

# **Attachment D**

Planning Commission Resolution No. PC2026-007

## RESOLUTION NO. PC2026-007

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AUTHORIZE SUBMITTAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) OF THE NEWPORT BEACH MUNICIPAL CODE RELATED TO WIRELESS SERVICE FACILITIES (PA2021-103)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. Section 30500 of the California Public Resources Code requires each county and city to prepare a Local Coastal Program (“LCP”) for that portion of the coastal zone within its jurisdiction.
2. In 2005, the City of Newport Beach (“City”) adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan as amended from time to time.
3. The California Coastal Commission effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) to the City of Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority on January 30, 2017.
4. On September 26, 2018, the Federal Communications Commission (FCC) issued the Declaratory Ruling and Third Report, adding regulations 47 C.F.R. 1.6001-1.6004, which adopted new rules substantially revising local jurisdictions’ authority to regulate the deployment of small wireless facilities (i.e., “small cell”). Under the police power of Article XI, Section 7 of the California Constitution, as confirmed by *T-Mobile West LLC v. City and County of San Francisco* (2019), local jurisdictions retain the full authority to regulate wireless service facilities in the right-of-way to the extent such regulations are not inconsistent with general laws. As a result of these FCC changes, it was determined to be in the best interest of the City and the public to update the NBMC in a manner that would make the regulations of the City consistent with state and federal law.
5. On May 25, 2021, the City Council adopted Resolution No. 2021-42 to initiate updates to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) (“LCP Amendment”) of the NBMC related to wireless telecommunications facilities (i.e., “wireless service facilities”) in the public right-of-way.
6. Upon the City Council’s initiation, staff evaluated the City’s regulations and monitored ongoing developments in state and federal law, ultimately determining that the City’s framework was functioning appropriately.

7. Since the City's last comprehensive update in 2014, the telecommunications landscape has evolved significantly, with demand shifting from traditional voice service to high-capacity, data-driven connectivity. Increased reliance on cellular networks, the proliferation of connected devices, and advancements in wireless technology have intensified the need for reliable infrastructure, underscoring the importance of maintaining regulatory and permitting processes that are clear, adaptable, and consistent with the City's authority to provide thoughtful local oversight.
8. On January 13, 2026, the City Council conducted a study session where City staff identified a three-pronged approach to revamping the City's regulations for wireless service facilities, especially those in the public right-of-way, and at the conclusion, the City Council unanimously supported several updates to the NBMC.
9. Pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5 (Public Participation) ("Section 13515"), drafts of the LCP Amendment were made available, and a Notice of Availability was distributed at least six weeks prior to the anticipated final City Council action date.
10. A public hearing was held on March 5, 2026, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California 92660. A notice of time, place and purpose of the public hearing was given in accordance with the California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

The LCP Amendment is not a project subject to the California Environmental Quality Act ("CEQA") in accordance with Section 20165 of the California Public Resources Code and Sections 15060(c)(2), 15060(c)(3), and 15378 of the California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). The Code Amendment is also exempt pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

## SECTION 3. FINDINGS.

An amendment to Title 21 (Local Coastal Program Implementation Plan) of NBMC is a legislative act. There are no required findings for either approval or denial of such amendments.

Notwithstanding the foregoing, the LCP Amendment is consistent with the City Council's initiation on May 25, 2021, and subsequent direction on January, 13, 2026, and the following findings are made:

1. The LCP Amendment is consistent with and in furtherance of several Coastal Land Use Plan goals and policies, including 2.2.2-4 (Appropriate Development Standards), 3.1.1-9

(Protect, Expand, and Enhance Public Coastal Access), 3.2.2-1 (Adequate Support Facilities and Services), and 4.4.1 (Coastal Views).

2. The LCP Amendment will continue to harmonize the purpose and intent of the California Coastal Act of 1976 and the City's certified LCP with proposed wireless service facilities by requiring a coastal development permit or a de minimis waiver for non-exempt projects that are considered "development" and may have impacts to coastal resources.
3. The LCP Amendment does not increase the potential height of wireless service facilities nor does it allow them in areas where they are currently prohibited.
4. The LCP Amendment continues to provide adequate design, development, and screening standards to ensure that future facilities are visually compatible with the community and to protect coastal resources.
5. The LCP Amendment includes provisions reflective of state and federal law and provides for the administrative review of minor modifications to, or the collocation of, existing wireless service facilities.

#### SECTION 4. DECISION.

#### **NOW, THEREFORE, BE IT RESOLVED:**

6. The Planning Commission of the City of Newport Beach hereby finds the LCP Amendment is not a project subject to the California Environmental Quality Act ("CEQA") in accordance with Section 21065 of the California Public Resources Code and Sections 15060(c)(2), 15060(c)(3), and 15378 of the California Code of Regulations Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). The Code Amendment is also exempt pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.
7. The Planning Commission of the City of Newport Beach hereby recommends the City Council authorize staff to submit this Local Coastal Program Implementation Plan Amendment, as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference, to the California Coastal Commission.
8. This LCP Amendment shall not become effective until approval by the California Coastal Commission ("Coastal Commission") and adoption, including any modifications suggested by the Coastal Commission, by ordinance of the City Council.

#### **PASSED, APPROVED, AND ADOPTED THIS 5<sup>TH</sup> DAY OF MARCH 2026.**

AYES: Harris, Salene, Langford, Ellmore, Gazzano and Rosene

NOES: None

ABSTAIN: None

ABSENT: Reed

BY: Tristan Harris  
Tristan Harris, Chair

BY:   
Jonathan Langford, Secretary

Attachment: Exhibit "A" – Draft Title 21 Amendment

**EXHIBIT "A"****TITLE 21 (LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN) AMENDMENT**

**Chapter 21.49 (Wireless Telecommunications Facilities) will be replaced in its entirety with the following:**

**Chapter 21.49  
PERSONAL WIRELESS SERVICE FACILITIES**

Sections:

<b>21.49.010</b>	<b>Purpose.</b>
<b>21.49.020</b>	<b>Definitions.</b>
<b>21.49.030</b>	<b>Applicability.</b>
<b>21.49.040</b>	<b>Preferences and Prohibited Locations.</b>
<b>21.49.050</b>	<b>General Development and Design Standards.</b>
<b>21.49.060</b>	<b>Modification and Collocation of Existing Facilities.</b>
<b>21.49.070</b>	<b>Removal of Personal Wireless Service Facilities.</b>

**21.49.010 Purpose.**

The purpose and intent of this chapter is to establish reasonable and uniform standards and procedures for personal wireless service facilities deployment, construction, installation, collocation, modification, operation, relocation and removal on all property including the public right-of-way within the City's territorial boundaries, consistent with and to the extent permitted under federal and state law. The regulations contained herein are designed to protect and promote the public health and safety while preserving the City's unique coastal resources, public access, sensitive habitats, public views and scenic qualities as set forth within the goals, objectives and policies of the General Plan, Coastal Land Use Plan, Local Coastal Program, and California Coastal Act.

**21.49.020 Definitions.**

The abbreviations, phrases, terms, and words shall have the meanings assigned to them in this section. If any definition assigned to any phrase, term, or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition shall control.

"Antenna" means the same as defined in 47 CFR Section 1.6002(b), as may be amended or superseded, which currently defines the term as an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 CFR Part 15.

"Antenna array" means antennas having transmission and/or reception elements extending in more than one direction, and directional antennas mounted upon and rotated through a vertical

mast or tower interconnecting the beam and antenna support structure, all of which elements are deemed to be part of the antenna.

“Base station” means the same as defined in 47 CFR Section 1.6100(b)(1), as may be amended or superseded, which currently defines that term as structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. 1.6100(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.6100(b)(1)(i)-(ii).

“Collocation” means (a) for the purposes of any eligible facilities request, the same as defined by 47 CFR Section 1.6100(b)(2), as may be amended, which currently defines the term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, “collocation” as defined herein, effectively means “to add” and does not necessarily refer to more than one personal wireless service facility installed at a single site; and (b) for all other purposes, has the same definition as is found in 47 CFR Section 1.6002(g), as may be amended, which defines the term as (1) mounting or installing an antenna facility on a pre-existing structure; and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“Distributed antenna system (DAS)” means a network of one or more antennas and fiber optic nodes typically mounted to streetlight poles, or utility structures, which provide access and signal transfer services to one or more third-party wireless service providers. DAS also includes the equipment location, sometimes called a “hub” or “hotel” where the DAS network is interconnected with third-party wireless service providers to provide the signal transfer services.

“Facility Classes” refers to the classes of personal wireless service facilities and the attendant support equipment, which are categorized as follows:

1. Class 1 (Stealth/Screened): a facility with antennas mounted on an existing or proposed nonresidential building or other structure not primarily intended to be an antenna support structure where antennas and support equipment, including the base station, are fully screened so that they are not visible to the general public.

2. Class 2 (Visible Antennas): a facility with antennas mounted on an existing nonresidential building, structure, pole, light standard, utility tower, wireless tower and/or lattice tower.
3. Class 3 (Public Right-of-Way Installations): a facility with antennas installed on a structure located in the public right-of-way, as regulated by Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way).
4. Class 4 (Freestanding Structure): a facility with antennas mounted on a new freestanding structure constructed for the sole or primary purpose of supporting the personal wireless service facility.
5. Class 5 (Temporary): a personal wireless service facility including associated support equipment that is installed at a site on a temporary basis pursuant to a limited term permit. A Class 5 installation may also be installed in connection with a special event upon the approval of a special events permit pursuant to Chapter 11.03 with or without a limited term permit.

“FCC” means the Federal Communications Commission or its duly appointed successor agency.

“Feasible” or “feasibly” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account environmental, physical, legal and technological factors.

“Personal wireless services” means the same as defined in 47 USC Section 332(c)(7)(C)(i), as may be amended, which currently defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Personal wireless service facilities” means the same as defined in 47 USC Section 332(c)(7)(C)(ii), as may be amended, which currently defines the term as facilities that provide personal wireless services.

“Lattice tower” means a freestanding open framework structure used to support antennas, typically with three or four support legs of open metal crossbeams or crossbars.

“Monopole” means a single free-standing pole or pole-based structure solely used to act as or support an antenna or antenna arrays.

“Permittee” means the owner of a personal wireless service facility that has obtained permission through issuance of a wireless facility permit or 6409(a) applicant to construct, install, modify, collocate, relocate, or otherwise deploy personal wireless service facilities in the public right-of-way. Said owner shall possess the appropriate legal authority to construct, install, modify, collocate, relocate, or otherwise deploy personal wireless service facilities in the public right-of-way.

“Personal wireless services” means the same as defined in 47 USC Section 332(c)(7)(C)(i), as may be amended, which currently defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Personal wireless service facility(ies)” or “facility(ies)” means the same as defined in 47 USC Section 332(c)(7)(C)(ii), as may be amended, which currently defines the term as facilities that provide personal wireless services.

“Public right-of-way” means the same as defined in Section 13.20.20 of this Code, which currently defines the term as the improved or unimproved surface of and the space above and below a City easement for public utility purposes, or street, or similar public way of any nature, dedicated or improved for vehicular, bicycle, and/or pedestrian related use now or hereafter held by City, however acquired.

“Stealth” or “stealth facility” means a personal wireless service facility in which the antenna, and the support equipment, are completely hidden from view such as in a monument, cupola, pole-based structure, or other concealing structure which either mimics, or which also serves as, a natural or architectural feature. Concealing structures which are obviously not such a natural or architectural feature to the average reasonable observer do not qualify within this definition. For example, an artificial tree may not be considered to be a stealth facility.

“Support equipment” means the physical, electrical and/or electronic equipment included within a personal wireless service facility used to house, power, and/or contribute to the processing of signals from or to the facility’s antenna or antennas, including but not limited to a base station, cabling, air conditioning units, equipment cabinets, pedestals, and electric service meters. Support equipment does not include DAS, antennas or the building or support structure to which the antennas or other equipment are attached.

“Tower” means the same as defined in 47 CFR Section 1.60001(b)(9), as amended, which currently defines the term as any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

“Utility pole” means a single freestanding pole used to support services provided by a public or private utility provider.

“Utility tower” shall mean an open framework structure (see lattice tower) or steel pole used to support electric transmission facilities.

### **21.49.030 Applicability.**

A. **Applicable Facilities.** This chapter applies to all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy personal wireless service facilities in the City’s coastal zone that constitute development as defined in Chapter 21.70 and requires either: (1) a de minimis waiver pursuant Section 21.52.055; or (2) a coastal development permit pursuant to Chapter 21.52 (Coastal Development Review Procedures), consistent with the provisions of this Implementation Plan.

B. **Exempt Facilities.** Notwithstanding subsection (A) of this section, the provisions in this chapter shall not be applicable to the facilities listed in this subsection (B):

1. Amateur radio facilities;
2. OTARD antennas;
3. Personal wireless service facilities installed completely indoors and not visible to the public intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
4. Personal wireless service facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D;
5. During an emergency, upon following the requirements of Section 21.52.025, the City Manager, Director of Emergency Services or Assistant Director of Emergency Services shall have the authority to approve the placement of a personal wireless service facility in any district on a temporary basis not exceeding ninety (90) calendar days from the date of authorization. Such authorization may be extended by the City on a showing of good cause;
6. The placement and operation of any personal wireless service facility within the public right-of-way is exempt, provided that the facility is mounted to an existing structure or a replacement structure sited within three feet of the existing location. If the placement and operation of any personal wireless service facility within the public right-of-way would result in impacts to public access, scenic resources, ESHA, and other coastal resources, it requires a coastal development permit, and the City may require reasonable conditions to avoid or mitigate any impacts on coastal resources;
7. Any collocation or modification that the City may not deny under federal or state law; and
8. Any personal wireless service facilities or associated infrastructure that are developed, installed, managed, or operated by the City, for the City, or under the City's direction, or located on real property owned by the City, held in trust by the City, or in which the City maintains a legal or equitable interest and installed pursuant to a lease, license, franchise agreement or other agreement between the City and any third party (whether public or private).

The exemption from provisions in this chapter shall not exempt the same facilities from the provisions and building permit requirements in Title 15 (Buildings and Construction).

C. Other Permits and Regulatory Approvals. In addition to any permit required under this chapter, the applicant must obtain and comply with all other required authorizations and permits and all other regulatory approvals from all City departments, and state and federal agencies.

D. Proprietary Approvals. Nothing in this chapter shall be deemed to waive any required proprietary approvals for siting of personal wireless service facilities on privately or publicly owned property or improvements.

E. Non-Exclusive Grant. No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the City for any purpose whatsoever. Further, no approval shall be construed as any warranty of

title.

F. Regulations Not in Conflict or Preempted. All personal wireless service facilities within the City shall comply with the following requirements unless in conflict with or preempted by the provisions of this chapter:

1. Notwithstanding any other portion of this Section 21.49.030, personal wireless service facilities are not exempt from compliance with the general development and design standards in Section 21.49.050.
2. All applicable City design guidelines and standards.
3. Requirements established by any other provision of this Implementation Plan and by any other ordinance and regulation of the City.

G. Legal Nonconforming Facility. Any personal wireless service facility that was lawfully constructed, erected, or approved prior to <DATE OF EFFECTIVENESS>, that is operating in compliance with all applicable laws, and which facility does not conform to the requirements of this chapter shall be deemed a legal nonconforming facility. Legal nonconforming facilities shall comply at all times with the laws, ordinances, regulations, and any conditions of approval in effect at the time the facility was approved, and any regulations pertaining to legal, nonconforming uses or structures that may be applicable pursuant to provisions of this Code or federal and state law as they may be amended or enacted, in the future.

#### **21.49.040 Preferences and Prohibited Locations.**

A. Preferred Locations. To limit the adverse visual effects of and proliferation of new or individual personal wireless service facilities in the City, the following list establishes the order of preference of facilities, from the most preferred (1) to least preferred (4):

1. Collocation of a new personal wireless service facility at an existing facility.
2. Class 1.
3. Class 2 and Class 3.
4. Class 4.

B. Prohibited Locations. Personal wireless service facilities are prohibited in the following locations:

1. On properties zoned for single-unit or two-unit residential development including equivalent designations within a planned community district or specific plan districts except if located on common area lots developed with community facilities, landscape lots, or private streets;
2. On properties zoned for multi-unit residential development and mixed-use development including equivalent planned community district or specific plan districts where the maximum allowable number of dwelling units is four units;
3. In the Open Space (OS) Zoning District, unless personal wireless service facilities are collocated on an existing utility tower within a utility easement area, or collocated

- on another existing personal wireless service facility;
4. On traffic control standards (traffic signal poles);
  5. Within any environmentally sensitive habitat areas, wetlands, or bluffs; and
  6. Any beach or between the sea and first public road paralleling the sea, unless personal wireless service facilities are collocated on an existing utility tower within a utility easement area, or collocated on an existing facility; or other existing building.

#### **21.49.050 General Development and Design Standards.**

A. General Criteria. All personal wireless service facilities shall employ design techniques to minimize visual impacts and provide appropriate screening to result in the least visually intrusive means of providing the service. Such techniques shall be employed to make the installation, appearance and operations of the facility as visually inconspicuous as practicable. To the greatest extent feasible, facilities shall be designed to minimize the visual impact of the facility by means of location, placement, height, screening, landscaping, and shall be compatible with existing architectural elements, building materials, other building characteristics, and the surrounding area.

B. In addition to the other design standards of this section, the following criteria shall be considered by the review authority in connection with its processing of any coastal development permit for a personal wireless service facility:

1. Blending. The extent to which the proposed personal wireless service facility blends into the surrounding environment or is architecturally compatible and integrated into the structure.
2. Screening. The extent to which the proposed personal wireless service facility is concealed or screened by existing or proposed new topography, vegetation, buildings or other structures.
3. Size. The total size of the proposed personal wireless service facility, particularly in relation to surrounding and supporting structures.
4. Location. Proposed personal wireless service facilities shall be located so as to utilize existing natural or manmade features in the vicinity of the facility, including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening and blending with the predominant visual backdrop. Personal wireless service facilities shall be sited outside any environmentally sensitive habitat area, wetland, or bluff and sited such that they have no adverse impact on public access and recreation.
5. Collocation. In evaluating whether the collocation of a personal wireless service facility is feasible, the criteria listed in subsections (A)(1) through (4) of this section shall be used to evaluate the visual effect of the combined number of facilities at the proposed location.

C. Public View Protection. All new or modified personal wireless service facilities, whether approved by administrative or discretionary review, shall comply with Section 21.30.100

(Scenic and Visual Quality Protection). In general, personal wireless service facilities shall be located outside any public viewshed to or along the ocean, bay, beach or coastal bluffs. Additionally, potential impacts from a new or modified personal wireless service facility to public views that are not identified by the Coastal Land Use Plan shall be evaluated to determine if inclusion in the Coastal Land Use Plan would be appropriate. If deemed appropriate for inclusion, the potential impacts to such public views shall be considered.

D. Height.

1. The Planning Commission or City Council may approve or conditionally approve a coastal development permit for a personal wireless service facility that exceeds the maximum height limit for the coastal zoning district in which the facility is located; provided, it does not exceed the maximum height limit by fifteen (15) feet, only after making all of the required findings in Section 20.49.100(C) (Required Findings for Personal Wireless Service Facilities).
2. All personal wireless service facilities shall comply with height restrictions or conditions, if any, required by the Federal Aviation Administration.
3. Personal wireless service facilities installed on streetlights, utility poles, utility towers or other similar structures within the public right-of-way shall not exceed thirty-five (35) feet in height above the finished grade.
4. Personal wireless service facilities may be installed on existing utility poles or utility towers that exceed thirty-five (35) feet above the finished grade where the purpose of the existing utility pole or utility tower is to carry electricity or provide other wireless data transmission; provided, that the top of the proposed antennas do not extend above the top of the utility pole or utility tower.
5. Personal wireless service facilities disguised as flagpoles may be installed provided they meet applicable height limits for flagpoles provided in Section 21.30.060.

E. Setbacks. Proposed personal wireless service facilities shall comply with the required setback established by the development standards for the coastal zoning district in which the facility is proposed to be located. Setbacks shall be measured from the part of the facility closest to the applicable lot line or structure.

F. Design Techniques. Design techniques shall result in the installation of a personal wireless service facility that is in harmony and scale with the surrounding area, screens the installation from view, and prevents the facility from visually dominating the surrounding area. Design techniques may include the following:

1. Screening elements to disguise or otherwise hide the personal wireless service facility from view from surrounding uses.
2. Painting and/or coloring the personal wireless service facility to blend into the predominant visual backdrop.
3. Siting the personal wireless service facility to utilize existing features (such as buildings, topography, vegetation, etc.) to screen or hide the facility.

4. Utilizing simulated natural features (trees, rocks, etc.) to screen or hide the personal wireless service facility.
5. Providing personal wireless service facilities of a size that, as determined by the City, is not visually obtrusive such that any effort to screen the facility would create greater visual impacts than the facility itself.
6. To the greatest extent practicable, new Class 4 facilities shall be designed and sited to facilitate the collocation of one additional permittee.

G. Screening Standards. For collocation installations, the screening method shall be materially similar to those used on the existing personal wireless service facility and shall not diminish the screening of the facility. If determined necessary by the review authority, use of other improved and appropriate screening methods may be required to screen the antennas and support equipment from public view. The following is a nonexclusive list of potential design and screening techniques that must be considered for all facility installations:

1. Class 1 (Stealth/Screened) Installations.
  - a. All personal wireless service facility components, including all antennas, antenna panels, cables, wires, conduits, mounting brackets, and support equipment, shall be fully screened, and mounted either inside the building or structure, or behind screening elements and not on the exterior face of the building or structure.
  - b. Screening materials shall match in color, size, proportion, style, and quality with the exterior design and architectural character of the structure and the surrounding visual environment. If determined necessary by the reviewing authority, screening to avoid adverse impacts to views from land or buildings at higher elevations shall be required.
  - c. When a personal wireless service facility is proposed within an existing or new architectural feature such as a steeple, religious symbol, tower, cupola, clock tower, sign tower, etc., the facility shall be architecturally compatible with the existing structure or building.
2. Class 2 (Visible) Installations.
  - a. Building- or structure-mounted antennas shall be painted or otherwise coated to match or complement the predominant color of the structure on which they are mounted and shall be compatible with the architectural texture and materials of the building to which the antennas are mounted. No cables, wires, conduits, mounting brackets or any other associated support equipment shall be visible.
  - b. All antenna components and support equipment shall be treated with exterior coatings of a color and texture to match the predominant visual background and/or adjacent architecture so as to visually blend in with the surrounding development. Subdued colors and nonreflective materials that blend with surrounding materials and colors shall be used.
3. Class 3 (Public Right-of-Way) Installations.

- a. Whenever feasible, new antennas proposed to be installed in the public right-of-way shall be placed on existing utility structures, streetlights, or other existing vertical structures. Antenna installations on existing or replacement streetlight poles or utility poles shall be screened by means of canisters, radomes, shrouds or other screening measures whenever feasible, and treated with exterior coatings of a color and texture to match the existing pole.
  - b. New or replacement vertical structures may be allowed when authorized by this Code and approved by the Public Works Department. Replacement poles or streetlights shall be consistent with the size, shape, style, and design of the existing pole, including any attached light arms. New poles or streetlights may be installed, provided they match existing or planned poles within the area.
  - c. If antennas are proposed to be installed without screening, they shall be flush-mounted to the pole and shall be treated with exterior coatings of a color and texture to match the pole.
4. Class 4 (Freestanding Structure) Installations.
- a. The installation of new lattice towers or monopoles with visible antennas or antenna arrays is strongly discouraged due to the visual effects of such facilities. Preferred monopole designs include fully screened antennas without visible brackets, cables, or conduits. Additionally, any lattice tower or monopole should be sited in the least obtrusive location as practicable.
  - b. The construction of new freestanding structures such as signs, monoliths, pyramids, lighthouses, or other similar vertical structures shall be designed and sited to appropriately complement a site and screen all elements of the personal wireless service facility.
  - c. The installation of artificial rocks shall match in scale and color with other rock outcroppings in the general vicinity of the proposed site. An artificial rock screen may not be considered appropriate in areas that do not have natural rock outcroppings.
  - d. The installation of artificial trees or shrubbery is strongly discouraged if they are obviously not natural to the average reasonable observer. When an artificial tree or shrubbery is proposed, it shall be designed for and located in a setting that is compatible with the proposed screening method. Such installations shall be situated so as to utilize existing natural or manmade features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening. All antennas and antenna supports shall be contained within the canopy of the tree design or other vegetation comparable to that being replicated by the proposed screening elements. Finally, the addition of new comparable living vegetation may be necessary to enhance the artificial tree or shrubbery screening elements.
  - e. Flagpoles shall not exceed twenty-four (24) inches in width at the base of the flagpole and also shall not exceed twenty (20) inches in width at the top of the flagpole.

5. Class 5 (Temporary) Installations. A temporary personal wireless service facility installation may require screening to reduce visual impacts depending on the duration of the permit and the setting of the proposed site. If screening methods are determined to be necessary by the review authority, the appropriate screening methods will be determined through the application review and permitting process in consideration of the temporary nature of the facility.
6. Support Equipment. All support equipment associated with the operation of any personal wireless service facility shall be placed or mounted in the least visually obtrusive location practicable, and shall be screened from view.
  - a. Installations on Private Property. The following is a nonexclusive list of potential screening techniques for personal wireless service facilities located on private property:
    - i. Building-Mounted Personal Wireless Service Facilities. For building- or structure-mounted antenna installations, support equipment for the facility may be located inside the building, in an underground vault, or on the roof of the building that the facility is located on; provided, that both the equipment and any screening materials are architecturally compatible and/or painted the color of the building, roof, and/or surroundings thereby providing screening.
    - ii. Roof-Mounted Personal Wireless Service Facilities. All screening materials for roof-mounted facilities shall be of a quality and design compatible with the architecture, color, texture and materials of the building to which they are mounted. If determined necessary by the review authority, screening to avoid adverse impacts to views from land or buildings at higher elevations shall be required.
    - iii. Freestanding Personal Wireless Service Facilities. For freestanding facilities installations, not mounted on a building or structure, support equipment for the facility may be visually screened by locating the support equipment in a fully enclosed building, in an underground vault, or in a security enclosure consisting of walls and/or landscaping to effectively screen the support equipment at the time of installation.
    - iv. All wall and landscaping materials shall be selected so that the resulting screening will be visually integrated with the architecture and landscape architecture of the surroundings.
    - v. Screening enclosures may utilize graffiti-resistant and climb-resistant vinyl-clad chain link with a "closed-mesh" design (i.e., one-inch gaps) or may consist of an alternate enclosure design approved by the review authority. In general, the screening enclosure shall be made of nonreflective material and painted to blend with surrounding materials and colors.
    - vi. If placed in an underground vault, flush-to-grade vents, or alternatively, vents that extend no more than twenty-four (24) inches above the finished grade

and are screened from public view may be utilized.

- b. Installations in a Public Right-of-Way. The following is a nonexclusive list of potential screening techniques for personal wireless service facilities located in a public right-of-way:
- i. Where existing utilities services (e.g., telephone, power, cable TV) are located underground, the support equipment shall be placed underground if required by other provisions of this Code. Flush-to-grade underground vault enclosures, including flush-to-grade vents, or vents that extend no more than twenty-four (24) inches above the finished grade and are screened from public view, may be incorporated. Electrical meters required for the purpose of providing power for the proposed personal wireless service facility may be installed above ground on a pedestal in a public right-of-way provided they meet applicable standards of Title 13 unless otherwise precluded by this Code.
  - ii. Support equipment approved to be located above ground in a public right-of-way shall be painted or otherwise coated to be visually compatible with the existing or replacement pole, lighting and/or traffic signal equipment without substantially increasing the width of the structure.
  - iii. All transmission or amplification equipment such as remote radio units, tower-mounted amplifiers, and surge suppressors shall be mounted inside the utility or streetlight pole without materially increasing the pole diameter or shall be installed in the vault enclosure supporting the facility.

H. Night Lighting. Personal wireless service facilities shall not be lighted except for security lighting at the lowest intensity necessary for that purpose or as may be recommended by the United States Flag Code (4 U.S.C. Section 1 et seq.). Such lighting shall be shielded so that direct illumination does not directly shine on nearby properties or upon any ocean, beach, bay, environmentally sensitive habitat area or wetland. The review authority shall consult with the Police Department regarding proposed security lighting for facilities on a case-by-case basis.

I. Signs and Advertising. No advertising signage or identifying logos shall be displayed on any personal wireless service facility except for small identification, address, warning, and similar information plates. Such information plates shall be identified in the personal wireless service application and shall be subject to approval by the review authority. Signage required by State or Federal regulations shall be allowed in its smallest permissible size.

J. Nonconformities. A proposed or modified personal wireless service facility shall not create any new or increased nonconformity as defined in this Implementation Plan, such as, but not limited to, a reduction in and/or elimination of required parking, landscaping, or loading zones unless relief is sought pursuant to applicable Zoning Code procedures.

K. Maintenance. The permittee shall be responsible for maintenance of the personal wireless service facility in a manner consistent with the original approval of the facility, including but not limited to the following:

1. Any missing, discolored, or damaged screening shall be restored to its original

permitted condition.

2. All graffiti on any components of the personal wireless service facility shall be removed promptly in accordance with this Code.
3. All landscaping required for the personal wireless service facility shall be maintained in a healthy condition at all times, and shall be promptly replaced if dead, dying, or damaged.
4. All personal wireless service facilities shall be kept clean and free of litter.
5. All equipment cabinets shall display a legible contact number for reporting maintenance problems to the permittee.
6. If a flagpole is used for a personal wireless service facility, flags shall be flown and shall be properly maintained at all times.

L. Prior Coastal Development Permit. Any proposed personal wireless service facility shall comply with the terms and conditions of any previously authorized coastal development permit that remains in effect.

#### **21.49.060 Modification and Collocation of Existing Facilities.**

A. Notwithstanding any provision in this chapter, a request to modify an existing facility that involves the collocation of new transmission equipment, the removal of existing transmission equipment, or the replacement of existing transmission equipment shall be subject to administrative review and approval without processing any discretionary permit provided that such modification does not substantially change the existing facility from the original permit for the facility.

B. Each application submitted under this section for a modification or collocation to an existing personal wireless service facility shall be accompanied by:

1. A detailed description of the proposed modifications to the existing personal wireless service facility(ies);
2. A photograph or description of the personal wireless service facility as originally constructed, if available; a current photograph of the existing facility; and, a graphic depiction of the facility after modification showing all relevant dimensions;
3. A detailed description of all construction that will be performed in connection with the proposed modification; and
4. A written statement signed and stamped by a professional engineer, licensed and qualified in California, attesting that the proposed modifications do not constitute a substantial change of the existing permitted facility.

C. Any permit issued will be conditioned upon the accuracy of the application, and may be revoked, and the personal wireless service facility shall be removed and restored to its pre-modification condition if any material statement made with respect to the facility application is false or the modifications as actually made would have required a discretionary review had the plan for the facility accurately depicted the modifications.