



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Thursday, August 13, 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 SLC4735 – A minor use permit (MUP) and coastal development permit (CDP) 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 in a median on Avocado Avenue near Kewamee Drive. The project 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, 5 inches; and (3) Establishment of support equipment below grade.

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) Chapters 20.49 and 21.49 (Wireless Telecommunications Facilities), as well as City Council Policy L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property), which 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. 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. Administrative procedures for appeals are provided in Chapter 21.64 (Appeals and Calls for Review) of the NBMC. Fees are required to appeal any final action on the applications to the Planning Commission or City Council. The project site is not located within the appeal area of the coastal zone; therefore, final action by the City on the applications may not be appealed to the California Coastal Commission.

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, August 12, 2020, at 12:00 p.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, August 7, 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 Joselyn Perez, Assistant Planner, at 949-644-3312 or jperez@newportbeachca.gov.

Project File No.: PA2019-108

Activity No.: UP2019-027 and CD2020-101

Applicant: New Cingular Wireless, LLC

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

Filing Date: June 10, 2019

Location: Public right-of-way, City streetlight number SLC4735, center median of Avocado Avenue at the intersection Kewamee Drive and Avocado Avenue

