City of Santa Monica®

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

March 12, 2018

Frank Chatzipantsios
Mobilitie
On Behalf of Sprint
2955 Redhill Ave, Ste 200
Costa Mesa, CA 92626

SUBJECT: LETTER OF DETERMINATION FOR SMALL CELL WIRELESS PERMIT APPLICATION 17WIR-0083
LOCATION: CITY-OWNED STREETLIGHT POLE IN FRONT OF 902 18TH ST (SOUTHWESTERN CORNER OF 18TH ST & IDAHO 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, City-owned streetlight pole in front of 902 18th St (southwestern corner of 18th St & Idaho Ave). This area is zoned R2 Low Density Residential. The streetlight pole proposed for the installation has an overall height of approximately 23 ft. The installation of the small cell site will increase the overall pole height to approximately 26 ft 1 in. All equipment is proposed to be installed toward or on top of the existing streetlight pole or below grade, resulting in no 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 five public comments in response to this proposed installation. Public comments included:

- Concerns regarding the proposed installation's effect on property values;
- Claims that the proposed installation will not benefit the community and would be better suited for a neighborhood with more commercial activity or vehicular traffic;
- Suggestions that City should offer a public building, such as a library, as an alternative installation location;
- Concerns regarding the aesthetic impact of the proposed installation; and
- Concerns that the installation will only benefit the users of Sprint, the carrier on behalf of whom this installation was proposed.

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. Further, the City considers these applications without regard to the specific carrier requesting the installation. It is the responsibility of each carrier to deploy their network infrastructure in accordance with their coverage needs.

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 tubular antenna shroud painted gray to match the existing pole. Further, all other equipment, where technically feasible, has been proposed to 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 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-0083** or your appeal request will not be processed.

Sincerely,

for **Susan Cline**
Director
Department of Public Works