

DRAFT

**Conditions of Approval for the Installation of Large Above-Ground Cabinets
In the City of Costa Mesa
December 2006**

Although the City's preference is to have all utility lines and appurtenances underground within the public right-of-way, the following conditions shall apply to all permit requests where undergrounding is not possible, and that involve the installation of above-ground boxes greater than twenty five (25) cubic feet in volume:

1. Prior to issuance of any individual encroachment permit for equipment which may be part of a project or program, and in order to ensure that any required California Environmental Quality Act (CEQA) analysis is completed, the applicant shall submit a complete plan identifying the total number of utility cabinets expected to be installed as part of the entire project in the City in the reasonably foreseeable future, providing precise plans and specifications for all hardware to be installed, showing all locations where hardware is proposed to be installed, and any and all proposed mitigation measures. The City will then assess what environmental review, if any, is required for the project. Once environmental review is completed, and a determination is made that the requested above-ground installation can be made with or without adjustments, the remaining conditions (below) shall apply.
2. Applicant shall notify, in writing, all owners and tenants of parcels of land within one hundred feet (100') of the proposed cabinet(s), to inform them of the proposal, to obtain input and to provide them with any pertinent requested information concerning the cabinet(s) and the location. The City shall receive a copy of all notices, along with the addresses that are notified. The notices shall contain the name and number of the applicant's representative, as well as a City contact. Applicant shall submit a draft of the notification document to the City for review and comment prior to sending.
3. Plan submittals shall contain adequate dimensions to show that all requirements of the Americans with Disabilities Act (ADA) can be met within the public right-of-way, in the area of any proposed, above-ground facilities, prior to issuance of a permit.
4. If a proposed cabinet(s) is visible from the public right-of-way, landscaped screening shall be provided and identified on the plans, as space allows in the area. Landscaping and irrigation shall be maintained by the owner of the cabinet for the life of the cabinet, unless other arrangements are agreed to in writing by the City.
5. In proposed locations where landscaped screening is not possible, and redesign/relocation of the proposed cabinet to a larger area is not possible, the owner of the cabinet shall agree to respond within 24 hours upon notification

to provide needed maintenance on the cabinet(s). A separate agreement to this effect shall be executed with the City prior to issuance of the encroachment permit. Maintenance shall include removal of graffiti and stickers. **Note:** If the owner of the proposed, above-ground facility has an official, written and adopted company policy in regards to cabinet maintenance, or has a franchise agreement with the City that adequately addresses maintenance and response time, this document may be substituted for the above required maintenance agreement if, in the opinion of the City Engineer, it meets the intent of the required cabinet maintenance.

6. Cabinets shall be located on private property (within an appropriate easement), where possible. If the cabinet(s) is visible from the public right-of-way, landscape screening shall be provided and maintained by the owner of the cabinet for the life of the cabinet.
7. Any above-ground cabinets shall have a maximum size of 48” high by 45” long by 24’ wide, except in locations where the City has determined that no visual and/or aesthetic impacts exist due to the presence of the cabinet, or due to adequately proposed screening, in which case the height of the cabinet may be increased to a maximum of 63.” Increased length and width may also be approved, if its impacts are deemed negligible for the location by the City Engineer. Where cabinets are proposed on two-lane residential streets, or on collector streets within residential areas, the maximum cabinet height shall be 48” or less without exception.
8. If an electrical service/meter is required as part of the above-ground cabinet(s) application, it shall be installed integrally with the cabinet it is proposed to serve. No separate pedestal for the electrical service shall be allowed for service to the proposed, or any existing, cabinet(s).
9. Applicant agrees that failure to properly maintain any above-ground cabinet(s) within the City, which is visible to the public, will provide cause for the City to rescind the encroachment permit, in which case the cabinet(s) must be removed and the area restored to its prior condition. Maintenance shall include, but not be limited to, proper upkeep of the exterior appearance of the cabinet(s).
10. Applicant agrees that any issuance of an encroachment permit shall not constitute a franchise under local, state, or federal law. **No video services** may be provided by the permit holder anywhere in the City unless and until either a City-issued franchise or state-issued franchise has been secured by applicant in full compliance with local, state, and/or federal law.