

Administrative Hearing Staff Report



Planning Division
Department of Community &
Economic Development

CenturyLink Utility Boxes – 175 N “A” St

Conditional Use PLNPCM2013-00320

Public Right-of-Way at approximately 165-175 North A St

Hearing date: July 11, 2013

Applicant:

CenturyLink Corp.

Staff:

Everett Joyce 801-535-7930
everett.joyce@slcgov.com

Tax ID: N/A

Current Zone:

RMF-35 Moderate Density Multi-family
Residential District
Avenues Historic Preservation Overlay
District

Master Plan Designation:

Avenues Master Plan:
Medium Density Residential

Council District:

District 3 – Stan Penfold

Community Council:

Avenues Greater Community
Council – Gwen Springmeyer
(Chair)

Lot size: N/A

Current Use:

Park strip

Applicable Land Use Regulations:

- 21A.24.130 RMF-35 District
- 21A.34.020 H Historic
Preservation Overlay District
- 21A.40.160 Ground Mounted
Utility Boxes

Attachments:

- A. Applicant’s project description
- B. Public Comments
- C. City Department Comments

Request

This is a request for administrative conditional use approval for the location of ground mounted utility boxes in the public right-of-way. The proposal includes an Option “A” with two cabinets and an Option “B” with one cabinet.

Staff recommendation

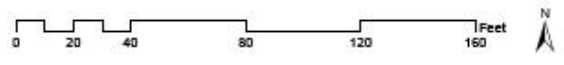
Based on the findings listed in the staff report, it is the Planning Staff’s opinion that the project adequately meets the applicable conditional use standards for ground mounted utility boxes in the public right-of-way and therefore recommends the Hearing Officer approve the application for the proposed Option “B” subject to the following:

1. The applicant shall obtain a Certificate of Appropriateness approval prior to issuance of permits.
2. Compliance with all City department requirements outlined in the staff report for this project. See *Attachment C* of the staff report for department comments.
3. The applicant shall ensure all necessary City permits for the project are obtained.
4. The applicant shall put information on the box with a number to call in the event that the boxes are vandalized or otherwise damaged.

VICINITY MAP



165-175 North A Street



Background

Project Description

The applicant, CenturyLink Corporation, is requesting conditional use approval for utility cabinets designed to enhance the internet service for homes and businesses in the immediate neighborhood. The purpose of the cabinets is to house the mechanical equipment necessary for the service. The cabinets are proposed to be located in the public right-of-way, in the park strip, between the street and the sidewalk.

The zoning ordinance lists various locations for utility cabinets that are permitted. If the placement does not meet one of these standards, conditional use approval is required. Utility cabinets placed within the public way are required to be reviewed as a conditional use. Generally, the applicant works with property owners to secure a private easement to place the boxes on their property. In this case, the applicant was not able to secure an easement with any private property owners in the immediate neighborhood, so they are seeking conditional use approval for the cabinets in the public right-of-way.

There are two ground mounted utility boxes within this location. The applicant has proposed to locate the new utility cabinets in the park strip just south of the existing cabinets. The applicant has provided two potential options for the provision of utility boxes as part of this application. Option "A" is two new cabinets and Option B includes one new single larger cabinet which requires a concrete pad.

Project Details

	Equipment	Height	Width	Depth
Option A	<i>Cooling Pedestal</i>	44 inches	36 inches	14 inches
	<i>Power Pedestal</i>	58 inches	22 inches	12 inches
Option B	<i>DSL Cabinet</i>	44 inches*	31 inches	45 inches

*Includes a 2^{1/2}" concrete pad that extends 4-6 inches beyond the cabinet.

Public Notice, Meetings, Comments

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on or before June 27, 2013
- Public hearing notice posted on or before property July 1, 2013
- Public notice posted on City and State websites and Planning Division list serve: June 27, 2013

Public Comments

The proposal was presented at an open house held on June 20, 2013. One comment was received at the open house and one comment was received via email. Both were in opposition to the placement in the public right-of-way. The adjacent property owner, Larry Livingston called to discuss the proposal and was provided a copy of the application information. Mr. Livingston submitted comment via telephone on June 20, 2013. He identified that his preference between Options A and B would be Option B the single cabinet. Written comments are provided in Attachment B.

City Department Comments

Comments were received from the following City departments and are included in Attachment C: Engineering, Transportation and Building Services - Zoning. In general, the departments had no concerns or objections to the proposed utility boxes.

Analysis and Findings

Approval Standards for Utility Boxes reviewed as Conditional Uses; *Section 21A.40.160.D*

Conditional use review is required for all ground mounted utility boxes not specifically addressed as permitted uses in the Zoning Ordinance. Applications shall be reviewed administratively by the planning director or an assigned designee subject to the following criteria as found in *Section 21A.40.160.D*:

The following analysis is directed toward Option “A” or Option “B” in the application materials.

Standard 1: Location: Utility boxes shall be located and designed to reduce visual and environmental impacts on the surrounding properties.

Analysis: The petitioner has chosen a location near existing utility infrastructure that will help reduce visual clutter by not introducing a new utility box in a new location within the surrounding area. The location works well because of existing shrubs that help to minimize the view impact from the adjacent property and provides a background that blends the cabinets into the surrounding environment and view from the street. The location is at the side yards of the adjacent parcels and not directly in front of the residential structures.

Finding: Staff finds that the boxes are located to reduce the visual and environmental impacts on surrounding properties.

Standard 2: Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The planning director may limit the number of boxes allowed on a specific site to meet this standard.

Analysis: The spacing, as proposed, in Option “A” locates the largest cabinet furthest from the utility pole and the existing boxes thereby increasing its visual prominence in the area. Staff recommends that for Option “A” the tallest cabinet be located closest to the existing utility pole, to help reduce the visual impact. Option “B” is to utilize a single cabinet; this could present a less cluttering affect upon the area due to the fact that there are less cabinets within this location. The adjacent property owner has identified Option “B” as the preferred option.

Finding: Staff finds that limiting the number of boxes at this site is desirable. Therefore, the proposed spacing of Option “B” utilizing a single cabinet best reduces the visual impact of the boxes on the neighboring properties.

Standard 3: Setbacks: The planning director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.

Analysis: The proposed setbacks are in alignment with exiting utility infrastructure in the park strip. The setback is similar to an existing power pole and utility cabinets, which helps to keep the cabinets from standing out, thereby reducing the visual impact to the public.

Finding: Staff finds that no setback modifications are necessary to reduce the visual and environmental impact of the proposed boxes.

Standard 4: Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and city rights of way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.

Analysis: Because the proposed boxes are in the public right-of-way, it is not appropriate that the applicant build some type of barrier or screen to shield the boxes from view. Construction of this type of barrier may constitute a larger visual and environmental impact on the neighborhood than simply leaving them as standalone structures. Shielding the boxes from view by planting or landscaping is a possibility; however, because the petitioner does not control the water supply and is only on site occasionally, the plantings would need to be tended by adjacent property owners.

Section 21A.48.060.E identifies that all plants and shrubs in the park strip must be less than 18 inches in height to protect the visual sightlines for cars and pedestrians. The location of the boxes within a seven foot park strip limits the amount of landscape area to provide screening vegetation.

To combat the inevitable abuse of the boxes by vandals, staff has included a condition of approval requiring that the boxes be marked with a telephone number to call to have graffiti removed, or have the boxes repaired if they are damaged.

Finding: Staff finds that the proposed boxes are properly shielded.

Standard 5: Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.

Analysis: The design of the boxes is similar to many boxes seen throughout the City. They are utilitarian and have a subdued neutral color. The size of the boxes is standard for this type of facility and are proposed to provide adequate internet service to the area. When the boxes are installed, individuals have a tendency to notice them, but over time, their existence becomes less noticeable, and the boxes become part of the urban environment.

Nevertheless, these boxes, and the service they provide (high speed internet) are an integral part of a modern neighborhood. High speed internet service enables residents of the neighborhood to work, and shop from their homes, which in turn reduces vehicle traffic and reduces impacts on the environment.

Finding: Staff finds that the proposed utility boxes are a design element that characterizes Salt Lake City's streets and neighborhoods.

Standard 6: View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.

Analysis: The proposed box location is not near any driveway or street intersection. This application was reviewed for compliance by the Transportation Division, who found that this location raised no sight distance or angle issues.

Finding: Staff finds the application meets this standard.

Standard 7: Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials.

Analysis: The proposed location is located in a “H Historic Preservation Overlay District”. The property is located within the Avenues local Historic District.

The petitioner must submit a Certificate of Appropriateness application as part of the utility box approval. The box is located within the Avenues Historic District. Because of this, a finding will need to be made that the design of the box is historically compatible with the historic structures, and the surrounding streetscape. This application will be reviewed separately from this application, and may require Historic Landmark Commission review. Staff has included a condition of approval requiring approval prior to the issue of a building permit.

Finding: Staff finds that this standard is applicable and met subject to the condition of this staff report that a Certificate of Appropriateness application is submitted and approved.

Attachment A
Applicant's Project Description

May 8, 2013

Salt Lake City Planning
451 South State Street, Rm. 406
Salt Lake City, Utah 84111



Re: Conditional use request – CenturyLink DSL build – xbox 175 N 'A' Street

Dear Planner,

As you know CenturyLink has been in the process of upgrading and expanding its fiber optic based high speed internet service (DSL) within Salt Lake City. These projects (our builds) require additional cabinet(s) to be placed adjacent to or as close as possible to an existing cabinet known as a cross connect box (xbox). Our xbox for this build is located at 175 N 'A' Street. We have proposed two different cabinet deployments for our DSL build, for this xbox within the park strip, at the same location. **Please see below.** At SLC's discretion either cabinet deployment works and if granted will meet our needs.

As an FYI, depending on our ability to place the new cabinet(s) next to our xbox the build location address may/will be different than the cross box address requiring the DSL build.

In order the following information in enclosed:

Conditional use application
Location map & Parcel Information
Zoning Information
Site digital photos
Site detail
Equipments schematic

CenturyLink build comments:

- Our build for this site proposes 'A' and 'B' option within public right-of-way at the same location.
- Option 'A' proposes our standard build of DSL cabinet (Cool Ped) and associated power ped within the public right-of-way.
- Option 'B' proposes the placement of our newly approved DSL cabinet (MC500) within the public right-of-way and at the same location as option 'A'. **This cabinet is not applicable for all CenturyLink DSL builds.**

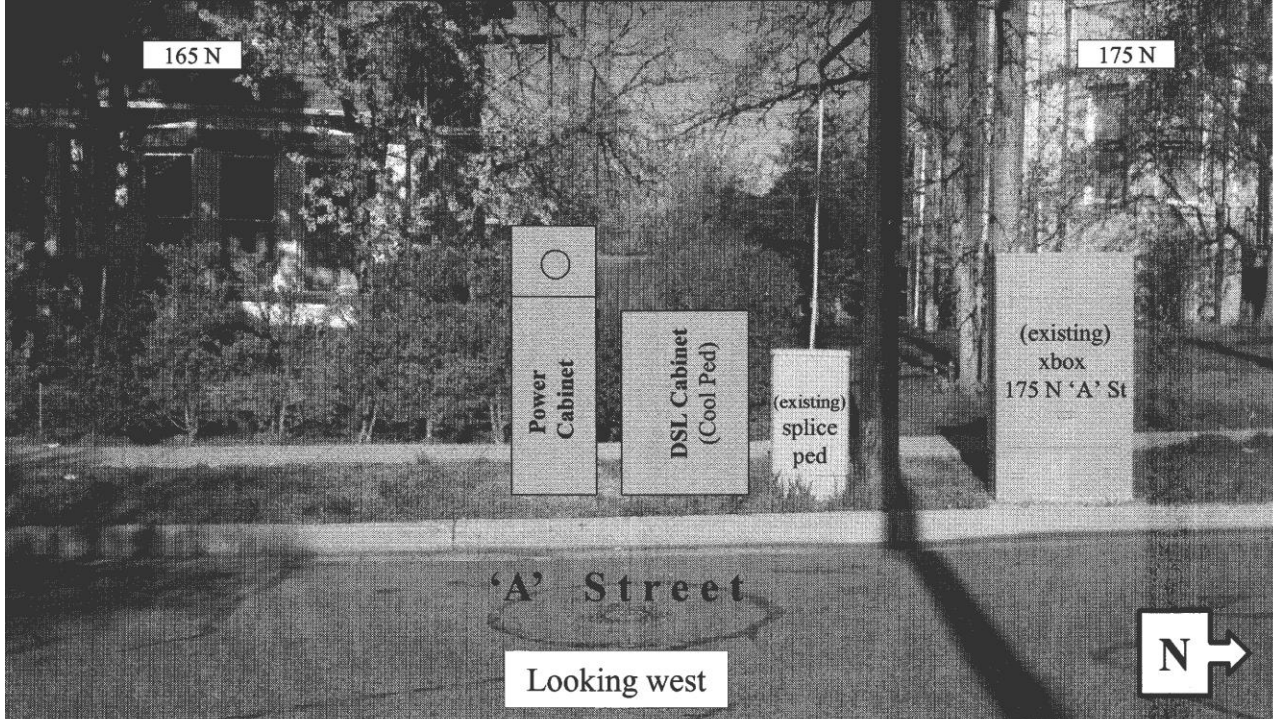
Note: The digital photo of 'B' option shows a significant gap from the existing splice ped to our new MC500 cabinet and Rocky Mountain's power pole. Rocky Mountain Power will not allow any portion of a cabinet requiring power to be closer than 6 feet from a pole they are attached to.

If you have any questions or need additional information, please contact me.

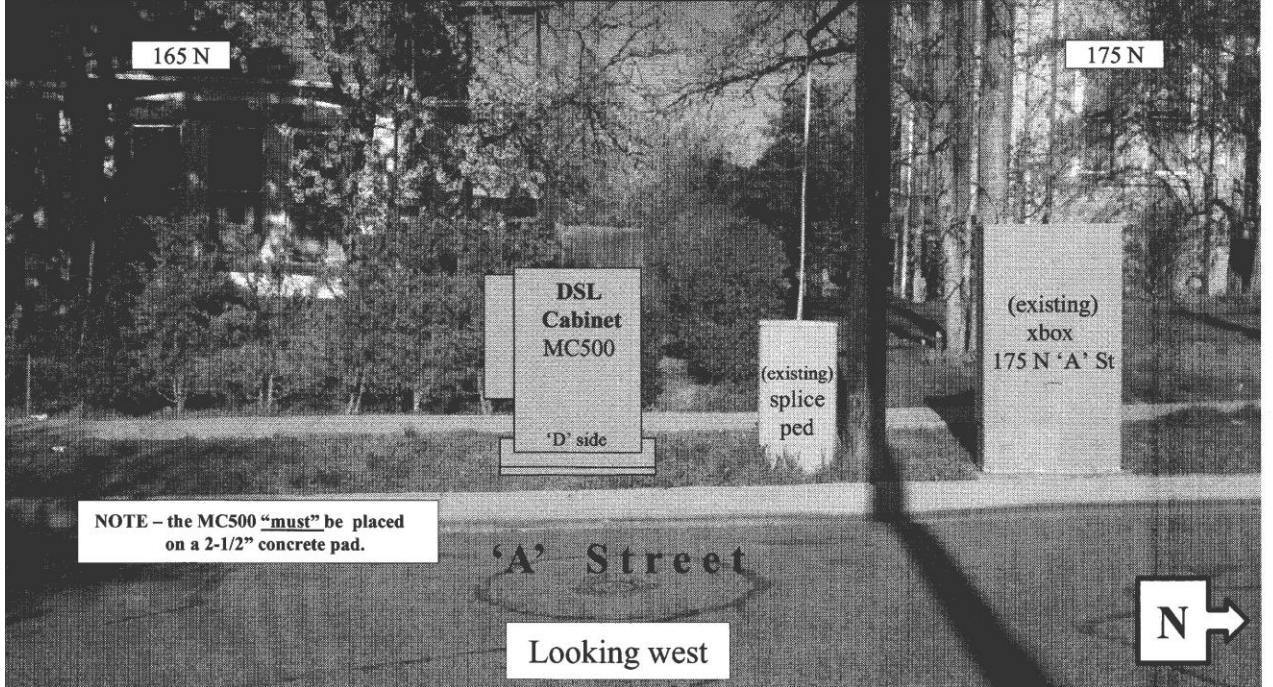
Sincerely,

Ralph Vigil
CenturyLink
Right-of-way Manager
off: 801-237-7149
mo: 801-259-9964
mail: Ralph.Vigil@centurylink.com

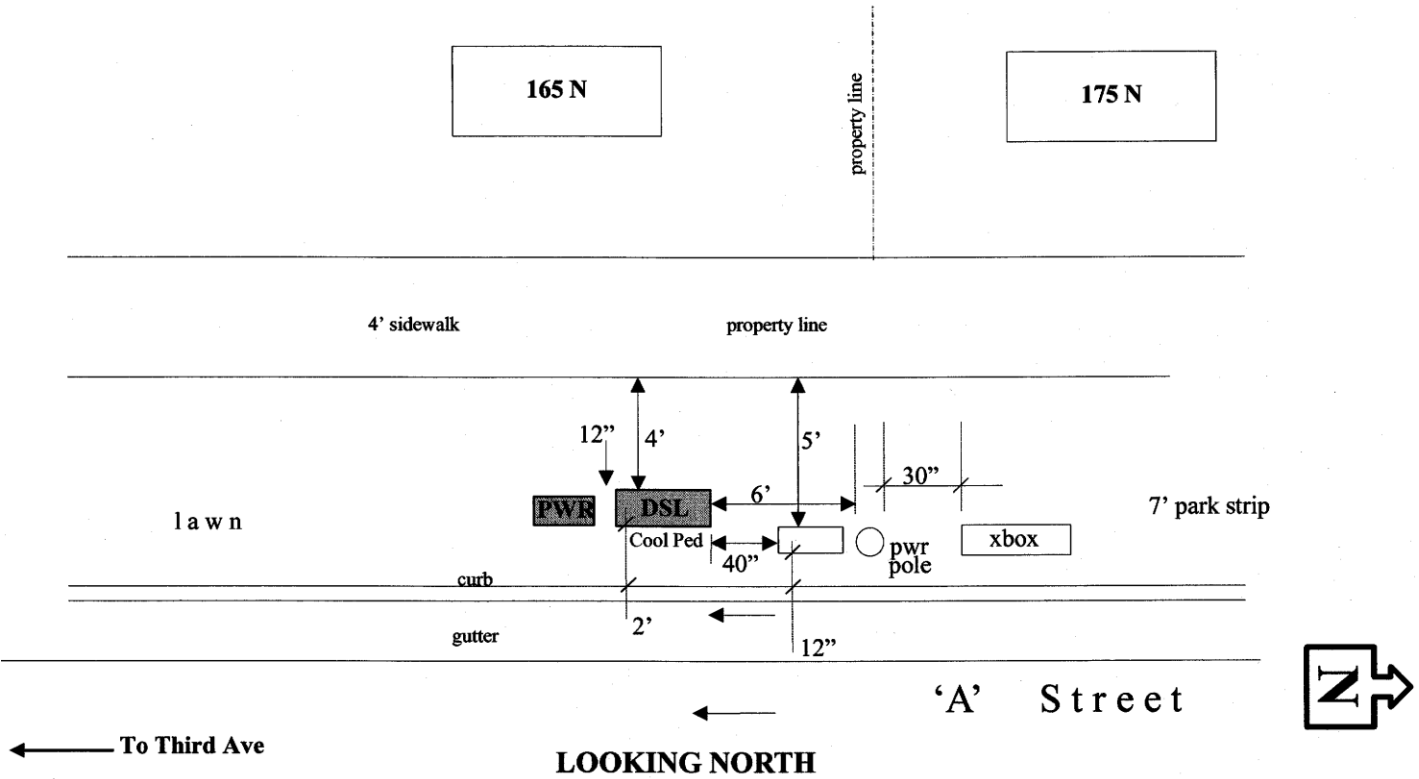
**CenturyLink Site –Digital Photo – DSL build
for existing xbox 175 N ‘A’ Street – Option ‘A’**



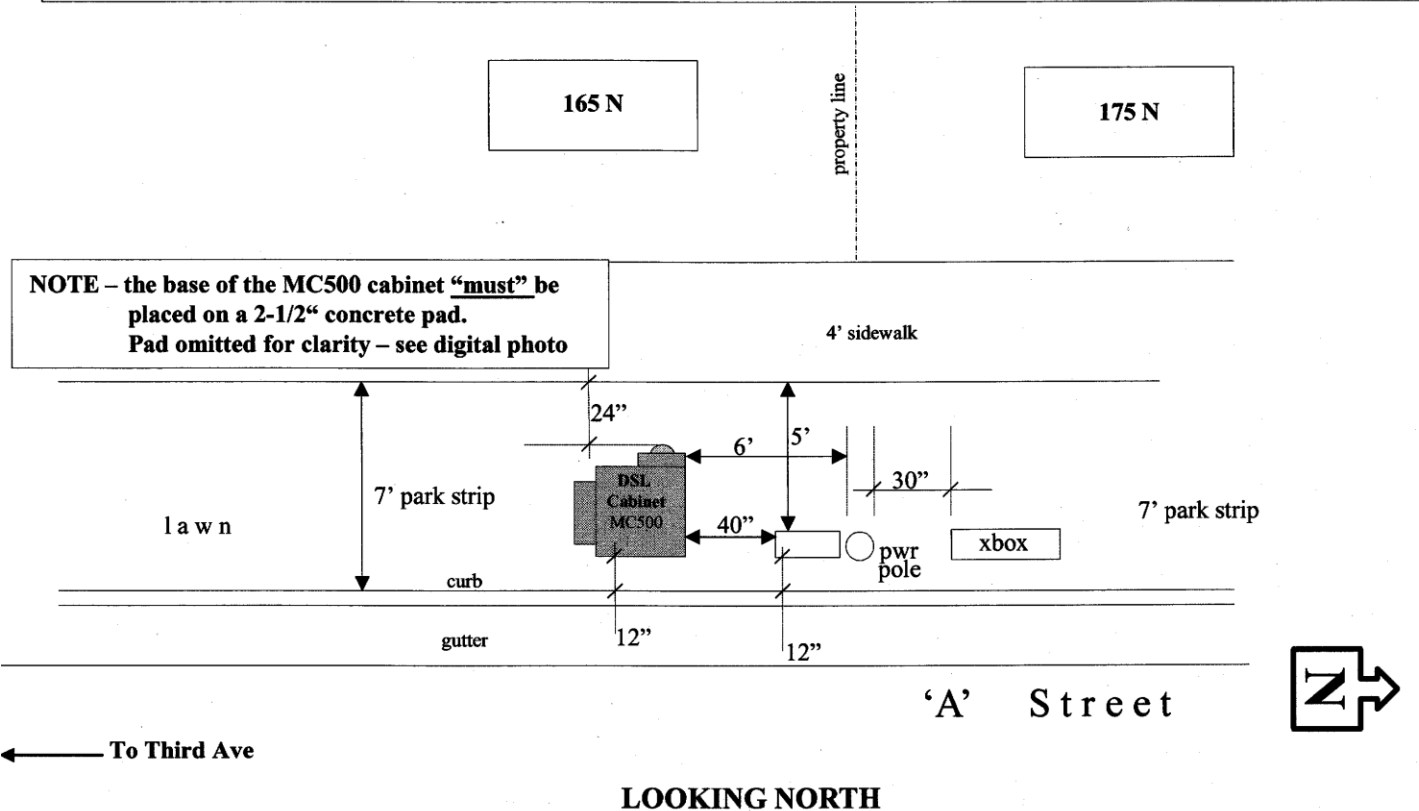
**CenturyLink Site –Digital Photo – DSL build
for existing xbox 175 N ‘A’ Street – Option ‘B’**



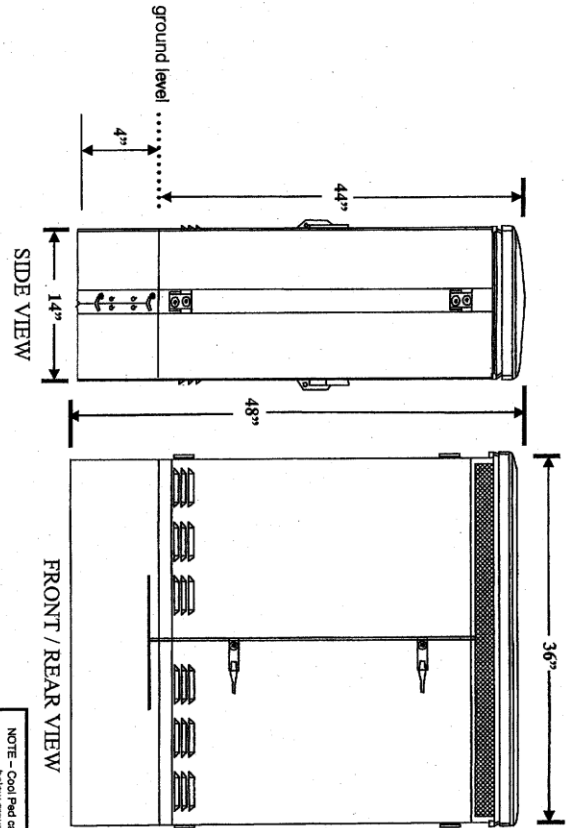
CenturyLink Site Detail – DSL build for xbox 175 N ‘A’ - Option ‘A’



CenturyLink Site Detail – DSL build for xbox 175 N ‘A’ - Option ‘B’

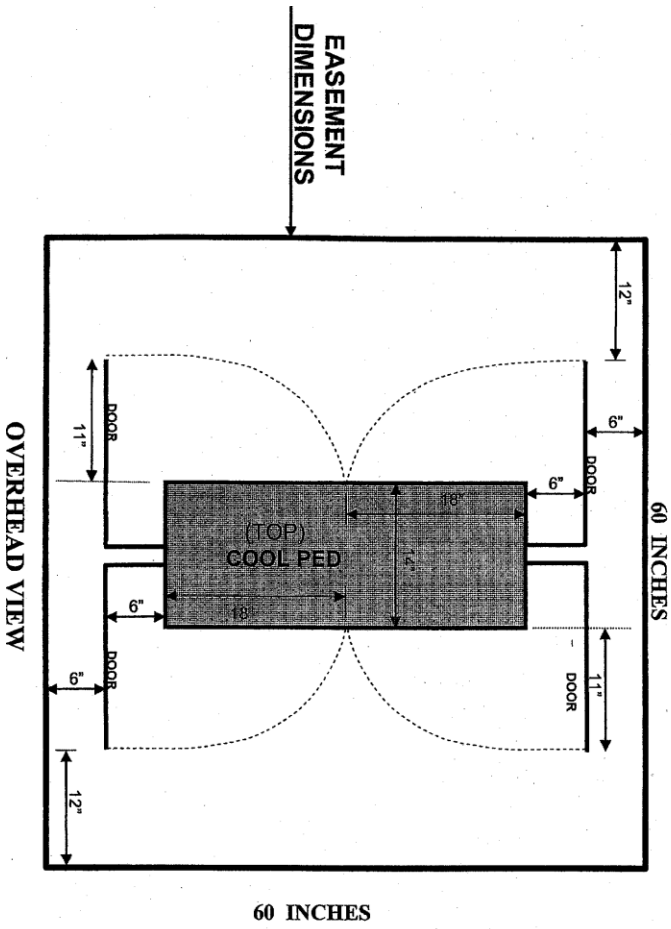
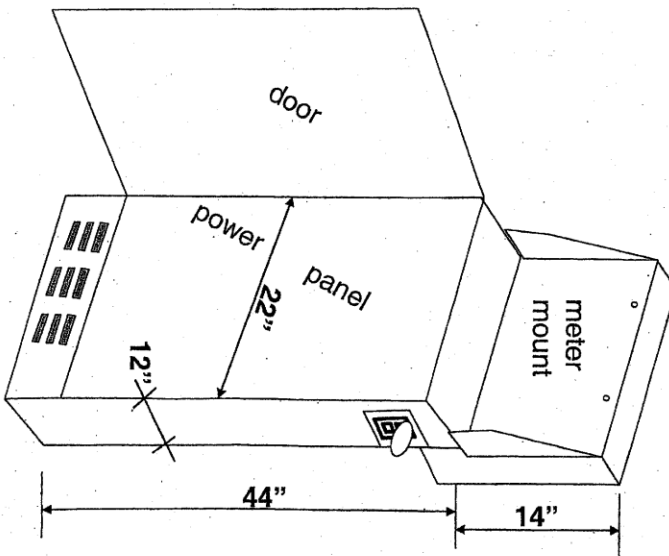


COOL PED



NOTE - Cool Ped cabinet placed 2" - 4" inches above ground level. Final height above ground level is 44" - 48" inches.

Power Ped - 100 AMP



Attachment B
Public Comments

Joyce, Everett

From: Michael Galindo [Michael.Galindo@imail.org]
Sent: Sunday, June 09, 2013 5:46 PM
To: Joyce, Everett
Cc: Lara Galindo (lara.g.galindo@gmail.com)
Subject: Case No PLNPCM2013-00320

Dear Sirs,

I oppose the proposed placement of DSL equipment cabinets by CenturyLink on a park strip near my home. These cabinets are very large, unsightly, and restrict easy access to parking on the street. This is especially a nuisance during winter months with high snow accumulation. DSL is an internet modality that is rapidly losing favor. Rather than using public ways, Mr. Ralph Vigil and CenturyLink should instead offer Dish services or other means of offering internet service, which do not use public ways in such an inconvenient way.

Thank you for your attention,

- Michael Galindo

**OPEN HOUSE
PUBLIC COMMENT FORM**

June 20, 2013



Planning and Zoning Division
Department of Community and
Economic Development

CenturyLink Ground Mounted Utility Box – 175 N “A” St

Name: John Becker

Address: 1500 Tomahawk Dr
SLC
UT Zip Code 84103

Phone: _____ E-mail _____

Comments: This equipment is not
compatible in SLC neighborhoods

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at everett.joyce@slcgov.com or via mail at the following address: Everett Joyce Senior Planner, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by July 5, 2013.

Attachment C
City Department comments

CITY DEPARTMENT COMMENTS

- **Engineering** (Scott Weiler): If the abutting property owner does not object, Engineering is willing to allow another proposed cabinet in the park strip at this location. Since only one cabinet is needed for Option B, that is the preferred option.

- **Transportation** (Barry Walsh): The proposed locations do not impact CSZ for driveways. Option "A" shows the DSL box is to be set back 2' from TBC. Option "B" shows the MC500 box only one foot from TBC which is our minimum requirement.

- **Building Services - Zoning** (Alan Michelsen): Property is located within a historic district. Section 21A.40.160.D.7 requires a Certificate of Appropriateness and review for ground mounted utility boxes with respect to location and screening materials.