

## APPENDIX B TO MESA DEL SOL LEVEL B PLAN

### REGULATING THE APPEARANCE AND LOCATION OF WIRELESS TELECOMMUNICATIONS FACILITIES (WTFs)

#### 1. Introduction:

Mesa Del Sol is a Planned Community situated south of the main body of the City and governed by the Planned Community Criteria. As such, certain levels of planning are required: a Level A Plan was approved by the City Council in January 2006, and the Level B Plan by the Environmental Planning Commission in February 2008. Since that time several "Level C" plans for individual projects have also been approved.

There are over two miles of open area between the main body of the City and Mesa Del Sol: the Tijeras Arroyo, the International Support, and Kirtland Air Force Base. Mesa Del Sol does not possess any of the accoutrements that allow for the quick and wide dispersion of wireless facilities: there are few buildings, and few power poles or other vertical structures that are useable. The WTF "footprint" in the immediate vicinity is insufficient and the mesa's natural escarpments and vast size make it impossible for wireless carriers to adequately serve the Mesa Del Sol community from outside its boundaries. And yet the need for wireless services already exists: the tenants, owners, and workers already located there are currently relying on temporary facilities. Residential users, who will begin to arrive on site early next year, will need immediate access to a completed system. Consequently Mesa Del Sol has taken this opportunity to look at the means of providing wireless facilities unhampered by an existing built environment, to design a system that can be installed quickly when needed, be extremely efficient, and consume the minimum number of sites and the minimum amount of materials, while providing unparalleled quality and quantity of service.

The Level B Plan, while it contains detailed elements for the master-planning of most utility infrastructure (e.g. water, sewer, roads, and dry utilities including telecommunication landlines) is notably quiet on the issue of wireless telecommunications. The purpose of this Amendment is to insert into the Level B Plan a description of the elements of wireless telecommunication as a utility in Mesa Del Sol.

**2. Description of the Basic System:** The wireless communications system for the area of the Mesa Del Sol Level B Plan consists of four basic elements regulated as set forth below:

**A. Primary Wireless Telecommunication Facilities** or PWTfFs, designed to act as both monumental sculptures or ornamental towers, and concealed, freestanding wireless facilities.

(1) There will be three such PWTfFs, averaging approximately 1-1/2 miles apart. The "housing" will consist of a monumental sculpture or ornamental tower 120 feet high containing the support structure for internally mounted antennas indiscernible to the naked eye. (See map and illustrations attached as part of this Amendment)

(2) PWTfF's will comply with Section 14.16.3.17 of the Zoning Code except as noted in this Amendment to the Level B Plan.

**B. Secondary Wireless Telecommunication Facilities**, or SWTFs, which may be ornamental towers or monumental structures, or features of the public realm such as "flagpoles" or "clock-towers".

(1) There will be three such SWTFs, averaging approximately 2 miles apart. The "housing" may consist of either a monumental structure or ornamental tower equal or similar to the PWTfF structures in design intent, or more conventional "flagpole" or "clock tower" devices. up to 60 feet high containing the support structure for internally mounted antennas indiscernible to the naked eye. (See map and illustrations attached as part of this Amendment)

(2) SWTFs will comply with Section 14.16.3.17 of the Zoning Code except as noted in this

Level B Plan amendment.

#### C. Tertiary Wireless Telecommunication Facilities

1. TWTFs are essentially the same as other concealed or architecturally integrated facilities in the City at large.

(2) This category is intended as a "fail-safe". No such TWTFs are anticipated at this time. Should one become necessary, it shall not be free-standing, and must have the appearance of an architecturally-integrated facility or concealed facility.

**(3) TWTFs, if any, must comply strictly with Section 14.16.3.17 of the Zoning Code, and an exceptional showing with regard to the collocation requirements of 14.16.3.17. A.5 will be required.**

**D. Wireless Equipment Enclosures**, enclosing the ground mounted equipment shall comply with the standards of Section 14.16.3.17 of the Zoning Code, except as noted in this amendment to the Level B. Plan, to wit, that they must be architecturally or aesthetically integrated with the monumental structure housing the concealed freestanding wireless facility, while substantially meeting the intent of the definition in 14.16.1.5 of the Zoning Code. A "solid wall or fence" is not necessarily required.

#### 3. Mesa Del Sol Exceptions to the Wireless Transmission Facilities Regulations of Zoning Code Section 14.16.3.17:

##### A. Primary Wireless Transmission Facilities (PWTfFs):

1. PWTfFs shall have substantially the appearance illustrated in this amendment to the Level B Plan. A Monumental Structure or Ornamental Tower shall be construed to meet the requirement that wireless facilities shall be concealed, provided that all antennas are mounted internally in such a manner as to be indiscernible to the naked eye.

2. Height (in all districts) shall not exceed 120 feet, and the structure, exclusive of Equipment Enclosure must fit within a "footprint" of 400 square feet.

3. Lighting consistent with the architectural intent of creating a monumental structure or ornamental tower shall be permitted, provided it is consistent with all "Night Sky" requirements.

5. Signage shall be limited as in Section 3.b of the Wireless Regulation except that a plaque not more than two (2) square feet describing the ornamental structures design intent or its provenance, or naming its designer, shall be permitted.

##### B. Secondary Wireless Transmission Facilities (SWTFs):

1. SWTFs shall have substantially the appearance illustrated in this amendment to the Level B Plan. A Monumental Structure or Ornamental Tower shall be construed to meet the requirement that wireless facilities shall be concealed, provided that all antennas are mounted internally in such a manner as to be indiscernible to the naked eye.

2. Height in all districts shall not exceed 60 feet, and the structure, exclusive of Equipment Enclosure must fit within a "footprint" of 400 square feet.

3. Lighting consistent with the architectural intent of creating a monumental structure or ornamental tower shall be permitted, provided it is consistent with all "Night Sky" requirements. Architecturally-integrated facilities may not be separately illuminated from the structure into which they are integrated.

##### C. Regulations For Both PWTfFs and SWTFs:

1.. Abandonment: Abandonment shall follow the requirements of 14.16.3.17 except that this provision shall not apply to PWTfFs or SWTFs that are monumental structures or ornamental towers, or to those concealed or architecturally integrated into the structures on which they are located by means of color, texturing, architectural treatment, massing, size, design, and/or shape.

2. A PWTfF or SWTF enclosed in a sculptural tower need not be enclosed by a wall.

3. Wireless Equipment Enclosures need not be surrounded by a solid wall or fence if the design of the wall or fence is architecturally integrated with or reflects the architectural character of the ornamental tower or monumental structure.

#### 4. Tertiary Wireless Telecommunication Facilities (TWTFs):

1. No telecommunications facility other than the Primary and Secondary WTFs contemplated in the WTF Plan (i.e., no "Tertiary WTF") shall be permitted unless the Planning Director or his/her designee determines, upon the applicant's demonstration, that no Primary or Secondary WTF can be used in lieu of new construction to accommodate the applicant's proposed Tertiary WTF.

2. Evidence of exceptional showing submitted to the city which demonstrates that no Primary or Secondary WTF can be used in lieu of new construction to reasonably accommodate the applicant's proposed Tertiary WTF shall consist of the following:

(a) That no existing or approved Primary or Secondary WTF meets the applicant's engineering requirements, despite applicant's commercially reasonable attempts to resolve such engineering deficiencies with the owners of any such existing or approved Primary or Secondary WTF. An affidavit setting forth the asserted engineering requirements and the justification for those asserted requirements shall accompany any application.

(b) That no existing or approved Primary or Secondary WTF has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment, despite applicant's commercially reasonable attempts to resolve such structural strength or space deficiencies with the owners of any such existing or approved Primary or Secondary WTF. An affidavit setting forth the asserted structural strength or space requirements and the justification for those asserted requirements shall accompany any application.

(c) That the applicant's proposed telecommunications facility would cause unavoidable electromagnetic interference with the antenna(s) on the existing or approved Primary and Secondary WTFs, or the antenna(s) on the existing or approved Primary and Secondary WTFs would cause interference with the applicant's proposed telecommunications facility, despite applicant's commercially reasonable attempts to resolve such electromagnetic interference issues with the owners of the antenna(s) on existing or approved Primary or Secondary WTFs.

(d) That the owners of existing or approved Primary and Secondary WTFs will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments thereof that substantially exceed commercially reasonable rates, despite applicant's commercially reasonable attempts to negotiate commercially reasonable rates with the owners of existing or approved Primary or Secondary WTFs.

#### 5. Other Regulations Apply

1. All wireless telecommunication facilities authorized hereby are subject to the review procedures of the Level B Plan, including review by the Mesa Del Sol Architectural Review Committee and shall be construed to be Level C Plans as governed by the Planned Communities Criteria.