

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS

Blake Thomas
Director

CITY COUNCIL TRANSMITTAL


(No. 2, 2022 1442 MTS)

Lisa Shaffer, Chief Administrative Officer

Date Received: 02/02/2022

Date sent to Council: 02/02/2022

TO: Salt Lake City Council
Dan Dugan, Chair

DATE: February 1, 2022

FROM: Blake Thomas, Director, Department of Community & Neighborhoods



SUBJECT: Petition PLNPCM2020-00284 - Request to Allow Stealth Wireless
Telecommunication Facilities taller than 35 feet (up to 75 feet) in height within
the PL – Public Lands Zoning District

STAFF CONTACT: Aaron Barlow, Principal Planner
801-535-6182, aaron.barlow@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The Planning Commission has recommended that the City Council deny the request to amend the Salt Lake City Zoning Ordinance to allow Stealth Wireless Telecommunication Facilities taller than 35 feet (up to 75 feet) in height within the PL – Public Lands Zoning District.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: Pete Simmons of Cellco Partnership (dba Verizon Wireless) submitted a request to amend the Salt Lake City Zoning Ordinance to allow Stealth cellular towers up to 75 feet in height as a Conditional Use in the PL Public Lands Zoning District. Stealth facilities are currently limited to 35 feet in height. This request is specifically related to a proposal by the applicant to construct a stealth cellular tower at the Pioneer Police Precinct at 1040 West 700 South, but the proposed text amendment would apply to properties within the PL district citywide.

Under current regulations in Section [21A.40.090.E](#) of the Zoning Ordinance, stealth wireless facilities are permitted in all zoning districts provided they are “completely disguised as another object concealed from view thereby concealing the intended use and appearance of the facility.” To qualify as a stealth facility, a tower needs to do the following:

1. “Conform with the dimensions of the object it is being disguised as,”
2. “Be in concert with its surroundings,” and

3. Meet “the provisions contained in section [21A.36.020](#), [including] tables 21A.36.020.B and 21A.36.020.C.”

Section 21A.36.020 of the Zoning Ordinance regulates lot and bulk controls. It requires that all lots and structures must meet “the lot area, lot width, yards, building height and other requirements established in the applicable district regulations.” Exceptions are allowed for certain obstructions in a required yard (table 21A.36.020.B) and height (table 21A.36.020.C). Allowed height exceptions include church steeples, elevator/stairwell bulkheads, flagpoles, and light poles for sports fields. Wireless facilities disguised as trees (or anything else not listed in the height exceptions table) are not a permitted obstruction beyond the maximum height of a zoning district.

In response to the perceived limitations that the Zoning Ordinance placed on stealth wireless communication facilities, the applicant submitted a text amendment application to modify sections [21A.32.070](#) (PL Public Lands District) and [21A.40.090.E](#) (Wireless Telecommunication Facilities) of the City’s zoning regulations to allow stand-alone stealth cell towers up to 75 feet tall as a Conditional Use in only the PL Public Lands Zoning District.

At their meeting on December 8, 2021, the Planning Commission voted to send a negative recommendation to the City Council regarding this proposal because it did not meet the standards for a zoning text amendment. Specifically, they provided a negative recommendation because the proposal would also impact residential districts adjacent to properties within the PL district, and the proposal was a response to a single issue in the ordinance and did not address stealth facilities more broadly. Additional information regarding this request can be found in [Staff’s report for the Commission](#). Draft ordinances are not provided with requests that have received a negative recommendation from the Planning Commission.

PUBLIC PROCESS:

Community Council Notice: A notice of application was sent to all Salt Lake City Recognized Community Organizations on October 5, 2021, regarding the proposed text amendment. The Recognized Organizations were given 45 days to respond with any concerns or to ask the applicant to discuss the proposed amendment at one of their meetings. Three Community Councils (Sugarhouse, Greater Avenues, and Yalecrest) invited the applicant and Staff to their meetings. The Sugar House and Greater Avenues Community Councils sent official responses that are included with Staff’s report to the Planning Commission.

Public Open House: The petition was posted to the Planning Division’s Online Open House webpage from October 5 to December 1, 2021. Staff received 58 comments from the public, two of which were in support of the request and the rest opposed. They are included with Staff’s report to the Planning Commission.

Planning Commission Meeting: On December 8, 2021, the Planning Commission held a public hearing regarding the proposed zoning text amendment. The only comment was from Judi Short, representing the Sugar House Community Council, who brought up concerns that she had received from the neighborhood. The commission voted to provide a negative recommendation to the City Council with a unanimous vote of 5-0, with one commissioner abstaining.

Planning Commission (PC) Records

- a) [PC Agenda of December 8, 2021](#) (Click to Access)
- b) [PC Minutes of December 8, 2021](#) (Click to Access, item begins on page 7)
- c) [Planning Commission Staff Report of December 8, 2021](#) (Click to Access Report)

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Hearing
- 3) Comments not included with PC Staff Report

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1. Project Chronology

PROJECT CHRONOLOGY

Petition: PLNPCM2020-00284

<i>September 2, 2021</i>	Mr. Simmons submits petition in its current form
<i>October 4, 2021</i>	Petition posted to the Planning Division's Online Open House webpage; The public comment period ended November 18, 2021
<i>November 23, 2021</i>	Planning Commission hearing notice posted on City and State websites.
<i>December 8, 2021</i>	Planning Commission reviewed the petition and conducted a public hearing. The commission then voted 5-0 to send a negative recommendation to the City Council.
<i>January 12, 2022</i>	Planning Commission ratified the minutes of the December 8, 2021 meeting

2. Notice of City Council Public Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2020-00284 - Request to Allow Stealth Wireless Telecommunication Facilities in the PL – Public Lands Zoning District** – Pete Simmons, representing Cellco Partnership (dba Verizon Wireless), is requesting to amend section(s) of title 21A.32.070 PL Public Lands District and 21A.40.090.E Wireless Telecommunication Facilities to increase the allowed height of stealth wireless telecommunication facilities to 75 feet in the PL Public Lands Zoning District. Specifically, this request would allow stealth wireless telecommunication facilities taller than 35 feet in the PL district as a conditional use. The PL district is located city-wide, so this request would affect all Council Districts. (Staff contact: Aaron Barlow at 801-535-6182 or aaron.barlow@slcgov.com).

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: This will be an electronic meeting pursuant to Salt Lake City Emergency Proclamation No.2 of 2020(2)(b). Please visit slc.gov/council/news/featured-news/virtually-attend-city-council-meetings-2/ to learn how you can share your comments live during electronic City Council meetings. If you would like to provide feedback or comments via email or phone, please contact us through our 24-hour comment line at 801-535-7654 or by email at council.comments@slcgov.com.

If you have any questions relating to this proposal or would like to review the file, please call Aaron Barlow at 801-535-6182 between the hours of 9:00 a.m. and 6:00 p.m., Monday through Friday or via e-mail at aaron.barlow@slcgov.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535- 7600, or relay service 711.

3. Comments not included with PC Staff Report



December 7, 2021

Dear Salt Lake City Planning Commissioners:

I am writing to oppose the Stealth Towers Text Amendment (PLNPCM2020-00284) on the agenda for the December 8 meeting.

ELPCO is the East Liberty Park Community Organization, a recognized community organization in Salt Lake City representing the 4,000 households between Liberty Park and East High School.

ELPCO has been tracking this issue since the initial proposal in 2020 (PLNPCM2020-00284) by Verizon Wireless to allow stealth towers up to 60 feet tall as conditional uses (i.e., allowable) in all zoning districts. Along with the Planning Department and several other community councils, we opposed the initial proposal in a [letter dated May 19, 2021](#), writing, "We believe this proposal goes too far in revising the zoning code and raising height restrictions to exceed local limits. We believe height limits are one of the most important design elements of local zoning."

Now, Verizon has returned with a curtailed proposal to allow taller (75 feet) antennas in more limited areas (Public Lands-PL districts).

The first thing ELPCO did was seek input from our community. The majority of responses we received have been favorable or ambivalent to the proposal.

- "Let them install towers so all of us can have service in the area!" wrote BL.
- MH wrote: "Can I put one in my back yard? I can't get a signal in my house."
- LB opposes the amendment, writing "We already have their ugly brown cell towers along our park strips, notably here on the East Bench. This proposal is another step in the wrong direction."
- DS replied: "That's the price of technology. If you oppose this don't complain about poor signal."
- On Nextdoor.com, DD replied: "I don't see what the issue is. I don't see anyone objecting to electrical poles, and I even tried to rally people to push the city to bury all electrical (which received a collective groan)."

Improving wireless connectivity and reliability is important to many of our community members. And unlike utilities, proximity to infrastructure matters when it comes to better cellular service.

Next, we looked at the impact within ELPCO.

There are three major Public Lands-PL districts in ELPCO: East High School, Emerson Elementary, and the SLC Fire Station #5 on 900 South. Nearby PL districts include Hawthorne Elementary on 700 East and the USPS Post office on 1100 East. The PL parcel with the densest residential setting is Emerson Elementary, although any antenna there would likely be sited in the athletic area east of the school and adjacent to the RB zoning along 1100 East. As a result, the immediate residential impacts of this amendment appear to be limited in ELPCO... except for the visual impact of a 75-foot metallic brown pine tree with antenna-like foliage jutting above the 30-foot rooftops of houses so that we can download that 4K Hallmark holiday movie a little bit faster.



Because the potential stealth antennas would be so much taller than any other existing structure in the neighborhood, this visual impact cannot be ignored.

Lastly, we considered the impact of this amendment on the overall zoning code and application. And based on this review, we decided to oppose this amendment.

First, the motivation for this amendment appears to be the city's denial to Verizon to build an 80-foot stealth antenna at the Pioneer Police Precinct (zoned PL). We don't think it is wise to change zoning for the entire city based on the circumstances of one application in a single parcel. Raising the local height restriction for cellular antennas might work for the Pioneer Police Precinct, but it doesn't mean that similar zoning changes will conform with conditions in ELPCO or other neighborhoods with dense, low-scale residential housing.

Second, the scope of the amendment is broad enough to allow Verizon or other wireless carriers to construct antennas in multiple formats that are not in line with the local height limits and building conditions of neighborhoods. The juxtaposition of a 75-foot antenna looming above a row of 30-foot rooflines is entirely plausible under this amendment.

Third, we all know that "conditional use" actually means "this train has already left the station." Conditional use applications are not an efficient or truthful approach to zoning decisions. As a result, the wireless carriers should collaborate with the SLC Planning Department to craft a new zoning code that provides clear, unconditional height limits based on existing and adjacent zoning without the trapdoor of conditional use to allow for unforeseen and harmful impacts.

Salt Lake City is facing wireless infrastructure development on multiple fronts. From the proliferation of 5G monopoles to the demand for self-driving cars and better, faster wireless service, these complex pressures require a broad, collaborative process to address wireless infrastructure in the city. This is what we called for in our May 19 letter about the first proposal by Verizon:

"We would also like to see a broader coalition—beyond just wireless carriers—engaged in efforts to address equity issues between wireline (i.e., wired Internet access) and wireless connectivity. We know that many residents of ELPCO and other city neighborhoods rely on wireless networks for Internet access in their homes. We also know this need has increased during the pandemic. But resolving this issue should engage more actors than wireless carriers, including city agencies, local nonprofits, and the Salt Lake City Schools. And real and lasting change must involve additional reforms beyond easing zoning and height limits for cell towers."

As a result, I request the SLC Planning Commission deny the Stealth Towers Text Amendment (PLNPCM2020-00284) until it can be considered in context with all of the wireless infrastructure decisions within the city.

Sincerely,

Jason Stevenson
ELPCO, co-chair

Barlow, Aaron

From: Margo <becker.margo@gmail.com>
Sent: Monday, December 6, 2021 10:20 PM
To: Barlow, Aaron
Subject: (EXTERNAL) Oppose stealth towers

Hi.

Please add me to the list of those opposed to Verizon's proposal for taller stealth towers on public lands.

Thanks!

Margo Becker



December 8, 2021

Dear Salt Lake Planning Commissioners:

I am writing to oppose the Stealth Towers Text Amendment (PLNPCM2020-00284) which you will discuss tonight at your Commission meeting.

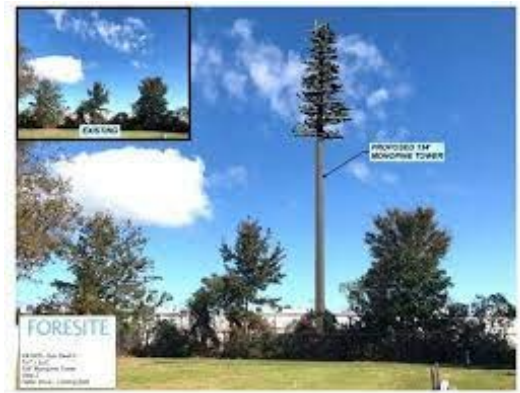
In May, when Verizon requested permitted uses to install 60-foot stealth towers in all zoning across Salt Lake except residential zones, I sent an opposition letter to both the Planning Commission and City Council. This was my argument: "The 60-foot height is unprecedented in most low-density commercial zones like CN-Neighborhood Commercial and CB - Community Business. If the Commission is a pushover for this 60-foot stealth monopoly request, then surely they will give Verizon carte blanche to build a 5G tower forest throughout Salt Lake City."

Verizon withdrew that request but is back with another – a "conditional use" proposal to place 75-foot stealth (disguised) wireless towers in PL (Public Lands) zones –anywhere in the city.

I urge you to deny the request on these grounds:

1. Conditional use means Verizon has free reign to place their towers indiscriminately in PL zones throughout the city. It's the proverbial "keys to the car." Once granted, Verizon can pretty much do what they want, which is troubling. This will tie the city's hands and hold back residents from determining, or having a say in precisely how many, where and when these towering behemoths will be placed.
2. Don't buy the argument that PL zones are in non-descript corners of the city that are hidden and that no one cares about. We have three PL zones in the beautiful, residential neighborhood of Yalecrest -- Unitah Elementary School on 1300 South and 1500 East, Bonneville Elementary School on 1900 East and Harvard Avenue, and the East High School baseball park at the Southwest corner of Yalecrest on 900 South. Both schools are surrounded on four sides by single-family homes. There is a neighborhood near the ball park. We are opposed to 75-foot wireless towers in our beautiful neighborhood.
3. Property devaluation. Have you seen comparative photos of what a 75-foot tower looks after construction? (See photos below) A 2014 survey by the National Institute for Science, Law and Public Policy supported the idea that cell towers hurt interest in real estate properties and value, according to the institute's website. If you approve this, you will have to justify your reasoning to 2,750+ homeowners in Yalecrest who live near Unitah Elementary, Bonneville Elementary and the East High School baseball park.

4. These stealth towers are UGLY. (See pictures below) There is no way to “disguise” a 75-foot-tall wireless tower and make it look beautiful. They pierce the horizon and scream “I don’t fit in.”



5. Our understanding is if Verizon is granted conditional use, it opens the door for other carriers to have the same privileges. There are at least four other major carriers – AT&T, T-Mobile, US Cellular, and Sprint Nextel. Could we see a veritable forest of these 75-foot towers? Please think carefully about the consequences.

We support the recommendation from our community council colleague Jason Stevenson, chair of ELPCO: “Wireless carriers should collaborate with the SLC Planning Department to craft a new zoning code that provides clear, unconditional height limits based on existing and adjacent zoning without the trapdoor of conditional use to allow for harmful impacts.” We strongly urge you to deny this conditional use request.

Respectfully,

Janet (Jan) Hemming
Chair
Yalecrest Neighborhood Council