

Attachment F

March 5, 2026, Planning Commission Minutes

Vice Chair Salene reopened the public hearing.

In response to Vice Chair Salene's inquiries, Mr. Fazeli agreed with the lights on, and checks closed out at midnight concepts, in addition to encouraging patrons to leave at that time. He noted that the checks are essentially closed out at last call, whether they have been physically signed or not, because there is an inability to add to them. He confirmed that he would be comfortable with a modified Condition of Approval stipulating these efforts be made.

Secretary Langford stated that this makes a true closing time more objective than subjective and would be considered satisfactory.

Vice Chair Salene stated that resurrecting the burden of reporting the ratio of gross alcohol sales to food sales should not be imposed on this applicant.

Commissioner Ellmore acquiesced on ratio reporting. He agreed with recommendations to have the applicant report back after a year and have these provisions removed if operating in a clean manner.

In response to Mr. Fazeli's inquiry, Assistant City Attorney Summerhill stated that a one-year review could be structured with staff bringing the Commission a report on any issues. She added that it could be a simple receive and file report as opposed to a public hearing.

Mr. Fazeli agreed to this arrangement.

Secretary Langford stated that New Year's Eve should be exempted from the midnight closing time to be consistent with the Arc Carne & Cantina's identical exemption.

In response to Vice Chair Salene's inquiry, Mr. Fazeli confirmed that the applicant would like to have a later closing time on New Year's Eve.

Vice Chair Salene closed the public hearing.

In response to Commissioner Ellmore's inquiry, Community Development Director Murillo clarified that the amended Condition of Approval No. 4 would read that "the hours of operation shall be limited to between 11 a.m. and 12 a.m. Monday through Saturday, and between 9:30 a.m. and 12 a.m. on Sundays, except for New Year's Eve. The Applicant shall be responsible for encouraging patrons to vacate the premises by 12 a.m., including but not limited to a "lights-on" policy and ensuring that all checks are closed."

In response to Vice Chair Salene's inquiry, Community Development Director Murillo confirmed that a Condition of Approval would be included that calls for a one-year review.

Motion made by Vice Chair Salene and seconded by Commissioner Gazzano to approve the item with the amended Conditions of Approval.

AYES: Ellmore, Gazzano, Langford, Rosene, and Salene
NOES: None
RECUSED: Harris
ABSENT: Reed

Chair Harris returned to the meeting.

ITEM NO. 4 WIRELESS SERVICE FACILITIES CODE AMENDMENTS (PA2021-103)
Site Location: Citywide

Summary:

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 (Streets, Sidewalks and Public Property), Title 20 (Planning and Zoning), and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code serve to simplify and modernize some of the City of Newport Beach's (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. Although Title 13 does not fall within the purview of the Planning Commission, it is included for reference.

Recommended Actions:

1. Conduct a public hearing;
2. Find this action 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). Further find this action 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.
3. Adopt Resolution No. PC2026-006 recommending the City Council approve the Zoning Code Amendment modifying regulations pertaining to wireless service facilities on private and public property; and
4. Adopt Resolution No. PC2026-007 recommending the City Council authorize staff to submit the Local Coastal Program Amendment to the California Coastal Commission.

Acting Deputy Community Development Director Ben Zdeba reported that the City's purview over wireless facilities is very heavily limited by federal and state law, with windows for local review, or "shot clocks," ranging from 60-90 days. He reported on the evolution of wireless service since the City's Wireless Ordinance was passed in 2014, adding that the technology continues to evolve. He added that Newport Beach has challenges for wireless service providers primarily because 47% of the City's land area is in the Coastal Zone making it subject to additional California Coastal Commission regulations, and there are limited private structures for collocation.

Acting Deputy Community Development Director Zdeba reported that in May 2021, the City Council initiated a review and possible amendment to the City's ordinances; however, staff subsequently determined that the current framework for small cell technology was appropriate. In more recent years it had become apparent that there may be barriers to investment and infrastructure for wireless services. He noted the City Council's study session on January 13, 2026, where the City Council unanimously supported updating the Newport Beach Municipal Code (NBMC). He reported that NBMC Titles 20 and 21 regulate the time, manner, and place of wireless facilities. He noted that one of the largest challenges the City presents to wireless carriers is the need for a minor use permit (MUP) for installations on streetlights in the public right-of-way (PROW), requiring a public hearing. He reported on the many classes for facilities, adding that Class 3 Public Right-of-Way (PROW) installations is the focus of the proposed NBMC updates, as they are reasonably unobtrusive and the City has better control due to having ownership of the sites.

Acting Deputy Community Development Director Zdeba reported that he and Deputy City Attorney Jose Montoya compared practices and codes from other jurisdictions and compiled a proposed new Chapter 13.22 for the NBMC, moving PROW installations to Title 13. He added that the

proposed Chapter 13.22 would follow the City of Santa Monica's lead in making the installations primarily processed by the Public Works Department, noting that this move can also enable the City to be more flexible in adapting to new technologies. He noted that there are limited exceptions requiring discretionary approval for deviations from the City's design standards, new streetlight pole locations, and the location or facility type requiring either a Coastal Development Permit (CDP) or a de minimis waiver.

Acting Deputy Community Development Director Zdeba clarified that the Commission's purview is to revise Chapter 20.49 and Chapter 21.49 so that wireless installations live more appropriately in Title 13 under the purview of Public Works and the Utilities Department. He stated that staff would like to consider exempting City-owned property from Title 20, while there are also updates for legislative consistency and compliance. He reported on how the language of the NBMC is being revamped to align with the current nomenclature while streamlining the City's policies. He reported that changes include formalizing the ongoing process of Class 1 (Stealth) facilities requiring only administrative clearance, Class 3 facilities moving to Title 13 and shifting from discretionary to mostly administrative approvals, City-owned properties being exempt from Chapter 20.49 and Chapter 21.49, adjusting the design and process guidelines, and updating for legislative compliance. He confirmed that height limits are not changing, but clarity is being added. He stated that staff received one letter of support and a second letter identifying possible discrepancies with suggested improvements. He added that the documents are considered drafts until they are taken to the City Council for approval in about a month.

In response to Commissioner Rosene's inquiries, Acting Deputy Community Development Director Zdeba confirmed that these changes are expected to incentivize Class 3 PROW installations, adding that carriers provided input on models from other jurisdictions to consider. He stated that the City's MUP requirement is a substantial barrier being removed in this update. He confirmed that the revisions call to eliminate the need for a MUP on City-owned property if the wireless facility is visible, essentially exempting the City from Title 20. He clarified that the item heard by the Commission recently was for a larger freestanding facility requiring a CUP and not a smaller Class installation that could be administratively approved moving forward.

Commissioner Rosene stated that this is a great idea, especially if it will increase wireless coverage.

Chair Harris expressed concerns about completely exempting City property, adding that he is unsure how to condition it or if conditions are necessary.

In response to Chair Harris' inquiry, all commissioners reported having no ex parte communications about this item.

Chair Harris opened the public hearing.

Mr. Mosher echoed comments made by Chair Harris and Commissioner Rosene that the redlined drafts were difficult to follow. He expressed that relevant state and federal laws have not changed over the past four years. He expressed concerns about the logistics of PROW changes with the shift to Public Works and Utilities, acknowledging that they are not in the Commission's purview. He expressed concerns about the growing number of exemptions from CDPs, stating that these proposed changes will have to be certified by the California Coastal Commission, and expressed concerns about passage due to the City self-granting blanket decision-making rights.

Acting Deputy Community Development Director Zdeba clarified that Public Works issues encroachment permits to allow PROW construction, so it is appropriate to have the review under that department.

Chair Harris closed the public hearing.

Motion made by Chair Harris and seconded by Commissioner Rosene to approve the item as presented.

AYES: Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
 NOES: None
 ABSTAIN: None
 ABSENT: Reed

VIII. DISCUSSION ITEMS

ITEM NO. 5 ANNUAL GENERAL PLAN AND HOUSING PROGRESS REPORTS (PA2026-0004)

Site Location: Citywide

Summary:

The General Plan and Housing Element Annual Progress Reports (Reports) are prepared by City of Newport Beach staff each year and reviewed by the Planning Commission and City Council. The Reports summarize the City's progress with implementing the goals, policies, and programs of the General Plan and specifically, the Housing Element. The current Reports are presented for the Planning Commissions' review and expansively cover the City's activities in calendar year 2025.

Recommended Actions:

1. Find the review of the 2025 General Plan and Housing Element Annual Progress Report is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(b)(2) 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,
2. Review and comment on the 2025 General Plan and Housing Element Annual Progress Reports; and
3. Recommend the City Council review and authorize the submittal of the 2025 General Plan and Housing Element Annual Progress Reports to the California Office of Land Use and Climate Innovation (LCI) and the submittal of the Housing Element portion to the State Department of Housing and Community Development (HCD).

In response to Chair Harris' inquiry, Community Development Director Murillo clarified that as part of this discussion item, staff is seeking a formal recommendation to the City Council.

Assistant Planner Melinda Whelan reported that the State mandates an Annual Progress Report on implementation of the General Plan and more specifically Housing Element implementation. She noted that the General Plan is being comprehensively updated so many implementation programs have been completed. She reported on the General Plan updating process over the past year, noting that it is close to completion.

Assistant Planner Whelan reported that the development at 1401 Quail St. generated 14 deed-restricted affordable housing units towards the City's Regional Housing Needs Allocation (RHNA) quota. She reported that new housing developments have been approved and entitled under the new Housing Overlay Zones, implementing the City's Objective Design Standards. She noted the data driven required Excel tables required as part of the Housing Element report for HCD. Staff was fine-tuning Table C for final submission and would be ready for City Council. She noted the