Staff Report

Agent: Christine Tucker, Insite, Inc.
Applicant: Verizon Wireless
Request: Waiver- Site Development Plan, Wireless Telecommunications Facility (WTF) Landscaping Requirements [Zoning Code §14-16-3-17(F)]
Legal Description: Tract 1, re-division of Tract 1-A and Tract 1-B, division of Tract 1 of the division of lands of DRG Associates subdivision
Location: the SE corner of San Mateo Blvd. and Academy Rd. NE (6220 San Mateo NE)
Size: Approximately 2.1 acres
Zoning: C-3, no change proposed

Staff Recommendation
That the EPC conditionally grant the waiver, based on the Findings beginning on Page 15, and subject to the Conditions of Approval beginning on Page 18.

Staff Planner: Catalina Lehner, AICP-Staff Planner

Summary of Analysis
This request is for a waiver of the landscape requirement in Subsection (F) of the Wireless Telecommunications (WT) regulations. A free-standing wireless telecommunication facility (WTF) is required to be surrounded with landscaping around the enclosure wall. The applicant's proposed WTF (a separate application) would be located at the back of a parking lot adjacent to the existing refuse enclosure, a location that the applicant does not want to landscape. Sufficient landscaping exists on the subject site, except for a parking lot island in a visible area.

The EPC has the authority to waive certain provisions of the WT regulations, but not decide the WTF application itself. Affected neighborhood representatives and nearby property owners were notified as required. Staff has not received any written inquiries or phone calls.

The EPC can: 1) grant the waiver, 2) deny the waiver, or 3) grant the waiver subject to conditions. Staff recommends the third option.

City Departments and other interested agencies reviewed this application from 7/3/2017 to 7/20/2017.
Agency comments used in the preparation of this report begin on Page 20.
LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations
AGRI Agriculture
COMM Commercial - Retail
CMSV Commercial - Service
DRNG Drainage
MFG Manufacturing
MULT Multi-Family or Group Home
PARK Park, Recreation, or Open Space
PRKG Parking
PUBF Public Facility
SF Single Family
TRAN Transportation Facility
VAC Vacant Land or Abandoned Buildings
WH Warehousing & Storage

1 inch = 155 feet

Project Number:
1010971
Hearing Date:
08/10/2017
Zone Map Page: E-18
Additional Case Numbers:
17EPC-40018
HISTORY MAP

Note: Grey shading indicates County.

1 inch = 155 feet

Project Number:
1010971
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08/10/2017
Zone Map Page: E-18
Additional Case Numbers:
17EPC-40018
Public Facilities Map with One-Mile Buffer

COMMUNITY CENTER  FIRE  POLICE  SHERIFF  SOLID WASTE
MULTI-SERVICE CENTER
SENIOR CENTER
LIBRARY
MUSEUM

Public Schools  Proposed Bike Facilities  ABQ Bike Facilities  ABQ Ride Routes  Albuquerque City Limits

Landfill Buffer (1000 feet)  Landfills designated by EHD  Developed County Park  Undeveloped County Park  Developed City Park  Undeveloped City Park

Project Number: 1010971
I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

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<th>Site</th>
<th>Zoning</th>
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<th>Land Use</th>
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<tr>
<td>North</td>
<td>C-3</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
<td>Sit-down chain restaurant, retail office (mailing and shipping)</td>
</tr>
<tr>
<td>South</td>
<td>C-3 (SC)</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
<td>Fast-food restaurant</td>
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<tr>
<td>South</td>
<td>C-3</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
<td>Retail (boot sales), parking lot, apartment complex</td>
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<tr>
<td>South</td>
<td>SU-1 for R-3 Uses</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
<td>Retail service</td>
</tr>
<tr>
<td>East</td>
<td>C-3</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
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</tr>
<tr>
<td>West</td>
<td>C-3</td>
<td>Established Urban Bear Canyon Arroyo Corridor Plan</td>
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II. INTRODUCTION

Overview
In the City of Albuquerque (the “City”), cell sites and cell towers are referred to using the broader term Wireless Telecommunication Facility, or WTF, a defined term in the City’s Zoning Code. The Wireless Telecommunications (WT) Regulations, found in Zoning Code §14-16-3-17, establish basic requirements for WTF siting, application requirements, and criteria for concealment. In Albuquerque, WTFs are required to be concealed by design and by context with their surroundings.

Process
Unlike many jurisdictions, the City’s review process for WTF applications is administrative. A public hearing is not required unless a waiver is involved, as is the case here.

The Planning Department Director’s designee (the “wireless designee”) and Zoning Staff are tasked with determining whether or not a proposed WTF complies with the City’s WT Regulations. New build sites, or sites proposed to be modified in a way that could affect the site’s concealed nature, are reviewed by the wireless designee (Current Planning Senior Planner). Other wireless applications, such as placing antennas on non-concealed structures or PNM poles, antenna swap-outs, and back-up generator additions, are reviewed by Zoning Staff.

Wireless applications are not given conditions of approval and are subject to Federal timelines regarding their review. For applications reviewed by the wireless designee, a written decision is issued and site plans are stamped. Applications reviewed by Zoning Staff are stamped.

Current Request
The current request (Project #1010971, 17EPC-40018) is for a waiver of the landscape requirement associated with a free-standing WTF. The application for the WTF itself, which was already submitted, is not a part of the current request.
Staff has been working with agents for Verizon Wireless (the applicant) regarding a WTF on the subject site. The applicant wants to develop a small-cell site consisting of a 35 foot, free-standing monopole and an equipment enclosure. The proposed WTF would be sited in the southeastern-most corner of the subject site, next to the dumpster and an existing landscape buffer on the property adjacent east.

Subsection (F) of the WT Regulations requires that new, free-standing WFTs be surrounded by landscaping. The standard, minimum 6 foot landscape buffer with 75% coverage with living, vegetative materials is required around the WTF’s equipment enclosure. The applicant proposes to not landscape around the future WTF due to its location in the far corner of the parking lot, adjacency to the refuse enclosure on the subject site, and the existing landscape buffer on the adjacent property (see Section V of this report for discussion of the waiver site development plan).

Pursuant to §14-16-3-17(G) of the WT regulations, the Environmental Planning Commission (EPC) has the authority to waive the landscaping requirement; the wireless designee cannot decide a waiver request. The decision regarding the WTF itself, a separate application, remains the task of the wireless designee.

**Context**

The area is characterized by a variety of commercial activity and high-density residential uses. North of the subject site is a large shopping center that comprises the NE corner of the San Mateo Blvd. NE/Academy Rd. intersection. Uses include a grocery store, a large pet supply store, and fast-food restaurants. South of the subject site is a stand-alone retail store that sells boots, and a large apartment complex. To the east is a small stand-along retail store for a wireless provider. To the west, across San Mateo Blvd. NE, is a bank and a sit-down restaurant.

The subject site is in the Far North Community Activity Center (see Figure 5-4 of the Comprehensive Plan), which is a designated Area of Change (see Figure 5-6). The Bear Canyon Arroyo Corridor Plan also applies.

**History**

*The Subject Site*

The subject site’s C-3 zoning was established upon annexation via City Commission Ordinance #2164, effective August 10, 1962 (Z-1140/AX-37). The case was heard by the Planning Commission at its November 6, 1961 hearing. The annexation included approximately 466 acres of land along the east and west sides of San Mateo Blvd., from the then City limits to the San Mateo–422 interchange. The area was part of a master plan for the Elena Gallegos land grant.

The zoning requested was C-3 for all parcels on the eastern side of San Mateo Blvd., except for three: M-1 for Rust Tractor Company and SU-1 for two drive-in movie theatres. The annexation also established a 125 foot strip of P-1 zoning along both sides of San Mateo Blvd. A zone change in March 1973 (Z-73-35) removed the P-1 designation because it was considered to no longer be needed.
Other Landscape Waivers
At its December 17, 2009 hearing, the EPC approved a landscaping waiver for a site on the south side of Lomas Blvd., just east of Louisiana Blvd. (Project #1007674, 09EPC-40059). A cypress tree WTF (mono-cypress) was proposed in the middle of the parking lot, with the equipment enclosure in the site’s SW corner. The waiver made it possible to not have landscaping around the base of the cypress tree WTF. The Jerry Kline NA opposed the waiver and appealed the EPC’s decision, but later withdrew the appeal (AC-10-3). The cell site was constructed.

In April 2011, a waiver application was to be heard by the EPC (Project #1008517/10EPC-40056), but was withdrawn at the request of the applicant. The applicant decided to pursue a type of WTF that is not free-standing and, therefore, not subject to landscaping and screening (wall) requirements.

In November 2015, the EPC approved a landscaping waiver for a property at the SE corner of Morris St. and Comanche Rd. (Project #1010626/15EPC-40055). The applicant wanted to construct a 49 foot monopole WTF between existing buildings. The EPC waived the landscaping requirement because any landscaping planted between the buildings, with poor access to light, would not survive or be seen. The applicant installed some shrubs in the landscape beds facing Morris St. and Comanche Rd., where they would survive, be visible, and enhance the appearance of the intersection.

Zoning
The subject site is zoned C-3. The C-3 Heavy Commercial zone (Zoning Code §14-16-2-18) “provides suitable sites for C-2 uses, wholesale commercial uses, and some light industrial uses which cause no vibration discernible beyond the premises.” The C-3 zone includes the most uses of all the commercial zones. WTFs are a permissive use because the C-3 zone references the permissive uses of the C-2 zone, and WTFs are found in Subsection 17 of the C-2 zone (Zoning Code §14-16-2-17).

Setbacks in the C-3 zone (which references the O-1 zone) are as follows: not less than 5 ft. for the front and corner side yards, and 11 ft. from the junction of a driveway or alley and a public sidewalk (or planned sidewalk) location. No rear yard setback is required.

Long Range Roadway System
The 2040 Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies the functional classifications of roadways. San Mateo Blvd. NE is a Community Principal Arterial. Academy Rd. is a Minor Arterial.


Definitions (Zoning Code §14-16-1-5)
Free-Standing Wireless Telecommunications Facility. A wireless telecommunications facility, other than a public utility collocation, that consists of a stand-alone support structure, antennas, and associated equipment. The support structure may be a wooden pole, steel monopole, lattice tower, or similar structure.
Setback. The shortest distance between a structure and a lot line or future street line.

Structure. Anything constructed or erected above ground level which requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, or public utility pole or line.

Wireless Telecommunications Facility (WTF). A facility that transmits and/or receives signals or waves radiated or captured by a wireless telecommunications antenna. It may include antennas of all kinds including microwave dishes, horns, and other types of equipment for the transmission or reception of such signals, telecommunications tower or similar structures supporting such equipment, equipment buildings or cabinets, parking area, and/or other accessory development.

III. APPLICABLE LAWS, REGULATIONS, AND PLANS

A) The Telecommunications Act of 1996 (“the Act”, in brief)

In 1996, the Communications Act of 1934 (47 U.S.C. 151 et seq.) was amended to include regulation of personal wireless services. The Telecommunications Act (“the Act”) covers broadcasting, cable, video programming and wireless telecommunications.

The Act contains important provisions concerning wireless telecommunications facilities used to provide personal wireless services. Specifically, Section 253 addresses the removal of barriers to entry for the telecommunications industry. State or local regulations cannot prohibit (or have the effect of prohibiting) any entity from providing telecommunications service. This means that communities are not allowed to outright ban wireless facilities.

Section 332(c) of the Act regulates state and local government oversight of the siting of personal wireless service facilities. The Act established a comprehensive framework for the exercise of state and local jurisdiction over the placement, construction and modification of such facilities. Section 704(a)(7)(A) states that the Act shall not limit or affect the authority of a State or local government over decisions regarding the placement, construction and modification of personal wireless service facilities.

However, there are limitations on local authority. Local governments are required to not unreasonably discriminate among providers (B)(i), act on applications in a reasonable amount of time (B)(ii), substantiate a denial decision in writing (B)(iii), not regulate based on radio frequency (RF) emissions (B)(iv), and note that an aggrieved party can begin an action in court and may petition the Federal Communications Commission (FCC) for relief.

Updates to Federal Requirements (in very brief)

In November 2009, the FCC adopted an order to establish timeframes for review of wireless applications by state and local governments (the “Shot Clock”). Basically, an application must be decided upon in 90 days if it’s a collocation and 150 days if it’s a new-build site. Initial review of an application is allowed 30 days.
On February 12, 2012, Congress passed the “Middle Class Tax Relief and Job Creation Act of 2012”. Section 6409(a), a 145-word rider, addresses wireless deployment with respect to facility modifications. It essentially means that the local government is required to approve collocations and equipment swap-outs that do not substantially change the physical dimensions of the facility.

On October 17, 2014, the FCC adopted a report and order to clarify Section 6409(a) and Section 704 of the Act, specifically regarding the substantial change language. The new rules were subsequently published in the Federal Register and became effective around February 2015.

B) Wireless Telecommunications Regulations- Zoning Code §14-16-3-17

The City’s Wireless Telecommunications Regulations (the “WT regulations”) are found in Zoning Code §14-16-3-17. They establish parameters for WTF siting, the concealment requirement, and application requirements. The WT Regulations apply to all proposed WTFs in the City, whether they are new sites or modifications of existing sites.

The current version of the WT regulations is Council Bill No. O-14-7 (see attachment), which became effective on December 22, 2014. The updated regulations incorporated the abovementioned Federal revisions from 2014 regarding substantial change of wireless sites.

The current regulations superseded O-06-40, which became effective on January 21, 2008, and established the requirement that new WTFs in the City be concealed by design and context. The original bill establishing the City’s first WT regulations, O-54, became effective in January 1999.

Landscaping & Screening Requirements

Pursuant to Subsection (F) of the WT Regulations, new free-standing WTFs must be surrounded by landscaping. A standard landscape buffer is required around the equipment enclosure wall, where various WTF components (ex. pole, equipment, etc.) are located. The landscaping buffer, a minimum of 6 feet wide and covered with 75% living, vegetative materials, is intended help mitigate the visual impact of the free-standing WTF.

The request is for a waiver of the landscaping requirement for a future, free-standing, small-cell WTF. Pursuant to Subsection (F)(1), the EPC can waive the landscaping requirement where it finds that this requirement is not useful to achieving the intent of the Zoning Code [§14-16-1-3, see attachment]. The wireless designee does not have the authority to grant or deny a waiver of the landscaping (or any other) requirement.

The WT Regulations contain the following landscaping requirements:

“(F) Landscaping and Screening:

(1) All free-standing wireless telecommunications facilities shall include landscaping planted and maintained according to a Landscaping Plan approved by the Planning Director or his/her designee; however, the Planning Commission may waive this requirement where the Planning Commission finds this requirement is not useful to achieving the intent of this Zoning Code.”
(2) All free-standing wireless telecommunications facilities shall be surrounded by solid fence or wall, at least six feet high and not more than nine feet high, and landscaping to properly screen ground equipment facilities from public view. Chain link with slats shall not constitute a solid fence or wall.” [emphasis added]

The applicant intends to develop a free-standing WTF on the subject site via a separate application, in addition to this waiver request. The walled enclosure area would contain the proposed monopole and associated equipment.

Though a site development plan for the future WTF was submitted as part of this process, the EPC’s decision is limited to the substance of the landscape waiver. A discussion of the site plan, for informational purposes, is found in Section V of this report.

Waiver Provisions
Subsection (G) of the WT Regulations contains waiver provisions that govern the requested waiver, which read as follows:

“The Planning Commission, after a public hearing noticed as required for a special exception, may grant a waiver of those requirements over which the Planning Commission has review authority except for allowed maximum height. A waiver shall be granted only if the Planning Commission finds in writing that the waiver substantially:

(1) (a) Is in the best interest of the community as a whole;
(b) Will expedite the approval of an antenna, tower, or tower alternative;
(c) Will not jeopardize public health, safety and welfare;
(d) Will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas; and
(e) Will better serve the purposes of this section.”

These criteria are required to become part of the findings of fact to support the EPC’s decision regarding the proposed landscaping waiver. See Section IV of this report for Staff’s analysis of these criteria.

Subsection (G) also establishes the following criteria:

“The facts to be considered by the Planning Commission in reviewing an application for a waiver shall include:

(2) (a) The height of the proposed tower;
(b) The proximity of the tower antenna to residential structures and residential district boundaries;
(c) The nature of uses on adjacent and nearby properties;
(d) The surrounding topography;
(e) The surrounding vegetation and foliage;

(f) The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness;

(g) The proposed ingress and egress;

(h) The availability of suitable existing towers or other structures; and

(i) Such other factors as may be relevant."

The abovementioned, including any other facts deemed relevant, are required to be considered in reaching a decision regarding a waiver. These criteria will become part of the findings of fact.

C) Albuquerque/Bernalillo County Comprehensive Plan- Rank I

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. The few, applicable policies are listed below:

Chapter 5- Land Use

Policy 5.6.2- Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

_The subject site is located in an Area of Change and in a designated Activity Center, where more intense development is encouraged. A WTF is considered a land use, which is a type of development, and the required landscaping is a part of the WTF (see the definition of WTF). Generally, WTFs are classified as an industrial or commercial use. Therefore, their development is more appropriate in Areas of Change than in Areas of Consistency. The request generally furthers Policy 5.6.2-Areas of Change._

Chapter 12- Infrastructure, Community Facilities, and Services

Policy 12.1.1- Infrastructure Design: Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhood and communities and protects significant natural and cultural features.

_A WTF can be considered a type of visible infrastructure. The landscape buffers required to surround free-standing WTFs are intended to soften the industrial look and help the facility blend in more with its surroundings. The design of the WTF, of which landscaping is a component by definition, would generally respect the character of this mostly-commercial area because the future WTF would have a functional light fixture and appear to be a slightly larger-than-average parking lot light pole. There are no natural or cultural features near the subject site. The request generally furthers Policy 12.1.1- Infrastructure Design._

Policy 12.1.7- Communication Systems: Support widespread and affordable access to high-quality communication systems in order to maximize flexibility for prospective customers, businesses, and industry.
A WTF is defined to include all of the component parts that comprise the WTF— including landscaping, which is required for free-standing WTFs. The primary purpose of the future WTF associated with the waiver request is to increase network capacity in order to improve the cellular communication system for customers (personal and business) of a particular wireless provider. The request generally further Policy 12.1.7- Communication Systems.

D) Bear Canyon Arroyo Corridor Plan- Rank III
The Bear Canyon Arroyo Corridor Plan was adopted in 1991 (Council Bill R-356, Enactment 100-1991). The Plan contains policies, regulations, project proposals, and design standards to guide trail development along the Bear Canyon Arroyo and nearby tributaries.

The Plan area is a trail corridor that winds through industrial areas west of Interstate 25, commercial areas near major streets, many residential areas, two parks, and City Open Space in the foothills. The subject site is located at a major intersection where it’s indicated (see map, p. 9) that a trail easement isn’t possible. The arroyo was undergrounded at this location. The Plan shows pedestrian routes planned adjacent north of the subject site (see Map, p. 10) and indicates that the Design Overlay Zone does not apply to the subject site (see Map, p. 47).

IV. ANALYSIS- WAIVER OF WTF LANDSCAPING REQUIREMENTS

⇒ Note: The request pertains only to a waiver of the landscaping requirement for a future, free-standing WTF. A brief description of the site development plan is provided in Section V of this report.

Review Authority
The WT regulations give review authority over waiver requests to the EPC. If it chooses, the EPC can waive the landscaping requirement upon finding that such requirement is not useful for achieving the intent of the Zoning Code [Subsection (F)(1)]. The EPC’s decision must address the waiver criteria in Subsection (G).

Waiver Request
The future WTF, a monopole with a light fixture, would be located within an expanded refuse enclosure area at the back of the subject site. The applicant believes that landscaping would be unworkable and undesirable in this location and is therefore seeking a waiver from the landscaping requirement (see attachment).

No landscaping plan is proposed. Other landscaping waiver requests (see also History section of this report) have included landscape plans because the applicant was willing to place landscaping on parts of the sites in lieu of placing it around the enclosure wall of the WTF. In this case, the applicant is requesting a waiver of the landscaping requirement and does not propose to place landscaping elsewhere on the subject site. The applicant states that the owner does not want additional landscaping on the site because the site is already well-landscaped.
Analysis of Waiver Request
The future WTF, as proposed, does not comply with the WT Regulations (Zoning Code 14-16-3-17). Subsection (F) requires that landscaping surround the WTF equipment area, but no landscaping is proposed. Subsection (F)(2) states (in part) that:

"...A free-standing wireless telecommunications facility shall be surrounded by solid fence or wall, at least six feet high and not more than nine feet high, and landscaping...”.

The future WTF would be located near the subject site’s southeastern corner, in the back parking lot, which abuts the parking areas of properties adjacent to the south and east. The existing wall on the north side of the refuse enclosure would serve as a common wall with the future WTF. The existing eastern wall would be extended and a new northern wall would be built to surround the future WTF.

The future WTF’s location, in the southeastern corner of a parking lot, would generally help screen it from view due to the distance it would be from major roadways: 333 feet from San Mateo Blvd. NE and 233 feet from Academy Rd. NE. At 35 feet tall, and designed to look somewhat like a light pole, the future WTF would not be readily noticeable as a WTF to most passers-by. Mature trees on the property adjacent to the east would also contribute to screening.

The future WTF is required to comply with other, relevant requirements of the WT Regulations. Of note is the requirement that a free-standing WTF be at least 100 feet from the property line of a residential zone pursuant to Subsection (B)(1); the future WTF would be exactly 100 feet from the adjacent residential zone (SU-1 for R-3 Uses). The future WTF would meet the minimum setbacks of the C-3 zone (see Zoning section of this report), as required (see site plan Sheets Z-1, Z-2 and the survey).

Analysis of Waiver Criteria
To grant a waiver of a requirement in the WT Regulations, the EPC must find in writing that the waiver substantially:

(G)(1) (a) Is in the best interest of the community as a whole;
(b) Will expedite the approval of an antenna, tower, or tower alternative;
(c) Will not jeopardize public health, safety and welfare;
(d) Will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas; and
(e) Will better serve the purposes of this section.

Applicant
The applicant states that the waiver would be in the best interest of the community as a whole because it would provide additional network capacity to serve customers in a high-traffic area (see attachment). Also, the site would benefit the community because a security light, affixed to the monopole, would provide light in this dark corner of the parking lot and discourage unwanted activity in the parking lot of the subject site and the adjacent properties. Also, the location of the future WTF,
inside an expanded refuse enclosure, is consistent with the existing site. Placing landscaping at this location would be impractical and would not make sense.

Staff
Overall, Staff finds that the abovementioned criteria are adequately fulfilled. Provided the future, proposed WTF is found to comply with the WT regulations, the WTF made possible by the waiver would provide increased capacity and improved wireless services for the community (a). The future WTF is a 35 foot tall small-cell site, and would not have the large (and sometimes adverse) visual impacts of a new, macro cell site; macro sites are 30 to 40 feet taller than the future WTF (d). Improving capacity facilitates better wireless service, which differs from creating more coverage area.

The future WTF would not jeopardize the public health, safety and welfare (c) because all WFTs are required to meet Federal Communication Commission (FCC) health and safety standards as indicated by a standard note on each WTF site plan for. Though the waiver is a separate application, it would help facilitate deployment the future WTF, which is being held pending a decision regarding the waiver request (b).

The waiver would serve the purpose of the Wireless Regulations (e), which is to facilitate wireless deployment in the least visually obtrusive manner so the WFTs blend in with their surroundings. The intent of the landscaping requirement is to screen ground equipment from public view, thereby lessening the adverse impacts of the WTF on the visual and physical environment.

In this case, the future WTF: i) would be located in an area (back of a parking lot) that is not readily viewed by the public. Most customers park in the front parking lot and turn to access the businesses before arriving near the location of the future WTF. The location is also near the back parking area of the apartments, the site of which is oriented facing south, not north; and ii) the subject site, having been developed in the 1970s, has a lot of landscaping- including a full, contiguous hedge (photinia) along San Mateo Blvd., street trees (fraxinus sp.) along Academy Rd. NE, grassy areas on the building’ southern side, in the parking lot, and in between buildings, and trees in the courtyard. There are parking lot islands with mature trees on the adjacent property that will be right next to the expanded refuse enclosure and will help to screen it.

The facts to be considered by the EPC in reviewing the waiver application are listed below, followed by Staff analysis of each as required pursuant to §14-16-3-17(G)(2):

A. The height of the proposed tower [(G)(2)(a)]: The future WTF, at 35 feet, is a common height for a small cell site. This is 30-40 feet lower than the maximum height allowed for a free-standing WTF, which will help it blend in better with the area, which is characterized by a variety of commercial uses.

B. The proximity of the tower antenna to residential structures and residential district boundaries [(G)(2)(b)]: The future WTF, on a C-3 zoned site, would be setback 100 feet from the residential zone to the south (SU-1 for R-3 uses). A minimum setback of 100 feet, as measured from the wall surrounding the tower, is required.
C. The nature of uses on adjacent and nearby properties [(G)(2)(c)]: The properties to the east, south, west, and north are zoned C-3 and contain a variety of commercial uses. The property a little further south is zoned SU-1 for R-3 Uses and contains an apartment complex. The future WTF would comply with the 100 foot setback requirement (see B, above).

D. The surrounding topography [(G)(2)(d)]: The area is developed and topography is not noticeable, so therefore is not a significant factor in siting.

E. The surrounding vegetation and foliage [(G)(2)(e)]: The subject site, which was developed in the 1970s, is landscaped with hedges, street trees, parking lot trees, and three grassy areas. The property adjacent east of the subject site has three parking lot landscape islands, with mature trees, that are adjacent to and near the area of the future WTF that will help screen it.

F. The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness [(G)(2)(f)]: The future WTF would be located in an expanded refuse enclosure area, at the far southeastern corner of a parking lot that is adjacent to other, back parking lots. A light fixture, attached to the future WTF, will help make the WTF appear to also be a light pole. Design factors will be discussed further with the application for the future WTF.

G. The proposed ingress and egress [(G)(2)(g)]: Ingress and egress would remain unchanged and be from San Mateo Blvd. NE and Academy Rd. NE.

H. The availability of suitable existing towers or other structures [(G)(2)(h)]: small cell sites typically do not collocate with other towers, though they can be sited on buildings or other light poles. An affidavit addressing other structures in the area is required, pursuant to §14-16-3-17(C)(2), with the application for the future WTF.

I. Such other factors as may be relevant [(G)(2)(i)]: Three additional factors are relevant. First, a parking lot landscape island on the subject site is sparsely covered and in a highly-visible location. This area would benefit from the addition of a few shrubs (xeric and colorful are preferred). Second, in the cases of other approved landscaping waivers, some minimal landscaping (shrubs) was included on another part of the site instead of around the equipment enclosure area. Third, both waiver applications were from the same carrier as the current request.

**Recommendation & Alternatives**
The EPC is tasked with determining if, and to what extent, the requested waiver of the landscape requirement should be granted given the particulars of the subject site. Three courses of action are available:

1. Grant the waiver as requested, which would waive the landscaping requirement for the future WTF.

2. Deny the waiver and require landscaping pursuant to the WT regulations.

3. Conditionally grant the waiver subject to conditions of approval.
Staff recommends that the EPC grant the waiver of the landscaping requirements subject to conditions. In this case, landscaping around the equipment enclosure/lease area and refuse enclosure would be of limited utility to improving the WTF’s concealment in its setting. A landscaping buffer would look out of place in this location and would possibly impact vehicular circulation. The mature trees on the adjacent property would contribute to screening the future WTF.

However, the parking lot landscape island near the patio area used by the sit-down restaurant is in a highly-visible area and is sparsely landscaped. Staff suggests that three shrubs be added to this area, preferably xeric and colorful. If the applicant is concerned about cost, irrigation is already available and the two grassy areas on the buildings’ southern side, near the dumpster, don’t screen anything and are more expensive to maintain than what is requested. The addition of shrubs in this landscape island would benefit the subject site and meet the intent of the WT Regulations.

With conditions, the waiver adequately fulfills the waiver criteria of the WT regulations [Subsection (G)(1)(a-e)] as demonstrated above and meets the intent of the WT Regulations.

V. SITE DEVELOPMENT PLAN (INFORMATIONAL)

⇒ Note: The information provided below is for informational purposes only and pertains to the WTF application, which will be decided through a separate process. Any corrections needed to the site development plan will be done through that process.

Site Plan Layout / Configuration
The proposed WTF is a small-cell site, consisting of a 35 foot, free-standing monopole with a light fixture and an equipment area, to be located in the parking lot near the subject site’s SE corner.

The WTF equipment will be contained within the enclosure walls. An existing refuse enclosure wall will serve as the southern wall for the WTF, and new walls will be constructed on the eastern, northern and western sides of the future WTF. The tech access gate will be on the western side.

Since no landscape buffers are proposed, the equipment area corresponds exactly to the lease area. Both measure 77 sf.

Vehicular Access, Circulation & Parking
The lease area will need to be accessed occasionally for maintenance purposes. Vehicular access will be from San Mateo Blvd. Two utility access easements are proposed: one runs from Academy Blvd. south to the enclosure area. The other is located in the approximate middle of the subject site’s southern boundary, running north about 25 feet to connect to the utility area of the existing retail shop.

Walls/Fences
Pursuant to §14-16-3-17(F)(1), a free-standing WTF must be surrounded by a solid fence or wall, at least 6 ft. high and not more than 9 ft. high. Chain link with slats does not constitute a solid wall. The existing refuse enclosure walls are 6 feet tall and made of CMU block, stuccoed in a dark white color
(SW 6385)- Dover White. The new enclosure walls for the WTF will match the existing walls (see Sheets Z-4 and Z-5).

The minimum side-yard setback in the C-3 zone is 5 ft. The new enclosure walls will align with the existing refuse enclosure walls. The site plan submitted with the waiver request shows a 6 foot setback from the eastern property line (see Sheet Z-3 and Survey Sheet 1). However, the aerial photo on the City’s GIS system shows the existing refuse enclosure right on the property line. This condition will need to be corrected to ensure that setbacks are met.

Architecture/Design
Only concealed antennas are allowed pursuant to §14-16-3-17(A)(1). The proposed WTF is a small cell site with a 35 foot tall monopole, which is a pole with a canister on top to conceal the antennas. Two antennas would be contained inside the canister and be mounted at 32.5 feet on center (O.C). A light fixture would be attached to the monopole at the 27.75 feet mark.

Height
Height is one factor evaluated in the WT regulations’ Criteria for Concealment [§14-16-3-17(E)]. The towers for small cell sites are not as tall as for macro sites, which in Albuquerque can go up to 65 feet for a free-standing WTF and 75 feet if a spot for a future carrier (collocation) is also provided. Most small cell sites have antennas that are affixed at about 30 feet on center (OC).

Lighting & Security, Signage
A new light fixture would be attached at 27.75 foot mark. Existing parking lot light poles are found approximately 50 feet SW and approximately 125 feet north of the refuse enclosure area. The only signage permitted for a WTF is signage that is required by State or Federal law.

VI. AGENCY & NEIGHBORHOOD CONCERNS

Concerns of Reviewing Agencies/Pre-Hearing Discussion
City departments and other interested agencies reviewed this application from 7/3/2017 to 7/20/2017. Few agency comments were received. The Refuse Division of the Solid Waste Management Department (SWMD) commented that all new/proposed refuse enclosures must be built to minimum City requirements and requested a detail for the refuse enclosure. Any existing/surrounding refuse collection service should not be hindered.

Staff suggested that the applicant contact the representative from SWMD regarding the comment. Agency comments begin on p.20 of this report.

Neighborhood Concerns
The Academy Acres North Neighborhood Association (NA) and the Del Norte NA were notified of the request, as required. Property owners within 100 feet of the subject were also notified, as required. A facilitated meeting was neither recommended nor requested. As of this writing, Staff has not received any written inquiries or phone calls.
VII. CONCLUSION

This request is for a waiver of the landscape requirement associated with a future, free-standing WTF. Pursuant to §14-16-3-17(G) of the Wireless Telecommunication (WT) regulations, the Environmental Planning Commission (EPC) has the authority to waive the landscape requirement. The wireless designee (Staff), who is charged with reviewing applications for WTFs, cannot grant a waiver of the requirements.

The future WTF would not comply with WT regulations, which require that landscaping surround new free-standing WTFs. Landscaping would not be proposed around the equipment enclosure, which is proposed adjacent to the refuse enclosure wall and in the southeastern corner of the subject site’s parking lot. The applicant does not propose to place the required landscaping elsewhere on the subject site.

Overall, the request generally furthers the few, applicable policies in the Comprehensive Plan. Staff finds that the waiver adequately fulfills the WT regulations’ waiver criteria and furthers the intent of the Zoning Code. Staff recommends that the waiver request be granted subject to conditions.
FINDINGS -17EPC-40018, August 10, 2017-Waiver of the Landscaping Requirement for a future Free-Standing Wireless Telecommunications Facility (WTF)

1. This request is for a waiver of the landscaping requirement for a future free-standing Wireless Telecommunications Facility (WTF) on Tract I, re-division of Tract 1-A and Tract 1-B, division of Tract 1 of the division of lands of DRG Associates subdivision, located at the SE corner of San Mateo Blvd. and Academy Rd. NE (6220 San Mateo Blvd. NE, the “subject site”). A sit-down restaurant and an office services shop currently occupy the subject site.

2. The waiver request would facilitate development of a future, small-cell WTF on the subject site. The future WTF would be 35 feet tall and include a light fixture mounted at the 27.75 foot mark.

3. The subject site is zoned C-3. A free-standing WTF is a permissive use in the C-3 zone [§14-16-2-16(A)(15)].

4. Wireless Telecommunication (WT) regulations require that a free-standing WTF be surrounded by a solid fence or wall and landscaping to screen ground equipment from public view [§14-16-3-17(F)]. No landscaping is proposed around the wall of the future equipment area.

5. The applicant is requesting a waiver of the WT regulations’ landscape requirement [Subsection (F)] for the following reasons: The future WTF would be located in the far southeastern corner of the subject site’s parking lot, adjacent to the existing refuse enclosure. The future WTF would provide additional network capacity to serve customers in a high-traffic area. The site would benefit the community because a security light, affixed to the monopole, would provide light in this dark corner of the parking lot and discourage unwanted activity. The location of the future WTF, inside an expanded refuse enclosure, is consistent with the existing site. Placing landscaping at this location would be impractical.

6. The subject site lies within the boundaries of the Far North Community Activity and is in a designated Area of Change. The Bear Canyon Arroyo Corridor Plan also applies.

7. The Comprehensive Plan, the Bear Canyon Arroyo Corridor Plan, and the City of Albuquerque Zoning Code and the Federal Telecommunications Act are incorporated herein by reference and made part of the record for all purposes.

8. The request furthers the following, applicable Land Use policy in the Comprehensive Plan:

   Policy 5.6.2- Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.
The subject site is located in an Area of Change and in a designated Activity Center, where more intense development is encouraged. A WTF is considered a land use, which is a type of development, and the required landscaping is a part of the WTF (see the definition of WTF). Generally, WTFs are classified as an industrial or commercial use. Therefore, their development is more appropriate in Areas of Change than in Areas of Consistency.

9. The request furthers the following, applicable policies regarding Infrastructure, Community Facilities, and Services in the Comprehensive Plan:

A. Policy 12.1.1- Infrastructure Design: Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhood and communities and protects significant natural and cultural features.

A WTF can be considered a type of visible infrastructure. The landscape buffers required to surround free-standing WTFs are intended to soften the industrial look and help the facility blend in more with its surroundings. The design of the WTF, of which landscaping is a component by definition, would generally respect the character of this mostly-commercial area because the future WTF would have a functional light fixture and appear to be a slightly larger-than-average parking lot light pole. There are no natural or cultural features near the subject site.

B. Policy 12.1.7- Communication Systems: Support widespread and affordable access to high-quality communication systems in order to maximize flexibility for prospective customers, businesses, and industry.

A WTF is defined to include all of the component parts that comprise the WTF— including landscaping, which is required for free-standing WTFs. The primary purpose of the future WTF associated with the waiver request is to increase network capacity in order to improve the cellular communication system for customers (personal and business) of a particular wireless provider.

10. The waiver substantially satisfies the criteria in §14-16-3-17(G)(1) as follows:

A. The waiver is in the best interest of the community as a whole because it would allow the future WTF, made possible by the waiver, to provide increased capacity and improved wireless services for the community while maintaining the intent of the Zoning Code regarding health, safety and welfare.

B. Though the waiver is a separate application, it would help facilitate deployment the future WTF, which is being held pending a decision regarding the waiver request.

C. The waiver would not create a situation that would jeopardize public health, safety and welfare because all WTFs are required to meet Federal Communication Commission (FCC) health and safety standards as indicated by a standard note on each WTF site plan.

D. The waiver would make the future WTF possible. The WTF is a 35 foot tall small-cell site, and would not have the large (and sometimes adverse) visual impacts of a new tower (a macro cell site). Macro sites are 30 to 40 feet taller than the future WTF.
E. The waiver will serve the purpose of the Wireless Regulations (e), which is to facilitate wireless deployment in the least visually obtrusive manner. The intent of the landscaping requirement is to screen ground equipment from public view, thereby lessening the adverse impacts of the WTF on the visual and physical environment. In this case, the future WTF would be located in the back of a parking lot that is not readily viewed by the public. The subject site, developed in the 1970s, has a lot of landscaping— including a contiguous hedge, street trees, and four grassy areas. The mature trees on the adjacent property will be right next to the expanded refuse enclosure and will also help screen it.

11. In reviewing the waiver, the EPC has considered the following items as required by §14-16-3-17(G)(2):

A. The height of the proposed tower [(G)(2)(a)]: The height of the proposed tower [(G)(2)(a)]: The future WTF, at 35 feet, is a common height for a small cell site. This is 30-40 feet lower than the maximum height allowed for a free-standing WTF, which will help it blend in better with the area, which is characterized by a variety of commercial uses.

B. The proximity of the tower antenna to residential structures and residential district boundaries [(G)(2)(b)]: The future WTF, on a C-3 zoned site, would be setback 100 feet from the residential zone to the south (SU-1 for R-3 uses). A minimum setback of 100 feet, as measured from the wall surrounding the tower, is required.

C. The nature of uses on adjacent and nearby properties [(G)(2)(c)]: The properties to the east, south, west, and north are zoned C-3 and contain a variety of commercial uses. The property a little further south is zoned SU-1 for R-3 Uses and contains an apartment complex. The future WTF would comply with the 100 foot setback requirement (see B, above).

D. The surrounding topography [(G)(2)(d)]: The area is developed and topography is not noticeable, so therefore it is not a significant factor in siting.

E. The surrounding vegetation and foliage [(G)(2)(e)]: The subject site, which was developed in the 1970s, is landscaped with hedges, street trees, parking lot trees, and three grassy areas. The property adjacent east of the subject site has three parking lot landscape islands, with mature trees, that are adjacent to and near the area of the future WTF that will help screen it.

F. The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness [(G)(2)(f)]: The future WTF would be located in an expanded refuse enclosure area, at the far southeastern corner of a parking lot that is adjacent to other, back parking lots. A light fixture, attached to the future WTF, will help make the WTF appear to also be a light pole. Design factors will be discussed further with the application for the future WTF.

G. The proposed ingress and egress [(G)(2)(g)]: Ingress and egress would remain unchanged and be from San Mateo Blvd. NE and Academy Rd. NE.
H. The availability of suitable existing towers or other structures [(G)(2)(h)]: small cell sites typically do not collocate with other towers, though they can be sited on buildings or other light poles. An affidavit addressing other structures in the area is required, pursuant to §14-16-3-17(C)(2), with the application for the future WTF.

I. Such other factors as may be relevant [(G)(2)(i)]: Three additional factors are relevant. First, a parking lot landscape island on the subject site is sparsely covered and in a highly-visible location. This area would benefit from the addition of a few shrubs (xeric and colorful are preferred). Second, in the cases of other approved landscaping waivers, some minimal landscaping (shrubs) was included on another part of the site instead of around the equipment enclosure area. Third, both waiver applications were from the same carrier as the current request.

12. The WT regulations state that the EPC may waive the landscaping requirement upon finding that such requirement is not useful for achieving the intent of the Zoning Code [§14-16-3-17(F)(1)]. In this case, landscaping around the equipment enclosure/lease area and refuse enclosure would be of limited utility to improving the WTF’s concealment in its setting. A landscaping buffer would look out of place in this location and would possibly impact vehicular circulation. The mature trees on the adjacent property would contribute to screening the future WTF. However, the parking lot landscape island near the patio area used by the sit-down restaurant is in a highly-visible area and is sparsely landscaped. The addition of shrubs in this location would benefit the subject site and meet the intent of the WT Regulations.

13. With conditions, the waiver adequately fulfills the waiver criteria of the WT regulations [Subsection (G)(1)(a-c)] as demonstrated above and meets the intent of the WT Regulations.

14. The Academy Acres North Neighborhood Association (NA) and the Del Norte NA were notified of the request. A facilitated meeting was neither recommended nor requested. As of this writing, Staff has not received any written inquiries or phone calls.

RECOMMENDATION - 17EPC-40018, August 10, 2017

APPROVAL of 17EPC-40018, a Waiver of the Landscaping Requirement for a Future, Free-Standing Wireless Telecommunications Facility (WTF) on Tract I, re-division of Tract 1-A and Tract 1-B, division of Tract 1 of the division of lands of DRG Associates subdivision, located at the SE corner of San Mateo Blvd. and Academy Rd. NE (6220 San Mateo Blvd. NE), zoned C-3, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 17EPC-40018, August 10, 2017 - Waiver of the Landscaping Requirement for a Proposed Free-Standing Wireless Telecommunications Facility (WTF)

1. The EPC delegates its authority regarding this site development plan set to the Planning Department Director’s designee (the “wireless Designee”). The wireless Designee is responsible
for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site development plan set since the EPC hearing, including how the site development plan set has been modified to meet each of the EPC conditions. Unauthorized changes to the site development plan set, including before or after the administrative decision regarding the pending WTF application, may result in forfeiture of EPC approval.

2. The applicant shall meet with the wireless designee (Staff) prior to submitting the application for the future, proposed WTF on the subject site.

3. The required side-yard setback of 5 feet shall be met.

4. The applicant shall add three shrubs in the parking lot landscape island that faces the intersection of San Mateo Blvd. and Academy Rd.

5. A landscaping plan, which includes information regarding the shrubs and irrigation, shall be provided.

Catalina Lehner, AICP
Senior Planner

Notice of Decision cc list:

Verizon Wireless, Attn: Michael Zaimes, 126 W. Gemini Dr., Tempe, AZ 85283
Christine Tucker, Insite, Inc., 2035 E. Gondola Lane, Gilbert, AZ 85234
Academy Acres North N.A., Fred Aiken, P.O. Box 90181, Albuquerque, NM 87199
Academy Acres North NA, Irene Minke, 6504 Dungan Ave NE, Albuquerque, NM 87109
Del Norte NA, Mary White, 4913 Overland St. NE, Albuquerque, NM 87109
Del Norte NA, Gretchen Kelley, 4213 Whisperwood Pl. NE, Albuquerque, NM 87109
CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services
No adverse comments.

Office of Neighborhood Coordination

Long Range Planning
No comments.

CITY ENGINEER

Transportation Development Services
- No objection to the request.

Traffic Engineering Operations

New Mexico Department of Transportation (NMDOT):
- NMDOT has no comments.

Hydrology
- This Site Plan does not require a Grading and Drainage Plan approval by hydrology.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Street Maintenance

Transportation Planning
No comments.

WATER UTILITY AUTHORITY

Utility Services
No adverse comment

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION
Planning and Design

Open Space Division
City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division
As noted on Pg. Z3, all new/proposed refuse enclosures must be built to COA minimum requirements. Need complete/detailed spec. sheet for refuse enclosure. Do not hinder any existing/surrounding refuse collection service.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT
Transit is not relevant to this project. No comment.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS
MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO
PNM has no comments based on information provided to date.
Figure 1: Looking east at the refuse enclosure and proposed lease area.

Figure 2: Close-in view of the refuse enclosure and proposed lease area.
Figure 3: Looking north, at Academy Rd. NE, from the refuse enclosure/ and proposed lease area.

Figure 4: Looking south at a back parking lot and adjacent residential use.
Figure 5: Looking west, at San Mateo Blvd. NE, from the refuse enclosure and proposed lease area.

Figure 6: Existing landscape area that would benefit from the addition of two shrubs. Note the location of the irrigation drip lines.
Figure 7: Existing landscape area that would benefit from the addition of a few shrubs.

Figure 8: High-water use turf areas near dumpster, on buildings’ southern side, facing the back parking lot area.
HISTORY
OFFICIAL NOTICE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
Box 1293, Albuquerque, NM 87103

Date: 10-3-74

CERTIFICATION OF ZONING

File Z-73-35
Date of Final Action: 3-20-73
Location: 125 Ft. Strip on Both Sides of San Mateo Blvd. NE between the So. Boundary of the Elena Gallegos Grant & I-25

TO ALL PROPERTY OWNERS OF RECORD ON BOTH SIDES OF SAN MATEO BOULEVARD NE BETWEEN THE SOUTH BOUNDARY OF THE ELENA GALLEGOS GRANT & I-25

The Environmental Planning Commission ruled favorably on the request to amend the zone map as it applies to the above cited property.

☐ The possible appeal period having expired, the zoning on the above cited property is now changed to C-3, A-1, M-1 & SU-1 respectively, i.e., the zoning now matches that of the adjacent area of each property owner.

☐ The possible appeal period has expired, but the zoning on the above cited property is NOT CHANGED to until the following requirements are met, as specified in the decision of the Commission:

If such requirements are not met within six months after the date final City approval is voted, the approval is void; however, the Planning Director or his designated representative may extend this time limit up to an additional six months.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of this case does not constitute approval of plans for a building permit. You should take two copies of your plans to the Building & Inspection Division of the City to initiate a building permit.

Co-Zoning Administrator
Kerflyn Romero

Sincerely,

Z CERTIFICATION

For the Planning Director
George Koury & Associates
5200 Copper NE
City

The Planning Commission made this recommendation at its meeting of March 20, 1973:

BE IT RESOLVED THAT Z-73-35 be approved because P-1 zoning is no longer needed in this location.

Should you wish to appeal this decision, you may do so by
in the manner described below:

April 4, 1973

(1) Written notice of appeal shall be filed with the Planning Director.

2) Public notice of any appeal shall be given by legal advertisement in the manner prescribed for a change to the text of this ordinance. The Planning Director shall give written notice of any appeal together with notice of hearing date to the applicant, a representative of opponents, if any, and the appellant. The appeal shall be presented to the City Commission within three (3) months after the date of filing. Once the appeal is presented to the City Commission any request for delay in hearing the appeal shall be acted upon at a regular City Commission meeting.

K: new

cc: Academy for Boys Trust
c/o Mrs. Susan Klassen
3107 Colobado NE, 87110

Yours sincerely,

Kenneth Lofgren
Planner
THIS ANNEXATION HAS BEEN COMPLETE

The attached sketch shows the area which has been annexed by City Commission Resolution on 2-24-64, and zoning established by Ordinance 2164, published on 8-10-64 (date) and which was considered by the Planning and City Commissions as Ax-37.

Z-14-2

If the area was platted simultaneously, the subdivision number is S-.................. Other related cases, if any, are: .................................................. Please change your records accordingly.

Copies to:

1. City Engineer
2. Water Dept. Engineer
3. Building & Inspection
4. Fire
5. Police
6. Traffic
7. Health
8. Parks
9. Sanitation
10. Library
11. Land Agent
12. Finance Director
13. Tax Auditor
14. Legal
15. County Surveyor
16. Sheriff
17. County Assessor
18. County Manager
19. District Health
20. State Plumbing
22. Revenue Bureau
23. Census Bureau A (2)
24. Census Bureau B (2)
25. Mt. States Inspection
26. Public Service Co (2)
27. M. S. Tel. & Tel.
29. Gordon Herkenho
30. Public Schools
31. Alb. Postmaster
32. File (Z) (Ax)
ZONING

Please refer to the Comprehensive Zoning Code for specific zone descriptions of the Wireless Telecommunications Regulations, §14-16-3-17.
APPLICATION INFORMATION
City of Albuquerque
DEVELOPMENT / PLAN REVIEW APPLICATION
Updated 4/16/15

Supplemental Form (SF)

SUBDIVISION
___ Major subdivision action
___ Minor subdivision action
___ Vacant
___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
___ for Subdivision
___ for Building Permit
___ Administrative Amendment (AA)
___ Administrative Approval (DRT, URT, etc.)
___ IP Master Development Plan
___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)
___ Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING
___ Annexation
___ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
___ Adoption of Rank 2 or 3 Plan or similar Plan(s), Zoning Code, or Subd. Regulations
___ Street Name Change (Local & Collector)
___ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

APPLICATION INFORMATION:
Professional/Agent (if any): Christine Tucker on behalf of Verizon Wireless
ADDRESS: 2035 E Gondola Ln
PHONE: (480) 586-5180
FAX:
CITY: Gilbert
STATE: AZ
ZIP: 85234
E-MAIL: tucker@insite-inc.com

APPLICANT: Verizon Wireless
PHONE: (602) 245-4371
FAX:
CITY: Tempe
STATE: AZ
ZIP: 85283
E-MAIL: Michael.Zaimes@Verizonwireless.com

Proprietary interest in site: lease for small cell wireless site List all owners: Highland Park limited prtrysh % The Kouy Co.

DESCRIPTION OF REQUEST: Verizon wireless is seeking zoning approval for a small cell site to be located on a new parking lot light pole.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes ___ No

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.
Lot or Tract: 1A
(PIN: ABQ45562) Block: 0000 Unit: DrG ASSOCIATES SUBD

Existing Zoning: C-3 Proposed zoning: C-3
Zone Atlas page(s): E18 UPC Code: 101806202508030111

CASE HISTORY:
List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):

CASE INFORMATION:
Within city limits? ___ Yes ___ No
Within 1000FT of a landfill? ___ No
No. of existing lots: ___ No. of proposed lots: ___ Total site area (acres): ___
LOCATION OF PROPERTY BY STREETS: On or Near: San Mateo Blvd.
Between: Academy Rd. NE and Osuna Rd. NE
Check if project was previously reviewed by Sketch Plat/Plan ☐ or Pre-application Review Team (PRT): ☐ Review Date:

SIGNATURE

(Print Name) Christine Tucker
DATE

Applicant ☐ Agent: ☑

FOR OFFICIAL USE ONLY
Revised: 11/2014

☐ INTERNAL ROUTING
☐ All checklists are complete
☐ All fees have been collected
☐ All case #s are assigned
☐ AGIS copy has been sent
☐ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee waiver

Application case numbers

Action S.F. Fee
17EPC 10018 WTF $385.00
ADY $75.00
CMF $50.00

Total $510.00

Hearing date August 10, 2017
Project # 1010471

Staff signature & Date
FORM P(1): SITE DEVELOPMENT PLAN REVIEW - E.P.C. PUBLIC HEARING

☐ SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16) Maximum Size: 24" x 36"

☐ IP MASTER DEVELOPMENT PLAN (EPC11)
- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
  For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
- Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Completed Site Plan for Subdivision and/or Building Permit Checklist
- Sign Posting Agreement
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

☐ SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)
- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted.
  (Folded to fit into an 8.5" by 14" pocket) 20 copies
- Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Subdivision and/or Building Permit Checklist
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:
- Collocation evidence as described in Zoning Code §14-15-3-17(A)(6)
- Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
- Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
- Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
- Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
- Registered engineer or architect's stamp on the Site Development Plans
- Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

☐ AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01) Maximum Size: 24" x 36"

☐ AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)
- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies
- DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies
- DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies
- Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Christine Tucker
Applicant name (print)

Christine Tucker
Applicant signature / date

☐ Checklists complete
☐ Fees collected
☐ Case #s assigned
☐ Related #s listed

Application case numbers

Form revised November 2010

Planner signature / date

Project #: 1010671
City of Albuquerque Planning Department  
Plaza del Sol, 600 2nd St. NW  
Albuquerque, NM 87102

RE: ABQ_TRICORE-LAB_2_SC at 6220 San Mateo Blvd. NE, Albuquerque, NM 87109

I am the owner of the above-mentioned address, and I authorize Insite, Inc. to submit plans and other required documents required to secure all necessary approvals for a Verizon Small Cell to be installed on my property. Including, but not limited to, all zoning approvals, waivers, variances, building permits, and all other necessary and required governmental approvals.

Thank you,

Highland Park Limited Partnership,  
a New Mexico limited partnership

By:  
Name:  
Its:  
Date:  

[Signature]

[Name]

[Title]

[Date: June 1, 2017]
CITY OF ALBUQUERQUE
TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Christine Tucker for Verizon Wireless DATE OF REQUEST: 6/14/2017 ZONE ATLAS PAGE(S): E18

CURRENT:
ZONING  C-3
PARCEL SIZE (AC/SQ. FT.) 2.0028/87241.97

REQUESTED CITY ACTION(S):
ANNEXATION [ ]
ZONE CHANGE [ ]; From_________ To_________
SECTOR, AREA, FAC, COMP PLAN [ x ]
AMENDMENT (Map/Text) [ ]

PROPOSED DEVELOPMENT:
NO CONSTRUCTION/DEVELOPMENT [ ]
NEW CONSTRUCTION [x]
EXPANSION OF EXISTING DEVELOPMENT [ ]

LEGAL DESCRIPTION:
LOT OR TRACT # Tract "I" BLOCK #_________
SUBDIVISION NAME______________

SITE DEVELOPMENT PLAN
SUBDIVISION* [ ] AMENDMENT [ ]
BUILDING PERMIT [ ] ACCESS PERMIT [ ]
BUILDING PURPOSES [ ] OTHER [ x ]
*includes platting actions

GENERAL DESCRIPTION OF ACTION:
# OF UNITS: 1
BUILDING SIZE: 77 (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE ___________________________ DATE 6/14/2017
(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section - 2nd Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [x] BORDERLINE [ ]

THRESHOLDS MET? YES [ ] NO [x] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [ ]

Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

TRAFFIC ENGINEER ___________________________ DATE 06-14-17

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS  __SUBMITTED__/ / /
     __FINALIZED__/ / /

TRAFFIC ENGINEER ___________________________ DATE ____________

Revised January 20, 2011
Cover Letter for Landscaping Waiver ABQ_TRICORE-LAB_2_SC

Verizon wireless is seeking a waiver of the landscaping requirement for a new small cell site to be located on a new parking lot light pole near the trash dumpster of the property located at 6220 San Mateo Blvd NE. This waiver is necessary as part of the zoning requirements for the related zoning case 1010971/16AA-10081.

A waiver of the landscaping would be appropriate for this site as this site will be located in the trash dumpster enclosure behind an Applebees restaurant. Landscaping would visually be out of place in this location and would also be an inconvenience for those needing access to the trash dumpster, either to throw trash away or the waste management services picking trash up. Landscaping would further be a hindrance to vehicle operators navigating this parking lot, as any landscaping would need to be placed in the driving paths of this parking lot. For these reasons landscaping would be unnecessary for this site.
Letter Describing and Justifying Request for Waiver from Landscaping Requirement

Verizon wireless is seeking the City of Albuquerque's zoning approval for a new small cell wireless site to be located at 6220 San Mateo Blvd NE. This site is to be located on a parking lot light pole within the trash dumpster enclosure at the back of this parcel. For a more detailed description of the project, please refer to the drawings, photo simulations, and letter describing the project. One requirement for zoning is a landscaping plan. Since this site is located in a trash dumpster enclosure, landscaping is unworkable and undesirable. However, since a landscaping plan is a necessary requirement of the City's wireless zoning code, a waiver from the landscaping requirement is being sought. The factors to be considered in granting a waiver are listed below, along with a discussion of how this site meets those standards.

Section 14-16-3-17(G) of the City of Albuquerque's wireless zoning ordinance describes the factors to be considered when determining whether to grant a waiver from the requirements of the wireless ordinance. Subsection (G) is the waiver criteria for all waivers from the zoning requirements, though in this specific instance Verizon wireless is seeking a waiver of the landscaping requirement only.

Factors for whether a waiver may be granted, factors taken from the code section have been put in italics:

(a) *Is in the best interest of the community as a whole.* This site will serve to enhance the Verizon network by adding needed capacity. This area is a high traffic area which causes the wireless data service in the area to be overloaded. The interest of the community are best served when citizens are able to best use the goods and services they are paying for. This site will further benefit the community as this will provide a security light in an area of the alley that is currently unlit at night. The owner of this property communicated that he was happy to have a light near his dumpster enclosure as he felt there may be some unwanted activity that occurs in that area of his property which a light would discourage.

(b) *Will expedite the approval of an antenna, tower, or tower alternative;* The granting of this waiver will not only expedite the approval of this small cell site, but is in fact necessary for the site to be approved at all as a landscaping plan is required for all free standing wireless sites.

(c) *Will not jeopardize public health, safety and welfare;* This site, as well as all Verizon Wireless cell phone sites, will operate under an FCC license, which among other things regulates RF emissions to ensure that radio signals are well under the threshold for human safety. This site will operate within all regulations for public health, safety, and welfare.

(d) *Will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antenna(s);* Small cell sites are Verizon's way of targeting specific areas of high usage. Because the small cell site targets specific busy areas like an intersection or shopping complex, rather than large general areas, the small cell sites are built on a much smaller scale.
For comparison, a traditional full cell site typically is anywhere from sixty to ninety feet tall with a full array of twelve antennas and a large twenty by twenty foot ground space. In contrast, this small cell site is designed to be placed on an extension of a parking lot light pole that will be a total of thirty-five feet tall, house two antennas inside a concealment canister, and have the ground equipment located inside a trash dumpster enclosure that Verizon will be rebuilding as the current enclosure is cracked and damaged. The small cell site will also be located in the back of the parcel such that while visible, the site will not be highly noticeable from any main streets.

(e) Will better serve the purposes of this section. A waiver of the landscaping requirement will better serve the purposes of the wireless zoning section as the waiver will maintain a consistent aesthetic appearance and will not interfere with the existing use of the property. Landscaping around the trash dumpster enclosure would appear out of place and nonsensical. Further, placing landscaping in this area would be impractical to the collection of trash from the dumpster as the landscaping would potentially interfere with the ingress and egress of trash collection vehicles. The underlying property is also fully developed and landscaped such that placing landscaping somewhere else on the property would be redundant and unwanted by the underlying property owner.

Further, section 14-16-3-17(G)(2) lists the facts to be considered by the Planning Commission in reviewing an application for a waiver, these facts are:

(a) The height of the proposed tower; The proposed facility is not a tower at all, rather the proposed facility is to be mounted on a parking lot light pole with a total height of thirty-five feet rather than a typical tower of sixty feet or more

(b) The proximity of the tower antenna to residential structures and residential district boundaries; This area is primarily commercial, with the exception of an apartment complex to the south of the site. However, this site meets the required one-hundred foot setback from the apartment complex.

(c) The nature of uses on adjacent and nearby properties; The surrounding uses are commercial on three sides with the exception of an apartment complex to the south.

(d) The surrounding topography; The surrounding area is urban and flat. This site will not impede mountain views or otherwise detract from the beauty of the surrounding area.

Because of the factors discussed above as well as the relatively minor visual impact this small cell site will have upon the surrounding area, a waiver of the landscaping requirement ought to be granted so that this site may be built in order to serve the best interests of the community.

Thank you,

Insite inc.
Real Estate Consulting Services
Christine Tucker
2035 E. Gondola Ln.
Gilbert, AZ 85234
Mobile: 480-586-5180
Letter of Intent Regarding Shared Use: ABQ_TRICORE-LAB_2_SC

Verizon wireless is proposing to lease a small space at the back of the parcel near the trash dumpster enclosure for a small cell site to be located on a new light pole that will provide security lighting for this portion of the property. The location of this site is 6220 San Mateo Blvd NE in Albuquerque. Verizon will only be using a small portion of this property for their proposed installation. Nothing in Verizon's lease with the underlying property owner prevents the property owner from also leasing to other wireless carriers for use of the rooftop or any other portion of the property. This specific site is engineered only to accommodate the two antennas. The reason for this is to keep the site looking like a light pole, rather than a monopole, to the greatest extent possible. While highly unlikely that another carrier would need a new site at this exact location, there is nothing in the lease that prevents this light pole from having structural modifications which would allow other carriers to lease space at this site.
City of Albuquerque, Planning Department
600 Second St. NW
Albuquerque, NM 87102

Re: Verizon small cell ABQ_TRICORE-LAB_2_SC - 6220 San Mateo NE – Distance to Nearest Existing Free standing tower

The nearest known existing free standing tower to the proposed small cell site that is to be located in the back of the parcel at 6220 San Mateo NE is approximately 2,250'. This site is located at 5231 San Mateo Blvd NE. The existing site is also owned by Verizon wireless. ABQ_TRICORE-LAB_2_SC, the proposed site for which this landscaping waiver is being sought is actually designed to help offload the usage of the existing site as that site is at full capacity and no additional equipment may be added to that site.

Thank you,

Insite inc.
Real Estate Consulting Services
Christine Tucker
2035 E. Gondola Ln.
Gilbert, AZ 85234
Mobile: 480-586-5180
www.Insite-Inc.com
Letter Describing the Project: ABQ_TRICORE-LAB_2_SC

Verizon wireless is seeking the City of Albuquerque’s review and approval of a wireless communication site to be located on a new light pole located in the parking lot at 6220 San Mateo Blvd. NE. The legal description of the property is: situate within tract “I” redevision of tract 1-A & Tract 1-B, division of tract 1 of the division of lands of D.R.G. Associates, City of Albuquerque. The light pole will be located near the back of the property beside the dumpster enclosure.

Verizon has areas where they do not currently have adequate cellular coverage to meet their customers’ demands. This busy commercial area at the intersection of San Mateo Blvd. and Academy Rd. is one such area. The proposed cellular site will provide data capacity for Verizon customers using their mobile devices in the area. This site will provide added capacity to an area with an approximate radius of between 500’ and 1,000’. Because of the very specific area of coverage of this small cell and all small cell sites, the proposed location is the only location that will work from an engineering standpoint for this site.

This proposed cellular site will consist of two antennas that will be mounted on a new light pole located towards the rear of the parcel. The antennas will be screened on all sides by a screening canister. The light pole will be styled to match existing parking lot lights already on the parcel, and the light pole including the screening canister will be painted to match the existing light poles. An equipment cabinet will be installed on the ground next to the light pole, behind a trash dumpster enclosure. The cabinet will be screened from view by the trash dumpster enclosure. The installation is compatible with the structure and surrounding area as this area is a commercial area with other parking lot light poles already on the property. This new light pole will be a safety light near the dumpster. Please see the drawings and photo simulation for more detail.
Hi Catalina,

Attached are pictures that the sign company forwarded to us showing that the signs for the landscaping waiver for the Verizon small cell site ABQ_TRICORE-LAB_2_SC at 6220 San Mateo have been posted. Let me know if you need anything additional from us at this time.

Thank you Catalina!

Dan Nies
2035 E. Gondola Ln.
Gilbert, AZ 85234
Mobile: 602-390-8887
nies@insite-inc.com

-----Original Message-----
From: Matthew Hernandez [mailto:dynamo1@comcast.net]
Sent: Thursday, July 27, 2017 2:32 PM
To: christine tucker <tucker@insite-inc.com>
Subject: Andys Signs

Christine,
Good afternoon. Signs are posted. Below are pictures. Thank you for your business. Have a good day.

Matthew
Andys Signs
505.604.4264

---
This email has been checked for viruses by AVG.
http://www.avg.com

===================================================================
This message has been analyzed by Deep Discovery Email Inspector.
NOTIFICATION &
NEIGHBORHOOD INFORMATION
March 24, 2017

Christine Tucker
Insite Inc.
2035 E. Gondola Ln.
Gilbert, AZ 85234
(480) 586-5180
tucker@insite-inc.com

Dear Christine:

Thank you for your inquiry requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of §14-8-2-7 of the Neighborhood Association Recognition Ordinance by your proposed [Wireless Telecommunication Facility Submittal] project recorded as [Situates within tract "I", redivision of tract 1-A & tract 1-B, division of tract 1 of the division of lands of D.R.G. Associates, City of Albuquerque located on 6220 San Mateo Boulevard NE] located on [Academy Rd. and Osuna Rd. NE] zone map [E-18].

This correspondence serves as your “Notification Inquiry Letter” from the Office of Neighborhood Coordination, and must be included as part of your application. Please see “ATTACHMENT A” for a list of NA’s / HOA’s that must be contacted regarding this submittal.

Please note that according to Section §14-8-2-7 of the Neighborhood Association Recognition Ordinance you are required to notify both of these contact persons by certified mail, return receipt requested, before the Planning Department will accept your application. Please see Page 2 of this letter for additional requirements. If you have any questions about the information provided please contact our office at (505) 924-3914 or ONC@cabq.gov

Sincerely,

OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department
ATTACHMENT A

ACADEMY ACRES NORTH N.A. (AAN) “R”
*Fred Aiken  e-mail: faaiken@aol.com
P.O. Box 90181/87199  280-7638 (h)
Irene Minke
6504 Dungan Ave. NE/87109  828-9810 (h)
Website: www.aanna.org

DEL NORTE N.A. (DNT) “R”
*Mary White  e-mail: white1ink@aol.com
4913 Overland St. NE/87109  620-1353 (c)
Gretchen Kelley  e-mail: kellpatmik@aol.com
4213 Whisperwood Pl. NE/87109  254-7771 (c)
Website: www.delnortena.org  NA E-mail: info@delnortena.org
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| 06/19/2017 | S M Partnership ETAL  
P.O. Box 93656  
Albuquerque, NM 87199 |
| 06/19/2017 | Del Norte N.A.  
Gretchen Kelly  
4213 Whisperwood Pl. NE  
Albuquerque, NM 87109 |
| 06/19/2017 | ACADEMY PARTNERS LLC  
Attn: Steve Maestas  
6801 Jefferson Rd NE Ste. 100  
Albuquerque, NM 87109-4390 |
| 06/19/2017 | Del Norte NA - Mary White  
4913 Overland St. NE  
Albuquerque, NM 87109 |
| 06/19/2017 | ALBNATL BANK C/O BOA ATTN:  
CORP REAL ESTATE ASSESSMENTS  
101 N Tyron St  
Charlotte, NC 28255-0100 |
| 06/19/2017 | Academy Acres North N.A.  
Irene Minke  
P.O. Box 90181  
Albuquerque, NM 87199 |
King Capital Inc.
C/O Kenny King
P.O. Box 2666
Durango, CO 81302

Sandia Foundation
6211 San Mateo Blvd NE
Suite 100
Albuquerque, NM 87109

Academy Acres North N/A
Jacob Tellier
P.O. Box 90181
Albuquerque, NM 87199

LALICATA ANTONINO & LALICATA
ROSSIE TRUSTEES LALICATA RVT
3023 State St.
San Diego, CA 92103

MCDONALD'S REAL ESTATE
COMPANY
PO Box 182571
Columbus, OH 43218-2571

Clear Sky Capital Silverado
Apartments LP
2398 E Camelback Rd. Suite 615
Phoenix, AZ 85016
**U.S. Postal Service™ CERTIFIED MAIL® RECEIPT**

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**Far North LLC**

**Attn: Thomas McCormick**

**11611 San Vincente Blvd. Fl 10**

**Los Angeles, CA 90049**

---

**SEGURA INVESTORS XII LLC & XIII LLC & XIV LLC & XV LLC & XVI LLC**

**12400 Ventura Blvd. Suite 1129**

**Studio City, CA 91604-2406**

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**HSU BUU & LING YEN CO-TRUSTEES HSU FAMILY TRUST**

**1208 Hideaway Ln SE**

**Albuquerque, NM 87123**

---

**HIGHLAND PARK LP**

**C/O The Koury Co.**

**3124 Dallas St. NE**

**Albuquerque, NM 87110**
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Sent To: Irene Minke

6504 Dungan St., NE

Albuquerque, NM 87109
Neighborhood Notification Letter: ABQ_TRICORE-LAB_2_SC – EPC Landscaping Waiver

Dear Sir or Madame,

Verizon wireless is seeking the City of Albuquerque’s review and approval of a small cell wireless communication site to be located on a new light pole located in the parking lot at 6220 San Mateo Blvd. NE. The legal description of the property is: situate within tract “I” redevision of tract 1-A & Tract 1-B, division of tract 1 of the division of lands of D.R.G. Associates, City of Albuquerque. The property is located at the intersection of San Mateo Blvd. and Academy Rd. NE in Albuquerque. The light pole will be located near the back of the property beside the dumpster enclosure.

A small cell site is essentially a “booster site” providing added service in busy areas between 500’ to 1,000’ in coverage area. This proposed small cell site will consist of two antennas that will be mounted on a new light pole located towards the rear of the parcel. The antennas will be screened on all sides by a screening canister. The light pole will be styled to match existing parking lot lights already on the parcel, and the light pole including the screening canister will be painted to match the existing light poles. An equipment cabinet will be installed on the ground next to the light pole, behind a trash dumpster enclosure. The cabinet will be partially screened from view by the trash dumpster enclosure. The installation is compatible with the structure and surrounding area as this area is a commercial area with other parking lot light poles already on the property. This new light pole will be a safety light near the dumpster. I have enclosed a site plan of the proposed small cell site as well as a photo simulation.

You are receiving this letter to notify you that this site will require a waiver of landscaping. The landscaping requirement for wireless sites in this instance would be detrimental as this site is near the trash dumpster and any landscaping would reduce the size of the driving lanes in the parking lot in the area of the site. Furthermore, landscaping would visually be very out of place in this location. If you have any questions please feel free to contact me, Christine Tucker, at (480) 586-5180 or tucker@insite-inc.com

Thank you!

Insite inc.
Real Estate Consulting Services
Christine Tucker
2035 E. Gondola Ln.
Gilbert, AZ 85234
Mobile: 480-586-5180
tucker@insite-inc.com
Site Location, in the back of parcel behind Applebee's located near the trash dumpster enclosure
SITE DEVELOPMENT PLAN REDUCTIONS
ABQ TRICORE-LAB 2 SC
PUBLIC RECORD PARCEL NO. 101806202508030111
6220 SAN MATEO BLVD. NE
ALBUQUERQUE, NM 87109
BERNALILLO COUNTY
NEW 35'-0" MONOPOLE
SMALL CELL INSTALLATION PROJECT
GENERAL CONTRACTOR NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR ERECTING TEMPORARY BARRIERS AND/OR FENCING TO PROTECT THE SAFETY OF THE PUBLIC DURING CONSTRUCTION. THE CONTRACTOR SHALL REMOVE ALL TEMPORARY BARRIERS AND REPAIR ALL DAMAGE TO PROPERTY ON THE SITE CAUSED BY THIS CONSTRUCTION. THE COST OF REPAIR IS THE CONTRACTOR'S RESPONSIBILITY.
2. ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VEHICLES AND OR EQUIPMENT ARRIVING OR DEPARTING THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEBRIS AND OTHER MATERIALS LEFT ON THE SITE AT THE CONCLUSION OF THE CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAKING THE SITE ACCESSIBLE TO THE PUBLIC DURING CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND SAFETY OF ALL WORKERS AND THE PUBLIC DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SURROUNDING ENVIRONMENT AND THE MAINTENANCE OF NATURE PRESERVES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE VEGETATION AND THE MAINTENANCE OF NATURE PRESERVES.
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40. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE VEGETATION AND THE MAINTENANCE OF NATURE PRESERVES.
PARENT PARCEL
SITUATE WITHIN TRACT "1", REDIVISION
OF TRACT 1-A & TRACT 1-B, DIVISION
OF TRACT 1 OF THE DIVISION OF LANDS
OF D.R.G. ASSOCIATES, CITY OF
ALBUQUERQUE, BERNALILLO COUNTY,
NEW MEXICO.
SITE NOTES:
1. PRIOR TO EXCAVATION, CONTRACTOR SHALL CHECK THE AREA FOR UNDERGROUND FACILITIES.
2. CONTRACTOR TO PLACE LIGHT PIGEON HOLE BASED ON FINISHED GRADE.
3. INFORMATION SHOWN BELOW IS FOR SURVEY PURPOSES ONLY. ALL DATA GATHERED FROM PUBLIC RECORDS AND GENERATED FROM METAL MARKERS AND SITE VIEWS. INFORMATION DOES NOT CONSTITUTE A LEGAL, BOUNDARY, SURVEY AND SHOULD NOT BE USED FOR SURVEYING OR OTHER RELATED PURPOSES.

SOLID WASTE NOTES:
THE WHEELER TELECOMMUNICATION FACILITY WILL NOT IN ANY WAY AFFECT THE NORMAL COLLECTION OF REFUSE.
AS PART OF THIS PROJECT THE EXISTING TRASH ENCLOSURE WILL BE RELOCATED FOR PLAN.

ASPHALT NOTE:
ALL REQUIRED THAT THE EASTERN PORTIONS OF THE EXISTING PARKING LOT BE RE-PAVED IN LIEU OF PAVING ONLY THE AREAS WHERE SAW CUTTING/TRENCHING MAY OCCUR.

PARENT PARCEL
SITIATE WITHIN TRACT "T", REDIVISION OF TRACT 1-A & TRACT 1-B, DIVISION OF TRACT 1 OF THE DIVISION OF LANDS OF D.R.O. ASSOCIATES, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO.

ENLARGED SITE PLAN
SCALE 1" = 1'-0"
LEASE AREA LAND DESCRIPTION

A parcel of land for the purpose of a telecommunications equipment lease area, situate within the corporate limits of the City of Albuquerque, Bernalillo County, New Mexico, said lease parcel comprising a portion of TRACT "Y", REDIVISION OF TRACT 1-A AND 1-B (NOW COMBINED INTO TRACT "Y") DIVISION OF TRACT 1 OF DIVISION OF LAND OF D.R.G. ASSOCIATES, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on September 8, 1983, recorded in Volume C22, Folio 24, said lease parcel of land being more particularly described by metes and bounds as follows:

Commencing at a 1/2 inch rebar with illegible cap found for the northeast corner of said TRACT "Y", thence, from said Point of Commencement, along the East line of said TRACT "Y", S 00°15'23" W, a distance of 339.07 feet, thence, leaving said East line, N 89°44'37" W, a distance of 5.55 feet to the Southeast corner and Point of Beginning of the lease parcel of land herein described;

Thence, N 00°15'23" E, a distance of 11.00 feet;

Thence, S 89°44'37" E, a distance of 11.00 feet;

Thence, Thence, S 00°15'23" W, a distance of 5.55 feet to the Point of Beginning.

The above described lease parcel of land contains 77.0 square feet.

15 FT. ACCESS ROUTE CENTERLINE DESCRIPTION

A strip of land for the purpose of an access route to serve a telecommunications equipment lease area, situate within the corporate limits of the City of Albuquerque, Bernalillo County, New Mexico, said access route comprising a portion of TRACT "Y", REDIVISION OF TRACT 1-A AND 1-B (NOW COMBINED INTO TRACT "Y") DIVISION OF TRACT 1 OF DIVISION OF LAND OF D.R.G. ASSOCIATES, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on September 8, 1983, recorded in Volume C22, Folio 24, said strip of land being fifteen (15.00) feet in width and lying seven and one-half (7.50) feet on each side of the following described centerline:

Commencing at a 1/2 inch rebar with illegible cap found for the northeast corner of said TRACT "Y", thence, from said Point of Commencement, along the East line of said TRACT "Y", S 00°15'23" W, a distance of 339.07 feet, thence, leaving said East line, N 89°44'37" W, a distance of 339.07 feet, thence, leaving said East line, N 89°44'37" W, a distance of 18.55 feet to the Point of Beginning of this access route centerline;

Thence, N 89°44'37" W, a distance of 0.72 feet to a point on a curve, concave Southwesterly and having a radius of 430.05 feet, through which point a radial line bears N 2°20'59" E, and the chord of which bears N 78°28'46" W, 110.63 feet;

Thence, Westward along the arc of said curve through a central angle of 14.59'31", a distance of 111.22 feet;

Thence, N 87°39'31" W, a distance of 137.73 feet to a point on the East right-of-way line of San Pedro Blvd NE and the terminus of this access route centerline.

5 FT. UTILITY EASEMENT "A" LEGAL DESCRIPTION

A strip of land for the purpose of a utility easement to serve a telecommunications equipment lease area, situate within the corporate limits of the City of Albuquerque, Bernalillo County, New Mexico, said easement comprising a portion of TRACT "Y", REDIVISION OF TRACT 1-A AND 1-B (NOW COMBINED INTO TRACT "Y") DIVISION OF TRACT 1 OF DIVISION OF LAND OF D.R.G. ASSOCIATES, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on September 8, 1983, recorded in Volume C22, Folio 24, said strip of land being five (5.00) feet in width and lying two and one-half (2.50) feet on each side of the following described centerline:

Commencing at a 1/2 inch rebar with illegible cap found for the northeast corner of said TRACT "Y", thence, from said Point of Commencement, along the East line of said TRACT "Y", S 00°15'23" W, a distance of 339.07 feet, thence, leaving said East line, N 89°44'37" W, a distance of 15.55 feet to the Southeast corner of said lease area, thence, N 00°15'23" E, a distance of 5.55 feet to the Point of Beginning of this utility easement centerline;

Thence, N 00°15'23" E, a distance of 21.43 feet;

Thence, N 90°00'00" E, a distance of 8.00 feet to the terminus of this utility easement centerline.

5 FT. UTILITY EASEMENT "B" LEGAL DESCRIPTION

A strip of land for the purpose of a utility easement to serve a telecommunications equipment lease area, situate within the corporate limits of the City of Albuquerque, Bernalillo County, New Mexico, said easement comprising a portion of TRACT "Y", REDIVISION OF TRACT 1-A AND 1-B (NOW COMBINED INTO TRACT "Y") DIVISION OF TRACT 1 OF DIVISION OF LAND OF D.R.G. ASSOCIATES, as the same is shown and designated on the plat thereof filed in the office of the County Clerk of Bernalillo County, New Mexico on September 8, 1983, recorded in Volume C22, Folio 24, said strip of land being five (5.00) feet in width and lying two and one-half (2.50) feet on each side of the following described centerline:

Commencing at a 1/2 inch rebar with illegible cap found for the northeast corner of said TRACT "Y", thence, from said Point of Commencement, along the East line of said TRACT "Y", S 00°15'23" W, a distance of 339.07 feet, thence, leaving said East line, N 89°44'37" W, a distance of 3.05 feet to the Point of Beginning of this utility easement centerline;

Thence, N 00°15'23" E, a distance of 227.85 feet;

Thence, N 39°15'06" W, a distance of 8.40 feet;

Thence, N 09°44'34" E, a distance of 5.51 feet to a point on the South right-of-way line of Academy Road NE and the terminus of this utility easement centerline.