



**Environmental
Planning
Commission**

*Agenda Number: 3
Project Number: 1004075
Case #: 08EPC 40047
September 18, 2008*

Supplemental Staff Report

Agent	Anthem Telecom LLC
Applicant	Forest City Covington NM LLC
Request	Amendment to a Level B Sector Development Plan for a Planned Community (Mesa del Sol)
Legal Description	Mesa del Sol, Tracts 1A – 16A
Location	Generally North of the Pueblo of Isleta, South of Los Picaros Rd., mostly East of I-25 and West of Kirtland Air Force Base.
Size	Approximately 3,100 acres
Existing Zoning	PC (Planned Community)
Proposed Zoning	No change

Staff Recommendation

APPROVAL of 08EPC 40047, based on the findings beginning on Page 10, and subject to the Conditions of Approval beginning on Page 12.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This request is for an amendment to the Mesa del Sol Level B Community Master Plan (the “Level B Plan”), to add wireless telecommunications facilities (WTFs). Pursuant to the Planned Communities Criteria (PCC) document, the EPC (not the City Council) is the approval body for the proposed amendment.

Deferred since June, this request was heard in August. The EPC voted for a continuance, after directing the applicant to provide additional information. The request is still partially consistent with the intent of the PCC and partially complies with the Level A Plan’s community principles.

The applicant has clarified language in the amendment and provided four different scenarios with varying numbers of free-standing WTFs and heights, but has not changed the original proposal. Staff finds that conditions are needed to ensure additional language “clean up” and to soften the visual impact of the proposed primary WTFs.

Staff has not received any comments. Staff recommends approval subject to conditions.

This report should be read in conjunction with the original August 2008 Staff report.

City Departments and other interested agencies reviewed this application from 05/05/2008 to 05/16/2008. Agency comments used in the preparation of this report begin on Page 18 of the original Staff report.

I. OVERVIEW

This request was heard at the August 21, 2008 Environmental Planning Commission (EPC) hearing. Prior to that, the applicant had requested two 30 day deferrals to continue work on outstanding issues. At the August hearing, the EPC heard testimony from the applicant and concerns expressed by Staff. Staff and the applicant met that same evening to discuss the proposed conditions of approval; the principal unresolved issue was the height of the proposed free-standing wireless telecommunications facilities (WTFs). The EPC voted for a continuance to the regular September 18, 2008 hearing and requested that the applicant provide additional information in response to remaining concerns and questions.

REQUEST & PROCESS

⇒ Please refer to p. 1-2 of the original August 21, 2008 Staff report (see attachment).

CONTEXT

⇒ Please refer to p. 2 of the original August Staff report (see attachment).

BACKGROUND & HISTORY OF MESA DEL SOL

⇒ Please refer to the original August Staff report, beginning on p. 2 (see attachment). The information about the Mesa del Sol Elevated Reservoir (aka Water Tower) is found in this section.

ZONING

⇒ Please refer to p. 3 of the original August Staff report (see attachment).

II. ANALYSIS-CONFORMANCE WITH APPLICABLE PLANS AND POLICIES

A) Albuquerque/Bernalillo County Comprehensive Plan, the Planned Communities Criteria (PCC): Policy Element (for Comprehensive Plan Reserve Areas) and the Mesa Del Sol Level A Community Master Plan 2006 (The “Level A Plan”).

⇒ Please refer to the original August Staff report, beginning on p. 4, for a full analysis (see attachment).

B) Mesa Del Sol Level B Community Master Plan 2006 (The “Level B Plan”)

⇒ Please refer to p. 7 of the original August Staff report for a full analysis (see attachment).

III. THE CITY’S WIRELESS TELECOMMUNICATIONS REGULATIONS, ZONING CODE §14-16-3-17 [O-06-40]

Background (in brief) and Basic Overview:

⇒ Please refer to p. 8 of the original August Staff report (see attachment).

IV. ANALYSIS- THE PROPOSED AMENDMENT TO THE LEVEL B COMMUNITY MASTER PLAN FOR MESA DEL SOL

For purposes of this supplemental report, Staff focuses on the three page text document “Appendix B to the Mesa del Sol Level B Plan” (see attachment) and discusses the changes made during the deferral period. The applicant did not provide Table 2-1 and Table 7-1 of the Level B Plan, which will both be amended by this proposal. The second page of the text document, which was a map with two design samples, also was not included.

Basic Overview:

⇒ Please refer to p. 9 of the original August Staff report (see attachment).

New Information:

The EPC directed the applicant to provide additional information regarding the proposed height and siting of free-standing wireless telecommunications facilities (WTFs). The EPC sought a general understanding of the relationship between height, coverage and siting, and was particularly interested in the configuration of WTFs that would result if the height of the proposed Primary WTFs (PWTFs) was lowered from 120 ft.

The applicant has provided the following four scenarios based on: 1) the Zoning Code regulations, 2) use of three 90 foot PWTFs, 3) use of two 120 foot PWTFs and 4) use of two 150 foot PWTFs. Staff has created the following summary table:

Scenario		Free-standing WTFs					Other WTFs
#	Basis	60'	75'	90'	120'	150'	
1	Zoning Code Regulations	11	7	0	0	0	5 rooftop, 2 PNM collocations
2	use of three 90 ft. PWTFs	6	5	3	0	0	2 PNM collocations
3	use of two 120 foot PWTFs	3	0	0	3	0	0
4	use of two 150 foot PWTFs	0	0	0	0	2	0

Components:

The proposed amendment is comprised of the same five subsections: 1) Introduction, 2) Description of the Basic System, 3) Mesa del Sol Exceptions to the WTF Regulations of Zoning Code ¶14-16-3-17, and 4) Tertiary WTFs, and 5) Other Regulations Apply. Grey highlighting indicates the updated Staff analysis.

1. Introduction:

The introduction describes the location of the Level B Plan area of Mesa del Sol and states the purpose of the proposed amendment. Also described is the overall approach taken, that of proposing WTFs that are independent of buildings and can be installed immediately with the fewest number of sites and materials.

The introduction no longer uses the word “transit oriented” and does not mention WTFs “independent of buildings”, since someday Tertiary WTFs (which will be architecturally integrated with buildings) may be deployed.

Staff notes that, though at this time there are few power poles and buildings upon which WTFs could be mounted (existing vertical structures), this will not always be the case. The introductory language should be mindful that the proposed amendment will last for many years; instead, it emphasizes the present situation without acknowledgement that the situation will change someday. Also, the word “transit oriented” should be deleted since it is not relevant to WTF provision. Same for the word “immediately”, but that is because it’s difficult to define.

2. *Description of the Basic System:*

The basic system consists of the following four elements: Primary Wireless Telecommunications Facilities (PWTFs), Secondary Wireless Telecommunications Facilities (SWTFs), Tertiary Wireless Telecommunications Facilities (TWTFs) and Wireless Equipment Enclosures.

Quantity, design, distance and height are the major issues. Three PWTFs are proposed, one each in Village Center One, in the linear open space northwest of the Town Center, and near the northern side of the Employment Center. The PWTF will be identical ornamental towers, up to 120 ft. high. Several carriers will be accommodated on each. The PWTFs will be located approx. 1 to 1.5 miles apart (see map on p. 2 of the submittal).

Three SWTFs are also proposed, to be located approx. 2 miles apart and be up to 60 ft. tall. The SWTFs may or may not be identical; they could be an ornamental tower, flagpole, or clock tower (and, mentioned later, any “other iconic feature”). The TWTFs, if needed in the future, cannot be free-standing but must be architecturally integrated with a building. Equipment must be enclosed and architecturally or aesthetically integrated with the WTFs. Such enclosures are not limited to solid walls or fences, but can be housed in adjacent or nearby buildings.

The proposed amendment does not provide explanations for height or separation distance. This information has been provided in the form of separate handouts for the applicant’s presentation (see attachment), though some explanation in the context of the amendment (which will be included in the Level B Plan as opposed to the handouts), would be beneficial. The originally proposed system of three 120 ft. PWTFs and three 60 ft. SWTFs continues to be proposed.

The PWTFs are now specified to be all of the same design, so the requested better definition has been provided. “Housing” refers to the material that the tower will be built of, which will “house” the antennas. The antennas will not be readily discernable to the naked eye, though if one were to get very close they might glimpse an antenna through one of the 1 in. openings between the “twists” on the tower structure. A cross-reference to Subsection 3A and 3B for the PWTFs and the SWTFs respectively, is still needed for clarity.

The language regarding equipment enclosures has improved, and now specifies that equipment will be enclosed for public safety. Enclosures shall be a veneered solid wall, at least 6 ft. high and not more than 9 ft. high. Concertina and barbed wire are prohibited.

The proposed amendment does not explain why the proposed heights (120 ft. and 60 ft.) were chosen. The same is true regarding the distance between PWTF and SWTFs; there is no explanation. A brief explanation should be included in the amendment. Staff had requested that the reasoning behind the height and location choice be substantiated, but the applicant did not provide this information up-front. Staff's analysis and EPC review would have benefited from having such information prior to the hearing.

Staff believes the number of carriers that can collocate on each primary ornamental tower is 6, though the applicant did not provide this information, either. Staff has been told of the reasoning for the design, which is to create an identifiable feature for the communities. This intent does not come through in the proposed amendment but should, since this text will become part of the Level B Plan. The idea that the PWTFs be identical needs to be included in 2.A.1. SWTFs could be any of the designs mentioned, including "any iconic tower" which could be construed to be almost anything. Better definition is needed for the types of SWTFs permitted.

Staff finds that the writing in this subsection is unclear and could create future ambiguities, most of which are relatively easy to remedy. For instance, a cross-reference to Subsection 3A is needed for clarity instead of stating "except as noted in this amendment". Whether or not the SWTF ornamental tower is intended to be the same as the PWTF ornamental needs to be specified, though Staff suggests that they be different to provide some variety.

If equipment enclosures are not located inside of buildings, they could be "a solid wall or fence". Staff suggests that a fence not be included, since this is a reference to the days when chain link fencing was allowed under the City's WTF regulations. Chain link equipment enclosures do not adequately screen equipment and can invite trespass, and therefore should be prohibited.

3. *Mesa del Sol Exceptions to the WTF Regulations of the Zoning Code Section 14-16-3-17:*

Height shall not exceed 120 ft. in all districts and the equipment housing shall not exceed 400 sf. The PWTFs shall be identical and construed to be concealed. The provisions in §14-16-3-17.12.A (1-7) shall not apply. SWTFs may be a flagpole, clock tower or "other iconic feature." Some regulations apply to both PWTFs and SWTFs, such as abandonment if a WTF is no longer in use. Equipment enclosures must be surrounded by a wall, fence or landscape feature and reflect the architectural character of the WTF.

A couple of minor changes have been made. The reference to the "Concealed Facility Criteria" in the City's WTF regulations is almost correct, except that it needs to refer to the subsection. The signage permitted is not to exceed 4 sf. The phrase "shall be permitted" needs to be added. A explanation that the PWTFs are not intended to be concealed according to the Concealed Facility Criteria would be helpful (see Staff's discussion below).

The language now specifies that the SWTFs may not replicate the PWTFs on a small scale and shall not all be the same design. Staff suggests changing “may” to “shall”. The discussion of equipment enclosures formerly found in subsection C has been removed and consolidated into 2.D-Wireless Equipment Enclosures.

This section is critical to begin to understand how the WTFs in the Level B Plan area differ from WTFs in the rest of the City of Albuquerque with respect to the City’s WTF regulations (Zoning Code §14-16-3-17). Elaboration is needed in places, particularly in 3.A.(1) and (2), where the applicant needs to precisely explain the difference between the PWTFs and the City’s regulations, which will make it obvious to those who don’t readily know.

The reference of §14-16-3-17.12.A (1-7) is a mis-reference. Staff surmises that the applicant means to refer to §14-16-3-17(A)(15)(c), 1-6, which are known as the “Concealed Facility Criteria”. The lack of clarity and explanation could prove problematic in the future.

The Concealed Facility Criteria in §14-16-3-17(A)(15)(c) require that a WTF be aesthetically integrated with its surroundings, not create a dominant silhouette, be located where screening is the greatest and not be readily visible as a WTF. The Director’s Designee is tasked with performing this evaluation. The wireless industry considers certain WTF designs, such as a flagpole, light pole and false tree, to be concealed because they hide the antennas. But, this mindset is irrespective of the WTF’s site and surroundings. The City’s WTF regulations require that a WTF be concealed according to the Concealed Facility Criteria; a WTF is not concealed simply by design, but must be concealed by context.

Having explained this, Staff points out that a 120 ft. ornamental tower could not be found to be concealed pursuant to the Concealed Facility Criteria. This is because, at such a height, the future PWTFs will tower over any buildings. Topography, nearby vegetation and other vertical elements will not help to conceal them. Deliberately, the PWTFs are intended to not blend in with their surroundings; they are supposed to stand out. The reference to the Concealed Facility Criteria was added at Staff’s request to explain that the PWTFs cannot comply with the WTF regulations and, by virtue of being a Planned Community pursuant to the Planned Communities Criteria (PCC), are not required to.

This raises the question of whether or not the SWTFs and TWTFs could comply with the City’s WTF regulations. With future development, the SWTFs may be able to comply -though this would depend on the WTF’s context and an evaluation by the Director’s Designee according to the Concealed Facility Criteria. The TWTFs, if any, would all be architecturally integrated and would be concealed by definition because “an architecturally integrated WTF is a concealed facility.” Therefore, the TWTFs could easily, by design, comply with the City’s WTF regulations.

Besides height, a notable difference between the proposed PWTFs and SWTFs and the City’s WTF regulations is that the City’s WTF regulations have requirements specific to View Corridors and Open Space [§14-16-3-17(A)(9) and (10)]. View Corridors are established for

certain streets with scenic qualities, including Alameda, Coors, Unser and Rio Grande, among others. Only architecturally integrated WTFs or collocated WTFs are allowed within 1/8 mile (660 ft.) of the edge of the right-of-way of a designated arroyo that is also a designated trail (A)(9). Only architecturally integrated WTFs or collocated WTFs are allowed within ¼ mile (1,320 ft.) of Major Public Open Space and the Petroglyph National Monument.

The location of two of the PWTFs and two of the SWTFs is near Mesa del Sol Blvd. and linear park open space. Apparently, the applicant does not desire to protect scenic resources and open space. One of the proposed 120 ft. tall PWTFs is located right on the view line to Mt. Taylor. Staff suggests that this PWTF be slightly relocated to within the boundaries of the nearby Community Center.

Staff suggests that, as mentioned, the equipment enclosures be surrounded by a wall and not a fence. The proposed language reads “wall, fence OR landscape feature.” The language regarding landscaping, if to be included, must be an AND phrase since it would not be practical to surround WTF equipment with only landscaping. Doing so would leave equipment exposed and not safeguard the public health and safety.

4. Tertiary WTFs:

Tertiary WTFs shall not be allowed unless the Director’s designee determines that none of the PWTFs or SWTFs can accommodate the applicant. Evidence of exceptional showing that no WTF meets the applicant’s engineering requirements, has sufficient structural strength, would cause electromagnetic interference or that another carrier won’t allow collocation and would charge more than a “commercially reasonable” rate.

The major change to this section is the fact that the applicant (a wireless carrier) would now be responsible for demonstrating to the City that none of the PWTFs and SWTFs can accommodate its proposed WTF. The applicant must prove that all of the collocatable spots on the towers are full, so a TWTF would be needed. This is an improvement because the Director’s designee would not have had a way to research and evaluate if any of the PWTFs and SWTFs could accommodate another carrier or not.

An affidavit would now be required in subsections 2.c and 2.d, which means they are now consistent with 2.a and 2.b. The language in 2.d is still problematic. An affidavit if required, but the language regarding the affidavit’s contents needs to be specified as it is in a, b and c. Also, the phrase “substantially exceed commercially reasonable rates” is undefined. Interpreting this in the future could be difficult; now is the time to provide parameters for future reviewers.

Staff’s intention behind suggesting the addition of TWTFs to the amendment is twofold: 1) to allow WTFs that are not free-standing, i.e.-not all WTFs have to be free-standing, and 2) to create a way to provide additional WTFs other than the PWTFs and SWTFs, recognizing that future circumstances could change and that today’s proposed WTF plan may not be perfect.

Staff finds that 4.(2) would put the Director's designee in the unenviable position of being "sandwiched" between an applicant and the Mesa del Sol Architectural Review Committee (ARC). This is not advisable and would prove to be problematic for the designee. Furthermore, 4.(1) would require the designee to research and coordinate if any of the PWTFs and SWTFs could accommodate another provider. It is not fitting that the designee track the number of providers; this duty is better suited to the Mesa del Sol ARC who is the leaseholder and readily knows which providers have entered into lease agreements. The ARC should be required to periodically provide update letters to the designee.

The language about "commercially reasonable rates", which Staff believes creates a loophole, is difficult to implement. Who defines "commercially reasonable rates"? What is reasonable? Any applicant can claim that they don't want to pay the going rate and say that this is unreasonable to them. Also, 4.(2)(c) and (d) need to be required to have an affidavit and justification, which is required for (a) and (b).

Ultimately, Staff believes that it would be illogical to utilize the designee to perform evaluation work when the basic premise of the proposed amendment is to purposefully not follow the City's existing WTF regulations, which establish clear parameters regarding the designee's role and authority. Procedural issues need to be clearly defined and established in the proposed amendment and, as of this writing, they have not been.

5. Other Regulations Apply:

All WTFs are subject to the Level C review procedures of the PCC document. All Level C Plans shall follow the submittal requirements in the Zoning Code; the City has sole authority to approve or disapprove an application. Where not addressed, the requirements of §14-16-3-17 shall apply.

Changes have occurred in this section that help clarify the future review process. The language now specifies that the required letter from the Mesa del Sol Architectural Review Committee (ARC) shall accompany the application, that all WTF applications are Level C Plans and administrative amendments (AAs), and that this amendment and the Zoning Code regulations will be used for review. This amendment would become part of the Level B Plan and would take precedence over the Zoning Code regulations, which would then apply only to issues not specified in the amendment.

Another clarification made is that there will be one application for each PWTF and one application for each SWTF, rather than have a separate application for each collocatable spot on each tower. Staff did not think it would be prudent to review each collocation application separately and out of context. Rather, the consultant will submit an application for each tower with all (or almost all) of the spots occupied. The consultant will also manage the allocation of spots among the carriers; it would be inappropriate for Staff to act as a referee as carriers negotiate for the best spots.

Staff would like to further clarify the review process at this time, in the following manner. It needs to be clearly understood that Staff will not perform an evaluation of a proposed Level B

Plan area WTF using the Concealed Facility Criteria. Subections 3.A.1 and 3.B.1 of this amendment state that the ornamental towers are to be construed to meet the requirement for concealment.

Staff review in the not-so-distant future would consist of: checking the application (a Level C Plan) to ensure that it meets the application submittal requirements of the Zoning Code, deciding if any Zoning Code provisions not covered in the Level B Plan are applicable and, if so, reviewing the application using them, and checking the application against the Level B Plan (which this amendment will become a part of). Staff review of a Level B Plan area WTF would not really be a review. It would be a checklist exercise that is limited in scope because the WTFs would have been approved in advance; however, the City retains the authority to disapprove an application if it does not meet the abovementioned requirements.

The dilemma here is that the PCC document states that Level C plans, which is what the WTF applications are assumed to be, are evaluated by Staff (p. 41).

Since the WTFs in the Level B Plan area are being specified in this proposed amendment, if one were to be denied it would mean an amendment to the Level B Plan. Therefore, it seems repetitive and unnecessary to re-evaluate all future WTFs. Except for the TWTFs (and maybe the SWTFs), it would be a meaningless exercise for the Director's designee to perform an evaluation of an already approved WTF as if it were the same as a WTF application for a site in the rest of the City.

At this time, Staff has no suggestion regarding how to remedy this larger issue within the context of the proposed amendment, but recognizes that a solution is needed. In other words, as of this writing, the proposed amendment does not establish a clear review process that is understood by all parties involved.

Pre-Hearing Discussion/ Concerns of Reviewing Agencies

⇒ Please refer to p. 13 of the original August Staff report (see attachment).

Neighborhood and Other Concerns

⇒ Please refer to p. 13 of the original August Staff report (see attachment).

V. CONCLUSION

The purpose of the proposed amendment to the Level B Community Master Plan is to address wireless telecommunications facilities (WTFs) in the Level B Plan area of Mesa del Sol (approx. 3,100 acres). This additional information constitutes a Plan amendment, for which the Environmental Planning Commission (EPC) is the approval body. This proposal was continued from the August 21, 2008 EPC hearing after having been deferred twice at the applicant's request.

Planned Communities zoned PC are allowed to essentially “write their own rules” that differ from City ordinances of general application. The proposed amendment differs from O-06-40, the City’s WTF regulations in Zoning Code §14-16-3-17. Overall, the proposed amendment to the Level B Plan continues to be *partially consistent* with the Planned Communities Criteria (PCC) and *partially furthers* the applicable community building principles in the Level A Plan.

As directed, the applicant has clarified language in the amendment and has provided illustrations of different scenarios (4 total) with varying numbers of free-standing WTFs (towers) and heights. The applicant has not changed the original proposal for 3 PWTFs (120 ft. each), 3 SWTFs (60 ft. each) and tertiary architecturally integrated WTFs if needed; this has become the preferred scenario. Staff finds that conditions are needed to ensure that the language of the amendment is clear and would not create future implementation problems, and to soften the visual impact of the towers on the (future) nearby community and the larger, surrounding community. Staff recommends approval subject to conditions.

FINDINGS - 08EPC 40047, September 18, 2008- Amendment to the Level B Community Master Plan for Mesa del Sol

1. This is a request for an amendment to the Level B Community Master Plan for an approximately 3,100-acre area of Mesa del Sol, generally located east of Broadway Blvd. and south of Los Picaros Rd., encompassing land near roughly: the intersection of Broadway Blvd. and Interstate 25, between Broadway Blvd. and Interstate 25, to the south and east of the regional park and amphitheater, east of the buffer with Kirtland Air Force Base (KAFB), and a few miles north of the southern boundary with Isleta Pueblo, commonly known as Mesa del Sol Level B Plan area.
2. The Planned Communities Criteria (PCC) Policy Element document (the “PCC”) specifies that the Environmental Planning Commission (EPC) is the approval body for Level B Plans. Therefore, the EPC is the approval body for the proposed Level B Plan amendment, which is not required to be forwarded to the City Council.
3. The two Level B Development Agreements, one with the City and the other with the Albuquerque/Bernalillo County Water Utility Authority. Both development agreements have been finalized and fully executed, which makes the Level B Plan final.
4. Policy guidance for review and approval of amendments to the Level B Plan comes from the Planned Communities Criteria (PCC) and the Level A Community Master Plan. The proposed amendment to the Level B Plan demonstrates *partial consistency* with the Planned Communities Criteria (PCC) and *partially furthers* the applicable Community Building principles in the Level A Plan.
5. The Level A Community Master Plan (the “Level A Plan”) and the Level B Community Master Plan (the “Level B Plan”) have been adopted and approved based on extensive analysis. The decisions made regarding these projects have found them to be in substantial conformance with applicable Comprehensive Plan Goals and policies.
6. The following Level A requirements are relevant to the proposed text amendment:
 - A. Land Use Requirement 3: The text amendment proposes to locate two of the six WTFs near open space areas, and one within a linear open space area intended to preserve views. The proposed locations do not show sensitivity to open space and do not further the concepts in Requirement 3. The request *does not further* Requirement 3.

- B. Land Use Requirement 6: The proposed text amendment would introduce a strategy for providing wireless service in the Level B Plan area, though it does little to describe how the future WTFs are intended to fit into the larger context of Mesa del Sol and support the overall land use plan. The request *partially furthers* Requirement 6.
7. The following Level B requirements are particularly relevant to the proposed text amendment:
- A. Land Use Requirement 4: The text amendment proposes to locate three of the six WTFs near open space areas, and one within a linear open space area. Staff finds that the proposed locations do not show sensitivity to open space and do not further the concepts in Requirement 4. The request *does not further* Requirement 4.
- B. Government and Public Services Requirement 2: The proposed text amendment would introduce a strategy for providing wireless service in the Level B Plan area, though the language is unspecific in places and defines parameters rather loosely. The request *partially furthers* Requirement 2.
8. Planned Communities that are zoned PC, such as Mesa del Sol, are allowed to essentially “write their own rules” that differ from City ordinances of general application. In this case, the proposed amendment would result in wireless telecommunications regulations that differ substantially from the City’s WTF regulations found in Zoning Code §14-16-3-17. The request would become part of the Level B Plan and would take precedence over the Zoning Code regulations, which would then apply only to issues not specified in the amendment.
9. This request was continued from the August 21, 2008 EPC hearing, where the EPC directed the applicant to provide additional information regarding the proposed height and siting of free-standing wireless telecommunications facilities (WTFs). The applicant has provided the following four scenarios based on: the Zoning Code regulations, use of three 90 foot primary WTFs, use of two 120 foot WTFs and use of two 150 foot WTFs.
10. As the approval body for the proposed amendment, the EPC has the authority to decide which scenario is the most appropriate and to place conditions of approval on the proposed amendment which would bring it closer to complying with the City’s WTF regulations.
11. The affected Neighborhood Association (NA) is the Mountain View NA, which the applicant notified as required. Staff has not received any comments as of this writing.

RECOMMENDATION - 08EPC 40047, September 18, 2008- Amendment to the Level B Community Master Plan for Mesa del Sol

APPROVAL of 08EPC 40047, an amendment to the Level B Community Master Plan regarding wireless telecommunications facilities (WTFs) for the approximately 3,100-acre Level B Plan area of Mesa del Sol, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 08EPC 40047, September 18, 2008- Amendment to the Level B Community Master Plan for Mesa del Sol

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to final DRB sign off, the applicant shall meet with the Development Review Staff planner to ensure that the conditions of approval are met. Evidence of this meeting shall be provided to the DRB at the time of application.
3. Section 2(A)- Primary Wireless Telecommunications Facilities (WTFs):
 - A. The housing of the Primary WTFs shall be finished in a neutral color, such as tan or cream, with a low level of reflectance.
 - B. The finish of the housing of the Primary WTFs shall be a material that makes the PWTFs the least visible as possible.
 - C. Section 2.A.(2) shall provide a cross-reference as follows: “except as noted in this Amendment to the Level B Plan in 3.A”.
4. Section 2(B)- Secondary Wireless Telecommunications Facilities (WTFs):
 - A. Section 2.B.(2) shall provide a cross-reference as follows: “except as noted in this Amendment to the Level B Plan in 3.B”.

- B. The phrase “and be designed as free-standing WTFs” shall be added to the end of the introductory text of Subection B, to parallel the text in Subsection 2.(A).

5. Equipment Enclosures:

Landscaping shall be permitted around the wall of an equipment enclosure, but shall not constitute the enclosure itself.

6. Section 3- Exceptions to the City’s WTF Regulations:

- A. The reference in 3.A.(1) to the Concealed Facility Criteria shall be corrected.
- B. The phrase “shall be permitted” shall be added to Section 3.A.(4) to remedy the unfinished sentence regarding signage (maximum size 4 square feet) for the PWTFs.
- C. The SWTFs shall not (not may not) replicate the design of the PWTFs.

7. Section 4- Tertiary Wireless Telecommunications Facilities (TWTFs):

- A. Like Subsections 4.(2)(a), (b) and (c), (d) shall require an affidavit as justification that the owner (Mesa del Sol) of the PWTFs and SWTFs will not allow the applicant to place its telecommunications facility thereon despite attempts to negotiate commercially reasonable rates.
- B. The terms “commercially reasonable” and “substantially exceed” in Subsection 4.(2)(a) shall be defined.

8. Prior to final DRB sign off, the applicant shall obtain a letter from the Albuquerque/Bernalillo County Water Utility Authority (WUA) that explains why the applicant is not allowed to place telecommunications antennas on the elevated water reservoir.

9. CONDITION OF APPROVAL FROM PNM:

Developer must contact PNM for services to be spot. It is the applicant’s obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.

10. CONDITION OF APPROVAL FROM THE ENVIRONMENTAL HEALTH DEPARTMENT:

The applicant shall coordinate with the Environmental Health Department, Env. Services Division regarding potential impacts from landfill gas generated by the South Broadway Landfill. The developers of this site shall follow the most current version of the City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones.

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