



**Environmental
Planning
Commission**

Staff Report

Agenda Number: 2
Project Number: PR-2023-009589
Case Number: SI-2024-00025
March 21, 2024

Agent	Pinnacle Consulting, Inc.
Applicant	Verizon Wireless/Pinnacle Consulting, Inc.
Request	Waiver-Wireless Telecommunications Facility (WTF), Re: Setbacks [IDO §14-16-4-3(E)(12)(e)]
Legal Description	all or a portion of Lots 11 & 12 Block 5 Esperanza addition, excluding the westerly portion out to the ROW
Location	840 San Mateo Blvd SE; between Trumbull Ave. SE and Southern Ave. SE
Size	Approximately 0.3 acre
Zoning	MX-L

Staff Recommendation

Approval of the Waiver-WTF, based on the Findings beginning on Page 20.

Staff Planner:
Megan Jones,
MCRP - Principal Planner

Summary of Analysis

This request is for a Waiver - Wireless Telecommunications Facility [IDO 14-16-6-6(Q)] to allow exceptions to the setback and separation requirements for a new free-standing wireless telecommunications facility (WTF). The WTF Regulations, which are industrial Use-Specific Standards in IDO 14-16-4-3(E)(12), prohibit a WTF within 50 feet of an existing right of way (ROW) and within 100 feet of a residential zone district.

Although the proposed Cell on Wheels (COW) will be temporary, it meets the definition of a freestanding WTF; therefore, setback and separation requirements apply.

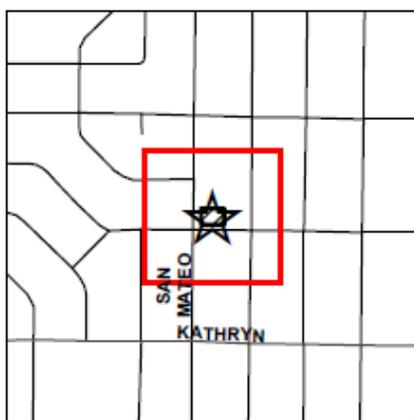
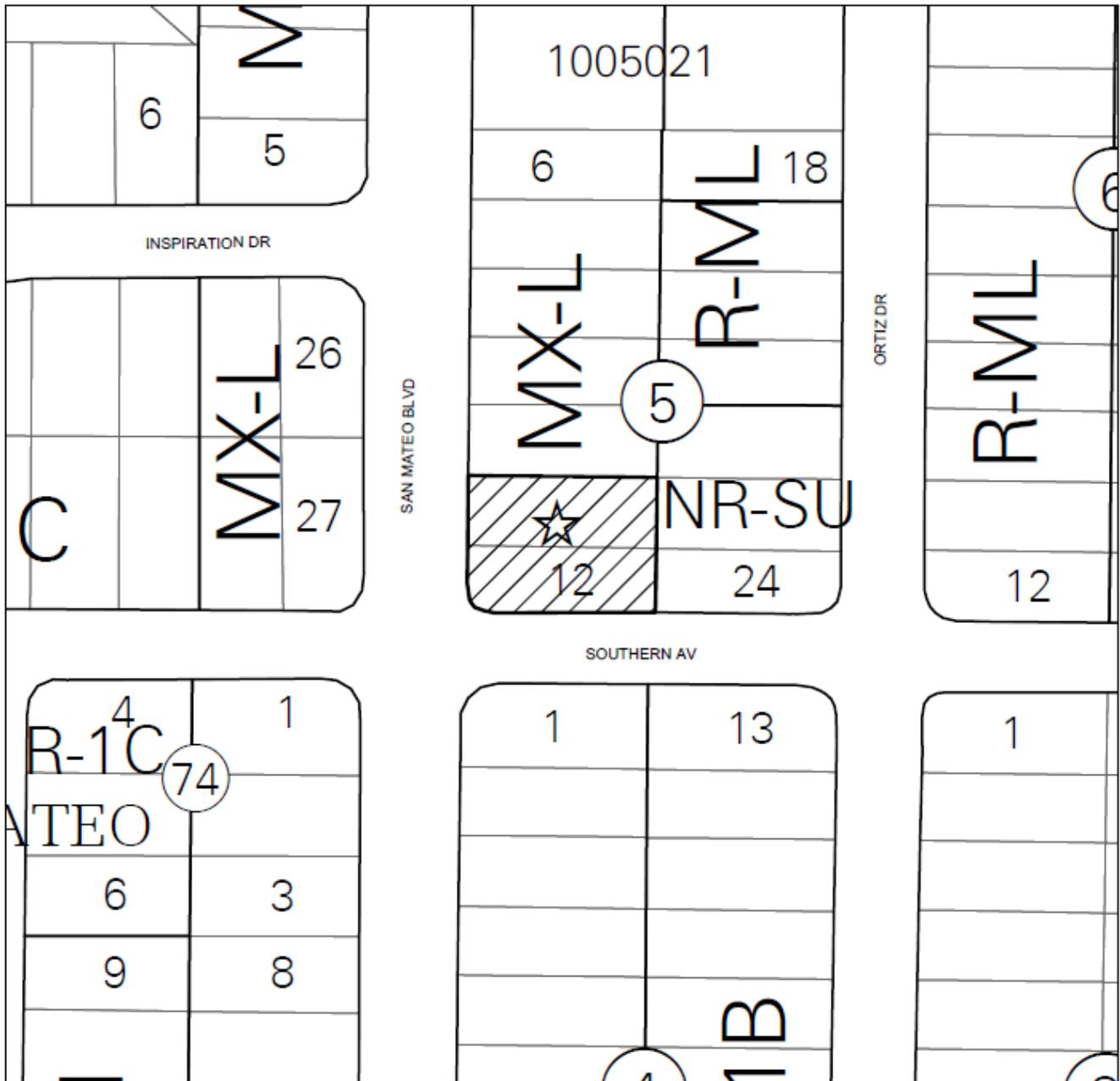
An application for a future WTF (collocation on a PNM pole) has been approved. Note that the EPC has the authority to waive certain provisions of the WTF regulations, but not to decide the WTF application itself.

Affected neighborhood representatives and nearby property owners were notified of the waiver as required. Staff has not been contacted as of this writing.

Staff recommends that the EPC approve the waiver.







IDO ZONING MAP

Note: Gray shading
 Indicates County.



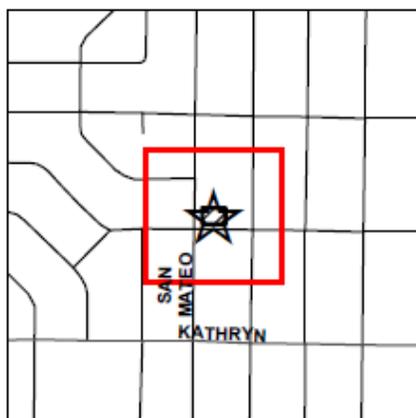
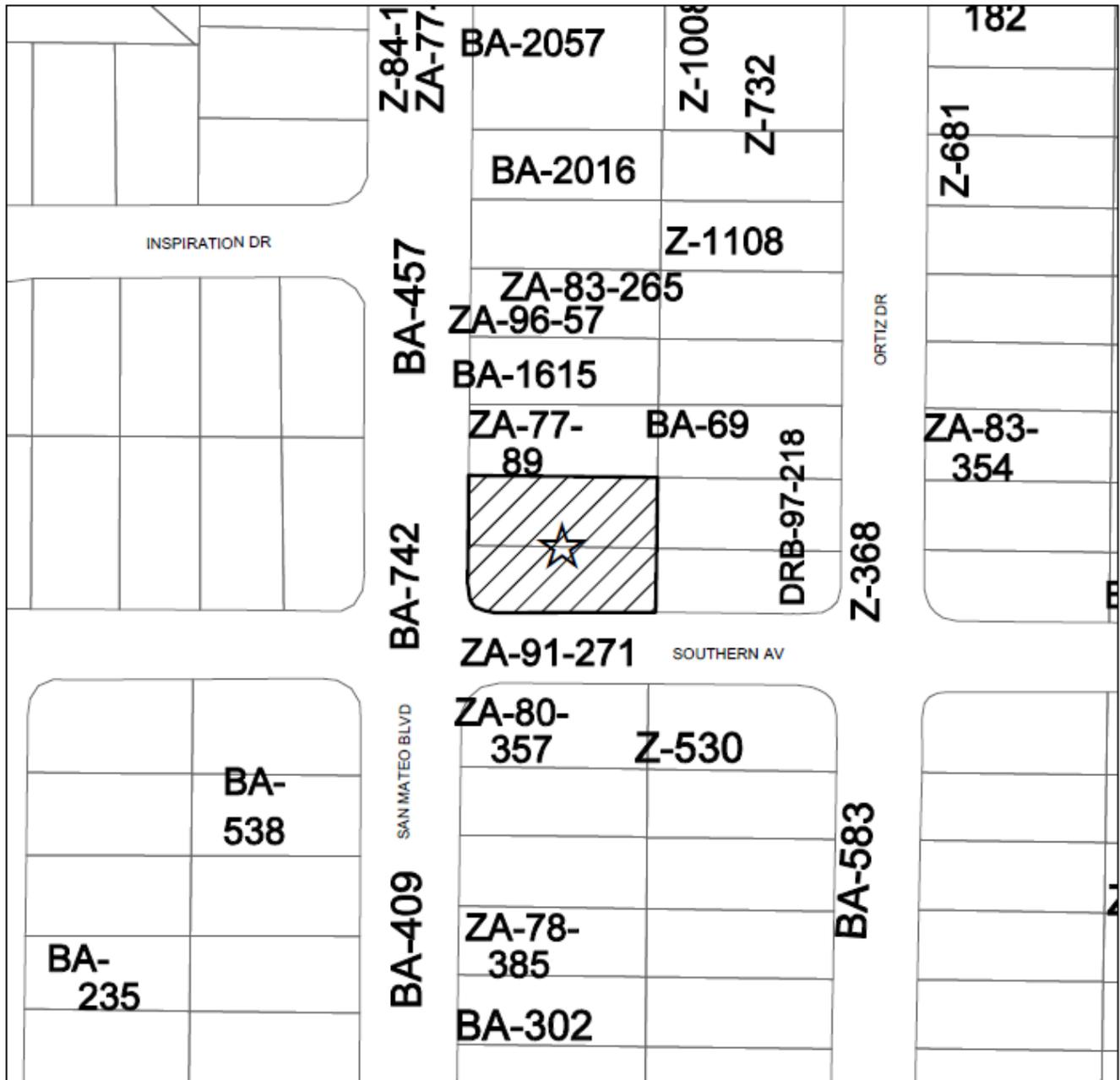
1 inch = 100 feet

Hearing Date:
 3/21/2024

Project Number:
 PR-2023-009589

Case Numbers:
 SI-2024-00025

Zone Atlas Page:
 L-17



HISTORY MAP

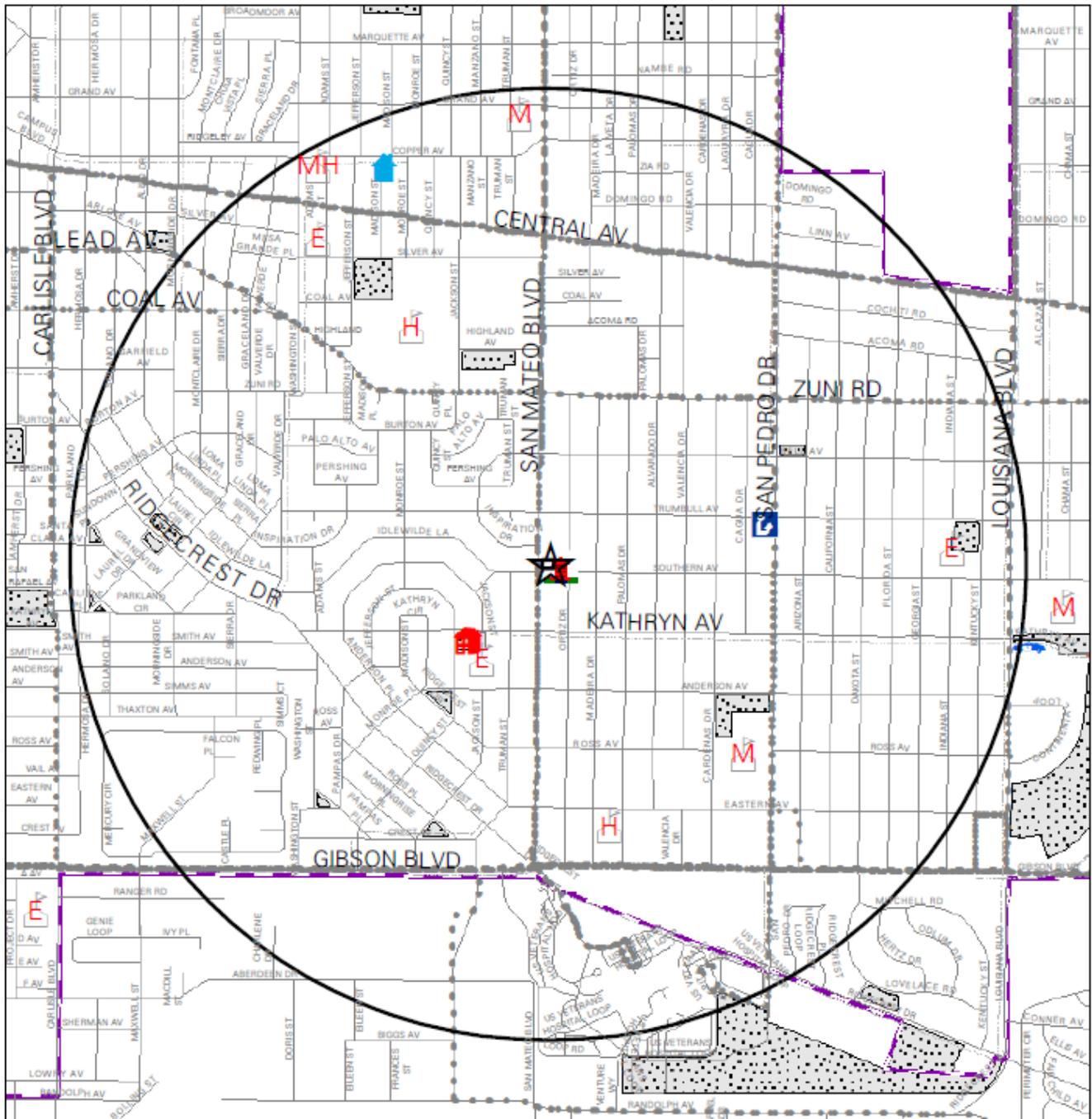
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Zone Atlas Page:
 L-17



Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| Community Center | Fire | Public School | Landfill designated by EHD |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill Buffer (1000-feet) |
| Senior Center | Sheriff | ABQ Ride Route | Developed City Park |
| Library | Solid Waste | Albuquerque City Limits | Undeveloped City Park |
| Museum | | | Developed County Park |
| | | | Undeveloped County Park |



Table of Contents

I. Introduction.....8
II. Background.....10
III. Analysis of Applicable Regulations, Plans, Goals, and Policies.....10
IV. Analysis, Waiver-WTF.....14
V. Agency and Neighborhood Concerns.....19
VI. Conclusion.....19
Findings.....21
Agency Comments.....26

Attachments

1-Photographs 28
2-Zoning Information 30
3-Applicant Information 31-43
4-Temporary WTF Approval Letter 44-45
5-Staff Information 46-49
6-Notification 50-73
7-Waiver-WTF Exhibit 74

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	MX-L	Area of Change	Restaurant
<i>North</i>	MX-L	Area of Change	Vacant Religious Institution
<i>South</i>	MX-L	Area of Change & Consistency	Vacant & Single-family homes
<i>East</i>	NR-SU, R-ML	-	ABQ Fire Station 11
<i>West</i>	MX-L, R-1C	Area of Change, Area of Consistency	Single-Family residential, offices

Overview

In the City of Albuquerque, cell sites are referred to as Wireless Telecommunication Facilities, or WTFs. Wireless regulations were first adopted in 1997 (see History section of this report). The current Wireless Telecommunications Facility (WTF) Regulations, based on Ordinance O-54 as amended, were incorporated into the Integrated Development Ordinance (IDO) upon its adoption in 2018 and are found as use-specific industrial standards in §14-16-4-3(E)(12). The Wireless regulations establish requirements for siting of WTFs and criteria for concealment. In Albuquerque, WTFs are required to be concealed by design and by context.

Request

The request is for a Waiver – Wireless Telecommunications Facility [IDO 14-16-6-6(Q)] to accommodate a temporary free-standing Cell on Wheels (COW) that cannot meet required setback and separation distances on the subject site. City Zoning Staff has been working with agents for Verizon Wireless (the applicant) regarding the COW, which would be a temporary use operating until the permanent WTF can be installed to replace a cell tower nearby that was decommissioned. The permanent WTF, which has already been approved, is a replacement PNM pole with antennas collocated upon it (a public utility collocation).

The waiver is for an exception to the prohibition of new Freestanding WTFs within 50 feet of an existing right of way (ROW). The applicant is requesting a waiver of 19-feet 3- inches. The WTF would be located 30-feet 9-inches from the ROW instead of the 50 feet required pursuant to IDO §14-16-4-3(E)(12)(e)(1)(b).

Note: The application for the proposed WTF itself is not included with the waiver request. Wireless review in the City of Albuquerque is a separate administrative process.

Environmental Planning Commission (EPC) Role

Pursuant to IDO §14-16-6-6(Q), the Environmental Planning Commission (EPC) is the deciding body for a Waiver-Wireless Telecommunications Facility and is charged with determining if the waiver should be granted according to the Review and Decision Criteria in IDO 14-16-6-6(Q)(3).

The EPC may grant a waiver of those requirements over which the EPC has review authority except for allowed maximum height, which does not qualify for a waiver.

The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to City Council. The City Council would then make the final decision.

Context

The area is characterized by a variety of land uses, primarily small commercial uses along San Mateo Blvd. SE and single-family homes surrounding the subject site to the east and west. Across San Mateo Blvd to the west and across Ortiz Dr to the East are single-family neighborhoods. Abutting the site to the east is a the ABQ Fire Station 11 and abutting the site to the north is a vacant religious institution. Across Southern Ave. to the south is vacant land and more single family residential.

Comprehensive Plan Designations

The subject site is not within an Activity Center, but it is along the San Mateo Blvd Major Transit Corridor. Major Transit Corridors prioritize transit above other modes to ensure a convenient and efficient transit system. Development along Major Transit Corridors should be transit- and pedestrian-oriented near transit stops, while auto-oriented for much of the Corridor.

The subject site is within the Near Heights Community Planning Area (CPA). The Near Heights CPA Report was completed and accepted by City Council in April 2023 (EC-23-237). The area encompasses the University area, Nob Hill, and the International District, as well as many distinct neighborhoods and districts south to the Sunport and Kirtland Air Force Base and north to I-40. Near Heights includes most of the city's largest institutions and employers, including UNM, CNM, Presbyterian and UNM hospitals, the Veterans Affairs complex, and the International Sunport. It is also a gateway for Kirtland Air Force Base, which hosts both military and civilian facilities, including Sandia Laboratories.

Overlay Zones

The subject site is within the boundaries of the Airport Protection Overlay Zone (IDO 14-16-3-3), which includes the Air Space Protection Sub-area, Runway Protection Sub-area, and the Noise Contour Sub-area for the Albuquerque International Sunport.

The purpose of the Airport Protection Overlay (APO) zone is to require that land use and development at or around public airport facilities comply with the regulations of the Federal Aviation Administration (FAA) that protect the public from noise, vibration, and hazard impacts of airport operations and that protect the safety of aircraft operators. Certain uses and activities are prohibited (see Use Regulations, 3-3(C)). The Development Standards in 3-3(D) regulate allowable height and reflectivity.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. San Mateo Blvd. SE is a Community Principal Arterial.

Trails/Bikeways

The Long-Range Bikeway System (LRBS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies existing and proposed routes and trails.

San Mateo Blvd SE is classified as a potential bike facility route. There is an existing bike land along Southern Blvd. SE.

Transit

ABQ Ride Routes 140 and 141 pass the subject site along San Mateo Blvd. Two transit stops are in the area north and south of the subject site.

Public Facilities/Community Services

» For specifics, please refer to the Public Facilities Map.

II. BACKGROUND

Wireless Review Process

Unlike many jurisdictions, the City’s review process for WTF applications is administrative. A public hearing is only required for waiver requests.

The Planning Department Director’s designee (the “Wireless Designee”) and Zoning Staff are tasked with reviewing proposed WTFs using the WTF Regulations. New build sites and modifications that could adversely affect the site’s concealment are reviewed by the wireless designee. Other wireless applications, such as collocating antennas on non-concealed structures or on PNM poles, antenna swap-outs, and back-up generator additions, are reviewed by Zoning Staff.

History of the Subject Site

Since the subject site is less than five acres in size and straight zoned, the site development plan for the existing restaurant was not required to go to the EPC. It’s unclear when the restaurant building was constructed, though it was before 1959 (as shown by AGIS historical aerials).

In November 2023, the agent applied for a COW on the subject site but was unable to demonstrate that the following, required setbacks were met: 50 feet from an existing ROW and 100 feet from the property line of a residential zone district. Therefore, the COW was not approved at that time.

III. ANALYSIS –APPLICABLE REGULATIONS, PLANS, GOALS, POLICIES

Integrated Development Ordinance (IDO)

Definitions

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.

Temporary Use: A land use that is allowed for a short period of time on a property and allowable within a particular zone district permissively. Temporary uses are listed as T in Table 4-2-1. A temporary use may or may not require a permit from the Planning Department. Any temporary activity or event not listed in Table 4-2-1 is not considered a land use and therefore is not a temporary use as regulated by this IDO. A temporary use may be allowed on vacant land or combined with other primary or accessory uses allowable within a zone district, subject to IDO standards.

Waiver: A deviation beyond the thresholds established in Table 6-4-1 or from standards not included in Table 6-4-1. See also Deviation.

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 said equipment, equipment buildings or cabinets, parking area, and/or other accessory development. Non-commercial or broadcasting antennas are not considered to be WTFs. See also Non-commercial or Broadcasting Antenna.

Zoning

The subject site is zoned MX-L, which it received as a conversion from its former C-1 zoning upon adoption of the IDO. The purpose of the MX-L zone district [IDO 14-16-2-4(B)] is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

Allowable uses are listed in Table 4-2-1: Allowable Uses. A free-standing WTF is a permissive use in the MX-L zone.

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 parameters for 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 published in the Federal Register and became effective around February 2015.

In September 2018, the FCC issued its Small Cell Order, which adopted rules to facilitate the deployment of small cell wireless facilities (SWFs). Small Cell Wireless sites are not traditional macro-sites. Small cells are located in the public rights-of-way and use much smaller antennas in order to provide 4G and 5G capacity. The Federal small cell regulations limited the rental fee for municipal land to \$270 per year (\$2K per month is common for macro-sites, depending upon location), but did allow local jurisdictions some purview over aesthetics.

The City’s Small Cell Ordinance (O-18-27) became effective in December 2018. The City’s standards for SWFs were published by the Planning Department, with assistance from Legal staff, in March 2019.

Wireless Telecommunications Facility Regulations - City of Albuquerque

The City’s Wireless Telecommunications Facility Regulations (the “WTF regulations”), previously found in Zoning Code §14-16-3-17, were incorporated into the IDO as use-specific industrial standards and are now found in IDO §14-16-4-3(E)(12). The regulations establish parameters for WTF siting, separation distances, and requirements for concealment. The WTF Regulations apply to all proposed WTFs in the City, whether new sites or modifications of existing sites.

The WTF regulations were updated via Council Bill No. O-14-7 (effective December 22, 2014) to incorporate Federal requirements regarding substantial change of wireless sites. These regulations had superseded the former O-06-40, effective January 21, 2008, which 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.

Setbacks and Separation

Consistent with past versions of the WTF regulations, IDO §14-16-4-3(E)(12) Subsection (e) prohibits all new free-standing WTFs in the following locations:

- a) Within 100 feet of any property line of any Residential zone district.
- b) Within 50 feet of an existing right of way.
- c) Within any required setback.

Additionally, free-standing WTFs are prohibited within 1,000 feet in any direction of any other freestanding WTFs, as measured from the wall or fence of each freestanding WTF. This requirement does not apply to collocated WTFs, architecturally integrated WTFs, or freestanding small-cell WTFs.

The purpose of the setback requirements is to mitigate harm on nearby residential uses and potential issues with being located in proximity to a ROW. The 100-foot minimum separation from a residential zone is needed to accommodate the "drop zone" for a free-standing tower in case it should fall; maximum allowable height for a WTF is 75 feet.

The established practice is to comply with these setback requirements pursuant to applicable wireless regulations. Other than the current request, no other Waiver - WTFs to setback and separation requirements is known in the City. Historically, there have been approximately five waivers for WTFs. All were to the requirement that a new free-standing WTF be surrounded by landscaping on all sides, and resulted in either fewer and/or narrower landscape buffers or landscaping being placed elsewhere on the site.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The subject site is located in an Area of Change as designated by the Comprehensive Plan. The few, applicable Goals and policies are listed below. Staff analysis follows in ***bold italics***.

Chapter 5- Land Use

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is in a developed area served by existing infrastructure that would be able to support future development of a WTF, which would generally contribute to the efficient use of land to support the public good. The request is generally consistent with Goal 5.3 Efficient Development Patterns.

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, where growth and development are generally desired. Though not in a designated Activity Center, the subject site is located along San Mateo Blvd. SE, which is a designated Major Transit Corridor where more intense development is encouraged. A WTF is considered a type of industrial land use, and industrial land uses are generally more appropriate to develop in Areas of Change than in Areas of Consistency. The request is generally consistent with Policy 5.6.2-Areas of Change.

Chapter 7 – Urban Design

Policy 7.6.3 – Utility Infrastructure: Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhoods and communities and protects significant natural and cultural features.

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.

The request would help support development of a future WTF, a form of visible infrastructure, which would be a public utility collocation WTF. This type of WTF is generally considered to be more respectful of neighborhoods and communities than a new, free-standing tower WTF.

The setback and separation requirements for free-standing WTFs are intended to ensure public safety by keeping minimal distance between the WTF and the public ROW and residential zoned properties. The request would reduce the required distances. Overall, the request is partially consistent with Policy 7.6.3 and Policy 12.1.1- Utility Infrastructure.

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.

The request would accommodate the COW, which would help provide wireless service and capacity temporarily while the approved, future WTF is in the construction process. The COW would help maximize flexibility for customers, business, and industry, although it's unknown how affordable or high quality the temporary communication system would be. The request is generally consistent with Policy 12.1.7- Communication Systems.

IV. ANALYSIS – WAIVER-WTF

Waiver Request

Background

Code Enforcement conditionally approved the COW as a temporary use pending the approval of this waiver request (note: typically, administrative approvals are not conditioned). The COW is a 44-foot-tall free-standing WTF that includes ground equipment surrounded by an enclosure. The installment is located near the center of the northern portion of the subject site, in the parking lot of the existing restaurant. The COW would be utilized until the approved public utility collocation on a nearby PNM pole is installed and operational.

Setbacks

The proposed lease area is approximately 400 SF. The placement and sizing of the WTF would meet the setback requirement in IDO 14-16-4-3(E)(12)(e)1.a: The WTF would be placed a least 100 feet from the nearest property line of a residential district. The WTF cannot meet the setback to be placed at least 50-feet from an existing ROW pursuant to IDO 14-16-4-3(E)(12)(e)1.b.

The proposed Waiver-WTF would allow:

- The COW to be located approximately 30-feet 9-inches from the existing ROW instead of the required 50-feet.

Analysis of Waiver Criteria

Review and Decision Criteria

IDO 14-16-6-6(Q)(3), Waiver-WTF contains Review and Decision Criteria (3)(a) for use when evaluating a waiver application. These are listed below, with a summary of the applicant's statement and Staff analysis following each:

6-6(Q)(3)(a): An application for a WTF Waiver shall be approved if it meets all of the following criteria:

1. It is in the best interest of the community as a whole.

Applicant: The approval of this temporary WTF is in the best interest of the community. The removal of the nearest wireless facility will leave this area of Albuquerque with much reduced Verizon Wireless coverage. And while we are pursuing the collocation project at the same location, the fabrication and installation will still take quite some time until that site is operational, and the community needs service much sooner.

Staff: The waiver would help facilitate development of a future temporary WTF, a "cell on wheels" (COW). The COW would provide wireless service while a new collocation project is constructed. The request is generally in the interest of the community, although service provision can be achieved without a waiver at a different location. Any future WTF would be required to comply with the WTF regulations, which are intended to balance the need for wireless service with providing wireless sites by the least intrusive means possible.

2. It will expedite the approval of an antenna, tower, or tower alternative.

Applicant: This waiver will expedite the approval of the temporary facility. If the waiver is denied, the facility will have to be removed from its current location and we will have to repeat the entire real estate process at a different location. At this point in the project, a different location will require new site visits, new surveys and IA diagrams, new engineering plan sets, new FCC & FAA studies, and new lease agreements needing extensive legal review, all of which will prolong the lack of service experienced in this area while we construct the collocation project.

Staff: *In this case, the waiver would not expedite the approval of an antenna, tower, or tower alternative because the COW was already approved conditionally, contingent upon the waiver being granted and has already been deployed. The temporary use approval for the COW was put on hold during the administrative review process because staff determined that setback requirements could not be met, as shown on scaled drawings associated with the COW application.*

3. It will not jeopardize public health, safety, and welfare.

Applicant: *The approval of the waiver will not jeopardize public health, safety, or welfare. We would still meet the 100' setback-distance to residential properties stated in §14-16-4-3(E)(12)(e)(1)(a). Furthermore, the ROW will still be safe and undisturbed as our structural analysis will demonstrate that, even only 30'-9" away from the ROW instead of the traditional 50' away, we will not impact vehicles nor pedestrians.*

Staff: *The proposed waiver would not jeopardize the public health, safety, and welfare. The waiver does not propose to vary from the requirement for an enclosure wall, but seeks to allow a 30-foot 9-inch setback from the 50-foot requirement. The WTF would meet the other required setbacks.*

4. It will ameliorate either the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas.

Applicant: *The approval of this waiver will ameliorate the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas. Another benefit to having this temporary facility at the proposed location is because there will be future construction of the permanent facility at this location as well, and we can group all construction on one parcel instead of spreading out different facilities on multiple different parcels.*

Staff: *The waiver would facilitate placement of the COW, which will be temporary in nature while a collocation project (public utility collocation) is constructed on the subject site. Albuquerque's wireless regulations prefer collocation over construction of new towers. The COW is temporary and will be removed once the collocation project is operational.*

5. It will better serve the stated purposes of the City's telecommunications regulations.

Applicant: *The approval of this waiver will better serve the stated purposes of the City's telecommunications regulations. This temporary facility is to supplement the permanent collocation facility project "ABQ Whitter", and collocation is a preferred wireless telecommunication facility type in Albuquerque per IDO §14-16-4-3(E)(12)(a)(1). Waiving the 19'-3" we are requesting will help us support this collocation effort.*

Staff: *The WTF that the waiver would facilitate would be temporary and would serve the purpose of the City's telecommunications regulations by supporting a public utility collocation project on the subject site. The WTF regulations encourage collocation and provided bonuses to collocate on existing facilities, such as not having to conceal antennas if it's a PNM pole or an existing, non-concealed (and non-conforming) tower. Most collocations are approved by the Zoning front counter.*

6. It will not allow the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.

Applicant: *No, this waiver will not allow this temporary WTF to be taller or higher from the ground. We are only requesting a 19'-3" waiver of the 50' setback requirement stated in IDO §14-16-4-3(E)(12)(e)(1)(b), the height of the facility will not change.*

Staff: *The COW that the waiver would support is a 44-foot free-standing, temporary tower. Allowable height for a free-standing WTF is 65 feet for a single-carrier facility and 75 feet for a facility with more than one carrier. Note that a Waiver-WTF cannot be used to increase allowable height.*

Overall, Staff finds that the review and decision criteria for a WTF - Waiver are adequately fulfilled.

However, Staff also finds that the waiver is not necessary or required to pursue a COW at another location, although the applicant has provided evidence that other locations were sought out. The applicant and the carrier have agreed (via private agreement) to a lease area of 400 SF and have elected to use the waiver process rather than consider alternatives within the administrative process, which would have saved them the time of going through the waiver process (see analysis).

Facts to be Considered

IDO 14-16-6-6(Q)(3)(b), Waiver-WTF contains facts the EPC must consider in reaching its decision. They are listed below and followed by Staff analysis:

- A. The height of the proposed tower.

The proposed waiver would not affect the height of the COW or the future, proposed WTF as stated in the response to Criterion 6, above.

- B. The proximity of the tower antenna to any Residential zone district or a dwelling in any other zone district.

The temporary COW WTF is proposed in the parking lot of the subject site, approximately 100 feet from the closest residential zone, R-ML. Therefore, the required minimum setback of 100 feet would be met.

- C. The nature of uses on adjacent and nearby properties.

The subject site is adjacent to commercial uses to the north and south and is near single-family homes to the east and west. Abutting the site to the east is the Fire Station 11, across Southern Ave. to the south is vacant land, and abutting the site to the north is a vacant religious institution.

- D. The surrounding topography.

The surrounding topography is developed and mostly flat. No significant topographical features are near the subject site.

- E. The surrounding vegetation and foliage.

The subject site has little to no landscaping. Two established trees are located along San Mateo Blvd. SE. There is also one tree and yucca plants abutting the building in what appears to be a garden area. The COW would not affect landscaping on the subject site.

- 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.

Pursuant to the WTF regulations, concealment of free-standing WTFs is required by design and by context [IDO 14-16-4-3(E)(12)(c)]. This has been required since 2008. However, COWs have been considered a temporary use in practice and, though they are a non-concealed free-standing facility, they have been allowed. Typically, COWs are used for special events and sometimes for situations such as the current one, which involves the decommissioning of a free-standing tower. Though the COW may be considered visually obtrusive, it will be removed as soon as the approved public utility collocation WTF is deployed.

- G. The proposed ingress and egress.

The ingress and egress used to access the COW is located approximately on the northernmost center of the subject site in the parking lot.

- H. The availability of suitable existing towers or other structures.

The COW would be temporary while the public utility collocation is constructed on the same site on a replacement PNM pole. There is one existing WTF in the area, which is located approximately 1000-feet from the proposed future WTF. The existing tower was required to be decommissioned.

Analysis

Overall, Staff finds that the Waiver-WTF adequately fulfills the relevant review and decision criteria in the IDO. The temporary COW cannot meet all setback and separation requirements; approval of the 19-foot 3-inch waiver would support the COW's deployment on the subject site. The location of the COW is the preference of the applicant and owner of the property. Although the setback and separation requirements could likely be met by using another site, the agent has stated that they were

unable to find a site nearby and while a new collocation is constructed on a PNM pole on the subject site, according to the applicant.

Conclusion

The EPC is tasked with determining if, and to what extent, the requested waiver of the setback requirement should be granted. Three courses of action are possible:

1. Approve the waiver in whole.
2. Deny the waiver and require that the setback to the ROW is met pursuant to the WTF regulations.
3. Conditionally approve the waiver subject to conditions of approval.

V. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application. There are no substantial comments for the waiver. Agency comments begin on p. 24.

Neighborhood/Public

The applicant notified all affected Neighborhood Associations (NAs), including the District 6 Coalition of NAs, the Parkland Hills NA, and the South San Pedro NA, as required (see attachments). The applicant also notified property owners within 100 feet of the subject site as required (see attachments).

A facilitated meeting was not requested. As of this writing, Staff has not been contacted.

VI. CONCLUSION

The requested waiver would allow for an exception to the prohibition of new Freestanding WTFs within 50 feet of an existing right of way (ROW). The applicant is requesting a waiver of 19-feet 3-inches. The WTF would be located 30-feet 9-inches from the ROW instead of the required 50 feet pursuant to IDO §14-16-4-3(E)(12)(e)(1)(b). The EPC has the authority to grant a Waiver-WTF, in whole or in part.

City Zoning Staff has been working with the applicant regarding a Cell on Wheels (COW) on the subject site, which would be a temporary use subject to requirements in IDO §14-16-4-3(E)(12) for a new Freestanding WTFs. The applicant has provided drawings demonstrating that they cannot meet both setback and separation requirements in IDO §14-16-4-3(E)(12)(e)(1) to place the WTF 100 feet from and existing residential zone district and 50 feet from the ROW and, therefore, has applied for a waiver to the setback from the ROW. The COW would be placed so that it can meet the separation requirement from residential.

The WTF itself (a 44-foot, temporary COW) is not included with the waiver, but is subject to a separate administrative review process and is required to comply with the WTF regulations.

Overall, the request adequately fulfills applicable waiver criteria. However, the waiver is not necessary or required to facilitate provision of cell service in the area to compensate for the decommissioned tower; rather, the waiver would support the applicant's preferred location and lease area for a temporary COW while a future collocation is construction on site.

Staff recommends that the EPC approve the requested waiver.

FINDINGS -Waiver-WTF, SI-2024-00025

1. This request is for a Waiver- Wireless Telecommunications Facility (WTF) [IDO 14-16-6-6(Q)] for all or a portion of Lots 11 & 12, Block 5, Esperanza addition, excluding the westerly portion out to the right of way (ROW), located at 840 San Mateo Blvd SE, between Trumbull Ave. SE and Southern Ave. SE, approximately 0.3 acre (the “subject site”). A restaurant occupies the subject site.
2. The request would allow an exception to the WTF regulations, IDO §14-16-4-3(E)(12)(e), which prohibits new, free-standing WTFs within 50-feet of an existing public right of way (ROW). The applicant is requesting a waiver of 19-feet 3- inches. The WTF would be located 30-feet 9-inches from the ROW instead of the required 50 feet pursuant to IDO §14-16-4-3(E)(12)(e)(1)(b). The EPC has the authority to grant a Waiver-WTF, in whole or in part.
3. A temporary free-standing WTF, a cell on wheels (COW), is proposed in the parking lot near the center of the northern edge of the subject site. A free-standing WTF consists of a stand-alone support structure, antennas, and associated equipment and is subject to the setback and separation distance requirements in IDO §14-16-4-3(E)(12).
4. The subject site is zoned MX-L. A free-standing WTF is a permissive use in the MX-L zone district.
5. The applicant has provided drawings demonstrating that they cannot meet IDO §14-16-4-3(E)(12)(e)(1) and (e)(2), which require that a free-standing WTF be located at least 100 feet from an existing residential zone district and at least 50 feet from an existing ROW. Therefore, has applied for a waiver (the current request).
6. In the City of Albuquerque, wireless review is an administrative process. The application for the proposed, future WTF (a 44-foot, temporary COW) is not included with the waiver, but is subject to a separate administrative review process.
7. The subject site is in an Area of Change. It is not in a designated Activity Center, but is along the San Mateo Blvd. SE Major Transit Corridor.
8. The Comprehensive Plan, the Integrated Development Ordinance (IDO), and the Federal Telecommunications Act are incorporated herein by reference and made part of the record for all purposes.
9. The request is generally consistent with the following Goal and policy from Chapter 5- Land Use:
 - A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is in a developed area served by existing infrastructure that would be able to support future development of a WTF, which would generally contribute to the efficient use of land to support the public good.

- B. 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, where growth and development are generally desired. Though not in a designated Activity Center, the subject site is located along San Mateo Blvd. SE, which is a designated Major Transit Corridor where more intense development is encouraged. A WTF is considered a type of industrial land use, and industrial land uses are generally more appropriate to develop in Areas of Change than in Areas of Consistency.

10. The request is generally consistent with the following, applicable policy from Chapter 7- Urban Design:

Policy 7.6.3 – Utility Infrastructure: Encourage design of visible infrastructure (surface and overhead) that respects the character of neighborhoods and communities and protects significant natural and cultural features.

The request would help support development of a future WTF, a form of visible infrastructure, which would be a public utility collocation WTF. This type of WTF is generally considered to be more respectful of neighborhoods and communities than a new, free-standing tower WTF.

11. The request is mostly consistent with the following, applicable policies from Chapter 12- Infrastructure, Community Facilities, and Services:

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.

The setback and separation requirements for free-standing WTFs are intended to ensure public safety by keeping minimal distance between the WTF and the public ROW and residential zoned properties. The request would reduce the required distances.

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.

The request would accommodate the COW, which would help provide wireless service and capacity temporarily while the approved, future WTF is in the construction process. The COW would help maximize flexibility for customers, business, and industry, although it's unknown how affordable or high quality the temporary communication system would be.

12. The WTF Waiver adequately meets all of the following criteria [IDO 14-16-6-6(Q)(3)(a), as follows:

- A. 1 - It is in the best interest of the community as a whole.

The waiver would help facilitate development of a future temporary WTF, a “cell on wheels” (COW). The COW would provide wireless service while a new collocation project is constructed. The request is generally in the interest of the community, although service provision can be achieved without a waiver at a different location. Any future WTF would be required to comply with the WTF regulations, which are intended to balance the need for wireless service with providing wireless sites by the least intrusive means possible.

- B. 2 - It will expedite the approval of an antenna, tower, or tower alternative.

In this case, the waiver would not expedite the approval of an antenna, tower, or tower alternative because the COW was already approved conditionally, contingent upon the waiver being granted and has already been deployed. The temporary use approval for the COW was put on hold during the administrative review process because staff determined that setback requirements could not be met, as shown on scaled drawings associated with the COW application.

- C. 3 - It will not jeopardize public health, safety, and welfare.

The proposed waiver would not jeopardize the public health, safety, and welfare. The waiver does not propose to vary from the requirement for an enclosure wall, but seeks to allow a 30-foot 9-inch setback from the 50-foot requirement. The WTF would meet the other required setbacks.

- D. 4 - It will ameliorate either the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas.

The waiver would facilitate placement of the COW, which will be temporary in nature while a collocation project (public utility collocation) is constructed on the subject site. Albuquerque’s wireless regulations prefer collocation over construction of new towers. The COW is temporary and will be removed once the collocation project is operational.

- E. 5 - It will better serve the stated purposes of the City’s telecommunications regulations.

The WTF that the waiver would facilitate would be temporary and would serve the purpose of the City’s telecommunications regulations by supporting a public utility collocation project on the subject site. The WTF regulations encourage collocation and provided bonuses to collocate on existing facilities, such as not having to conceal antennas if it’s a PNM pole or an existing, non-concealed (and non-conforming) tower. Most collocations are approved by the Zoning front counter.

- F. 6 - It will not allow the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO.

The COW that the waiver would support is a 44-foot free-standing, temporary tower. Allowable height for a free-standing WTF is 65 feet for a single-carrier facility and 75 feet for a facility with more than one carrier. Note that a Waiver-WTF cannot be used to increase allowable height.

13. The EPC has considered the following facts as required by IDO 14-16-6-6(Q)(3), Waiver-WTF:

A. The height of the proposed tower.

The proposed waiver would not affect the height of the COW or the future, proposed WTF as stated in the response to Criterion 6, above.

B. The proximity of the tower antenna to any Residential zone district or a dwelling in any other zone district.

The temporary COW WTF is proposed in the parking lot of the subject site, approximately 100 feet from the closest residential zone, R-ML. Therefore, the required minimum setback of 100 feet would be met.

C. The nature of uses on adjacent and nearby properties.

The subject site is adjacent to commercial uses to the north and south and is near single-family homes to the east and west. Abutting the site to the east is the Fire Station 11, across Southern Ave. to the south is vacant land, and abutting the site to the north is a vacant religious institution.

D. The surrounding topography.

The surrounding topography is developed and mostly flat. No significant topographical features are near the subject site.

E. The surrounding vegetation and foliage.

The subject site has little to no landscaping. Two established trees are located along San Mateo Blvd. SE. There is also one tree and yucca plants abutting the building in what appears to be a garden area. The COW would not affect landscaping on the subject site.

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.

Pursuant to the WTF regulations, concealment of free-standing WTFs is required by design and by context [IDO 14-16-4-3(E)(12)(c)]. This has been required since 2008. However, COWs have been considered a temporary use in practice and, though they are a non-concealed free-standing facility, they have been allowed. Typically, COWs are used for special events and sometimes for situations such as the current one, which involves the decommissioning of a free-standing tower. Though the COW may be considered visually obtrusive, it will be removed as soon as the approved public utility collocation WTF is deployed.

G. The proposed ingress and egress.

The ingress and egress used to access the COW is located approximately on the northernmost center of the subject site in the parking lot.

H. The availability of suitable existing towers or other structures.

The COW would be temporary while the public utility collocation is constructed on the same site on a replacement PNM pole. There is one existing WTF in the area, which is located approximately 1000-feet from the proposed future WTF. The existing tower was required to be decommissioned.

15. In sum, the EPC finds that the Waiver-WTF adequately fulfills the Waiver-WTF criteria in IDO 14-16-6-6(Q)(3)(a) and is consistent with a preponderance of the few, applicable Comprehensive Plan Goals and policies. The EPC has considered the facts in IDO 14-16-6-6(Q)(3)(b) in reaching its decision, as required.

16. The District 6 Coalition of Neighborhood Associations (NA), the Parkland Hills NA, and the South San Pedro NA, and property owners within 100 feet of the subject site, were notified as required. A facilitated meeting was not requested. As of this writing, Staff has not been contacted.

RECOMMENDATION – SI-2024-00025, March 21, 2024

APPROVAL of SI-2024-00025, a Waiver of the Setback Requirements for a temporary Free-Standing Wireless Telecommunications Facility (WTF) on all or a portion of Lots 11 & 12, Block 5, Esperanza addition, excluding the westerly portion out to the right of way (ROW), located at 840 San Mateo Blvd SE, between Trumbull Ave. SE and Southern Ave. SE, approximately 0.3 acre and zoned MX-L, based on the preceding Findings.

***Megan Jones, MCRP / MPA
Principal Planner***

Notice of Decision cc list:

Graham Chapman, Pinnacle Consulting/Sun State Towers, graham.chapman@pinnacleco.net

Parkland Hills NA, Janet Simon, phnacommunications@gmail.com

Parkland Hills NA, Peter Kalitsis, peterkalitsis@gmail.com

South San Pedro NA, Zabdiel Aldaz, zabdiel505@gmail.com

South San Pedro NA, Khadijah Bottom, khadijahili@vizionz.org

District 6 Coalition of Neighborhood Associations, Mandy Warr, mandy@theremedyspa.com

District 6 Coalition of Neighborhood Associations, Patricia Willson, info@willsonstudio.com

City Legal, Devon King, dking@cabq.gov

File

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development Services

- Transportation has no objection to the waiver for this item.

Hydrology

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations

Street Maintenance

WATER UTILITY AUTHORITY

Utility Services

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

- No comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

- No adverse comments

ALBUQUERQUE PUBLIC SCHOOLS

KIRTLAND AIR FORCE BASE

MID-REGION COUNCIL OF GOVERNMENTS

- No Adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are PNM facilities and/or easements on the east side of 840 San Mateo Blvd SE along the shared property line with AFR Station 11.

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located within the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.

Any existing and/or new PNM easements and facilities need to be reflected on any future Site Plan and any future Plat.

Structures, especially those made of metal like restrooms, storage buildings, and canopies, should not be within or near PNM easements without close coordination with and agreement from PNM.

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.



Figure 1: Looking north at the subject site from Southern Ave. Restaurant, sign posting, and parking lot in view.

Figure 2: Looking SW at the restaurant on the subject site near the location of the future temporary WTF.



Figure 3: Looking west across San Mateo Blvd. from the subject site at a single-family neighborhood.



Figure 4: Sign posting.

Figure 5: Looking east at the proposed location of the future temporary WTF in the parking lot.



ZONING

Please refer to IDO Section 14-16-2-(B) for the MX-L Zone District

APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant:		Phone:
Address:		Email:
City:	State:	Zip:
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

Requesting a waiver from IDO requirement §14-16-4-3(E)(12)(e)(1)(b), which is the requirement to have the edge of the wireless facility to be 50' from the ROW line. We're asking for relief because this property does not have the size needed to meet both setback requirements, only one, and this project is of necessity.

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.:	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:
----------------------	----------	------

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

--

Signature: <i>Graham Chapman</i>	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #

Form W2: WIRELESS TELECOMMUNICATIONS FACILITIES WAIVERS

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF) WAIVER

- Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(O)(3)
- Scaled Site Plan and related drawings (10 copies, 11" x 17" folded to 8.5" x 11")
- Site Plan and related drawings reduced to 8.5" x 11" format (1 copy)
- Evidence demonstrating that collocation possibilities were considered, consisting of a written response to IDO Section 14-16-4-3(E)(10)(I)4.(a through d) and any supporting materials such as engineering maps.
- Describe the facility's capacity,
 - Include a notarized statement from the applicant which declares the number and type(s) of antenna(s) that it can accommodate, or an explanation why the facility cannot be designed to accommodate other users.
 - Include an affidavit explaining what the engineering requirements are and the factual basis for those requirements
- Letter of intent stating the applicant will agree to shared use of proposed WTF if reasonable conditions are met
- Distance to the nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower
- N/A For sites in View Protection Overlay (VPO) Zones, Historic Protection Overlay (HPO) Zones, located near View Corridors or Major Public Open Space, or in another mapped area with specific regulation for Wireless Telecommunications Facilities: explanation of how the facility meets those regulations

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature:	Date:
Printed Name: <u>Graham Chapman</u>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
_____	-
_____	-
_____	-
Staff Signature:	
Date:	



1426 N. Marvin St.
Suite #101
Gilbert, AZ 85233

480-479-6181 cell
480-664-9588 ext.227
480-664-9850 fax

DATE: October 12th, 2023

Letter of Authorization:

APPLICATION FOR ZONING / LAND USE ENTITLEMENTS / BUILDING PERMITS

Project Name: ABQ Whittier
Project Type: Wireless Facility & Compound
Owner Name: Lance Darnell
Site Address: 840 San Mateo Blvd SE, Albuquerque, NM 87108
Parcel #: 101-805-601-134-220-901

I, LANCE DARNELL, the authorized representative for the above described property, authorize Pinnacle Consulting, Inc., and/or Verizon Wireless, their employees, representatives, and/or consultants, to act as an agent on my/our behalf for the sole purpose of acquiring all necessary approvals for zoning, building, land-use permit applications, or any other entitlements required for the construction and operation of a new wireless telecommunications facility on the property referenced above. I/We understand that by signing this agreement, we are only providing authorization for the zoning and building permit submittals as required by the jurisdiction.

Permit applications and approvals related to the proposed wireless communication facility on the property described will be consistent with the lease to be executed between the parties involved.

Authorized Signature of Property Owner(s):

Lance Darnell

Print Name: LANCE DARNELL Date: 10-13-23

Authorized Signature of Property Owner(s):

Cynthia Darnell

Print Name: Cynthia Darnell Date: 10/13/23

Pinnacle Consulting Inc.
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

February 27th, 2024

Catalina Lehner, AICP, Senior Planner
City of Albuquerque Planning Department
600 2nd Street NW,
Albuquerque, NM 87102

**RE: Verizon Wireless, Temporary Project “ABQ Lovelace COW”
Request to Waive 19’-3” of 50’-from-ROW Setback Requirement per §14-16-4-3(E)(12)(e)(1)(b)**

Dear City of Albuquerque Planning Department:

Per form W2, your ‘Wireless Telecommunications Facilities Waivers’ document,

“Please provide a justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(O)(3)”.

In a February 22nd, 2024 meeting with Megan Jones and Catalina Lehner, they clarified that Form W2 is out of date and that the correct criteria to respond to is IDO Section 14-16-6-6(Q).

This should serve as our justification letter for our request to waive the requirement of Albuquerque IDO §14-16-4-3(E)(12)(e)(1)(b), which reads that all WTFs must be setback at least 50’ from an existing Right of Way line in order to place our temporary facility on parcel 101805601134220901. We would like to waive this request because it is impeding us from placing a temporary wireless facility at 840 San Mateo Blvd SE, which is a project of necessity, and we would like to waive 19’-3” of that requirement.

For context: Verizon Wireless has telecommunications equipment on an American Towers' tower located on parcel 101805601723031335 (1100 San Mateo Blvd SE, Albuquerque, NM 87108). However, that parcel is owned by the City, and the City is requesting that the tower be removed so that they can develop the parcel. Because the City wants the existing cell facility removed, Verizon needs to find a suitable replacement structure to house the cellular equipment to not disrupt service in that area. While we are underway with a nearby collocation project that was just approved (project “ABQ Whittier”), that is many months away from completion and the Albuquerque residents in this area will be with heavily reduced Verizon service for a very long time if we cannot place a temporary facility in the area to supplement them.

That is why we are proposing a temporary “COW” (cell on wheels) at the Acapulco Tacos & Burritos at 840 San Mateo Blvd SE; it is geographically close enough to the ATC tower service the Albuquerque Verizon-users who would be lose service, the landlord is willing to work with us, and we can meet all other regulations at this location. However, due to the smaller size of the parcel, it is impossible to meet the setback requirements of *both* §14-16-4-3(E)(12)(e)(1)(a) and §14-16-4-3(E)(12)(e)(1)(b), being setback at least 100’ from a residentially-zoned property and being setback at least 50’ from a ROW line, respectively.

Ms. Lehner stated that *“setback requirements could be met using another site, and therefore, would not be impossible to meet in this area”*, and to explain why we *“were unable to secure another site, which would have removed the need for the waiver and expedited the process”*.

We want to emphasize that we researched numerous other locations to find one that would meet all regulations of the City of Albuquerque IDO. We sent sixteen [16] certified letters to property owners in the area, and of the few land owners that were interested in the project, Mr. Darnell's location was the only location that could meet IDO §14-16-4-3(E)(12)(e)(1)(a) and the majority of §14-16-4-3(E)(12)(e)(1)(b); all other locations were located directly next to a residentially-zoned property, this area is highly residential, which made the search extremely difficult. We did explore the possibility of placing the COW at parcel 101805601723031335, the City-owned parcel that formerly housed the American Tower facility that Verizon was located on. However, the City of Albuquerque wanted us off the parcel as they are developing the parcel and have allowed the site to remain up longer than the originally agreed upon time frame. Multiple divisions within the City have been incredibly helpful in helping us achieve a reasonable solution for all parties involved – for the City, for Verizon Wireless, and for the local constituents. Real Property Division allowed that ATC facility to remain for as long as possible hoping that we could have the new permanent facility up and on air prior to its removal. They understand that a temp is not an ideal solution for any of the parties but necessary to avoid disruption of service to the area. Furthermore, Code Enforcement also stepped in to approve us for a building permit and construction in order to immediately help these local residents lacking service, we do want to find solutions that are amenable to all, these divisions have been committed to assisting Verizon in finding fast and reasonable solutions.

That is why we would like to request a waiver from §14-16-4-3(E)(12)(e)(1)(b), so that we can temporarily service Albuquerque during this transitional period while still meeting all other height and setback regulations. Specifically, we would like to waive requirement §14-16-4-3(E)(12)(e)(1)(b) and are requesting to be 30'-9" from the ROW instead of the required 50 feet. Our responses to IDO Section 14-16-6-6(Q) are as follows:

- §14-16-6-6(Q)(3)(a)(1): *"It is in the best interest of the community as a whole"*.
 - o The approval of this temporary WTF is in the best interest of the community. The removal of the nearest wireless facility will leave this area of Albuquerque with much reduced Verizon Wireless coverage. And while we are pursuing the collocation project at the same location, the fabrication and installation will still take quite some time until that site is operational, and the community needs service much sooner.
- §14-16-6-6(Q)(3)(a)(2): *"It will expedite the approval of an antenna, tower, or tower alternative"*.
 - o This waiver will expedite the approval of the temporary facility. If the waiver is denied, the facility will have to be removed from its current location and we will have to repeat the entire real estate process at a different location. At this point in the project, a different location will require new site visits, new surveys and 1A diagrams, new engineering plan sets, new FCC & FAA studies, and new lease agreements needing extensive legal review, all of which will prolong the lack of service experienced in this area while we construct the collocation project.
- §14-16-6-6(Q)(3)(a)(3): *"It will not jeopardize public health, safety, and welfare"*.
 - o The approval of the waiver will not jeopardize public health, safety, or welfare. We would still meet the 100' setback-distance to residential properties stated in §14-16-4-3(E)(12)(e)(1)(a). Furthermore, the ROW will still be safe and undisturbed as our structural analysis will demonstrate that, even only 30'-9" away from the ROW instead of the traditional 50' away, we will not impact vehicles nor pedestrians.
- §14-16-6-6(Q)(3)(a)(4): *"It will ameliorate either the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas"*.
 - o The approval of this waiver will ameliorate the adverse impact of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas. Another benefit to having this temporary facility at the proposed location is because there will be future construction of the permanent facility at this location as well, and we can group all construction on one parcel instead of spreading out different facilities on multiple different parcels.

- §14-16-6-6(Q)(3)(a)(5): *“It will better serve the stated purposes of the City’s telecommunications regulations”*.
 - o The approval of this waiver will better serve the stated purposes of the City’s telecommunications regulations. This temporary facility is to supplement the permanent collocation facility project “ABQ Whitter”, and collocation is a preferred wireless telecommunication facility type in Albuquerque per IDO §14-16-4-3(E)(12)(a)(1). Waiving the 19’-3” we are requesting will help us support this collocation effort.

- §14-16-6-6(Q)(3)(a)(6): *“It will not allow the WTF to be taller or higher from the ground than would otherwise be allowed by this IDO”*.
 - o No, this waiver will not allow this temporary WTF to be taller or higher from the ground. We are only requesting a 19’-3” waiver of the 50’ setback requirement stated in IDO §14-16-4-3(E)(12)(e)(1)(b), the height of the facility will not change.

Best regards,

Graham Chapman
Site Acquisition Specialist
480-664-9588 ext. 255

Pinnacle Consulting Inc.
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

January 4th, 2024

City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Verizon Wireless, PNM Collocation Project “ABQ Whittier”

Dear City of Albuquerque Planning Department:

Per requirement #2 of your ‘Form W2: WIRELESS TELECOMMUNICATION FACILITIES WAIVERS’ application form, applicants for a waiver for a WTF siting requirement shall submit the following item as part of the waiver submittal,

“Evidence demonstrating that collocation possibilities were considered, consisting of a written response to IDO Section 14-16-4-3(E)(10)(l)4.(a through d) and any supporting materials such as engineering maps”.

This section of the current code relates to solar energy generation, which is not relevant to this project. However, I can respond to §14-16-4-3(E)(12)(a)(4)(a through d), which pertains to the above requirement. Please note that the nature of this temporary project is to support a community while we are already currently undergoing the collocation process at the same location (project ABW Whittier), but we will not be able to construct that project for many months, therefore we’re relying on this temporary rapid deployment tower to provide relief in the interim. So we are already utilizing collocation.

- §14-16-4-3(E)(12)(a)(4)(a): There is a PNM pole within ½ mile; it is pole H17C874, and that is the pole where Verizon will be placing their permanent equipment under the other project. It is on the same property.
- §14-16-4-3(E)(12)(a)(4)(b): collocation would not cause unavoidable electromagnetic interference in this instance, so we are proceeding with collocation on the permanent project “ABQ Whittier”.
- §14-16-4-3(E)(12)(a)(4)(c): The limiting factor in this case is that the collocation process with PNM is very long. They have just ordered the pole and it is not set to be delivered until late May of 2024, which means construction won’t be able to initiate until June and Verizon wouldn’t be able to operate the antennas till July at earliest. So to cover residents during that minimum seven-month period, we’re requesting this temporary project “ABQ Lovelace”, because another collocation would just push back farther than the expected completion date of the “ABQ Whittier” collocation.
- §14-16-4-3(E)(12)(a)(4)(d): The owner of pole H17C874 (PNM) is allowing us to place Verizon Wireless equipment on the tower, and they understand and have no qualms with our request to supplement it by placing a temporary rapid deployment tower facility in the vicinity of our collocation project.

Best regards,

Graham Chapman, Site Acquisition Specialist
480-664-9588 ext. 255

Pinnacle Consulting Inc.
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

January 2nd, 2024

Catalina Lehner, AICP, Senior Planner
City of Albuquerque Planning Department
600 2nd Street NW,
Albuquerque, NM 87102

RE: Verizon Wireless, Temporary Project “ABQ Lovelace COW”

Dear City of Albuquerque Planning Department:

Per form W2, your ‘Wireless Telecommunications Facilities Waivers’ document, we need to provide:

“A description of the facility's capacity [that includes] a notarized statement from the applicant which declares the number and type(s) of antenna(s) that it can accommodate, or an explanation why the facility cannot be designed to accommodate other users [and] an affidavit explaining what the engineering requirements are and the factual basis for those requirements”.

This letter should serve as the description of the facility’s capacity. This temporary structure can accommodate [6] Commscope NHH-65C-R2B antennas and mounting equipment, as well as a 2’-0” diameter microwave dish and associated cables. The facility is owned and for use solely by Verizon Wireless and no other equipment will be installed to the temporary tower. The tower has been designed and analyzed to ensure the structural capacity of the facility per the 2015 NM Commercial Building Code and TIA-222-H. The design criteria used for this analysis is provided below:

- Wind Speed (3-second gust): 115MPH
- Wind Speed (service): 60MPH
- Risk Category: II
- Exposure Category: C
- Topographic Factor: 1.0

Result of structural analysis:

- Tower Rating: 59.9% (Passing)
- Anchor Bolts: 34.6% (Passing)
- Overturning Moment: 112.7k-ft (472.2k-ft design – acceptable)
- Bearing Pressure: 1.2ksf (3.0 ultimate bearing capacity – acceptable)

Notary stamps are on the following page.

Best regards,



Graham Chapman
Site Acquisition Specialist
480-664-9588 ext. 255

ARIZONA NOTARY ACKNOWLEDGEMENT

State of Arizona)

County of Maricopa)

Subscribed and sworn (or affirmed) before me this 2nd day of January, 2024, by

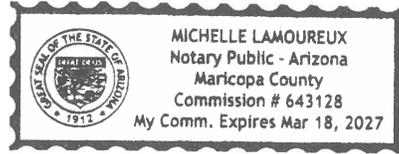
Graham Chapman (name of signer).

(seal)

Michelle Lamoureux
Notary Public Signature

Notary Public
Title or Rank

643128
Serial Number, if any



My Commission Expires: March 18, 2027

Pinnacle Consulting Inc.
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

January 4th, 2024

City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Verizon Wireless, PNM Collocation Project “ABQ Whittier”

Dear City of Albuquerque Planning Department:

Per requirement #6 of your ‘Form W2: WIRELESS TELECOMMUNICATION FACILITIES WAIVERS’ application form, applicants for a waiver for a WTF siting requirement shall submit the following item as part of the waiver submittal a “*Letter of intent stating the applicant will agree to shared use of proposed WTF if reasonable conditions are met*”.

This document should serve as this letter. After the new PNM pole for the permanent collocation project “ABQ Whittier” is installed, PNM will gladly allow shared use of the tower and has designed their tower to accommodate the installation of up to 2 separate wireless communication facilities (one each for each separate carrier). They confirm that they will allow a future second carrier onto the tower given the condition that the second user/carrier agrees to meet the reasonable terms and conditions of this shared use, and on the following page, you will find the Letter of Intent for that permanent project

However, the rapid deployment tower facility is owned and for use solely by Verizon Wireless and no other equipment can or will be installed to the temporary tower. It is not the nature of temporary facilities (COWs, RDTs, etc) to share antennas or equipment with more than one carrier; they are deployed by individual carriers as needed to meet their goals.

Best regards,

Graham Chapman, Site Acquisition Specialist
480-664-9588 ext. 255

Pinnacle Consulting Inc.
1426 North Marvin Street, Suite 101
Gilbert, AZ 85233

September 19th, 2023

City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

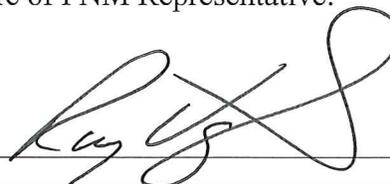
RE: Verizon Wireless, PNM Collocation Project "ABQ Whittier"

Dear City of Albuquerque Planning Department:

Per requirement #3 of your 'Collocation for Wireless Telecommunication Facility (WTF) Application' form, applicants for a collocation for a WTF shall submit the following item as part of the zoning submittal, "*A letter of intent committing the wireless telecommunications facility owner and his/her/its successors to allowing shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions of shared use*".

While Verizon will have its own separate ground compound for their equipment, the structure itself will be owned by PNM and thus PNM will have the ability to allow shared use of the tower. As such, PNM has designed their towers to accommodate the installation of up to 2 separate wireless communication facilities (one each for each separate carrier), and confirm that they will allow a future second carrier onto the tower given the condition that the second user/carrier agrees to meet the reasonable terms and conditions of this shared use.

Signature of PNM Representative:

By:  _____

Name (printed): RAY VIGIL _____

Title: MANAGER, JOINT USE & DISTRIBUTION STANDARDS

Date: 10/10/2023 _____

Best regards,

Graham Chapman, Site Acquisition Specialist
480-664-9588 ext. 255

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 0.19 Miles

Ground Length: 0.19

Heading: 169.51 degrees

Mouse Navigation

Save Clear



Nearest Existing Free-Standing Tower:

- 50' tall ATC Tower "Lovelace"
- 998 feet (0.19 mi) south of proposed temporary facility
- Being removed due to Albuquerque Development
- Current Location of VZW Equipment

TEMPORARY WTF APPROVAL LETTER

CITY OF ALBUQUERQUE

CODE ENFORCEMENT

Plaza Del Sol Building, Suite 500
600 2nd Street NW
Albuquerque, NM 87102
Tel: (505) 924-3850 Fax: (505) 924-3847



February 2, 2024

RE: Temporary Wireless Telecommunication Facility
Address: 840 San Mateo Blvd SE, Albuquerque, NM 87108
UPC: 101805601134220901

To: Graham Chapman, Agent for Verizon Wireless Project

We have received your request for approval to deploy a temporary Wireless Telecommunication Facility (WTF) at 840 San Mateo Blvd SE. This request is to prevent insufficient cellular service capacity and deficiency of emergency communications (911 service) with first responders in the area during the relocation of the new permanent WTF. Copies provided by you of the official request and plans for the temporary installation are attached for reference.

Due to the extenuating circumstances described and the need to maintain dependable cellular and emergency cellular service, the City of Albuquerque Planning Department is approving this request. Pinnacle Consulting and Verizon Wireless shall proceed with submittal of the required building permit and, once approved, deploy the temporary WTF. When applying for the building permit, please upload this letter with the construction documents.

This approval is temporary, and is contingent on the following measures/steps to be followed:

1. You must continue with the procedure to seek the appropriate waiver required by the Environmental Planning Commission (EPC) for insufficient setback from the right-of-way.
2. All other City ordinances/regulations must be adhered to in the process of deployment of the unit.
3. This approval is only allowed for 180 days unless a request for an extension is submitted and approved by the City of Albuquerque. The request for an extension shall occur no sooner than 60 days and no later than 30 days prior to expiration of this approval.
4. Keep the location clean and address any issues that may arise within 48 hours.

Failure to abide by these contingencies will void this temporary approval for deployment. Please acknowledge your willingness to accept these terms of approval. Thank you.

If you have any questions regarding this matter, please feel free to contact Jeff Palmer at jppalmer@cabq.gov

Sincerely:


Angelo Metzgar
Code Compliance Manager

STAFF INFORMATION

February 22, 2024

TO: Graham Chapman & Michelle Lamoureux, Pinnacle Consulting

FROM: Megan Jones, Principal Planner

City of Albuquerque Planning Department

TEL: (505) 924-3352

RE: PR-2022-007935/SI-2023-00650- VZW Landscape Waiver 5

I've completed a first review of the proposed Waiver-EPC and am available to answer any questions about the process and requirements. Please provide the following:

⇒ A response to the review and decision criteria for the waiver, and

⇒ An exhibit to show the requested waiver by **1 PM on Thursday, February 29, 2024.**

Does this deadline work? If you need more time, please let me know.

1. Introduction & Requirements:

- A. If any additional items arise as the case develops, I will inform you as soon as I can.
- B. Because the COW meets the definition of a free-standing WTF (please see definition), it is subject to the setback requirements in 14-16-4-3(E)(12)(e)(1)(a, b, and c).
- C. The legal description for the subject site is: all or a portion of Lots 11 & 12 Block 5 Esperanza addition, excluding the westerly portion out to ROW, located at 840 SAN MATEO BLVD SE, Albuquerque, NM 87108, approximately 0.3 acre.
- D. Please tell me about the proposed waiver to reduce the setback to be 30-9" from the ROW instead of the required 50' pursuant to 14-16-4-3(E)(12)e.1.b.

Pursuant to the project letter: "due to the smaller size of the parcel, it would be impossible* for us to meet the setback requirements of both §14-16-4-3(E)(12)(e)(1)(a) and §14-16-4-3(E)(12)(e)(1)(b), being setback at least 100' from a residentially-zoned property and being setback at least 50' from a ROW line, respectively.

- i. So, are you requesting a waiver to both requirements or opting to place the COW closer to San Mateo to meet criteria a? Can you demonstrate that it would be possible to meet criteria a?
 - ii. Setback requirements could be met using another site, and therefore, would not be impossible to meet in this area.
- E. Please tell me about why you were apparently unable to secure another site, which would have removed the need for the waiver and expedited the process.

2. Environmental Planning Commission (EPC) Process:

- A. The EPC is the City's Planning Commission. Information is available here:

<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

- B. The EPC the calendar can be found at:

<https://documents.cabq.gov/planning/environmental-planning-commission/EPC-External%20Calendar%202023.pdf>

The EPC public hearing for March 21, 2024. Final staff reports will be available one week prior, on March 14th.

- C. Agency comments will be distributed around March 6th. I will email the comments and forward any late ones to you.

3. Notification: INCOMPLETE

- A. Notification is required for a waiver-WTF. Please refer to IDO Table 6-1-1 (p. 389 of the document). Emailed notification (on prescribed forms) to neighborhood contacts AND written notice to property owners (also on prescribed forms) is required. An online summary of IDO notice requirements is available here:

<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>

- B. Notice is required at least 15 days prior to the hearing, so the latest you could complete notification is March 6th for the March 21st hearing date.
- C. Please contact the Office of Neighborhood Coordination (ONC) to obtain the letter of neighborhood organization contact information (if there are any). The public notice inquiry form is available here: <https://www.cabq.gov/office-of-neighborhood-coordination/resources>

Note that, for applications related to a WTF, the distance is any NA within 1,320 feet of the subject property pursuant to 14-16-6-4(K)(3)(b) (p. 407 of the IDO document).

- D. For property owner notification, 14-16-6-4(K)(3)(c) specifies a distance of (partially or within) 100 feet of the subject site. To obtain a buffer map, please email plnbuffermaps@cabq.gov They will provide the map and mailing labels.
- E. First-class mail is acceptable. For proof of notification, please take a picture of the addressed, stamped envelopes before mailing them. Please don't put more than 9 or so envelopes in one picture; crowding them in reduces resolution and we can't read them on this end.
- F. A yellow sign is required to be posted on the subject site. The signs are available at the Development Services Counter, Ground Floor. The sign shall be posted for 15 days prior to and after the Hearing date.

4. Regulations- WTF Waiver:

- A. Regulations regarding Waiver- WTF are found in IDO 14-16-6-6(Q) (p. 503 of the document).
- B. Please provide a response (justification letter) to 14-16-6-6(Q)(3), the applicable Review and Decision criteria. An effective way to do this is to state the criterion, then respond to each.
- C. The EPC has review authority over the waiver. *The application for the proposed wireless facility is not a part of the EPC process, since wireless review in Albuquerque is all done administratively (no public hearing).*
- D. Most of the items included (ex. the site plan) are informational for this process. Instead of the site plan, I suggest creating an exhibit (specifically for the EPC process) to show the waiver.
- E. Setbacks for WTFs are measured from the edge of the proposed WTF to the ROW, not the back of curb (see definition of WTF). This measurement needs to be redone.

5. Justification/project letter

The justification letter (dated December 20, 2023) needs to be completely re-done and updated:

- A. Please provide some context. The EPC is likely to ask why the same site of the former tower was not used for the COW. Doing so would have met the setback requirements, thus eliminating the waiver application.
- B. The wrong criteria were used- Waiver-WTF criteria are in 14-16-6-6(Q) not 6-6(O).
- C. Each criterion must be copied verbatim, followed by a response. These should be separated out.
- D. We do not use the term Rapid Deployment Tower (RDT). This is a temporary COW- or Cell on Wheels. A COW is a “cell on wheels”- a temporary WTF that is free-standing and transported to the site typically on a truck. Ground equipment and a fence is included.

NOTIFICATION

Fw: 840 SAN MATEO BLVD SE_Public Notice Inquiry Sheet Submission

Graham Chapman <graham.chapman@pinnacleco.net>

Thu 2/29/2024 1:59 PM

To: info@willsonstudio.com <info@willsonstudio.com>; mandy@theremedaydayspa.com <mandy@theremedaydayspa.com>; phnacommunications@gmail.com <phnacommunications@gmail.com>; peterkalitsis@gmail.com <peterkalitsis@gmail.com>; zabdiel505@gmail.com <zabdiel505@gmail.com>; khadijahasili@vizionz.org <khadijahasili@vizionz.org>

1 attachments (3 MB)

Emailed Notification to Neighborhood Association Contacts, Updated_02.29.2024.pdf;

Hello,

This is Graham Chapman with Pinnacle Consulting. I am contacting you because Verizon is proposing a waiver for the City of Albuquerque's wireless telecommunication facility setback regulation dictated in IDO §14-16-4-3(E)(12)(e)(1)(b) in order to place a temporary wireless facility in the parking lot of Acapulco Tacos & Burritos to provide cellular service, and we would like to be 30'-9" away from the ROW line instead of 50'. Per the City of Albuquerque's Office of Neighborhood Coordination (ONC), I am required to reach out as you may be situated within ¼ of a mile from the proposed site.

Attached is a document with all relevant information and meeting link information for the Zoom hearing on March 21st. If you have any questions, please feel free to reach out to me at the contact information listed below.

Thank you,

Graham Chapman
Site Acquisition Specialist II
1426 N Marvin St, Suite 101
Gilbert, AZ 85233
M: (650) 815-5267
O: (480) 664-9588 ext. 255
F: (480) 664-9850
E: graham.chapman@pinnacleco.net



From: Office of Neighborhood Coordination <onc@cabq.gov>
Sent: Monday, February 26, 2024 3:39 PM
To: Graham Chapman <graham.chapman@pinnacleco.net>
Subject: 840 SAN MATEO BLVD SE_Public Notice Inquiry Sheet Submission

PLEASE NOTE:
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	Association Email	First Name	Last Name	Email	Address
District 6 Coalition of Neighborhood Associations		Patricia	Willson	info@willsonstudio.com	505 Dr Drive S
District 6 Coalition of Neighborhood Associations		Mandy	Warr	mandy@theremedaydayspa.com	113 Ve SE
Parkland Hills NA	phnacommunications@gmail.com	Janet	Simon	phnacommunications@gmail.com	725 Ve Place
Parkland Hills NA	phnacommunications@gmail.com	Peter	Kalitsis	peterkalitsis@gmail.com	921 P SE
South San Pedro NA		Zabdiel	Aldaz	zabdiel505@gmail.com	735 Al
South San Pedro NA		Khadijah	Bottom	khadijahasili@vizionz.org	1200 M

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application.
<https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here:
https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here:
<https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



Suzie Flores

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque

(505) 768-3334 Office

E-mail: suzannaflores@cabq.gov

Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>

Sent: Monday, February 26, 2024 3:14 PM

To: Office of Neighborhood Coordination <graham.chapman@pinnacleco.net>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Graham Chapman

Telephone Number

4806649588 ext. 255

Email Address

graham.chapman@pinnacleco.net

Company Name

Pinnacle Consulting Inc.

Company Address

1426 North Marvin Street, Suite 101

City

Gilbert

State

AZ

ZIP

85233

Legal description of the subject site for this project:

Physical address of subject site:

1426 North Marvin Street

Subject site cross streets:

Suite 101

Other subject site identifiers:

Acapulco Tacos & Burritos

This site is located on the following zone atlas page:

L-17-Z

Captcha

x

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: March 6th, 2024

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: District 6 Coalition of Neighborhood Associations, Parkland Hills NA, South San Pedro NA

Name of NA Representative*: Patricia Wilson, Many Warr, Janet Simon, Peter Kalitsis, Zabdiel Aldaz, Khadijah Bottom

Email Address* or Mailing Address* of NA Representative¹: info@willsonstudio.com, mandy@theremedaydayspa.com, phnacommunications@gmail.com, peterkalitsis@gmail.com, zabdiel505@gmail.com, khadijahasiii@vizionz.org

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 840 San Mateo Blvd SE, Albuquerque, NM 87108
Location Description Acapulco Tacos & Burritos Parking Lot
2. Property Owner* Lance & Cynthia Darnell
3. Agent/Applicant* *[if applicable]* Graham Chapman, on behalf of Verizon Wireless
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*
 - Zoning Map Amendment
 - Other: EPC Hearing for WTF Waiver

Summary of project/request²*:

Placement of a temporary wireless telecommunication facility (WTF) in the parking of Acapulco Tacos & Burritos to provide increased interim cellular reception while a PNM utility pole is being placed to house a permanent wireless telecommunication facility on said pole

5. This application will be decided at a public hearing by*:
 - Environmental Planning Commission (EPC) City Council

This application will be first reviewed and recommended by:

 - Environmental Planning Commission (EPC) Landmarks Commission (LC)
 - Not applicable (Zoning Map Amendment – EPC only)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: Thursday, March 21st, 2024

Location*³: via zoom: <https://cabq.zoom.us/j/2269592859> or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

- 6. Where more information about the project can be found*⁴:
<https://www.cabq.gov/planning/board-commissions/environmental-planning-commission>

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

- 1. Zone Atlas Page(s)*⁵ L-17-Z
- 2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
- 3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*:

We want to place a temporary wireless facility on the property to support cellular reception while a permanent facility is being built on a PNM pole. However, the temporary facility can't meet the full setback requirement of IDO Section 14-16-4-3-(E)(12)(e)(1)(b), and we are asking to be 30'-9" away from the ROW line instead of 50'

- 4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

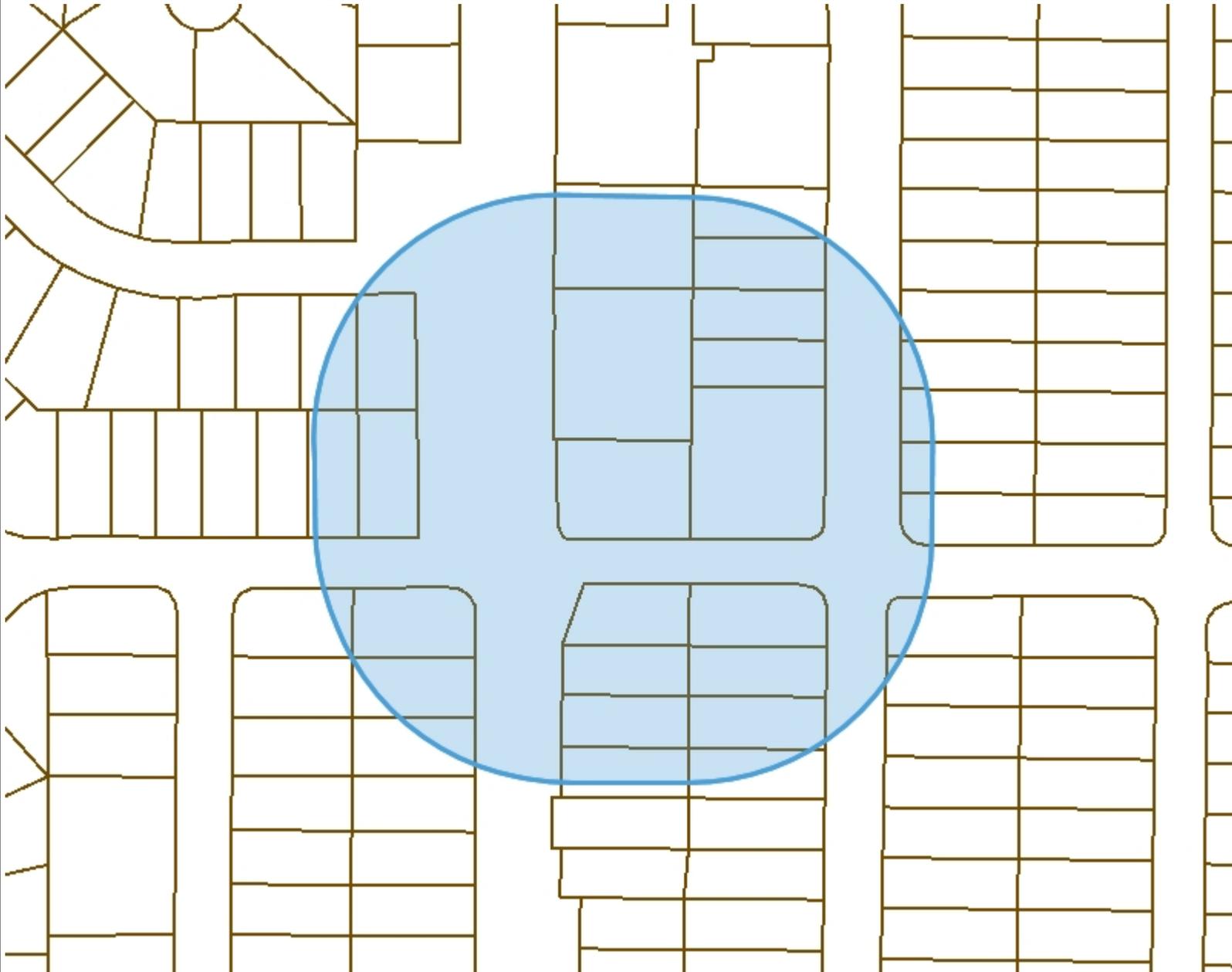


840 San Mateo Blvd SE



Legend

 Bernalillo County Parcels



Notes

Buffer: 240 Ft.
ROW: San Mateso Blvd SE; 140 Ft.

291 0 146 291 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
11/15/2023 © City of Albuquerque

1: 1,748

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

[Note: Items with an asterisk (*) are required.]

Additional Information [Optional]:

From the IDO Zoning Map⁶:

- 1. Area of Property [typically in acres] 0.2996 acres
 - 2. IDO Zone District MX-L (Mixed-Use - Low Intensity Zone District)
 - 3. Overlay Zone(s) [if applicable] N/A
 - 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] restaurant
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

DARNELL LANCE & CYNTHIA
PO BOX 643
TIJERAS NM 87059

JUSTICE JOE H II
832 ORTIZ DR SE
ALBUQUERQUE NM 87108

BALDWIN MARY A
905 ORTIZ DR SE
ALBUQUERQUE NM 87108

PACHECO ROSANNA
915 AVENIDA CIELITO NE
ALBUQUERQUE NM 87110-6156

ONEILL LOUISA E
1007 SAN MATEO BLVD SE
ALBUQUERQUE NM 87108-3609

PIERCE ELDON W ETUX
7901 HENDRIX RD NE
ALBUQUERQUE NM 87110-1523

HUYNH SON TRUONG
624 KENTUCKY ST SE
ALBUQUERQUE NM 87108-3837

SANCHEZ JESUS M
53 SCOTT RD
EDGEWOOD NM 87015

DBM RESTORATION MINISTRIES
PO BOX 23336
ALBUQUERQUE NM 87112

VANHOOSE MILDRED W
1004 TRUMAN ST SE
ALBUQUERQUE NM 87108-3549

ARROYO M JOYCE TRUSTEE
MARCIMILIANO & DINAH BACA FAMILY
TRUST
89 RANCHO PEQUENOS WAY NW
ALBUQUERQUE NM 87107-6723

SALAZAR JOSE ORLANDO
902 ORTIZ DR SE
ALBUQUERQUE NM 87108-3641

ANDERSON PETR
906 ORTIZ DR SE
ALBUQUERQUE NM 87108-3641

B3 DEVELOPMENT LLC & HORTON ALEX
111 WYOMING BLVD NE
ALBUQUERQUE NM 87123-2531

BOWLING SYLVIA D
909 ORTIZ DR SE
ALBUQUERQUE NM 87108-3639

MARTINEZ ALMA R
1555 FOX HILL PL SW
ALBUQUERQUE NM 87121-8328

MAY GAIL AMBER
836 ORTIZ DR SE APT 3
ALBUQUERQUE NM 87108-3694

ORTEGA VICTOR M & EDENEIRA
4727 SOLICITO WAY
SANTA FE NM 87507-2788

TENORIO DANIEL L
10508 KAREN AVE NE
ALBUQUERQUE NM 87111-3810

B3 DEVELOPMENT LLC & HORTON ALEX
111 WYOMING BLVD NE
ALBUQUERQUE NM 87123-2531

B3 DEVELOPMENT LLC & HORTON ALEX
111 WYOMING BLVD NE
ALBUQUERQUE NM 87123-2531

HERNANDEZ PAULA
1000 TRUMAN ST SE
ALBUQUERQUE NM 87108-3549

DBM RESTORATION MINISTRIES
PO BOX 23336
ALBUQUERQUE NM 87112

B3 DEVELOPMENT LLC & HORTON ALEX
111 WYOMING BLVD NE
ALBUQUERQUE NM 87123-2531

GALLEGOS CHRIS MARTIN
913 ORTIZ DR SE
ALBUQUERQUE NM 87108-3639

DBM RESTORATION MINISTRIES
PO BOX 23336
ALBUQUERQUE NM 87112

WHITE JUSTIN SAM
1011 QUINCY ST SE
ALBUQUERQUE NM 87108-3511

DBM RESTORATION MINISTRIES
PO BOX 23336
ALBUQUERQUE NM 87112

ARGUETA REINA ESTHER HERNANDEZ &
NERY PELICO
5414 SOUTHERN AVE SE
ALBUQUERQUE NM 87108-3619

LOPEZ SCOTT
12836 LOMAS BLVD NE SUITE B
ALBUQUERQUE NM 87112-6210

CS MAXUM LLC
3208 MAXUM LN NW
ALBUQUERQUE NM 87104-1800

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

PINNACLE
CONSULTING, INC
1426 NORTH MARVIN STREET
SUITE#101
GILBERT, AZ 85233

BALDWIN MARY A
905 ORTIZ DR SE
ALBUQUERQUE NM 87108

02 1P
\$000.64
POSTAGE & FEE PAID
GILBERT, AZ 85233
MAILED FROM ZIP CODE 85233

PINNACLE
CONSULTING, INC
1426 NORTH MARVIN STREET
SUITE#101
GILBERT, AZ 85233

VICUNA ARIAS DAVID & RODRIGUEZ
NOEMI L
1807 SAN MATEO BLVD SE
ALBUQUERQUE NM 87108-3609

02 1P
\$000.64
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PINNACLE
CONSULTING, INC
1426 NORTH MARVIN STREET
SUITE#101
GILBERT, AZ 85233

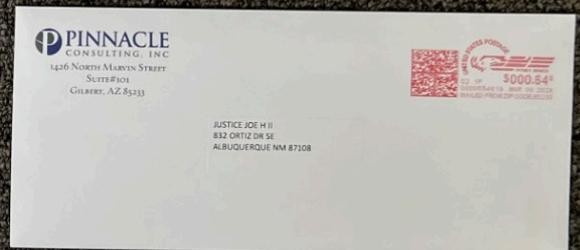
DARNELL LANCE & CYNTHIA
PO BOX 643
TUCUENAS NM 87059

02 1P
\$000.64
POSTAGE & FEE PAID
GILBERT, AZ 85233
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CONSULTING, INC
1426 NORTH MARVIN STREET
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3208 MAXUM LN NW
ALBUQUERQUE NM 87104-1800

02 1P
\$000.64
POSTAGE & FEE PAID
GILBERT, AZ 85233
MAILED FROM ZIP CODE 85233





[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: 3/06/2024

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: Mary A. Baldwin

Mailing Address*: 905 Ortiz Dr SE, Albuquerque, NM 87108

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 840 San Mateo Blvd SE, Albuquerque, NM 87108
Location Description Acapulco Tacos & Burritos parking lot, NE corner of parking lot
2. Property Owner* Lance & Cynthia Darnell
3. Agent/Applicant* *[if applicable]* Graham Chapman of Pinnacle Consulting, on behalf of Verizon Wireless
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*

Zoning Map Amendment

Other: _____

Summary of project/request^{1*}:

Request to waive 19'-3" of the 50' required setback from the edge of a Wireless Telecommunication Facility (WTF)

to the ROW line per IDO section 14-16-4-3(E)(12)(e)(1)(b) in order to provide improved cellular service.

5. This application will be decided at a public hearing by*:

Environmental Planning Commission (EPC)

City Council

This application will be first reviewed and recommended by:

Environmental Planning Commission (EPC)

Landmarks Commission (LC)

Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: Thursday, March 21st, 2024 at 8:30am

Location*²: via Zoom: <https://cabq.zoom.us/j/2269592859>
(or call +1(301) 715-8592 and enter the Meeting ID 226 959 2859)

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] 0.2996 acres
 2. IDO Zone District MX-L (Mixed-Use - Low Intensity Zone District)
 3. Overlay Zone(s) [if applicable] N/A
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] Restaurant, Acapulco Tacos & Burritos
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinurl.com/idozoningmap>



March 6th, 2024

RE: Environmental Planning Commission (EPC) Public Hearing for a waiver of the 50'-to-ROW setback requirement for a proposed temporary wireless telecommunication facility (project ABQ Lovelace COW)

Address of Proposed Facility: 840 San Mateo Blvd SE, Albuquerque, NM 87108
Near the cross streets of: San Mateo Blvd SE and Southern Ave SE
Coordinates of Proposed Facility: Latitude 35.067698°, Longitude -106.586035°
Property Owner: Lance & Cynthia Darnell

Dear Neighbor,

You may have received a mailing recently regarding an EPC hearing on March 21st, 2024 to discuss a request to place a temporary wireless telecommunications facility (cell site) in the parking lot of Acapulco Tacos & Burritos; this request is subject to a separate, administrative process.

To complete the notification in-full, we are also attaching a form from the City of Albuquerque labelled "*Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner*". The form is on the following page, and the public hearing information is still listed below.

<p>Date: Thursday, March 21st, 2024 Time: 8:40am Location: Virtual meeting over Zoom Link: https://cabq.zoom.us/j/2269592859 or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859</p>

If you have questions concerning this matter or would like a direct link, please contact Graham Chapman, Site Acquisition Specialist at graham.chapman@pinnacleco.net or 480-664-9588 ext. 255.

Sincerely,

Graham Chapman
Applicant (Site Acquisition Specialist at Pinnacle Consulting, Inc.)
1426 N Marvin St, Suite 101 Gilbert, AZ 85233
Office: (480) 664-9588 ext. 255
Fax: (480) 664-9850
Email: graham.chapman@pinnacleco.net

PREPARED FOR



655 N. MOBILE ST., CHANDLER, AZ 85225
PHONE: (480) 777-2300
FAX: (480) 777-2391

CONSU



Site Acquisition | Engineering | Construction

PROJECT NO. ABQ LOVELACE COW
DRAWN BY: M.G.
CHECKED BY: M.P.

REV

A



ABQ LOVELACE COW

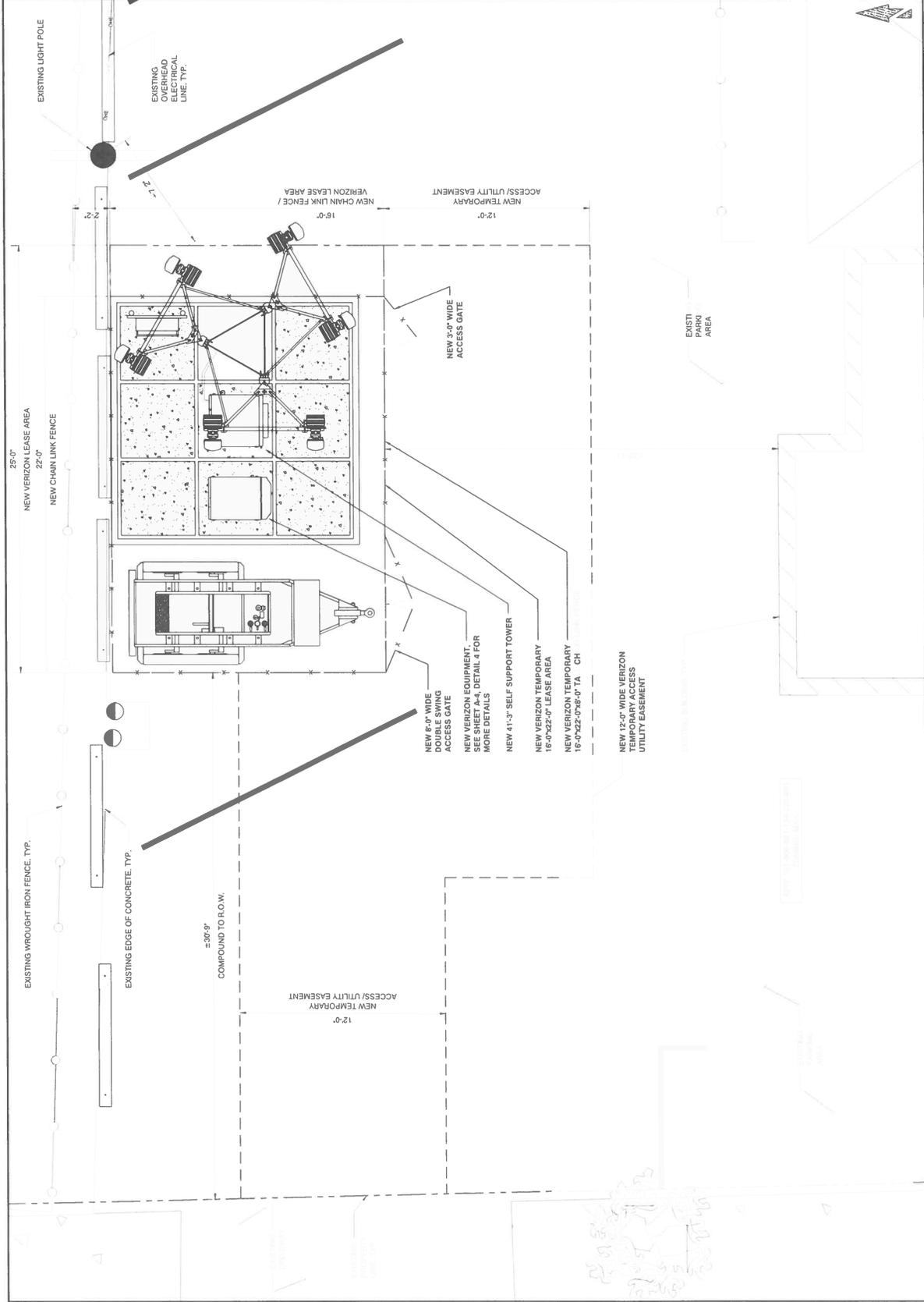
840 SAN MATEO BLVD SE
ALBUQUERQUE, NM 87108
BERNALILLO COUNTY

SHEET TITLE

NEW SITE PLAN

SHEET NUMBER

A-3



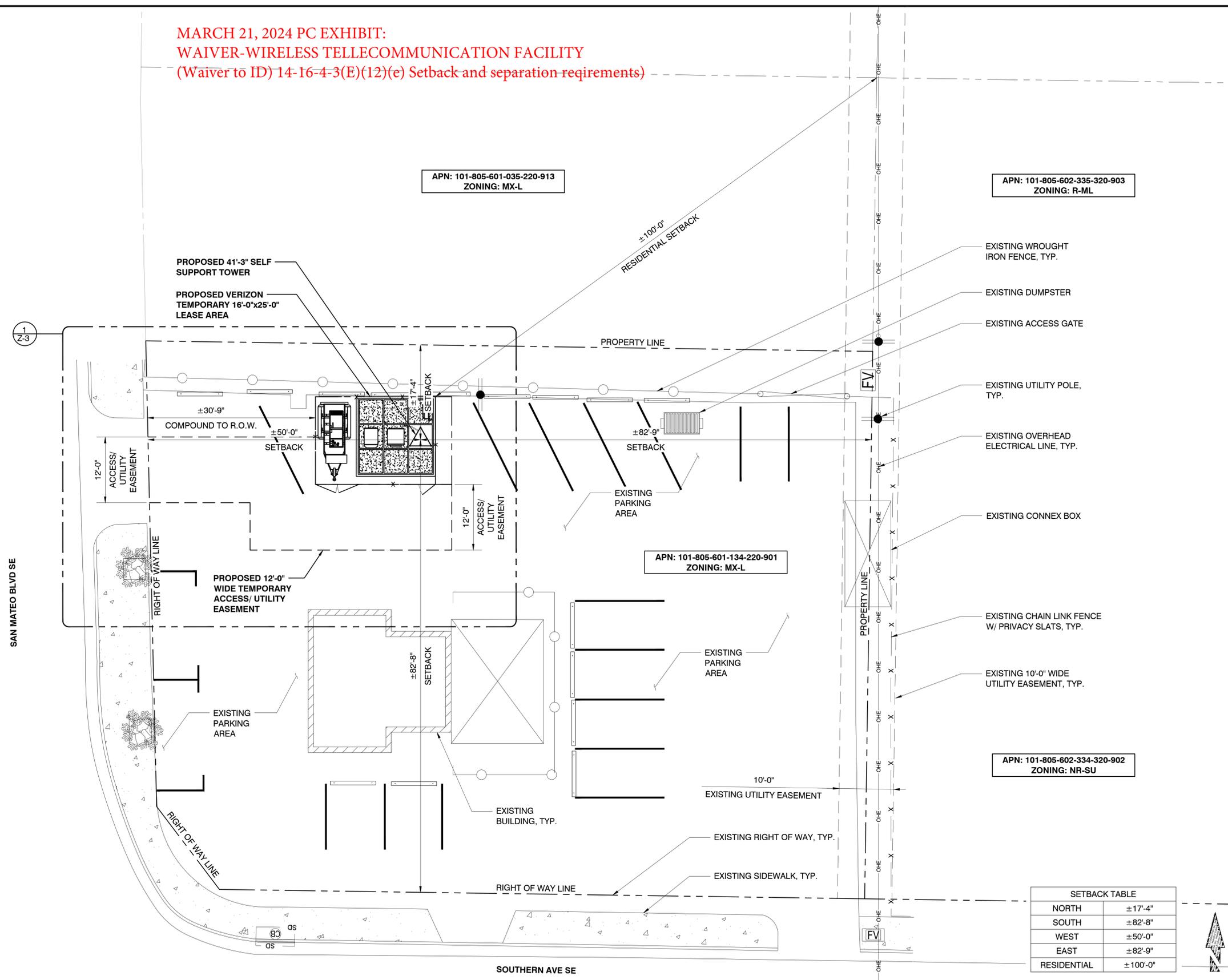
1
ANN SCALE 3/8" = 1'-0"
1 1/4" SCALE 3/16" = 1'-0"

NEW SITE PLAN



WAIVER-WTF EXHIBIT

**MARCH 21, 2024 PC EXHIBIT:
 WAIVER-WIRELESS TELECOMMUNICATION FACILITY
 (Waiver to ID) 14-16-4-3(E)(12)(e) Setback and separation requirements)**



APN: 101-805-601-035-220-913
 ZONING: MX-L

APN: 101-805-602-335-320-903
 ZONING: R-ML

APN: 101-805-601-134-220-901
 ZONING: MX-L

APN: 101-805-602-334-320-902
 ZONING: NR-SU

SETBACK TABLE	
NORTH	±17'-4"
SOUTH	±82'-8"
WEST	±50'-0"
EAST	±82'-9"
RESIDENTIAL	±100'-0"

PREPARED FOR:

6955 W. MORELOS PL., CHANDLER, AZ 85226
 PHONE: (480) 777-4360
 FAX: (480) 777-4391

CONSULTING FIRM

Site Acquisition | Engineering | Construction

1426 N. MARVIN STREET # 101
 GILBERT, AZ 85233

PROJECT NO: ABQ LOVELACE COW
 DRAWN BY: M.G.
 CHECKED BY: KF

REV	DATE	DESCRIPTION	BY
0	11/13/23	FINAL ZONING	M.G.
1	12/08/23	CITY COMMENTS	M.G.
2	12/21/23	CITY COMMENTS	M.G.

ABQ LOVELACE COW

840 SAN MATEO BLVD SE
 ALBUQUERQUE, NM 87108
 BERNALILLO COUNTY

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
Z-1