28, 2012 12:18 PM

To: Subject:

BRENNAN, KELLEY A. FW: Photo-building permit







photo.JPG (2 MB) Untitled attachment

AVG

00050.bt ... tification_.txt (227 I

Here is the history of the posting along with the most recent picture. I will bring other pictures and SHPO materials tonight.

----Original Message----

From: Mark Basham [mailto:mbasham@bbpcnm.com]

Sent: Tuesday, November 27, 2012 2:10 PM

To: Peter Dwyer

Subject: FW: Photo-building permit

This is the replacement sign that was posted on November 21, 2012.

I originally posted the sign on October 30, 2012 and sent you three photos of it. It was single post with the BP being stapled on to it.

On November 5, 2012 as I was driving to Walgreens I saw that the post was up but the BP was not attached. I located the BP came to the office located a rectangular box and taped the BP to it. I then and went and placed it on the post through the holes that I had cut in the box and secured it at its base with river rocks.

On November 9, 2012 I confirmed that the BP was still up.

On November 13, 2012 I was reviewing an e-mail which indicated that BP had been moved. went to the site and saw that the sign had been moved to the actual construction site. went over and met a worker who returned it to its original site. He put on the post. secured it with river rocks at its base and with river rocks on top of the box. thing was not going anywhere. I sent you three pictures of it being posted.

Based on the appeal, on this same date, November 13, 2012, the Appellant includes a photograph of the sign that had just been posted laying on the sidewalk face up.

On November 20, 2012 as I drove by the site I saw the BP box laying on the sidewalk. I parked and went to go re-post it. The BP, however, had been ripped off the box and was nowhere to found.

On November 21, 2012 I obtained a replacement BP from Denise and had Steve Rivera go post it.

----Original Message----

From: Steve Rivera [mailto:rivers2305@comcast.net]

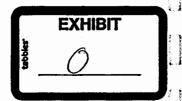
Sent: Wednesday, November 21, 2012 2:57 PM

To: mbasham@bbpcnm.com

Subject: Photo-building permit

Building permit posted at Baillo's 2:50 pm.

Steve Rivera

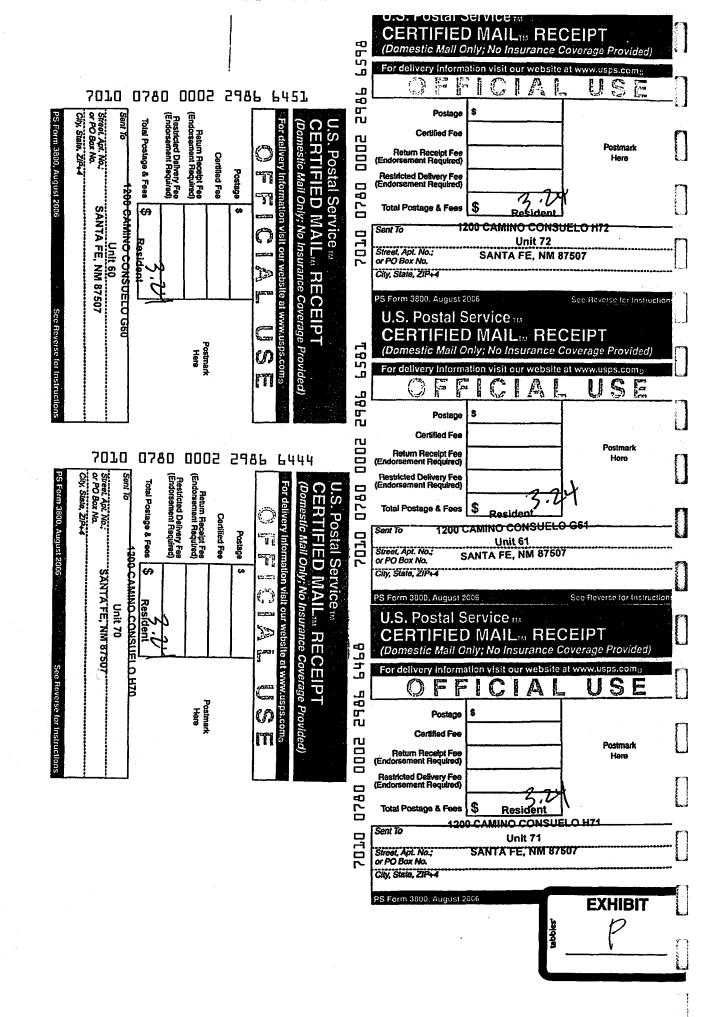


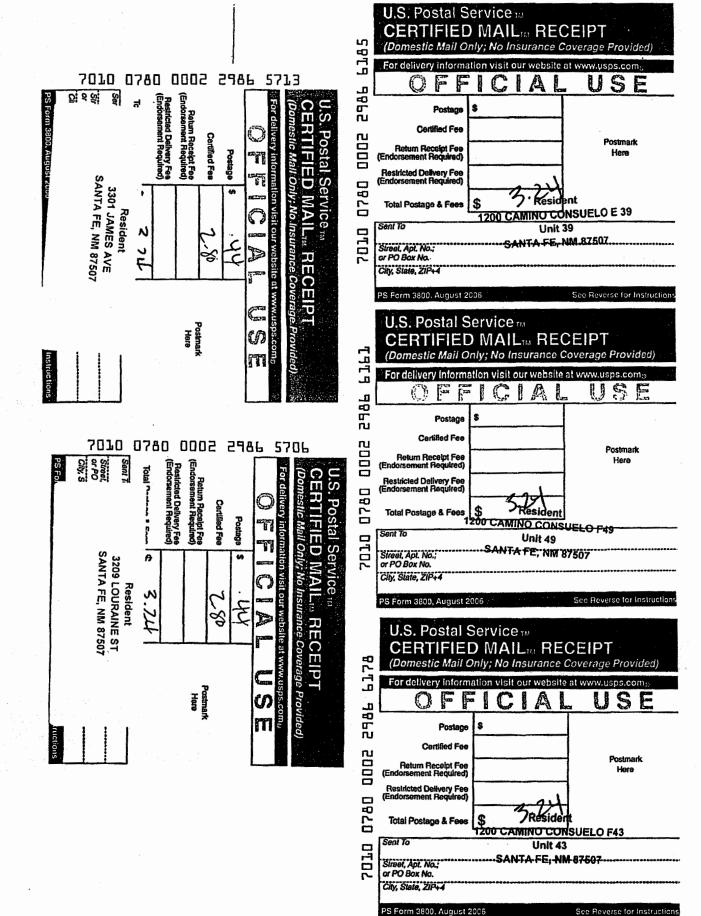


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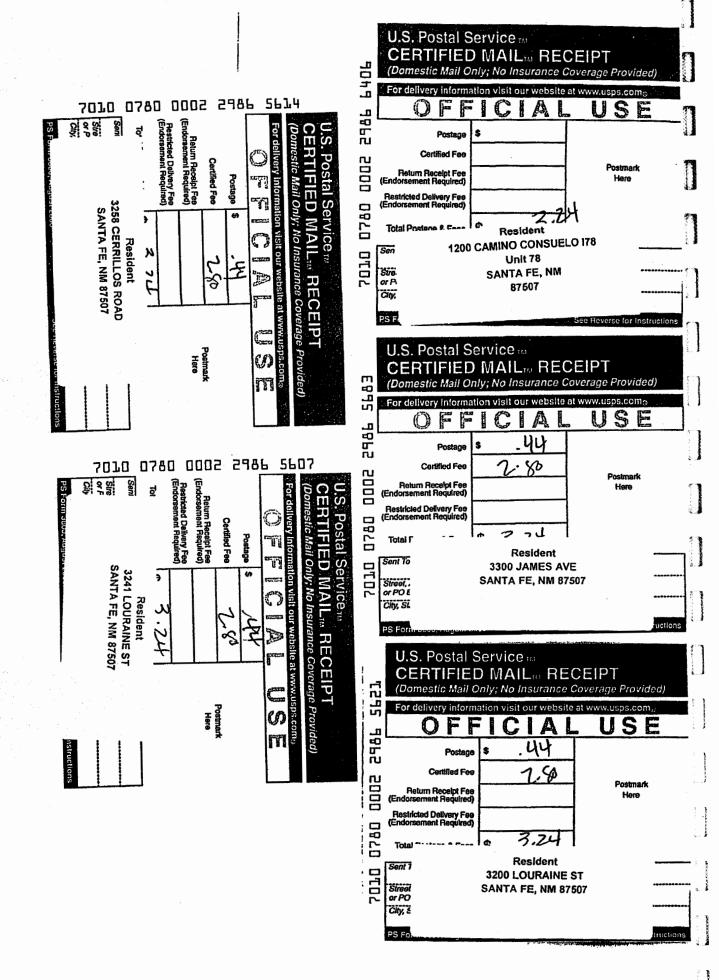
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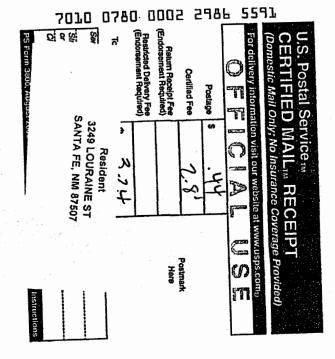
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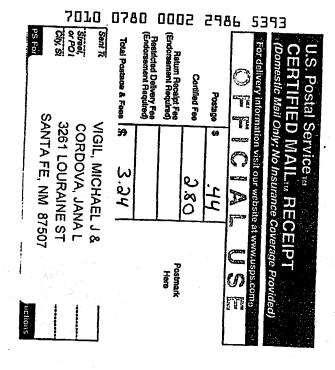
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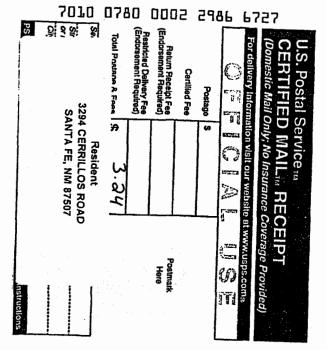
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14, 2011

e approval pursuant to SFCC § 14-6.2 (E)

e City of Santa Fe's telecommunications made application for administrative approval ed at Baillio's 3294 Cerrillos Road. The se and associated ground utilities.

SECRETARY OF HOUSING & URBAN DEVELOPMENT 625 SILVER AVE SW STE 100 ALBUQUERQUE, NM 87102

Sincerely,

07.505@H4HH

U

Peter A. Dwyer

Basham & Basham, P.C. 2205 Miguel Chavez, Ste. A Santa Fe. NM 87505-1110

2205 MIGUEL CHAVEZ ROAD, SUITE "A" • SANTA FE, NEW: MEXICO • 87505 PHONE: (505) 988-4575 • FAX: (505) 992-6170

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U.S. Postal Service TO

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

SANTA FE, NM 87505

City, &

BRENNAN, KELLEY A.

From: Peter Dwyer [pdwyer@bbpcnm.com]

Sent: Thursday, November 29, 2012 9:12 AM

To: BRENNAN, KELLEY A.

Subject: FW: Maps

From: Steve Coca [mailto:stevecoca@hotmail.com]

Sent: Wednesday, April 13, 2011 3:55 PM

To: Peter Dwyer Subject: RE: Maps

Hi Peter,

I will be out of town on business Thursday-tomorrow. I'll pick them up Friday moring if that's okay.

Thanks, Steve

From: pdwyer@bbpcnm.com
To: stevecoca@hotmail.com

Subject: RE: Maps

Date: Wed, 13 Apr 2011 15:15:01 -0600

I will print the four map sets now but the large format printer takes a while to print so please come by to pick them up tomorrow morning or thereafter I will leave them at our front desk with Dorothy. 2205 Miguel Chavez is behind the University of Phoenix off of Siringo Rd. near St. Mikes.

From: Steve Coca [mailto:stevecoca@hotmail.com]

Sent: Wednesday, April 13, 2011 3:07 PM

To: pdwyer@bbpcnm.com

Subject: Maps

Hi Peter,

I'm contacting you as I said I would during last nights gathering. There are a handful of residents in the neighborhood who do not have computers. I am requesting at least four sets of the same sized maps that you brought to the gatering last night. I will share this information with them. I appreciate the effort. Just let me know when they are available.

Thank You, Steve Coca



BRENNAN, KELLEY A.

From: Peter Dwyer [pdwyer@bbpcnm.com]

Sent: Thursday, November 29, 2012 9:13 AM

To: BRENNAN, KELLEY A.

Subject: FW: S243 (Baillio's Application and Response)

From: Steve Coca [mailto:stevecoca@hotmail.com]

Sent: Tuesday, October 04, 2011 10:48 AM

To: Peter Dwyer

Subject: RE: S243 (Baillio's Application and Response)

Hi Peter,

Have you responded to the city and their concerns regarding the Baillio's cell tower? If so, can you please send me an electronic copy of your response?

Thanks, Steve Coca 670-6926

- > From: pdwyer@bbpcnm.com
- > To: stevecoca@hotmail.com
- > Subject: S243 (Baillio's Application and Response)
- > Date: Tue, 27 Sep 2011 09:22:50 -0600
- > Steve:
- >
- > I am sending what I have saved electronically which is the core
- > application. There were a bunch of attachments that I submitted in hard
- > copy so this is not the complete application materials.
- > I also sent the City's response.
- > Peter A. Dwyer, Esq.
- > Basham & Basham, P.C.
- > pdwyer@bbpcnm.com

Steve Coca asked me to do some legal research and help him respond to the City Attorney's response to his Claim 7 about notification of neighbors. This is on page 11 of Ms. Brennan's memo.

First let me address the errors in Ms. Brennan's memo: The memo states correctly that the old ordinance provided for administrative approval of new towers in nonresidential districts under certain circumstances. However, this site was not one of those circumstances. The City was originally going to require AT&T to apply for a Special Exception at this site under the requirements of Section 14-6.2(E)(6). The first requirement for a Special Exception was to hold an Early Neighborhood Notification meeting, and all neighbors and neighborhood associations within 200 feet of the site were required to be notified of the ENN meeting by Certified Mail.

This ENN meeting occurred in October 2010. After that ENN meeting, AT&T did not file an application for a Special Exception as planned, and the neighbors assumed that the project had been abandoned.

Then, on about April 6, 2011, AT&T sent out a second certified mailing, inviting
neighbors to a second ENN meeting. The Certified Mail Receipts for the letters that AT&T sent on page 177 (Sel 19, 14) figure packets)
out in April 2011 are included in your packet as Exhibit P. Let me point out that these receipts are not postmarked and they are not dated. However, I have been told that these letters were received by the neighbors on about April 7, 2011, telling them to come to the ENN meeting. At this second ENN meeting on April 13, 2011, which I attended, AT&T told the neighbors that this second ENN meeting was not required, but was being held in the interests of good neighborhood.

ATAT had already held such a meeting, or perhaps it was not required because AT&T had already held such a meeting, or the such as the control of the proposed approach of the control of the proposed approach of the control of the c

Exhibit "4"

But nothing came of this second meeting either. AT&T again failed to apply for a permit after the meeting. Again, the neighbors assumed that the project was not going to happen.

Then, on May 25, 2011, the City adopted a new Telecommunications Ordinance, under which Special Exceptions were no longer required for any telecommunications facilities, and which streamlined the application and approval process in numerous ways.

On September 12, 2011, under the new ordinance, AT&T applied for Administrative

Approval at this site. Under new Section 14-6.2(E)(10)(a)(i), within 24 hours after it submitted its application, AT&T was required to send all neighbors within 200 feet notification of that fact by certificate of mailing. AT&T failed to send the required notification. As a result, the neighbors only found out that an application had been filed after it had already been approved, by seeing the construction begin. Steve Coca, who filed this appeal, also only found out about it after it had been approved, because I happened to call him and ask him if he was aware of it, and he told me he was not.

The neighbors were daylored of the approximate to give the land use they were not reflect the land use they were not reflect to have established.

Numerous Court decisions in New Mexico have established.

Now the case law in New Mexico is well settled that the remedy for failure to notify is nullification of the approval. All actions that occur subsequent to a failure to notify are void.

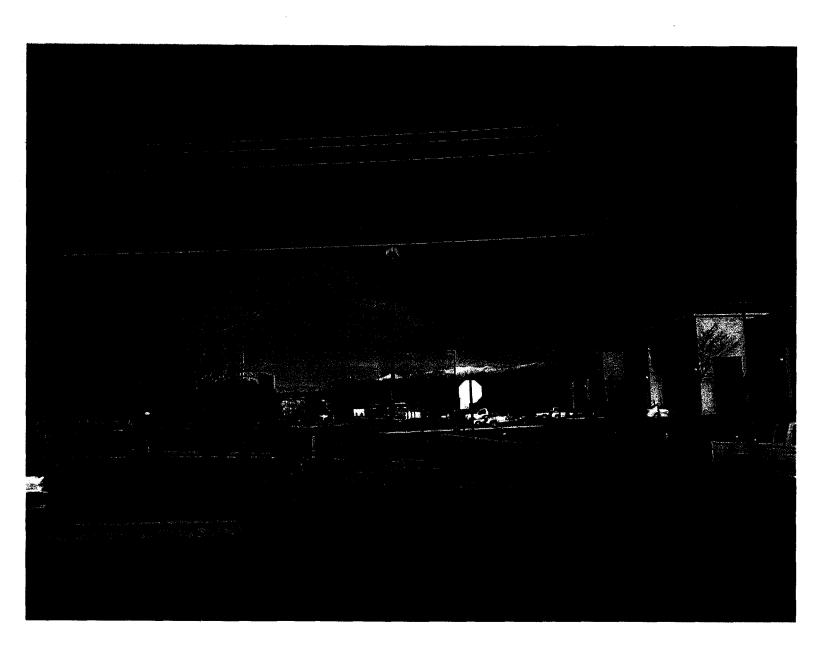
"Where substantial compliance with mandatory publication requirements is not met, the action of the zoning authority is invalid." *Hopper v. Board of County Commissioners*, 84 N.M. 604, 506 P.2d 348, cert. denied, 84 N.M. 592, 506 P.2d 336 (1973) "[T]he failure to give the notice required by statute rendered all subsequent acts void." *Nesbit v. City of Albuquerque*, 91 N.M. 455, 459, 575 P.2d 1340 (N.M. 1977). "[F]ailure to comply with statutory notice requirements in a water well permitting proceeding deprived the State Engineer of the authority to act on an application for a change in the location of a water well." (*Martinez v. Maggiore*, 133 N.M. 472, 64 P.3d 499 (N.M.App.,2002), *citing*) *Eldorado at Santa Fe, Inc. v. Cook*, 113 N.M.

& application los been filed.

33, 37, 822 P.2d 672 (N.M.App.,1991). "[A]dministrative proceedings conducted subsequent to... defective notice are invalid." *Martinez v. Maggiore*, 133 N.M. 472, 64 P.3d 499, 503 (N.M.App.,2002). According to all of these precedents, the remedy for failure to notify is to nullification of the approval. AT&T must file a new application, and undergo a new revewal reverse process after proper notification of the neighbors.



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Richards Ave Vicw

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Eshilit "6"



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