



City of
Santa Monica

Department of Public Works
Civil Engineering Division
1685 Main Street, Room 116
Santa Monica, CA 90401

July 2, 2018

Adrian Culici
Eukon Group
630 S Grand Ave
Santa Ana, CA 92705

**SUBJECT: LETTER OF DETERMINATION FOR SMALL CELL WIRELESS PERMIT
APPLICATION 17WIR-0140**

LOCATION: WOODEN UTILITY POLE IN FRONT OF 1002 WASHINGTON AVE

DETERMINATION

The City of Santa Monica Department of Public Works, after reviewing the submitted application package and received public comments, finds that the proposed wireless facility complies with all applicable provisions of the Santa Monica Municipal Code and Federal Communications Commission rules. The application is therefore approved.

DISCUSSION

The City of Santa Monica received an application for the installation of a small cell site on an existing wooden utility pole in front of 1002 Washington Ave. The adjacent land use is zoned R2 Low Density Residential. The wooden utility pole proposed for the installation has an overall height of approximately 37 ft 11 in. The small cell site is proposed to be installed approximately 21 ft above grade, resulting in no pole height increase effect on the public's use of the public right-of-way (SMMC 7.70.080(b)).

Pursuant to SMMC 7.70.020(t) and 7.70.060, the applicant sent a City-approved notice to all businesses and residents within a 500-ft radius of the proposed installation with information regarding how to submit a public comment to the City. As stated on the notice, public comments must be sent within 14 calendar days of receiving the notice.

The City received two public comments in response to this proposed installation. Public comments included:

- Claims that the installation is not appropriate in a residential neighborhood; and
- Health-related concerns.

All public comments were considered in the course of the City's review of this application. Pursuant to federal law, the City cannot prohibit (or have the effect of prohibiting) the provision of personal wireless services. Precluding installations in areas that are deemed "too residential" will have the effect of prohibiting the provision of personal wireless services in residentially-zoned areas and therefore contradicts federal law.

Photosimulations before and after the installation were submitted as part of this application. The applicant has proposed to camouflage the equipment through the use of a steel arm that would conceal the majority of small cell equipment. This steel arm and other equipment, when technically feasible, will be painted to match the existing pole. City staff worked with the carrier to

develop the aforementioned camouflage measures and have found them to be in compliance with the City's camouflage requirements (SMMC 7.70.080(c)).

The proposed installation was found to be in compliance with all of the City's requirements and standards for wireless communications facilities in the public right-of-way as stated in Santa Monica Municipal Code section 7.70. Further, the installation was found to comply with FCC requirements regarding radiofrequency emissions (SMMC 7.70.080(a)(d)).

Through its review, the City of Santa Monica has exercised its jurisdiction over regulating the proposed wireless facility consistent with the limitations set forth in Title 47 US Code section 332(7)(B). Consistent with these limitations, the City did not (and cannot) regulate this proposed installation on the basis of the environmental effects of radiofrequency emissions, as the installation complies with FCC requirements regarding radiofrequency emissions.

APPEAL

Pursuant to SMMC 7.70.090, any person may appeal the Public Works Department's decision to the City Council within 14 calendar days after the determination has been published on the City's website. The publishing date can be found at the top of this letter. Appellants are encouraged to include in their appeals any supporting documentation as to how this installation does not comply with local, state, or federal law. Appeals may be filed online at www.santamonica.gov/wirelessappeals or mailed to:

City of Santa Monica
Attn: Wireless Appeal
1685 Main St, Rm 116
Santa Monica, CA 90401

In your correspondence, please include the wireless permit number **17WIR-0140** or your appeal request will not be processed.

Sincerely,



Greg deVinck, PE for

Susan Cline

Director

Department of Public Works