

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

August 11, 2017

Verizon Wireless
Attn. Michael Zaimes
126 W. Gemini Dr.
Tempe, AZ 85283

Project# 1010971
17EPC-40018 Site Development Plan Waiver – Wireless
Telecommunications Facility

LEGAL DESCRIPTION:

The above action for Tract I, re-division of Tract 1-A and Tract 1-B, division of Tract 1 of the division of lands of DRG Associates subdivision, zoned C-3, located on San Mateo Blvd. NE, between Academy Rd. NE and Osuna Rd. NE, containing approximately 2.1 acres. (E-18) Staff Planner: Catalina Lehner

On August 10, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project # 1010971, 17EPC-400184, a Site Development Plan Waiver for a future Wireless Telecommunications Facility (WTF), based on the following findings and subject to the following conditions of approval:

FINDINGS:

- Albuquerque
NM 87103
www.cabq.gov
1. This request is for a waiver of the landscaping requirement for a future free-standing Wireless Telecommunications Facility (WTF) on Tract I, re-division of Tract 1-A and Tract 1-B, division of Tract 1 of the division of lands of DRG Associates subdivision, located at the SE corner of San Mateo Blvd. and Academy Rd. NE (6220 San Mateo Blvd. NE, the "subject site"). A sit-down restaurant and an office services shop currently occupy the subject site.
 2. The waiver request would facilitate development of a future, small-cell WTF on the subject site. The future WTF would be 35 feet tall and include a light fixture mounted at the 27.75 foot mark.
 3. The subject site is zoned C-3. A free-standing WTF is a permissive use in the C-3 zone [§14-16-216(A)(15)].
 4. Wireless Telecommunication (WT) regulations require that a free-standing WTF be surrounded by solid fence or wall and landscaping to screen ground equipment from public view [§14-16-3-17(F)]. No landscaping is proposed around the wall of the future equipment area.
 5. The applicant is requesting a waiver of the WT regulations' landscape requirement [Subsection (F)] for the following reasons: The future WTF would be located in the far southeastern corner of the subject site's parking lot, adjacent to the existing refuse enclosure. The future WTF would provide additional network capacity to serve customers in a high-traffic area. The site would benefit the community because a security light, affixed to the monopole, would provide light in this dark corner of the parking lot and discourage unwanted activity. The location of the future WTF, inside

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expanded refuse enclosure, is consistent with the existing site. Placing landscaping at this location would be impractical.

6. The subject site lies within the boundaries of the Far North Community Activity and is in a designated Area of Change. The Bear Canyon Arroyo Corridor Plan also applies.
7. The Comprehensive Plan, the Bear Canyon Arroyo Corridor Plan, and the City of Albuquerque Zoning Code and the Federal Telecommunications Act are incorporated herein by reference and made part of the record for all purposes.
8. The request furthers the following, applicable Land Use policy in the Comprehensive Plan:

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

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

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

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

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

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

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

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

- A. The waiver is in the best interest of the community as a whole because it would allow the future WTF, made possible by the waiver, to provide increased capacity and improved wireless service.

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for the community while maintaining the intent of the Zoning Code regarding health, safety and welfare.

- B. Though the waiver is a separate application, it would help facilitate deployment the future WTF which is being held pending a decision regarding the waiver request.
 - C. The waiver would not create a situation that would jeopardize public health, safety and welfare because all WTFs are required to meet Federal Communication Commission (FCC) health and safety standards as indicated by a standard note on each WTF site plan.
 - D. The waiver would make the future WTF possible. The WTF is a 35 foot tall small-cell site, and would not have the large (and sometimes adverse) visual impacts of a new tower (a macro cell site). Macro sites are 30 to 40 feet taller than the future WTF.
 - E. The waiver will serve the purpose of the Wireless Regulations (e), which is to facilitate wireless deployment in the least visually obtrusive manner. The intent of the landscaping requirement is to screen ground equipment from public view, thereby lessening the adverse impacts of the WTF on the visual and physical environment. In this case, the future WTF would be located in the back of a parking lot that is not readily viewed by the public. The subject site, developed in the 1970s, has a lot of landscaping- including a contiguous hedge, street trees, and four grassy areas. The mature trees on the adjacent property will be right next to the expanded refuse enclosure and will also help screen it.
11. In reviewing the waiver, the EPC has considered the following items as required by §14-16-17(G)(2):
- A. The height of the proposed tower [(G)(2)(a)]: The height of the proposed tower [(G)(2)(a)]: The future WTF, at 35 feet, is a common height for a small cell site. This is 30-40 feet lower than the maximum height allowed for a free-standing WTF, which will help it blend in better with the area, which is characterized by a variety of commercial uses.
 - B. The proximity of the tower antenna to residential structures and residential district boundaries [(G)(2)(b)]: The future WTF, on a C-3 zoned site, would be setback 100 feet from the residential zone to the south (SU-1 for R-3 uses). A minimum setback of 100 feet, as measured from the wall surrounding the tower, is required.
 - C. The nature of uses on adjacent and nearby properties [(G)(2)(c)]: The properties to the east, south, west, and north are zoned C-3 and contain a variety of commercial uses. The property little further south is zoned SU-1 for R-3 Uses and contains an apartment complex. The future WTF would comply with the 100 foot setback requirement (see B, above).
 - D. The surrounding topography [(G)(2)(d)]: The area is developed and topography is not noticeable so therefore it is not a significant factor in siting.
 - E. The surrounding vegetation and foliage [(G)(2)(e)]: The subject site, which was developed in the 1970s, is landscaped with hedges, street trees, parking lot trees, and three grassy areas. The property adjacent east of the subject site has three parking lot landscape islands, with mature

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trees, that are adjacent to and near the area of the future WTF that will help screen it.

- F. The design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating any visual obtrusiveness [(G)(2)(f)]: The future WTF would be located in an expanded refuse enclosure area, at the far southeastern corner of a parking lot that is adjacent to other, back parking lots. A light fixture, attached to the future WTF, will help make the WTF appear to also be a light pole. Design factors will be discussed further with the application for the future WTF.
- G. The proposed ingress and egress [(G)(2)(g)]: Ingress and egress would remain unchanged and be from San Mateo Blvd. NE and Academy Rd. NE.
- H. The availability of suitable existing towers or other structures [(G)(2)(h)]: small cell sites typically do not collocate with other towers, though they can be sited on buildings or other light poles. An affidavit addressing other structures in the area is required, pursuant to §14-16-3-17(C)(2), with the application for the future WTF.
- I. Such other factors as may be relevant [(G)(2)(i)]: Three additional factors are relevant. First, parking lot landscape island on the subject site is sparsely covered and in a highly-visible location. This area would benefit from the addition of a few shrubs (xeric and colorful are preferred). Second, in the cases of other approved landscaping waivers, some minimal landscaping (shrubs) was included on another part of the site instead of around the equipment enclosure area. Third, both waiver applications were from the same carrier as the current request.
12. The WT regulations state that the EPC may waive the landscaping requirement upon finding that such requirement is not useful for achieving the intent of the Zoning Code [§14-16-3-17(F)(1)]. In this case, landscaping around the equipment enclosure/lease area and refuse enclosure would be of limited utility to improving the WTF's concealment in its setting. A landscaping buffer would be out of place in this location and would possibly impact vehicular circulation. The mature trees on the adjacent property would contribute to screening the future WTF. However, the parking lot landscape island near the patio area used by the sit-down restaurant is in a highly-visible area and sparsely landscaped. The addition of shrubs in this location would benefit the subject site and meet the intent of the WT Regulations.
13. With conditions, the waiver adequately fulfills the waiver criteria of the WT regulations [Subsection (G)(1)(a-e)] as demonstrated above and meets the intent of the WT Regulations.
14. The Academy Acres North Neighborhood Association (NA) and the Del Norte NA were notified of the request. A facilitated meeting was neither recommended nor requested. As of this writing, St. has not received any written inquiries or phone calls.

CONDITIONS:

1. The EPC delegates its authority regarding this site development plan set to the Planning Department Director's designee (the "wireless Designee"). The wireless Designee is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to

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site development plan set since the EPC hearing, including how the site development plan set has been modified to meet each of the EPC conditions. Unauthorized changes to the site development plan set, including before or after the administrative decision regarding the pending WTF application, may result in forfeiture of EPC approval.

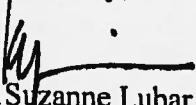
2. The applicant shall meet with the wireless designee (Staff) prior to submitting the application for the future, proposed WTF on the subject site.
3. The required side-yard setback of 5 feet shall be met.
4. The applicant shall add three shrubs in the parking lot landscape island that faces the intersection of San Mateo Blvd. and Academy Rd.
5. A landscaping plan, which includes information regarding the shrubs and irrigation, shall be provided.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **AUGUST 25, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

Sincerely,


Suzanne Lubar
Planning Director

SL/CL

cc: Verizon Wireless, Attn: Michael Zaines, 126 W. Gemini Dr., Tempe, AZ 85283
Christine Tucker, Insite, Inc., 2035 E. Gondola Lane, Gilbert, AZ 85234
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