



**STATEMENT OF OFFICIAL ACTION
FINDINGS AND DETERMINATION OF THE
ZONING ADMINISTRATOR**

PROJECT INFORMATION	
Zoning Administrator Meeting: June 24, 2021	Agenda Item: 3-A
Permit: 21ENT-0102 (Minor Use Permit)	
Address: 200 Santa Monica Pier	
Applicant: City of Santa Monica, Information Systems Department (ISD)	
Property Owner: City of Santa Monica	
Case Planner: Michael Rocque, Associate Planner	
REQUEST:	The applicant requests approval of a Minor Use Permit (MUP) to allow for the installation of ten (10) new small wireless facility sites to be located and integrated within existing light poles along the north side of the Santa Monica Pier within the Oceanfront-Beach-Overlay (OF-BCH) zoning district. The project consists of installing 4G/5G antenna units on each pole, new fiber and power cables to each antenna unit and new conduit/junction boxes underneath the pier to the proposed sites. The proposed antennas and associated support equipment will be integrated at the top of each light pole and not accessible to the general public. As proposed, the project does not comply with the requirements for non-parabolic commercial antennas contained in Santa Monica Municipal Code (SMMC) Section 9.32.060(A). Pursuant to Santa Monica Municipal Code Section 9.32.060(B), the Zoning Administrator may approve modifications to the requirements for non-parabolic commercial antennas through the approval of an MUP.
CEQA STATUS:	The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305, Class 3 of the State Implementation Guidelines in that the project involves the construction of a small structure, specifically the installation of ten (10) new small wireless facility sites to be located and integrated within existing light poles.

PROPERTY INFORMATION	
Zoning District:	Oceanfront-Beach Overlay (OF-BCH)
Parcel Area (SF)/Dimensions:	Within Santa Monica Pier
Rent Control Status:	N/A, Exempt
Relevant Prior Permits:	None

ZONING ADMINISTRATOR ACTION	
APPROVED as requested based on findings and subject to conditions.	June 28, 2021

Effective Date Of Action If Not Appealed:	July 13, 2021
Expiration Date: (2 years pursuant to SMMC 9.37.090(A)(2) + 2 years pursuant to the Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopted on May 29, 2020)	July 13, 2025
Length Of Any Possible Extension:	Six months

MINOR USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan. Specifically, the installation of ten (10) new small wireless facility sites will be located and integrated within existing light poles along the north side of the Santa Monica Pier. The project will maintain globally competitive broadband infrastructure that meets demand and will assist in the expansion of the City’s fiber network and increase reliability to local businesses, residents, guests, utility infrastructure, and other City assets. This project is consistent with Land Use and Circulation Element (LUCE) Goal E5 which encourages the support of a diversified and sustainable community and identifies the need to create a local, business-friendly environment. The installation of a new wireless telecommunications facility will ensure that residents, businesses, and visitors will be provided with improved, up-to-date reliable telecommunications services. Additionally, because the project is designed in a visually unobtrusive manner utilizing existing light standards on the Pier, the project supports an overall Beach and Oceanfront District goal (D18) and policy (D18.7) of the LUCE which seeks to preserve and enhance the Santa Monica Pier as a key component of Santa Monica’s history and character.
2. The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood. Given the small footprint of the antennas and associated equipment and their proposed location at the top of the existing light poles (approximately 16.5 feet above the adjacent grade) along the north side of the Pier, the use will have minimal impact on the surrounding area including the historic features of the Santa Monica Pier. The antennas as conditioned (Condition #16) shall also be painted a color to match the underlying light standard and will not be accessible to the general public.
3. The proposed ten (10) new small wireless facility sites comply with all development standards described in Santa Monica Municipal Code Section 9.32.080. Specifically, the proposal complies with the overall height, setbacks, noise limitations, signage, utilities, and exterior lighting standards.

4. The applicant has demonstrated that its proposed ten (10) new small wireless facility sites shall be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions. Specifically, the applicant submitted an RF Compliance Report which contained the necessary information to allow the City's Consultant (Telecom Law Firm) to review the RF analysis to determine whether the project as proposed will comply with the FCC's Rules. The City Consultant's review of the RF Compliance Report determined that based on the transmitter frequencies and power levels disclosed in the RF Report, the antennas will create a "controlled access zone" that extends approximately 7.4 feet in all directions from antennas at approximately the same height as the emissions centers of that antenna at 16.5' high from AGL. The controlled access zone extends horizontally from the antennas with very little emissions that stray upwards or downwards. The fact that a site creates a controlled access zone does not necessarily mean that it violates the FCC Guidelines. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers) cannot unknowingly enter and be exposed to radio emissions in excess of limits prescribed by the FCC. The controlled access zone is inaccessible to members of the general population except for potential trespassers and streetlight maintenance workers.
5. The applicant has demonstrated a good-faith effort to identify and evaluate more-preferred locations and potentially less-intrusive designs. Given the small footprint of the antennas and associated equipment and their proposed location at the top of an existing light standard poles (approximately 16.5 feet above the adjacent grade) along the north side of the Pier, the use will have minimal impact on the surrounding area. In addition, Condition of Approval #16 require the equipment be colored (or painted) and maintained to match the underlying light standard and that all interconnecting fiber and power cables associated with the project shall run underneath the pier to the proposed sites.
6. The applicant has provided the approval authority with a meaningful comparative analysis that shows all less-intrusive alternative locations and designs identified in the administrative record are either technically infeasible or not potentially available. The City has concluded that given the small footprint of the proposed small wireless facility sites and antennas and the overall objective of providing an enhanced expansion of the City's fiber network and wireless service at the Pier a materially less intrusive location would not exist.

CONDITIONS OF APPROVAL

Standard Conditions

1. This determination shall not become effective for a period of fourteen days from the determination date or, if appealed, until a final determination has been made on the appeal.

2. This approval applies only to allow for the installation of ten (10) new small wireless facility sites to be located and integrated within existing light poles along the north side of the Santa Monica Pier. The project consists of installing 4G/5G antenna units on each pole, new fiber and power cables to each antenna unit and new conduit/junction boxes underneath the pier to the proposed sites as shown on the plans dated June 7, 2021, and subject to any special conditions. The sites include that are to be included in this approval have been identified and given the associated pole ID number and name:

**SANMON 097 (POLE ID-11872) SANMON 098 (POLE ID-11877)
SANMON 099 (POLE ID-11880) VZW OPT 01 (POLE ID-11876)
VZW OPT 2 (POLE ID-11874) SCL SMTL 28 (POLE ID-9218)
SCL SMTL 29 (POLE ID-11873) SCL SMTL 32 (POLE ID-11875)
SCL SMTL 30 (POLE ID-11878) SCL SMTL 31 (POLE ID-11879)**

Minor amendments to the plans shall be subject to approval by the Zoning Administrator.

3. Except for allowances granted by this entitlement, the applicant shall comply with all other applicable provisions of Article 9 of the Santa Monica Municipal Code and all other pertinent ordinances and General Plan policies of the City of Santa Monica.
4. Within ten (10) days of transmittal of this Statement of Official Action, the project applicant shall sign a copy of the determination and return the document to the City Planning Division. The applicant's signature constitutes acceptance of the conditions of approval and understanding that failure to comply with such conditions shall constitute grounds for potential revocation.
5. As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the City as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city fee schedule.
6. **Approved Plans.** Before the permittee submits any applications to the Building and Safety Division, the permittee must incorporate the permit, all conditions associated with the permit and the approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the facility in strict compliance with the Approved Plans. Any alterations, modifications or other changes to the Approved Plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the facility, must be submitted in a written request subject to the Planning

Director's prior review and approval, who may refer the request to the original approval authority if the Planning Director finds that the requested alteration, modification or other change implicates a significant or substantial land-use concern.

7. **Build-Out Period.** In accordance with Section 9.37.090 Expiration and Extension, the permit shall automatically expire 2 years from the issuance date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved facility, which includes, without limitation, any permits or approvals required by the any Federal, State or local public agencies with jurisdiction over the subject property, the facility or its use. The Planning Director may grant one written extension to a date certain when the permittee shows good cause to extend the limitations period in a written request for an extension received by the City prior to the automatic expiration date in this condition.
8. **Maintenance Obligations; Vandalism.** The permittee shall at all times keep the site, which includes, without limitation, any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the Approved Plans and all conditions in the permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware through its own staff including contractors that such graffiti or other vandalism occurred.
9. **Compliance with Laws.** The permittee shall maintain compliance at all times with all Federal, State and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the facility or any use or activities in connection with the use authorized in the permit. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws.
10. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City or its designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City or its designee may, but shall not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee shall be permitted to supervise the City or its designee while such inspection or emergency access occurs.

11. **Contact Information.** The permittee shall furnish the City Planning Division with accurate and up-to-date contact information for a person responsible for the facility, which includes, without limitation, such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times.
12. **Indemnification.** The permittee and, if applicable, the property owner upon which the facility is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials, employees and volunteers from any and all: (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("Claims") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of any permit or regulatory approval authorized by City under this Chapter 9.32; and (2) other Claims any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with the permit or the facility; provided, however, the permittee and, if applicable, the property owner upon which the facility is installed, shall not defend, indemnify, or hold harmless the City, agents, officers, officials, employees and volunteers due to the negligence, gross negligence, or willful misconduct of the City, agents, officers, officials, employees, and volunteers. In the event the City becomes aware any Claims, the City shall use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve the permit, and that such indemnification obligations shall survive the expiration or revocation of the permit.
13. **Revocation/Modification of Permit.** The original approval authority may revoke or modify the permit at any time based upon noncompliance with the Santa Monica Municipal Code or any approval conditions. In accordance with Section 9.37.120 Revocation/Modification of Permits, the approval authority may revoke the permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
14. **Duty to Retain Records.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals (the records) issued in connection with the personal wireless service facility, which includes, without limitation, this approval, the approved plans and photo simulations incorporated

into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the City, any ambiguities or uncertainties that would be resolved through an inspection of the missing records shall be construed against the permittee.

Special Conditions

15. As the subject property is a designated City Landmark (Santa Monica Pier), review and approval of a Certificate of Appropriateness by the Landmarks Commission will be required prior to the issuance of a building permit.
16. All the wireless antennas and associated equipment shall be painted a color to match the underlying light standard. This painting requirement should not, however, include the small antenna aperture on the radio shroud.
17. Permittee shall ensure that all federally required radio frequency signage be installed and maintained at all times in good condition. All such radio frequency signage be constructed of hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with the most current versions of ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.
18. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein are changed, Permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the then current standard.

APPLICANT NOTICE

This decision of the Zoning Administrator may be appealed to the Planning Commission during a 14-calendar day appeal period following the decision date. Such an appeal may be made by filing an official appeal form with the City Planning Division, 1685 Main Street, Mail Stop 28, Santa Monica, CA 90401, accompanied by the required filing fee.




Tony Kim
Acting Zoning Administrator

June 28, 2021

Date

Acknowledgement by Permit Holder (200 Santa Monica Pier / 21ENT-0102)

I agree to the above conditions of approval and acknowledge that failure to comply with any and all conditions shall constitute grounds for potential revocation of the permit approval.



Signature
Joseph Cevetello

Print name here

June 29, 2021

Date