

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



OFFICIAL NOTICE OF DECISION

August 21, 2025

JAG Planning & Zoning, LLC
C/O Juanita Garcia
PO Box 7857
Albuquerque, NM 87194

Plan # [WTF-2025-00004](#)
Wireless Telecommunications Facility Waiver

LEGAL DESCRIPTION:

JAG Planning and Zoning, LLC, agent for Gravity Pad Towers, LLC requests a Wireless Telecommunication Facility Waiver to allow a Freestanding Wireless Telecommunication Facility in the Unser View Corridor for all or a portion of Lot 2, Block 11 Volcano Cliffs Subdivision, Unit 16, located at 99999 Hielo Rd NW, between Margarita Dr NW and Unser Blvd NW, approximately 0.3 acres.

(C-10)

Staff Planners: Megan Jones & Daniel Soriano

On August 21, 2025, the Environmental Planning Commission (EPC) voted to DENY Plan# WTF-2025-00004, a Wireless Telecommunications Facility Waiver based on the following Findings:

FINDINGS – WTF-2025-00004, Wireless Telecommunications Facility Waiver

1. This is a request for a Waiver – Wireless Telecommunications Facility (WTF) for a property legally described as all or a portion of Lot 2, Block 11, Volcano Cliffs Subdivision, Unit 16, an approximately 0.3-acre site, located on Hielo Rd. NW (unaddressed), between Margarita Dr. NW and Unser Blvd. NW (the “subject site”). The subject site, which the applicant owns, is zoned MX-L (Mixed-Use Low Intensity Zone District) and contains an existing light vehicle fueling station.
2. The request would allow an exception to the WTF Use-specific standards, specifically regarding Locations near View Corridors [IDO §14-16-4-3(E)(13)(k)], which would only allow collocations, public utility collocations and architecturally integrated WTFs when a proposed site is within 660-feet from the Centerline of Unser Blvd. The subject site is approximately 511-feet from the center line of Unser Blvd. NW, and would require the waiver to allow a freestanding WTF at the proposed location, within the established View Corridor. The application was submitted on September 23, 2020 and is being reviewed using the May 2018 version of the Integrated Development Ordinance (IDO).

OFFICIAL NOTICE OF DECISION

Project # WTF-2025-00004

August 21, 2025

Page 2 of 8

3. The purpose of the View Corridor regulation surrounding new WTFs is to protect the culturally and naturally significant views of the Northwest Mesa Escarpment landscape by restricting the development of single user WTFs, preferring collocations onto existing towers and structures.
4. The waiver request would facilitate a future, freestanding WTF. A freestanding WTF consists of a stand-alone support structure, antennas, and associated equipment. The structure and equipment is proposed to be 65-feet in height, concealed by design, and enclosed by an 8-foot block wall. The subject site is undeveloped, without water infrastructure and local roads, resulting in a concurrent waiver requested to IDO WTF landscaping standards (WTF-2025-00003).
5. In the City of Albuquerque, wireless review is an administrative process. The application for the future, proposed WTF is not included with the request for a Waiver – WTF. Approval of the proposed waiver does to guarantee approval of the future application for the freestanding WTF.
6. 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.
7. The subject site is within the boundaries of the Northwest Mesa Community Planning Area (CPA). It is in an Area of Consistency, and is not within a Comp Plan designated Center or Corridor.
8. The subject site is zoned MX-L. A freestanding WTF is a permissive use in the MX-L zone district.
9. The subject site is within the boundaries of the Volcano Mesa Character Protection Overlay Zone (CPO-13), and the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2).
10. Pursuant to IDO §14-16-3-6(B), Where allowed, WTFs located in a designated VPO zone or View Corridor identified in Subsection §14-16-4-3(E)(13)(k) shall comply with the standards in that subsection, in addition to relevant Use-specific Standards in Subsection §14-16-4-3(E)(13).
11. The City’s Wireless Telecommunications Facility Regulations (the “WTF regulations”) were incorporated into the IDO as use-specific industrial standards and are found in IDO §14-16-4-3(E)(13). 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 site.
12. The request is not consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 7: Urban Design.
 - A. POLICY 7.6.3 UTILITY INFRASTRUCTURE, SUB-POLICY (b): Minimize disturbance to environmentally sensitive areas, such as Major Public Open Space and cultural landscapes, and minimize visual impact of utilities with careful siting and design.

The future application for a freestanding WTF on the subject site is required to meet the IDO regulations for color, reflectivity and concealment within VPO-2 and the View Corridor, to help ease the industrial feel and look for the tower, and blend the proposed tower with the surrounding environment. However, the 65-foot tower would forever affect the views of the Escarpment. This request to waive regulations that prevent the freestanding tower at the subject

site directly conflicts with the Comprehensive Plan to minimize disturbance to environmentally sensitive areas and minimize visual impact of utilities with careful siting and design.

13. The request is not consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 10: Parks & Open Space.

A. POLICY 10.3.5 PETROGLYPH NATIONAL MONUMENT, SUB-POLICY (a): Identify and conserve the unique environmental, visual, recreational, archaeological, and historical qualities and opportunities of the Northwest Mesa Escarpment.

The purpose of the regulations preventing freestanding WTFs within 660-feet of the Unser Blvd. View Corridor is to protect the culturally and environmentally special landscape and views of the Northwest Mesa Escarpment for those that live, work, play or travel through Albuquerque's northwest mesa. In waiving this requirement and allowing a freestanding WTF in this area, the visuals of the Escarpment will not be preserved, conserved or enhanced.

14. The request is not consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 11: Heritage Conservation.

A. GOAL 11.3 CULTURAL LANDSCAPES: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

The regulation requested to be waived does not allow a freestanding WTF to be developed on the subject site because it is within the Unser Blvd. View Corridor. This request would allow a potential freestanding WTF on the site which does not protect or enhance the important cultural landscape of the Northwest Mesa Escarpment.

B. POLICY 11.3.1 NATURAL AND CULTURAL FEATURES: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

The Northwest Mesa Escarpment is considered a naturally and culturally significant landscape that contributes to the character and identity of not only Albuquerque's westside, but has importance for communities and cultures throughout the entire city. This development will neither preserve nor enhance the character of the Escarpment, a defining feature and fundamental part of Albuquerque's western horizon. In fact, it would waive a regulation put in place to protect a significant View Corridor within the Northwest Mesa VPO-2.

C. POLICY 11.3.4 PETROGLYPH NATIONAL MONUMENT: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.

The requested waiver to allow a freestanding WTF within 660-feet of the Unser Blvd. View Corridor will remove a regulation that intends to protect the views of a priceless cultural landscape, permanently affecting the panoramic scene of the Northwest Mesa Escarpment. Other regulations that stipulate colors, reflect surfaces and require concealment, will help

mitigate the impact, however the tower will ultimately impede the scenic views of the Escarpment.

- D. POLICY 11.3.6 VOLCANO MESA, SUB-POLICY (c): Protect important views, vistas, and view corridors from within Volcano Mesa to the Rio Grande basin, across the city of Albuquerque, and to the Sandia Mountains.

The proposed freestanding WTF is proposed to be 65-feet in height within the Unser Blvd. View Corridor and the Volcano Mesa Character Protection Overlay Zone (CPO-13). The future WTF would be required to comply with regulations found in the VPO-2 and use specific standards for a new WTF. By allowing a freestanding WTF in the View Corridor, important views would not be protected and, if this request is approved, will result in a permanent structure that impedes the views of the escarpment for future generations.

15. The request is not consistent with the following Comprehensive Plan Goals and Policies regarding land use and development from Chapter 12: Infrastructure, Community Facilities & Services.

- A. GOAL 12.1 INFRASTRUCTURE SYSTEMS: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

The proposed freestanding WTF is a 65-foot structure that conflicts with the Comp Plan's vision for future growth as the subject site is within the Unser Blvd. View Corridor, where this type of development conflicts with the regulations meant to preserve the important views of the Northwest Mesa Escarpment. This development is not equitable as the permanent modification to the views of the culturally and environmentally important landscape will impact the public enjoyment, sense of place and cultural pride that the escarpment influences.

16. Pursuant to §14-16-6-6(Q)(3)(a) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a WTF Waiver shall be approved if it meets all of the following criteria."

- 6-6(Q)(3)(a)(1) It is in the best interest of the community as a whole.

The Comp Plan designated View Corridor restricts the types of Wireless Telecommunications Facilities that can be developed near the corridor to collocations, public utility collocations and architecturally integrated WTFs. While it is the applicant's intent to develop the proposed freestanding WTF as a collocation, the freestanding WTF would need to first be approved and built before applications to collocate additional users onto the existing tower can be submitted to zoning. The purpose of the View Corridor is to establish regulations that would protect and preserve the important views of naturally and culturally significant landscapes of the Petroglyphs and Northwest Mesa Escarpment. With Comp Plan goals and policies and IDO regulations dedicated to conserving an unobstructed panoramic view of the escarpment, this waiver request is to remove these protections and allow for the development of a future 65-foot freestanding WTF that will permanently obstruct the lateral views of the escarpment affecting the scenery for future generations.

The focus of this request is to waive standards preventing a freestanding WTF within the View Corridor. A more equitable approach to this development, when considering the best interests of the community, would be to develop the proposed WTF in a location that would not require waiver requests and allow the applicant to meet all IDO developmental requirements and WTF use-specific standards to create a mutually beneficial utility development for and within the community. The request is not in the best interest of the community as a whole.

6-6(Q)(3)(a)(2) It will expedite the approval of an antenna, tower, or tower alternative.

The request to lift restrictions preventing the proposed freestanding WTF in the View Corridor would not expedite the approval of an antenna, tower, or tower alternative. A greater time savings would be to develop the proposed WTF on a site that can accommodate the WTF and allow for all IDO requirements to be satisfied, without requiring the request for a waiver to the EPC, which does not guarantee approval from the EPC nor the subsequent administrative reviews for the tower.

6-6(Q)(3)(a)(3) It will not jeopardize public health, safety, and welfare.

This is a request to waive View Corridor regulations which prevent a freestanding WTF from being developed at the subject site. The intent of the View Corridor is to protect, enhance and conserve natural and culturally significant landscapes, views and features that create a sense of place on Albuquerque's western horizon. Given the cultural importance of the Petroglyph National Monument and Northwest Mesa Escarpment, the requested waiver can impact the views of the landscape for future generations. Along with the cultural importance, the views contribute to a sense of place and identity, an argument can be made that permanently impacting these views can ultimately have a negative impact on the public's enjoyment and cultural pride, affecting residents' quality of life and jeopardizing public health and welfare.

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.

The City of Albuquerque's wireless regulations are meant to ensure adequate infrastructure can support the needs of a particular area in the city, while addressing the potential negative effects of WTFs and reducing the likelihood of tower proliferation. The IDO attempts to mitigate the negative effects as much as possible by having specific standards and restrictions in place to protect the environment and community. While the applicant proposes to collocate multiple users on the proposed tower in the future, the request being heard is to allow a freestanding WTF within the boundaries of the View Corridor, the approval of the tower and future collocation requests are not a part of this specific request and will be determined administratively. Future impacts to tower proliferation remain uncertain based on future factors not part of this EPC request.

- 6-6(Q)(3)(a)(5) It will better serve the stated purposes of the City's telecommunications regulations.

This request is for a waiver to IDO telecommunications regulations that prevent a freestanding WTF within the boundaries of the View Corridor on Albuquerque's westside. While the current regulations favor collocations of existing towers, the purpose of the standard is to prevent the construction of new towers in an area where environmentally and culturally significant views will be impacted by a new freestanding WTF. Staff is in agreement that a future collocation will serve the stated purposes of the City's telecommunications regulations, however, in consideration of all regulations, the location of a future WTF should be able to support the development and all IDO requirements without needing a waiver to the regulations the criterion references.

- 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.

The waiver would not affect the height of a future, proposed WTF. Pursuant to IDO §14-16-6-6(Q)(2)(b), allowed maximum height for WTF does not qualify for a waiver.

17. Pursuant to §14-16-6-6(Q)(3)(b) of the Integrated Development Ordinance, "The facts to be considered by the EPC in reaching its decision include:"

- 6-6(Q)(3)(b)(1) The height of the proposed tower.

The proposed waiver would not affect the height of the future WTF. The proposed WTF is 65-feet tall, not to exceed 75-feet once collocated. Furthermore, the subject site is within VPO-2, although it is not within the Height Restrictions Sub-area.

- 6-6(Q)(3)(b)(2) The proximity of the tower antenna to any Residential zone district or a dwelling in any other zone district.

The future freestanding WTF would be setback 50-feet from the northern property line along Hielo Rd NW. The antennas of the proposed WTF would be approximately 100-feet from the closest residential zone, R-1D, meeting the required minimum separation (100-feet) from a residential zone district.

- 6-6(Q)(3)(b)(3) The nature of uses on adjacent and nearby properties.

The subject site is in an area of Albuquerque that is mostly undeveloped. The nearest development, low density residential, is approximately a quarter mile away from the subject site. Future uses on adjacent and nearby properties would be restricted to the permissive uses in the MX-L and R-1D zone districts. For a list of permissive uses in these zones refer to [Table 4-2-1](#) in the IDO.

- 6-6(Q)(3)(b)(4) The surrounding topography.

The surrounding topography is entirely flat. There are no significant topographical features near the subject site.

- 6-6(Q)(3)(b)(5) The surrounding vegetation and foliage.

The subject site and surrounding area consists of scattered, natural, drought-tolerant shrubs, grasses and the occasional Juniper tree, including a Juniper tree at the northeast corner of the site.

- 6-6(Q)(3)(b)(6) 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 WTF regulations, concealment of freestanding WTFs is required by design and context [IDO §14-16-4-3(E)(13)(c)]. The applicant has noted that the facility will be designed in a manner that will meet the criteria for a concealed facility, however specific details were not provided as the design of the future, proposed facility is not a subject of this request. A concurrent application for a Waiver to landscaping requirements for the freestanding WTF was submitted (WTF-2025-00003). If approved, the waiver would eliminate the landscaping and street tree requirement which are in place to reduce visual obtrusiveness of ground equipment of the tower.

- 6-6(Q)(3)(b)(7) The proposed ingress and egress.

Although the Site Plan for the proposed future tower is subject to an administrative review, it notes a 20-foot wide, compact gravel access driveway, providing ingress and egress directly onto Hielo Rd NW.

- 6-6(Q)(3)(b)(8) The availability of suitable existing towers or other structures.

The applicant has provided documentation that reflects a lack of approval to install a WTF at various locations in northwest Albuquerque. The State of New Mexico rejected a proposal to install a WTF on lands to the west of the subject site. APS rejected a request to install antennas on existing light structures on the soccer stadium adjacent to Volcano Vista High School and a previous Zoning Map Amendment request to facilitate the installation of a WTF on nearby lands in the northwest was also denied. Per PNM, existing H-Frame wooden towers to the east are also not co-locatable. The nearest tower to the subject site is a PNM monopole, approximately 0.9 miles to the southeast, currently has two wireless providers collocated on the tower. The closest existing WTF is 1.38 miles north of the subject site along Universe Blvd. NW.

18. The application does not adequately meet all Waiver – WTF criteria in IDO §14-16-6-6(Q).

19. There are no affected Neighborhood Associations in the area of this request. Property owners within 100-feet of the subject site were notified as required. A facilitated meeting was not requested.

20. As of this writing, staff has received one public comment in in opposition to this request from the West Side Coalition of Neighborhood Associations (WSCONA). WSCONA believes the requested waiver is not justified, voting unanimously to oppose the request.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **September 5, 2025**. The date of the EPC's decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,

Megan Jones

for Alan Varela
Planning Director

AV/ MJ/DS

cc: Sean Milks, sean@thefsg.com
Juanita Garcia, jag@jagpandz.com
Mike Voorhees, Westside Coalition of Neighborhood Associations (WSCONA), mike@cyonic.com
Jane Baechle, Westside Coalition of Neighborhood Associations (WSCONA), jane.baechle@gmail.com
Renee Horvath, aboard111@gmail.com
John Edward, 16 Applewood Ln NW, Los Ranchos, NM, 87107
City Legal, aconon@cabq.gov
EPC file