



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Thursday, May 28, 2020, at 10:00 a.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers 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 SLC0902 – A request for 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 38th Street and includes the following: (1) Removal and replacement of an existing City streetlight; (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 screening shroud. This equipment would be fixed to the top of the replaced streetlight pole for a maximum height of 27 feet, 6 inches; and (3) Establishment of supporting equipment in an adjacent below grade vault.

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 regarding 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 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.

SPECIAL NOTICE REGARDING COVID-19

Given the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19, we recommend that you submit your questions and comments in writing for the Zoning Administrator's consideration by sending them to the Community Development Department at CDD@newportbeachca.gov. To give the Zoning Administrator adequate time to review your questions and comments, please submit your written comments by **Wednesday, May 27, 2020, at 9:00 a.m.** In addition, members of the public will have the ability to participate in this meeting telephonically. Please review the Zoning Administrator Agenda for further instructions. The Agenda, staff report and corresponding documents will be posted to the City's website at www.newportbeachca.gov/zoningadministrator, by end of business day on **Friday, May 22, 2020**. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website. The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus. If you are unable to participate in the meeting via the process set forth in the agenda, please contact the Planning Division at 949-644-3200 or CDD@newportbeachca.gov and our staff will attempt to accommodate you.

For questions regarding this public hearing item, please contact Benjamin M. Zdeba, AICP, Senior Planner, at 949-644-3253 or bzdeba@newportbeachca.gov.

Project File No.: PA2019-113

Activity No.: UP2019-032

Applicant: New Cingular Wireless, LLC

Zone/General Plan: N/A (Public Right-of-Way)

Location: Public right-of-way, City streetlight number SLC0902, at the northwestern corner of 38th Street and Lake Avenue

