



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Thursday, February 13, 2020**, at **3:00 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. The Zoning Administrator of the City of Newport Beach will consider the following application:

AT&T Small Cell SLC2389 – A minor use permit to allow the installation of a small cell wireless facility on a City-owned streetlight pole. Project implementation will be fully contained within the public right-of-way on Eastbluff Drive and includes the following: (1) Removal and replacement of an existing, approximately 29-foot, 7-inch high City streetlight with a new 29-foot, 7-inch high streetlight in the same location; (2) Installation of a small cell wireless facility that consists of four remote radio units, a raycap disconnect, and an omni-directional antenna within a 12-inch diameter equipment shroud. This small cell equipment would be fixed to the top of the new streetlight pole for a height of 35 feet in total; and (3) Establishment of new below-grade support equipment adjacent to the streetlight.

Section 332(c)(7) of U.S. Code Title 47 (Telecommunications) preserves the City's authority over zoning and land use decisions to regulate some aspects of the aesthetics and placement of wireless service facilities. However, federal law prohibits the City from rendering any decision based indirectly or directly on potential health and environmental impacts related to radio frequency (RF) emissions of wireless service facilities that will comply with the Federal Communications Commission's regulations. The development will be consistent with all applicable provisions of Newport Beach Municipal Code (NBMC) Chapter 20.49 (Wireless Telecommunications Facilities) and City Council Policy L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property) that provide the regulatory and policy framework for allowing the installation of small cell sites on City property. Under the current executed Master License Agreement, AT&T, the wireless carrier, is responsible for all installation, maintenance, and repair associated with the deployment of this telecommunication project, including all related costs and expenses.

The project is categorically exempt under Sections 15302 and 15303 of the State CEQA (California Environmental Quality Act) Guidelines -- Class 2 (Replacement or Reconstruction) and Class 3 (New Construction or Conversion of Small Structures), respectively.

All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. Administrative procedures for appeals are provided in the NBMC Chapter 20.64 (Appeals). The application may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

The agenda, staff report, and corresponding documents will be available by end of business day on the Friday preceding the public hearing, and may be reviewed at the Community Development Department Permit Center (Bay C-1st Floor), at 100 Civic Center Drive, Newport Beach, CA 92660 or at the City of Newport Beach website at www.newportbeachca.gov/zoningadministrator. Individuals not able to attend the meeting may contact the Planning Division or access the City's website after the meeting to review the action on this application. All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item must be submitted by 5 p.m. on the business day immediately prior to the meeting. This allows time for the Zoning Administrator to adequately consider the submitted correspondence.

For questions regarding this public hearing item, please contact Patrick Achis, Planning Technician, at 949-644-3237 or pachis@newportbeachca.gov.

Project File No.: PA2019-042

Activity No.: UP2019-007

Applicant: New Cingular Wireless, LLC

Zone/General Plan: Public Right-of-Way

Location: Public Right-of-Way, City streetlight number SLC2389, near the northeast corner of Bixia Street and Eastbluff Drive

