



NEWPORT BEACH

City Council Staff Report

June 9, 2026
Agenda Item No. 20

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2026-07: Updating Titles 20 (Planning and Zoning) and 13 (Streets, Sidewalks and Public Property) Related to Personal Wireless Service Facilities and Resolution No. 2026-41: Authorizing the Submission of a Local Coastal Program Amendment

ABSTRACT:

For the City Council's consideration is the introduction of an ordinance amending Titles 20 (Planning and Zoning) and 13 (Streets, Sidewalk and Public Property) to comprehensively update the City of Newport Beach's (City) regulations for personal wireless facilities. Additionally, the recommended action includes authorization to submit a complementary amendment to Title 21 (Local Coastal Program Implementation Plan) to the California Coastal Commission.

Consistent with the City Council's initiation on May 25, 2021, and the more recent guidance provided at the City Council Study Session on January 13, 2026, the proposed amendments to Title 13, Title 20 and Title 21 of the Newport Beach Municipal Code (NBMC) serve to simplify and modernize City regulations related to the permitting, installation, modification, operation and maintenance of wireless service facilities on both private and public property, including within the public right-of-way.

RECOMMENDATIONS:

- a) Conduct a public hearing;
- b) Find the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), 15303, and 15378, of the California Code of Regulations, Title 14, Division 6, Chapter 3 (CEQA Guidelines). The proposed amendments are 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;
- c) Waive full reading, direct the City Clerk to read by title only, and introduce Ordinance No. 2026-07, *An Ordinance of the City Council of the City of Newport Beach*,

California, Adding Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way) and Amending Chapter 20.49 (Personal Wireless Service Facilities) of the Newport Beach Municipal Code Related to Telecommunication Facilities, and pass to second reading on June 23, 2026; and

- d) Adopt Resolution No. 2026-41, *A Resolution of the City Council of the City of Newport Beach, California, Authorizing Submittal of a Local Coastal Program Amendment to the California Coastal Commission to Amend Chapter 21.49 (Personal Wireless Service Facilities) in Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code Related to Telecommunication Facilities.*

DISCUSSION:

The City's regulations for wireless telecommunications facilities (i.e., "wireless service facilities") were last comprehensively updated in 2014 and are codified in Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC. Chapter 21.49 (Wireless Telecommunications Facilities) was subsequently incorporated into the NBMC to regulate such facilities in the Coastal Zone upon the California Coastal Commission's certification of the City's Local Coastal Program Implementation Plan.

On September 26, 2018, the Federal Communications Commission (FCC) issued the Declaratory Ruling and Third Report (Declaratory Ruling), adopting 47 C.F.R. Sections 1.6001–1.6004 and 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. City and County of San Francisco (2019), local jurisdictions retain authority to regulate wireless service facilities in the public right-of-way to the extent such regulations are not inconsistent with general laws. Considering these federal changes, it was determined to be in the best interest of the City and the public to evaluate and, if necessary, update the NBMC to ensure continued consistency with state and federal law. The pertinent state and federal laws are summarized in more detail under the section entitled Federal and State Laws Pertaining to Personal Wireless Facilities below.

Accordingly, on May 25, 2021, the City Council adopted Resolution No. 2021-42 initiating updates to Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC related to wireless service facilities in the public right-of-way. Upon the City Council's initiation, staff evaluated the City's adopted regulations and monitored ongoing developments in state and federal law, ultimately determining that the City's framework continues to meet the City's needs, subject to ongoing monitoring of legislative and judicial changes.

At the same time, the telecommunications and wireless landscape has evolved significantly since the City's last comprehensive update in 2014. Demand has shifted decisively from traditional voice service to data-driven connectivity, with users now expecting high-bandwidth, seamless and low-latency performance to support streaming, remote work and real-time communication. The widespread decline of landlines and

increased reliance on cellular networks have placed greater pressure on wireless infrastructure, while the proliferation of tablets, connected vehicles, and other smart devices has expanded both the number and diversity of devices competing for network capacity. As technology continues to advance at a rapid pace, these trends underscore the importance of maintaining regulatory and permitting processes that are clear, adaptable and forward-looking, while preserving the City's ability to exercise thoughtful local oversight.

On January 13, 2026, the City Council conducted a study session regarding wireless facilities. At that meeting, staff presented a three-pronged approach to enhancing connectivity within the community: (1) code updates; (2) policy updates; and (3) partnerships with carriers through a request for proposals (RFP) to locate on City-owned facilities. At the conclusion, the City Council expressed support for targeted updates to the NBMC and the Council Policy Manual to ensure the City's regulations remain responsive to evolving technology, community expectations, and legal requirements.

Planning Commission Review

On March 5, 2026, the Planning Commission (Commission) considered the proposed amendments to Titles 20 and 21 of the NBMC and the approach of creating a new chapter in Title 13. Two written comments were received prior to the public hearing from Stephen Scully and Jim Mosher.

During the Commission's deliberations, Commissioner Rosene expressed support for reducing barriers for carriers to improve coverage, especially related to the Class 3 (Public Right-of-Way) Installations. Chair Harris shared reservations about exempting City-owned property. During the public hearing, Mr. Mosher expressed concerns about the shift in review for Class 3 Installations to the Public Works and Utilities Departments and the proposed exemptions from coastal development permit requirements.

At the conclusion of the public hearing, the Commission adopted Resolution Nos. PC2026-006 (Attachment C) and PC2026-007 (Attachment D) by a unanimous vote (6 ayes, 0 nays, 1 absent) recommending City Council approval of the amendments and City Council authorization to submit the Local Coastal Program Amendment (LCPA) to the California Coastal Commission (CCC). The Commission staff report dated March 5, 2026, is included as Attachment E, and the minutes are included as Attachment F.

Notably, the Planning Commission did not include any direction to change or modify the draft code language.

Identifying an Approach for the Update

As part of the review of existing code provisions, City staff evaluated several coastal jurisdictions in Orange County and Los Angeles County while soliciting input from wireless operators or "carriers" on best practices. In the end, City staff opted to use the City of Santa Monica's approach to regulating wireless service facilities in the public right-of-way.

In Santa Monica, as is common with many other jurisdictions, the Public Works Department serves as the primary review and approval authority for wireless service facilities in the public right-of-way. A key component is the authorization for the Public Works Director to publish and maintain permit processing guidelines with design standards and details. City staff believe this is the best approach, as it removes details from the code that are unnecessary to codify and allows for more agile updates that may be needed as technology and needs evolve.

Proposed Code Amendments

Title 20 (Planning and Zoning)

Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC is primarily being updated to remove the process and detailed regulations for Class 3 (Public Right-of-Way) Installations, as defined by current Section 20.49.030(G), moving them to the new Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way). Chapter 20.49 is also being updated to modernize definitions and certain provisions consistent with applicable state and federal laws, and to provide clarification where, in practice, City staff has recognized confusion in the application of certain provisions. A summary of the notable proposed updates is provided in Table 1 below.

Table 1, Summary of Proposed Regulatory Changes

Category	Existing	Proposed	Rationale
Facility Types and Approval Needed	Class 1 (Stealth) ¹ : Zoning Clearance	Class 1 (Stealth): <u>Administrative Clearance</u>	The current practice for Class 1 Installations is to allow them to proceed directly to building permit review without any discretionary action. The proposed change continues this practice and clarifies that such installations are authorized through an “administrative clearance” and not subject to appeal.
	Class 2 (Visible): Minor Use Permit (MUP)	Class 2 (Visible): MUP; No Change	
	Class 3 (Public Right-of-Way): MUP	Class 3 (Public Right-of-Way): <u>Regulations moved to Chapter 13.22</u>	
	Class 4 (Freestanding): Conditional Use Permit (CUP)	Class 4 (Freestanding): CUP; No Change	All Class 3 Installations currently require an MUP, which is a discretionary action. The newly proposed Chapter 13.22 under Title 13 is more appropriate given the location of the improvements in the public right-of-way. This change will also streamline and reduce barriers for carriers to deploy
	Class 5 (Temporary): Limited Term Permit (LTP)	Class 5 (Temporary): <u>LTP (with new exemptions)</u>	

¹ The definitions for each class are provided in Exhibit “B” of Attachment A under proposed Section 20.49.020 (Definitions).

Category	Existing	Proposed	Rationale
Facility Types and Approval Needed (Continued)			<p>infrastructure where needed, at the City's discretion and direction.</p> <p>Class 5 Installations are being modified to create an exemption from the LTP requirement for installations that coincide with authorized construction that affects a permanent installation. In other words, a temporary facility may be installed on an affected site while a permanent facility is taken offline during a construction project. This will help ensure no temporary loss in coverage.</p>
City-Owned/City-Held Property	Must comply with 20.49 and 21.49 of NBMC	Exempt from 20.49 and 21.49 of NBMC	This exemption provides the City with flexibility in streamlining installations on City-owned or City-held property where it is deemed appropriate to locate such installations. Any facilities installed pursuant to this exemption shall be subject to a written agreement approved by the City. This excludes installations in the public right-of-way, which are Class 3 Installations.
Private Property Height Limits	Upper maximum with an additional 15 feet allowed with discretionary approval	No change, but language clarified	The revised language clarifies the current practice that maximum height for wireless service facilities is the increased maximum height for flat structures, as identified in Section 20.30.060(C)(2) (Increase in Height Limit – Height Limit Areas).
Prohibited Private Locations	On residentially zoned/mixed-use properties (less than 5 units); and on Open Space properties	No change	Despite suggestions from carriers to revise the City's prohibitions, staff believes these are important to retain.

Title 13 (Streets, Sidewalks and Public Property)

Small cell and mid-cell installations within the public right-of-way are crucial to establishing an adequate network of coverage to serve the community. As has been previously identified, current City regulations require a minor use permit for these installations, which has created a regulatory barrier for investment in such infrastructure in Newport Beach. To help reduce this barrier and streamline the review, Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way) is proposed to be added as a new chapter under Title 13 to provide clear separate regulations related to Class 3 Installations. Given this is an entirely new chapter, staff is not providing a redline-strikeout version. The proposed structure of the chapter is provided below in Table 2, along with a brief statement of purpose to summarize the new regulatory framework proposed for Class 3 Installations. Several key sections, identified in **bold** are highlighted in more detail beneath Table 2.

Table 2, Structure and Summary of Chapter 13.22

Section	Title	Purpose/Summary
13.22.010	Purpose	Establishes uniform, legally compliant standards and procedures for deploying and regulating personal wireless facilities in the public right-of-way, balancing service access with health/safety and aesthetics, and clarifying limits on City authority under federal/state law.
13.22.020	Definitions	Defines key technical and legal terms (often by incorporating FCC definitions) to ensure consistent interpretation and application of the chapter.
13.22.030	Applicability	Specifies when the chapter applies and identifies categories of facilities that are exempt, subject to legal constraints and minimization of nonconformity where applicable.
13.22.040	Departmental Standards, Forms, and Other Regulations	Authorizes the Public Works Director to create/update standards, forms, checklists, and procedures needed to administer and manage the permitting and inspection program.
13.22.050	Permits Required	Establishes what approvals are required (wireless facility permits, 6409(a) permits, encroachment permits, other permits), establishes the master license agreement exceptions, and confirms permits are non-exclusive and do not waive proprietary approvals.
13.22.060	Permit Applications	Sets baseline filing requirements (forms, fees, required materials), adds special submittal requirements for new poles, and allows limited “batch” processing subject to completeness and sequencing rules.
13.22.070	Applications Deemed Withdrawn	Creates a completeness “cure” timeline: incomplete applications are withdrawn if not corrected within set deadlines (with limited extension for good cause).

Section	Title	Purpose/Summary
13.22.080	Wireless Facility Permit Applications	Defines notice/website posting requirements and the findings needed for approval/conditional approval of standard wireless facility permits, and authorizes reasonable conditions for health and safety.
13.22.090	Section 6409(a) Permit Applications	Establishes processing, findings and limits for eligible facilities requests under Section 6409(a), including that the request must meet eligibility criteria and not substantially change the physical dimensions, with conditions allowed as permitted by law.
13.22.100	New Poles	Makes new, non-replacement poles in the right-of-way presumptively prohibited unless the applicant proves through a detailed comparative analysis that alternative locations are not technically feasible or available.
13.22.110	Permit Expiration and Deadlines	Sets permit terms, renewal windows, and critical deadlines to obtain encroachment permits and begin/complete work, with limited extensions and rules for renewing after encroachment permit expiration.
13.22.120	Deemed Approved	Clarifies that if an application is deemed approved by operation of law, all applicable chapter requirements and standard conditions automatically attach as permit conditions.
13.22.130	Radio Frequency (RF) Exposure Monitoring Requirements	Requires applicants to demonstrate planned FCC RF compliance, submit pre-installation RF reports, and provide post-installation certifications (under penalty of perjury) that actual emissions match disclosures.
13.22.140	Maintenance Standards	Imposes ongoing maintenance, inspection/reporting, and correction obligations so facilities remain safe, clean, and visually maintained, with City enforcement at permittee expense if deficiencies persist.
13.22.150	Expert Assistance	Allows the City to require applicant deposits to cover reasonable consultant costs needed to process applications or implement the chapter, with true-up and payment required before permits issue.
13.22.160	Termination for Public Benefit	Reserves the City's ability to terminate permits (with notice, or faster in emergencies) when facilities interfere with public improvements in the right-of-way, and treats nearby alternative facilities as replacements for certain purposes.
13.22.170	Abandonment	Requires prompt notice of cessation and timely removal/restoration after abandonment and establishes consequences for failure to notify or remove (including revocation, bond action, and City removal at owner expense).
13.22.180	Revocation or Modifications	Creates a due-process procedure and grounds for revoking/modifying permits (e.g., misrepresentation, non-compliance, non-operation, legal changes), with an administrative appeal to the City Manager and finality provisions.

Section	Title	Purpose/Summary
13.22.190	Preservation of City Rights	Preserves the City's superior right to maintain/improve the right-of-way, provides for emergency/summary removal under exigent circumstances, and limits City liability for removals.
13.22.200	Removal and Restoration	Requires facility removal and site restoration upon expiration, termination, revocation, or abandonment, sets timelines and extension criteria, and authorizes enforcement (including drawing on security and City removal at owner expense).
13.22.210	Insurance, Indemnification, and Bond	Requires insurance/indemnity compliance and a performance bond/security sized to ensure removal/restoration obligations are financially secured through completion.
13.22.220	Emergency Deployment	Authorizes temporary wireless facilities during officially declared emergencies, subject to reasonable City conditions.
13.22.230	Appeals	Provides an appeal route to the City Manager for specific Public Works Director decisions (notably new pole determinations and revocation/modification actions), while making other Director decisions final subject to judicial review.

Section 13.22.040 (Departmental Standards, Forms, and Other Regulations)

This section explicitly authorizes the Public Works Director to publish and update standards, forms and other regulations. Although key components are included in the NBMC, authorizing a separately published document allows City staff to be more agile with overseeing the regulations of facilities by responding to changes in technology or unintended consequences without necessitating an update to the NBMC. Should the recommended actions be taken, a draft of the City's standards and regulations will be provided at the time the City Council conducts its second reading of this ordinance.

Section 13.22.050 (Permits Required)

This section outlines the required approvals or permits that are necessary to install a facility within the public right-of-way. Generally, any proposed facility in the public right-of-way will require a license agreement with the City. The section provides a streamlined path by which a templated master license agreement² may take the place of wireless facility permits. City staff has provided an initial draft of this template as Attachment G. If

² As proposed, "Master license agreement" means a contractual agreement between the City, acting in its proprietary capacity, and an applicant that establishes the uniform terms, conditions and procedures governing the use of City property or infrastructure within the public right-of-law to construct, install, modify, collocate, relocate or otherwise deploy personal wireless service facilities.

a licensee makes no exceptions or changes to the template, the agreement may be executed without the separate authorization of City Council.

Section 13.22.080 (Wireless Facility Permit Applications)

If not part of a master license agreement, an applicant is required to obtain a wireless facility permit, issued by the Public Works Director based on making two required findings:

1. The proposed personal wireless service facility complies with all applicable requirements described in the chapter and the Public Right-of-Way Personal Wireless Service Facility Standards and Regulations; and
2. The proposed personal wireless service facility complies with all other laws, including, without limitation, state and federal law.

Section 13.22.100 (New Poles)

To help protect community character and visual quality, this section serves to discourage the installation of new poles within the public right-of-way where none exist currently. This makes replacement poles preferential and streamlined but provides due process where an applicant may identify a clear need for coverage in an area where no existing viable infrastructure exists.

Section 13.22.130 (Radio Frequency Exposure Monitoring Requirements)

Although the City is largely preempted from considering health and safety impacts with personal wireless service facilities, this section explicitly requires the applicant to provide compliance documentation with Federal Communications Commission (FCC) requirements. Furthermore, it requires both pre- and post-installation reporting.

Title 21 (Local Coastal Program Implementation Plan)

The revisions to Chapter 21.49 (Wireless Telecommunications Facilities) are largely to provide consistency between Titles 13, 20 and 21. Given the updates to this chapter are more limited a redline-strikeout version has been provided as Attachment H. Notable changes are: (1) the inclusion of an exemption for installations within the public right-of-way provided that the facility is mounted to an existing structure or a replacement structure sited within three (3) feet of the existing location; and (2) an exemption from Title 21 for personal wireless service facilities installed on City-owned or City trust property.

As the City has a certified Local Coastal Program and Implementation Plan, the proposed revisions must be submitted to the California Coastal Commission (CCC) for review. If the City Council takes the recommended actions, City staff will promptly apply for the LCPA to formally begin working with CCC staff.

Community Input Received

After the Planning Commission's review and recommendation on March 5, 2026, City staff met with concerned residents to discuss the ordinance in more detail and provide clarification on the intent of certain provisions related to Class 1 stealth facilities and cell towers. As a result of the meeting, revisions have been made to the definitions for "stealth facilities" and "freestanding facilities" to make it abundantly clear that a freestanding faux tree is not subject to ministerial approval on private property. Another key concern for the residents was the lack of an appeal process and the lack of a public hearing or notice. As discussed above, each Class 3 Installation in the public right-of-way, generally comprised of small to mid-size wireless facilities, will require a license agreement with the City. The public notice requirements and appeal process for wireless facilities proposed on private property remains unchanged.

Federal and State Laws Pertaining to Personal Wireless Facilities

Federal and State law together create a framework that both protects the deployment of wireless telecommunications facilities and preserves a defined role for limited local regulation. Under the federal Telecommunications Act and Title 47 of the United States Code (U.S. Code) Section 332(c)(7)(B), State and local governments may regulate the placement, construction, and modification of personal wireless service facilities, but they may not "prohibit or have the effect of prohibiting" the provision of personal wireless services. Federal law also restricts the grounds on which localities may deny facilities:

- 47 U.S. Code Section 332(c)(7)(B)(iv) bars regulation based on the environmental effects of radio frequency emissions when the facilities comply with FCC RF standards;
- The FCC's September 26, 2018 Declaratory Ruling and Third Report and Order (codified at 47 C.F.R. Sections 1.6001–1.6004) substantially revised local authority over "small wireless facilities," including establishing presumptively reasonable review periods (often described as 60- and 90-day "shot clocks"), and key portions of that approach were upheld in *City of Portland v. FCC*, 969 F.3d (9th Cir. 2020); and
- Federal law further accelerates certain upgrades by requiring local approval of "eligible facilities requests" to modify existing towers or base stations when the modification does not substantially change the facility's physical dimensions (47 U.S. Code Section 1455).

At the state level, California law assigns the California Public Utilities Commission (CPUC) the primary authority over local telephone competition and certification of qualified providers, reflecting the Telecommunications Act's broader policy of preempting state barriers to market entry that effectively prohibit any entity from providing interstate or intrastate telecommunications services. Fee authority is also constrained by Government Code Section 50030, which limits city permit fees for telecommunications facility work by authorized providers to the city's reasonable cost of providing the service

and prohibits using such fees for general revenue. At the same time, California preserves meaningful municipal oversight of public rights-of-way and local impacts:

- Public Utilities Code (PUC) Section 2902 confirms municipal powers to supervise and regulate public-utility relationships with the public on matters affecting health, convenience, and safety, including the use and repair of streets and the placement of utility infrastructure in, on, or above public streets;
- PUC Section 7901 grants telephone and wireless corporations authority to construct and maintain telecommunications lines and supporting structures along public roads and across lands and waters, so long as the installations do not “incommode” public use or disrupt navigation;
- PUC Section 7901.1 clarifies that municipalities may exercise reasonable, competitively neutral “time, place, and manner” control over access to roads, highways, and waterways, including through fees, and may require site-specific permitting and regulate placement and appearance so long as the process is not so burdensome that it conflicts with Section 7901; and
- California’s constitutional police power (Cal. Const., art. XI, Section 7), as recognized in *T-Mobile West LLC v. City and County of San Francisco*, 6 Cal. 5th 1107 (2019), supports local regulation of telecommunications facilities in the right-of-way to the extent consistent with general law, and local zoning authority remains intact except where specifically preempted by federal law, consistent with *T-Mobile South, LLC v. City of Roswell*, 574 U.S. 293 (2015).

General Plan Consistency

The amendment to Chapter 20.49 and the proposed new Chapter 13.22 aim to ensure reliable, modern wireless telecommunications access for residents, visitors, businesses and government services, while supporting connectivity-driven economic activity and safeguarding public health, safety, welfare and the City’s important aesthetic character. They establish clear, legally compliant permitting and operational frameworks for deploying, modifying and maintaining wireless facilities. The framework prioritizes compatibility with neighborhoods and corridors by favoring collocation and use of existing structures, requiring concealment/screening and design compatibility, and tightly limiting the most disruptive changes. For example, new freestanding installations continue to require a conditional use permit and discouraging new poles within the public right-of-way.

The amendments are consistent with and in furtherance of several General Plan goals and policies, as identified in Attachment I.

Local Coastal Program Consistency

The regulations proposed in the amendment to Title 21 (i.e., the “LCPA”) are intended to protect and promote public health and safety while preserving the City’s unique coastal resources, public access, sensitive habitats, public views, and scenic qualities consistent

with the goals, objectives, and policies of the Coastal Land Use Plan (CLUP), the LCP, and the California Coastal Act. The proposed LCPA maintains a hierarchy of wireless facility installation types, prioritizing the least obtrusive options (Class 1 Stealth Facilities) and making the most obtrusive (Class 4 Freestanding Facilities) the least preferred.

In the public right-of-way (Class 3 Public Right-of-Way Facilities), it further encourages installations on existing structures or “in-kind” replacement structures in the same location to protect the visual quality of the Coastal Zone, supported by a required public view analysis pursuant to NBMC Section 21.30.100 (Scenic and Visual Quality Protection). The LCPA also continues to prohibit wireless facilities within environmentally sensitive habitat areas, wetlands, or bluffs, as well as on any beach or between the sea and the first public road paralleling the sea, unless the facility is collocated on an existing utility tower within a utility easement area, collocated on an existing facility, or placed on another existing building. Finally, the proposed LCPA does not change the maximum allowable height for wireless service facilities.

The LCPA meets the requirements of, and is in conformance with the goals, objectives and purposes of the CLUP. Updated standards and regulations specific to personal wireless service facilities ensure compliance with federal and state law while maintaining design and safety standards in the City’s jurisdiction of the Coastal Zone, which advance overarching goals of protecting coastal resources. The LCPA is consistent with and in furtherance of several CLUP policies, as identified in Attachment J.

FISCAL IMPACT:

The proposed amendments will have no fiscal impact. To ensure costs are fully recovered, a new permit fee is being established. This fee is structured to capture the staff time and administrative resources necessary to implement the updated regulations.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, the proposed ordinance is exempt from the provisions of CEQA under Class 3, Section 15303. Class 3 exempts the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The proposed ordinance 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.

NOTICING:

Pursuant to Section 13515 of the California Code of Regulations, a review draft of the Title 21 Amendment was made available, and a Notice of Availability was originally distributed on February 26, 2026, to all persons and agencies on the Notice of Availability mailing list.

In addition, notice of this hearing was published in the Daily Pilot as an eighth-page advertisement at least 10 days before the scheduled meeting, consistent with the provisions of the NBMC. The item also appeared on the agenda for this meeting, which was posted at City Hall and on the City's website. The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Ordinance No. 2026-07

Attachment B – Resolution No. 2026-41

Attachment C – Planning Commission Resolution No. PC2026-006

Attachment D – Planning Commission Resolution No. PC2026-007

Attachment E – March 5, 2026, Planning Commission Staff Report (With
Correspondence)

Attachment F – March 5, 2026, Planning Commission Minutes

Attachment G – Draft Master License Agreement Template

Attachment H – Amendment to Title 21 (Local Coastal Program Implementation Plan),
Proposed Redline-Strikeout Changes

Attachment I – General Plan Consistency

Attachment J – Coastal Land Use Plan Consistency