

March 5, 2018

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2018-00093**



REQUEST:

A request for an administrative interpretation regarding whether stealth antennas disguised as light poles at approximately 1676 E. 1300 South and 2040 S. 2300 East must conform to the specific height standards for light poles.

DECISION:

The Zoning Administrator finds that stealth antennas disguised as light poles must conform to the specific height standards for actual light poles no matter where the light on the pole is located. More specifically, stealth antennas disguised as light poles that are subject to the “Parking Lot Lighting” design standard (21A.37.050I) in Salt Lake City’s Zoning Ordinance including those proposed at 1676 E. 1300 South and 2040 S. 2300 East, cannot exceed sixteen feet (16’) in height as indicated by this standard. The height of stealth antennas disguised as light poles that are not subject to this specific standard must be in concert or compatible with its surroundings.

FINDINGS: I have reviewed your request and made the following findings related to the permitted height for stealth antennas disguised as light poles.

- Section 21A.40.090E.2.f of Salt Lake City’s Zoning Ordinance permits stealth antennas in all zoning districts per the following standards:

f. Stealth Antennas – (1) A telecommunication antenna completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility, shall be allowed in all zoning districts subject to meeting the provisions contained in section [21A.36.020](#), tables 21A.36.020B and 21A.36.020C of this title. The antenna shall conform to the dimensions of the object it is being disguised as and the location of the stealth facility shall be in concert with its surrounding. Examples of stealth facilities include, but are not limited to, flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys. Final determination regarding stealth poles shall be made by the Planning Director based on these standards. The electrical equipment shall be located in accordance with subsection E3 of this section.
- Per these standards, stealth antennas must, “conform to the dimensions of the object it is being disguised as and the location of the stealth facility shall be in concert with its surroundings” or, in this case, meet the height and location standards for light poles.
- The applicant has proposed to install stealth antennas disguised as light poles in parking lots adjacent to residential zoning districts on two properties including 1676 E. 1300 South (zoned CN: Neighborhood Commercial) and 2040 S. 2300 (zoned CB: Community Business).

- Section 21A.37.050I of Salt Lake City’s Zoning Ordinance specifically limits the height of light poles located in a parking lot adjacent to a residential zoning district to no more than sixteen feet (16’) in certain zoning districts including the CN and CB districts as follows:

I. Parking Lot Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, any poles for the parking lot/structure security lighting are limited to sixteen feet (16’) in height and the globe must be shielded and the lighting directed down to minimize light encroachment onto adjacent residential properties or into upper level residential units in multi-story buildings. Lightproof fencing is required adjacent to residential properties.

- Therefore, as this standard applies to light poles as a whole as opposed to just the light, the proposed stealth antennas disguised as light poles on the subject properties cannot exceed sixteen feet (16’) in height no matter where the light on the pole is located.
- Additionally, stealth antennas disguised as light poles that are not subject to the “Parking Lot Lighting” design standard (21A.37.050I) may exceed sixteen feet (16’), if the light pole is “in concert” or compatible with its surroundings as indicated by Section 21A.40.090E.2.f of the Zoning Code. If there is a question to whether a particular stealth antenna disguised as a light pole is in concert with its surroundings in terms of its height and/or location, the Planning Director shall make the final determination as indicated by Section 21A.40.090E.2.f of the Zoning Code.

If you have any questions regarding this interpretation please contact Lauren Parisi at (801) 535-7226 or by email at lauren.parisi@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

<p>In Person: Salt Lake City Corp Planning Counter 451 S State Street, Room 215 Salt Lake City, UT</p>	<p>US Mail: Salt Lake City Corp Planning Counter PO Box 145471 Salt Lake City, UT 84114-5417</p>
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NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and

permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Dated this 5th day of March, 2018 in Salt Lake City, Utah.



Lauren Parisi
Associate Planner

Attachments: Verizon Wireless Project Proposal

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Heather Gilcrease, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations

2/15/18

Salt Lake City
451 South State Street, Room 215
Salt Lake City, UT 84114

RE: Administrative Interpretation of 21A.40.090E2F(1) & 21A.37.050I for Stealth Small Cell Light Poles proposed by Verizon Wireless

Dear Zoning Administrator,

Please find enclosed a copy of the Administrative Interpretation application for the interpretation of Sections 21A.40.090E2F(1) & 21A.37.050I of the Salt Lake Municipal Code as it pertains to swapping out existing light poles with stealth small cell light poles on private property.

Verizon Wireless (VZW) is currently working with several property owners in swapping out existing light poles on their properties with a small cell light pole to help improve the wireless network for the residents and businesses in these areas. These are areas that are proving difficult to find a location for a macro communication facility but there is a possibility for a small cell facility to be located in this area.

One of the locations that I am requesting an interpretation of the above Sections of the municipal code is located at Jolley Pharmacy at 1670 East 1300 South. VZW is proposing to swap out an existing 18'-6" tall parking lot light pole along the southern property line with a 25' small cell light pole that includes a 3' tall antenna at the top and the equipment is integrated into the base of the stealth small cell light pole. VZW will replace the existing light fixture that has four (4) lights with three (3) shielded LED lights which will be directed down to minimize light encroachment onto the adjacent residential properties to the south and west of the property.

The other location is at the A Fresh Market located at 2040 South 2300 East. VZW is proposing to swap out an existing 47' tall parking lot light pole along the southern property line adjacent to 2100 South with a small cell light pole of similar height that will have a 3' tall antenna at the top and the equipment integrated into the base of the pole. VZW will replace the existing light fixture with a similar light fixture that is more energy efficient per discussions with Associated Foods.

In recent discussions with Staff about the installation of stealth small cell light poles at other locations within Salt Lake City, VZW has been told the replacement small cell light poles would be limited to 16' in height, per Section 21A.37.050I, even if the existing light poles that they are proposing to match on the property are taller than 16'. Staff mentioned that VZW could look to install their equipment onto the exterior of the existing light poles to keep the light pole height. In this scenario, the antenna and equipment would no longer be stealth. In order to implement a stealth design the existing light pole would need to be replaced. The existing light pole would need to be replaced because structurally it would not be able to handle the additional weight of the antenna and equipment onto the light pole. A stealth small cell light pole, as seen in the attached photosim, would hide the antenna and equipment within it as previously reviewed by Joel Paterson and Greg Mikolash of Salt Lake City on 11/6/17. At that time, they concluded that the stealth small cell light pole would be permitted in the parking lot so long as they looked like light poles and the equipment is entirely shielded within the pole itself. As part of the Administrative Interpretation, I would like to confirm that this stealth design would still be allowed at this location as well as other locations that VZW is looking to use for the installation of a

small cell. A copy of the site drawings, elevations and existing light pole pics have been included for your review.

I visited the City on 2/2/18 to talk with staff about this and during that discussion, staff felt the height discussed in Section 21A.37.050I was referring to the height of the lights on the light pole. I also asked about a second location that is located at the A Fresh Market. I have attached a photo of the existing light pole that VZW is proposing to replace with an aerial of the site location. At that time, staff felt that it would be good to set-up a pre-submittal meeting to discuss these stealth proposals since they thought it would be good to get further input from staff since they are seeing more of these types of proposals come to them from the wireless carriers.

I attended a pre-submittal meeting for this project on 2/8 to discuss these proposals. During the pre-submittal, Staff thought Section 21A.37.050I of the Salt Lake Municipal Code was in reference to the height of the lighting to be placed on the pole and not the pole itself. It was discussed to have the lights lowered to meet the 16' height requirement but that may look odd in some instances such as at A Fresh Market where one (1) of the seven (7) light poles would have a light lower than the rest. It was also mentioned that the small cell light pole may be limited to maximum height of the zone district that it is located in. Upon further discussion, it seemed logical for the new light pole to be of similar height to the existing light poles on the property so that the small cell proposal would be in concert with the surroundings, but Staff thought that it would be good for VZW to obtain an interpretation on the proposed stealth design for the stealth small cell light pole as it pertains to Section 21A.40.090E2F(1) of the Salt Lake City municipal code. This would then allow VZW to proceed with implementing this design in other locations within the City rather than obtaining approval of individual proposals which would then be focused on just that singular location.

Section 21A.40.090E2F(1) of the Salt Lake City Municipal Code is looking for a stealth facility to be completely disguised as another object to help conceal the intended use and appearance of the facility. It further mentions the antenna shall conform to the dimensions of the object it is being disguised as and the location will be in concert with the surrounding. The intent of stealth is to have the proposed facility to blend into the existing development that already exists at a particular location. The dimensions of light poles can vary as can be seen in these two (2) instances that are 3" and 6" in diameter. The proposed stealth small cell light pole will be 7" in diameter to match the diameter of the existing antenna at the top of the stealth light pole to help hide the antenna within the pole. The extra width is also needed to will help with the cabling that will run within the pole between the antenna and equipment in the base of the pole. The proposed stealth small cell light pole designs will completely disguise the facility as another object and though the width of the pole will be slightly larger. The proposal is similar to the existing light poles that they will be looking to replace which meets the intent of Section 21A.40.090E2F(1) of the Salt Lake City Municipal Code. As concluded by staff, as long as the proposed stealth small cell light poles look like a light pole and the equipment is completely shielded within the pole then they would be permitted in the parking lot.

Section 21A.37.050I of the Salt Lake City Municipal Code is looking to protect the neighboring residential property from the adverse impact of future lighting from a parking lot. The code limits the height of the poles to 16' in height while requiring the globe to be shielded and the lighting directed down. However, in discussion with Staff, it was there thought the intent is to limit the height of the light rather than the pole especially in the instance that these are stealth small cell light poles where the top section of the pole is being used for the attachment of the antenna for the small cell. In both locations discussed, these are existing lights that VZW is proposing to keep at the existing heights while replacing the light poles with a stealth small cell light pole that will blend into the existing development. The lights on both proposed small cells will be shielded and directed down to match the existing lighting that is in place. The concern with lowering the height of the stealth small cell light pole will not be consistent in height with the existing light poles within the parking lot. This requirement would seem to conflict with the need to insure the stealth proposal is in concert with the surrounding area as mentioned within Section 21A.40.090E2F(1) of the Salt Lake City Municipal

Code. In the instance that VZW or a wireless carrier is proposing to swap out an existing light pole with a stealth small cell light pole it should be allowed to remain at the existing height.

I believe the intent of the Salt Lake Municipal Code is being upheld in these instances and look forward to getting confirmation the stealth small cell light pole design meets the interpretation of the municipal code sections above. I look forward to working with staff on these projects. If staff has any questions or comments please feel free to contact me at (801) 518-7098 or via e-mail at pete.simmons@taec.net.

Sincerely,



Pete Simmons
Real Estate Specialist

Technology  Associates

5710 South Green Street
Salt Lake City, UT 84123
(801) 463-1020 ext. 2110
(801) 518-7098 Cell
(801) 262-0428 Fax
pete.simmons@taec.net

Attached:

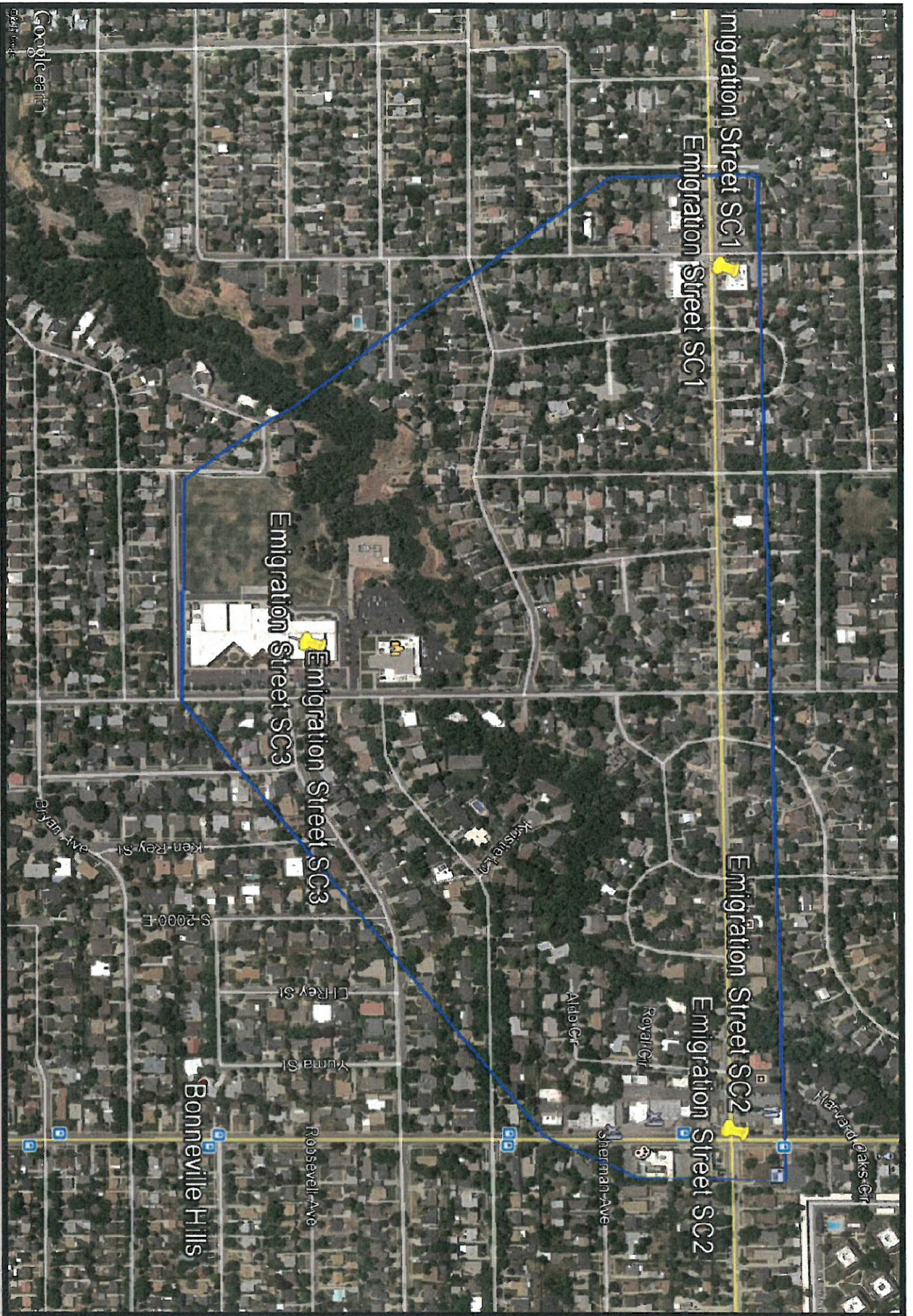
- One (1) Copy of the AI Application
- One (1) Copy of the Sal Emigration Street SC1 Proposal
- One (1) Copy of the Sal Dilworth SC3 Proposal



VZW Small Cell Proposal
Sai Emigration Street SC1
Jolley's Gift & Floral
1676 East 1300 South
Salt Lake City, UT 84105



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REVISIONS			REV.	DESCRIPTION	BY	DATE
00	PRELIMINARY RELEASE	JKC				05/26/2017

COMMSCOPE VVSSP-3605-F
10-PORT MULTIBAND ANTENNA SHOWN
(OTHER ANTENNAS AVAILABLE)

LUMINAIRE OPTIONS
SINGLE OR DUAL ARM
DECORATIVE PENDANT, COBRA HEAD LED
OR CUSTOM OPTIONS

POLE OPTIONS
STRAIGHT, TAPERED, FLUTED
CUSTOM COLORS AND FINISHES
TOTAL AGL 35FT MAX

POWER/FIBER EQUIPMENT
(SIDE ACCESS BEHIND PANEL)
AC LOAD CENTER WITH/VP
FIBER DEMARC

RADIO EQUIPMENT MOUNTING
(2) HP RADIOS
ADDITIONAL (1) LAA RADIO
ERC PSU MOUNTING OR
AC/DC DELTA 1KW RECEIVERS

DECORATIVE
TRANSITION SHRroud

FAN COOLING SYSTEM



Dimensions and Notes:

- 24 IN
- 48 1/4 IN HEIGHT
- 2 IN SQ BASE
- 0.6 53 DIA STRAIGHT

1.00	2.00	3.00	4.00
0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00
0.00	0.00	0.00	0.00

REV	DATE	BY	DESCRIPTION
00	05/26/17	JKC	PRELIMINARY RELEASE

SSC-760237427
METRO CELL, POECAB, INTEGRATED POLE
MICRO RADIO SOLUTION
COMMSCOPE

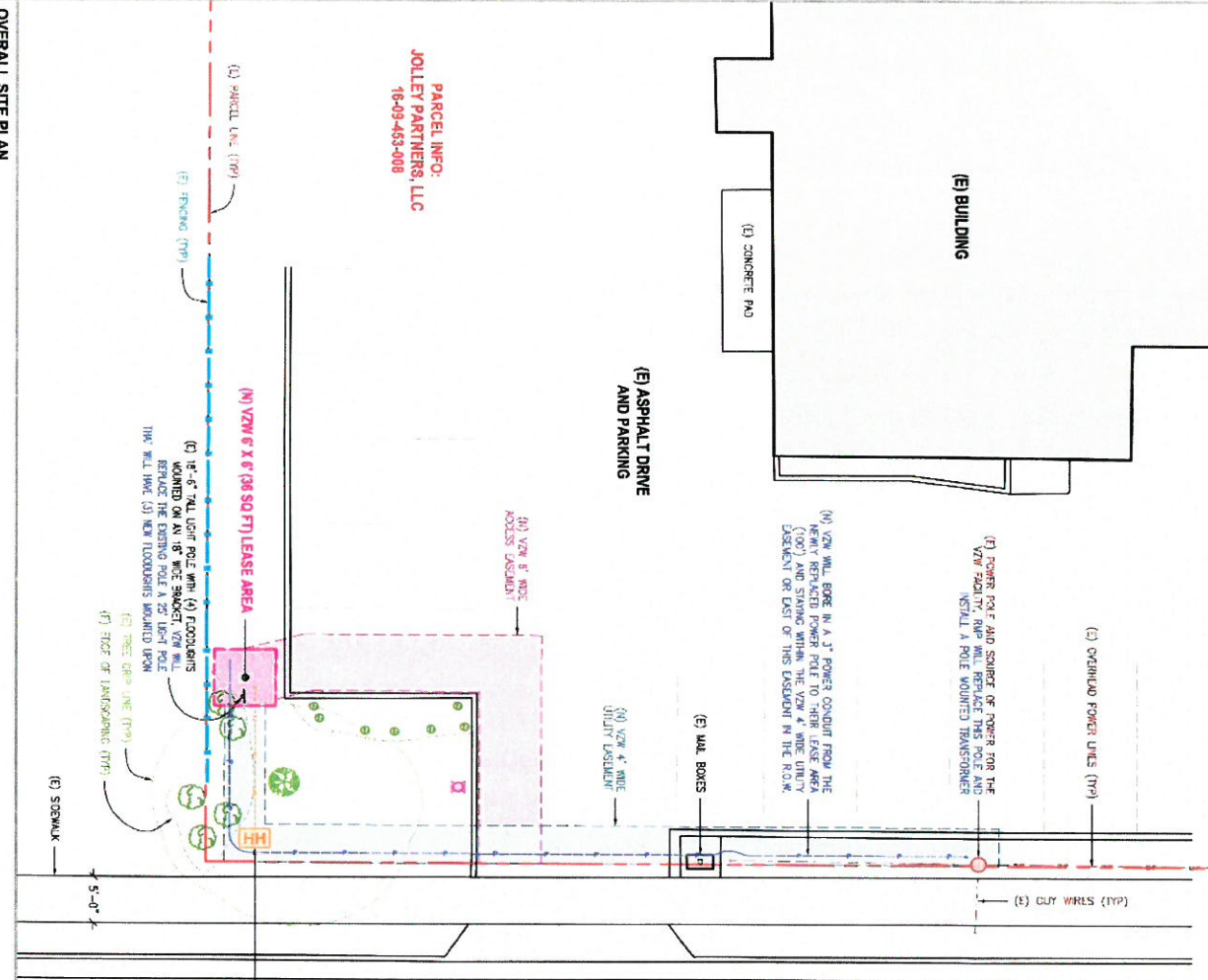


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Site Drawings

EXISTING PARCEL LINE ---
 VZW LEASE AREA ---
 EXISTING RIGHT-OF-WAY LINE ---
 VZW ACCESS/UTILITY EASEMENT ---
 EXISTING FENCING ---
 VZW UTILITY EASEMENT ---
 EXISTING POWER ---
 VZW POWER INSTALL ---
 EXISTING TELCO/FIBER ---
 VZW FIBER INSTALL ---
 EXISTING SEWER ---
 VZW ANTENNAS ---
 EXISTING STORM DRAIN ---
 VZW HYDRO/DVP ---
 EXISTING WATER ---
 VZW PRR1 ---



(N) VZW TREE HANDOFF TO BE INSTALLED WEST OF SIDEWALK IN 18" WIDE UTILITY EASEMENT. VZW WILL THEN TRENCH IN REPLACING LANDSCAPING AS NECESSARY TO BORE IN A 4" POWER CONDUIT FROM THIS HANDOFF TO THEIR NEW SMALL CELL SILE (20')

SCALE: 1/4" = 3'-0"

NORTH

Verizon
 9624 SOUTH PROSPERITY ROAD
 WEST JORDAN, UTAH 84088

Technology Associates
 UTAH MARKET OFFICE
 5710 SOUTH GREEN STREET
 SALT LAKE CITY, UTAH 84123
 CORPORATE OFFICE
 3115 SOUTH UNIVERSITY BLVD
 OAKS BLVD, OAKLAND, CALIFORNIA 94612

DRWEN BY: JAN C
CHECKED BY: PETE S

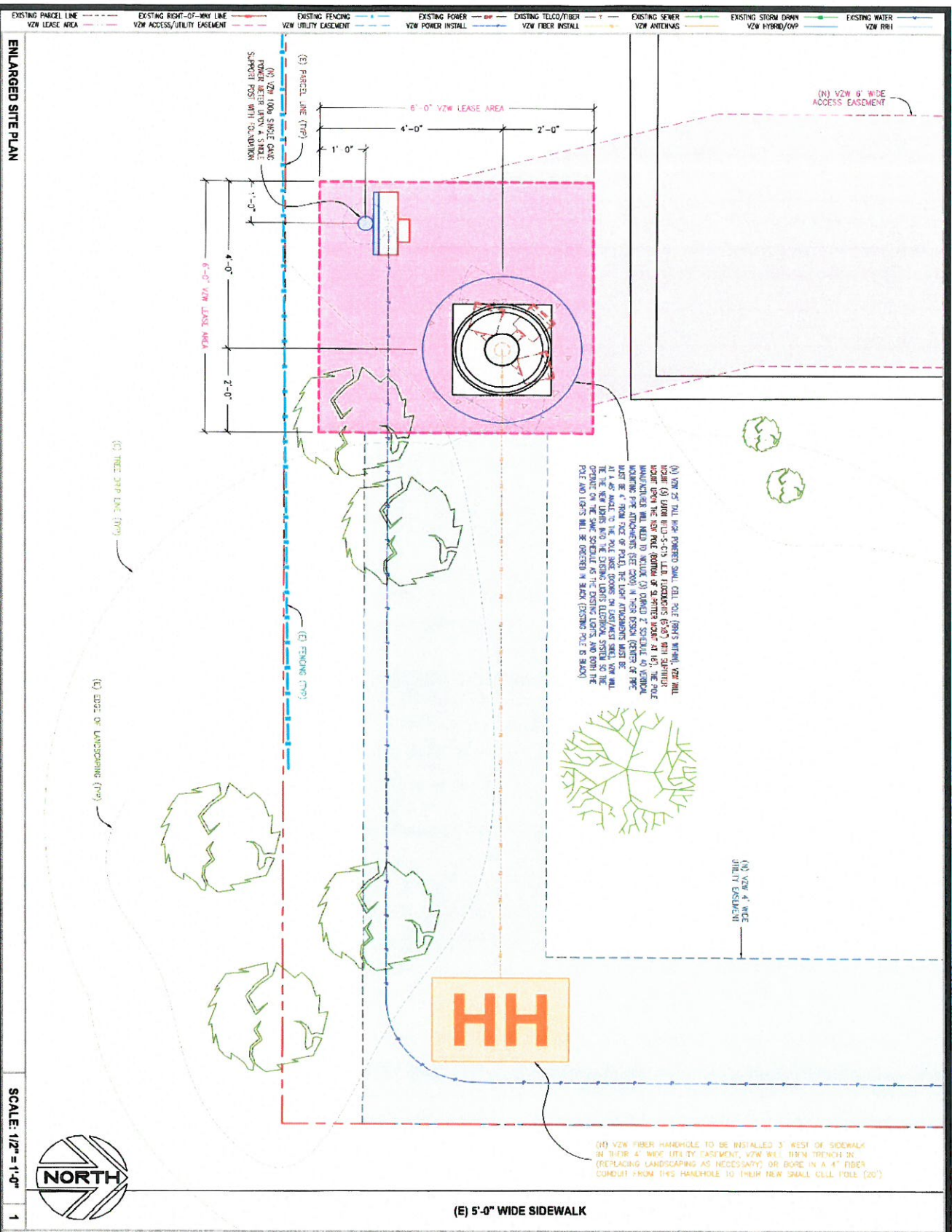
DATE: 01/24/2018
DESCRIPTION: ZONING DRAWINGS

SHEET TITLE: OVERALL SITE PLAN
SHEET NUMBER: C100

**S&L - EMIGRATION STREET SCI
 SE SEC 9, T1S, R1E
 1670 EAST 1300 SOUTH
 S.L.C, UTAH 84105
 - SMALL CELL -**



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ENLARGED SITE PLAN

SCALE: 1/2" = 1'-0"



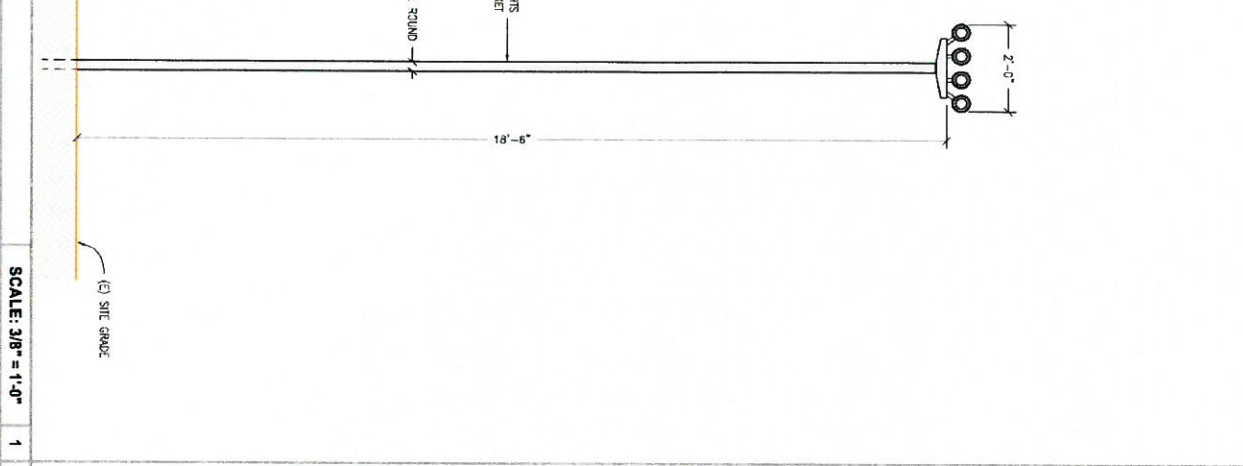
<p>6655 SOUTH PROSPERITY ROAD WEST JORDAN, UTAH 84088</p>	<p>UTAH MARKET OFFICE 5710 SOUTH GREEN STREET SALT LAKE CITY, UTAH 84123</p> <p>CORPORATE OFFICE 3115 SOUTH WARDEN DRIVE, SUITE #110 OAKLAND, CALIFORNIA 94612</p>	<p>DRAWN BY: JAV/C CHECKED BY: FCTE/S</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>01/24/2018</td> <td>ZONING DRAWINGS</td> </tr> </tbody> </table>	REV	DATE	DESCRIPTION	0	01/24/2018	ZONING DRAWINGS	<p>SHEET TITLE ENLARGED SITE PLAN</p> <p>SHEET NUMBER C101</p> <p>SAL - EMIGRATION STREET SC1 SE SEC 8, T15S, R1E 1870 EAST 1300 SOUTH SLC, UTAH 84105 - SMALL CELL -</p>
REV	DATE	DESCRIPTION							
0	01/24/2018	ZONING DRAWINGS							



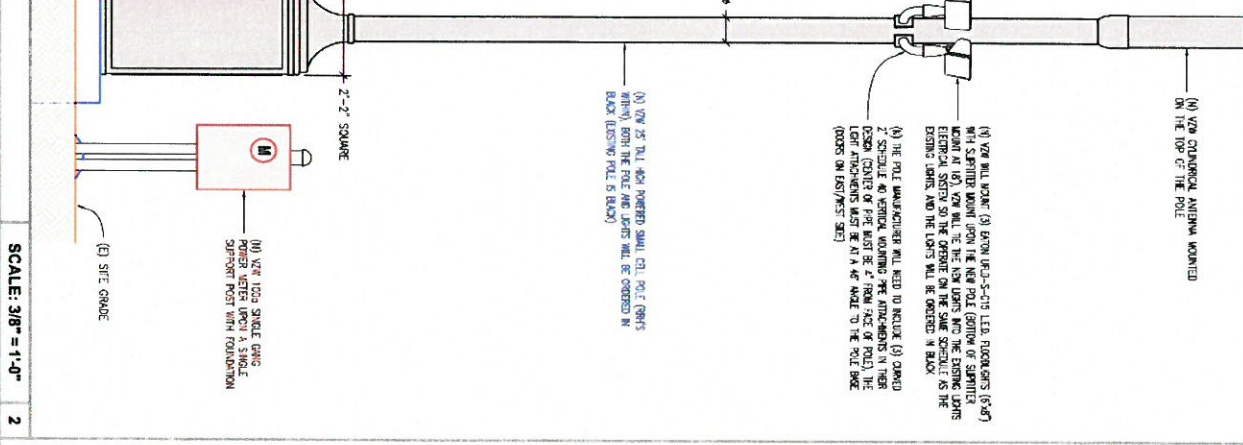
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EXISTING PARCEL LINE
 VZW LEASE AREA
 EXISTING RIGHT-OF-WAY LINE
 VZW ACCESS/UTILITY EASEMENT
 EXISTING FENCING
 VZW UTILITY EASEMENT
 EXISTING POWER
 VZW POWER INSTALL
 EXISTING TELCO/FIBER
 VZW FIBER INSTALL
 EXISTING SEWER
 VZW ANTENNAS
 EXISTING STORM DRAIN
 VZW HYBRID/DWP
 EXISTING WATER
 VZW RR-1

EXISTING POLE ELEVATION (LOOKING SOUTH)



PROPOSED POLE ELEVATION (LOOKING SOUTH)



SCALE: 3/8" = 1'-0"

1

SCALE: 3/8" = 1'-0"

2

SHEET NUMBER
C200

SITE ELEVATIONS

SAL - EMIGRATION STREET SC1
 SE SEC 9, T1S, R1E
 1670 EAST 1300 SOUTH
 SLC, UTAH 84105
 - SMALL CELL -

DATE: 01.24.2019
 DRAWING DESCRIPTION: ZONING DRAWINGS

UTAH MARKET OFFICE
 2710 SOUTH GREEN STREET
 SALT LAKE CITY, UTAH 84123
 CORPORATE OFFICE
 3115 SOUTH WEDGE DRIVE, SUITE #110
 OREM, UTAH 84057

Technology Associates
 856 SOUTH PROSPERITY ROAD
 WEST JORDAN, UTAH 84088



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Light Pole Replacement Photosimulation



Verizon

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Input/Comments

Pete Simmons

(801) 518-7098 or

pete.simmons@taec.net



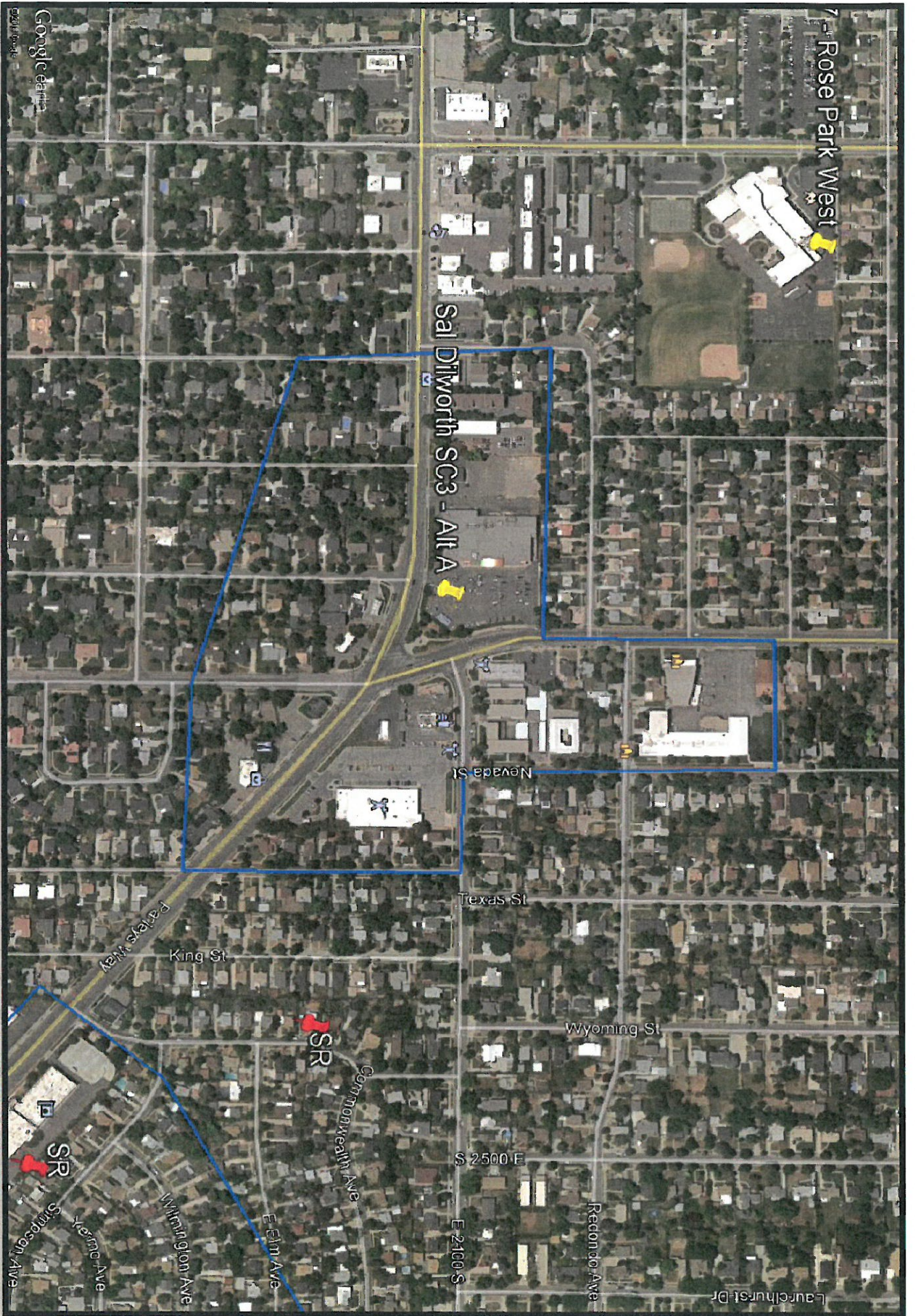
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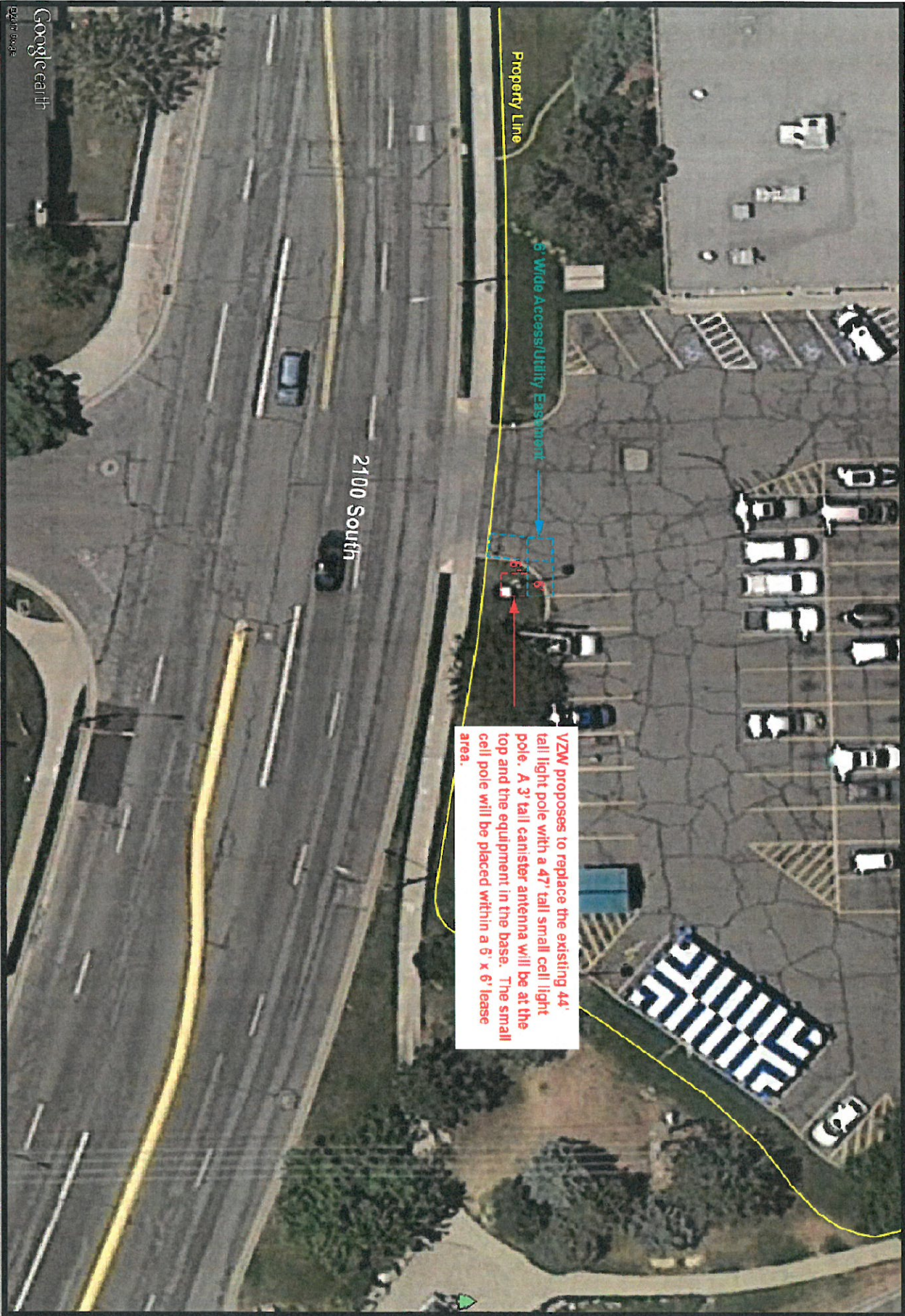


VZW Small Cell Proposal
Sal Dilworth SC3
A Fresh Market
2040 South 2300 East
Salt Lake City, UT 84109



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VZW proposes to replace the existing 44' tall light pole with a 47' tall small cell light pole. A 3' tall canister antenna will be at the top and the equipment in the base. The small cell pole will be placed within a 6' x 6' lease area.

REV.		DESCRIPTION		BY		DATE	
00		PRELIMINARY RELEASE		JJC		05/26/2017	

REVISIONS

COMMSCOPE VVSSP-3605-F
10-PORT MULTIBAND ANTENNA SHOWN
(OTHER ANTENNAS AVAILABLE)

LUMINAIRE OPTIONS
SINGLE OR DUAL ARM
DECORATIVE PENDANT, COBRA HEAD LED
OR CUSTOM OPTIONS

POLE OPTIONS
STRAIGHT, TAPERED, FLUTED
CUSTOM COLORS AND FINISHES
TOTAL AGL 35FT MAX

POWER/FIBER EQUIPMENT
(SIDE ACCESS BEHIND PANEL)
AC LOAD CENTER WITH/OUT
FIBER DEMARC

FAN COOLING SYSTEM

DECORATIVE
TRANSITION SHROUD

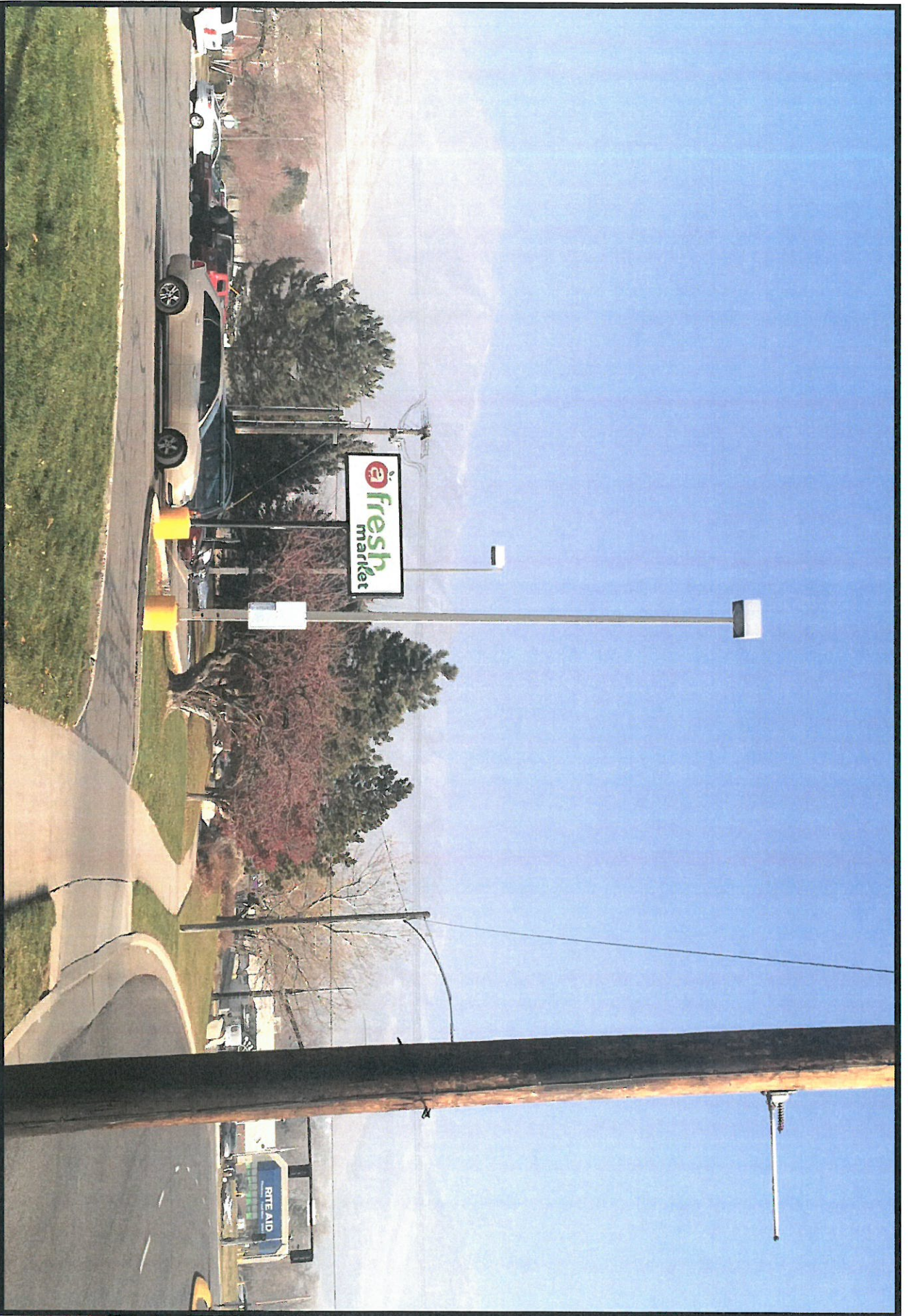
RADIO EQUIPMENT MOUNTING
(2) HP RADIOS
ADDITIONAL (1) LAA RADIO
ERC PSU MOUNTING OR
AC/DC DELTA 1KW RECEIVERS

48" TALL
HEIGHT

24" IN
SQ BASE

<p>Drawn to comply with applicable codes and standards. All dimensions are in feet and inches unless otherwise noted. All dimensions are to centerline unless otherwise noted. All dimensions are to be confirmed by the fabricator.</p>			
<p>1.1. COMMSCOPE VVSSP-3605-F</p> <p>TELEPHONE NUMBER: 408-255-1177</p> <p>WWW.COMMSCOPE.COM</p>	<p>REV. 00</p>	<p>DATE 05/26/2017</p>	<p>BY JJC</p>
<p>DESCRIPTION: COMMSCOPE VVSSP-3605-F</p>		<p>PROJECT: METRO CELL, POLE/CAB, INTEGRATED POLE</p>	
<p>SCALE: 1/8" = 1'-0"</p>		<p>PROJECT NO: COMMSCOPE VVSSP-3605-F</p>	
<p>REV. 00</p>		<p>DATE 05/26/2017</p>	
<p>SCALE: 1/8" = 1'-0"</p>		<p>PROJECT NO: COMMSCOPE VVSSP-3605-F</p>	

COMMSCOPE



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Input/Comments

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