

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

November 13, 2015

Verizon Wireless
4821 Eubank Blvd. NE
Albuquerque, NM 87111

Project# 1010626
15EPC-40055 Site Development Plan Wavier
Wireless Telecommunication Facility

LEGAL DESCRIPTION:

For Tract P-1, a replat of Tract P, La Reina De Las Altos, Unit 2, zoned C-1, located at the SE corner of Morris St. and Comanche Rd. NE, containing approximately 0.55 acre. (G-21) Staff Planner: Catalina Lehner

On November 12, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010626/15EPC-40055, a waiver of the landscaping requirement of the Wireless Telecommunication Regulations, based on the following findings and subject to the following conditions of approval:

FINDINGS:

Albuquerque

New Mexico 87103

www.cabq.gov

1. This request is for a waiver of the landscaping requirement for a future free-standing Wireless Telecommunications Facility (WTF) for Tract P-1, a replat of Tract P, La Reina De Las Altos, located at the SE corner of Morris St. and Comanche Rd. (3640 Morris St. NE, the "subject site"). An auto repair shop currently occupies the subject site.
2. The Wireless Telecommunication (WT) regulations require that a free-standing WTF be surrounded by a solid fence or wall and landscaping to properly screen ground equipment facilities from public view [§14-16-3-17(F)]. No landscaping is proposed around the future equipment area. However, the applicant intends to place landscaping elsewhere on the site.
3. The applicant is requesting a waiver of the WT regulations' landscape requirement [Subsection (F)] for the following reasons: The base of the proposed monopole would not be visible from Morris St. and Comanche Rd., the landscaping would not be visible by most of the public because it would be located between buildings, and landscaping located between buildings is not likely to receive sufficient sunlight to survive.
4. The Comprehensive Plan, 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.
5. The subject site is zoned C-1. A free-standing WTF is a permissive use in the C-1 zone [§14-16-2-16(A)(15)].

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6. The subject site lies within the boundaries of the Established Urban Area of the Comprehensive Plan. No sector development plans apply.
7. The request furthers applicable Comprehensive Plan policies. The proposed landscaping buffers on the northern and western sides of the subject site would not be an intense use; their location and design would not adversely affect social, cultural and recreational resources and would generally improve scenic resources in the vicinity (Policy II.B.5d). Landscape buffers in general would improve the quality of the visual environment on and near the subject site (Policy II.B.5m).
8. The request furthers the Developed Landscape Goal. In general, the addition of landscape buffers and new landscaping would improve the quality of the natural and developed landscape on the subject site and in the immediate area. The proposed landscape buffers would be fully visible from the street.
9. 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 for the expansion and/or provision of wireless services while maintaining the intent of the Zoning Code regarding health, safety and welfare.
 - B. Though the waiver is a separate application, it will help facilitate approval of the applicant's forthcoming WTF application for the desired monopole WTF.
 - C. The waiver would not create a situation that would jeopardize public health, safety and welfare since WTFs are required to meet the Federal Communication Commission (FCC) health and safety standards.
 - D. The waiver will ameliorate the proposed WTF tower's impact on the visual and physical environment by contributing to properly screening ground equipment from public view and supporting a proposed WTF design which separates the equipment area and the tower area.
 - E. The waiver will preserve the intention of properly screening ground equipment from public view while furthering the provision of wireless service within the context of the WTF regulations (Section §14-16-3-17).
10. 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 future monopole WTF, at 50 feet, is 15 feet lower than the maximum height allowed, which will help it blend in better in the area, which is characterized by relatively low building heights and lack of verticality.
 - B. The proximity of the tower antenna to residential structures and residential district boundaries [(G)(2)(b)]: The future WTF, on a C-1 zoned site, would be setback 106.5 feet from the R-1 zone to the south. A minimum setback of 100 feet is required.
 - C. The nature of uses on adjacent and nearby properties [(G)(2)(c)]: The adjacent property to the east, and properties across both streets, are zoned C-1 and contain small commercial uses. The properties to the south are zoned R-1 and contain single-family homes. The future WTF would comply with the setback requirement (see B, above) and be located in between

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buildings to help minimize its visual impact.

- 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 landscaping at the intersection of Comanche Rd. and Morris St. is limited to that on the commercial sites. The subject site is minimally landscaped and would benefit from the addition of the two, new landscape buffers.
 - 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 monopole WTF would be located between buildings and be painted tan to blend with its surroundings. Design factors will be discussed further with the application for the future, proposed WTF.
 - G. The proposed ingress and egress [(G)(2)(g)]: Ingress and egress would remain unchanged and be from Comanche Rd.
 - H. The availability of suitable existing towers or other structures [(G)(2)(h)]: there is little existing verticality in the area. An affidavit addressing other structures in the area will be 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)]. None.
11. 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)]. The two new landscape buffers, to be provided in lieu of landscaping around the equipment enclosure/lease area, further the intent of the Zoning Code because they would enhance the appearance of the subject site and immediate area, while allowing for economically sound development that would not adversely affect the public health, safety or welfare.
12. The San Gabriel Area NA, Cielito Lindo NA and the District 8 Coalition of NAs were all notified of the request. A facilitated meeting was neither recommended nor requested. As of this writing, Staff received one phone call. A nearby property owner is opposed to a cell tower on the subject site.

CONDITIONS:

- 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.

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3. The requirement that landscaping surround the future, proposed free-standing WTF is waived in its entirety. In lieu of this, new landscaping shall be provided as shown on Sheet LS1.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 30, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

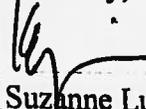
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to a zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

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SL/CL

cc: Verizon Wireless, 4821 Eubank NE, A, NM 87111
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