



CITY OF

NEWPORT BEACH

City Council Staff Report

July 14, 2026
Agenda Item No.2

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2026-07: Updating Titles 13 (Streets, Sidewalks and Public Property) and 20 (Planning and Zoning) of the Newport Beach Municipal Code Related to Personal Wireless Service Facilities

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance No. 2026-07, amending Titles 13 (Streets, Sidewalks and Public Property) and 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) to comprehensively update the City of Newport Beach's (City) regulations for personal wireless facilities, especially related to those in the public right-of-way. This ordinance was introduced and considered at the City Council meeting on June 9, 2026.

Also for the City Council's consideration is the adoption of a Master License Agreement template for nonexclusive installation of personal wireless service facilities by private wireless providers in the public right-of-way.

RECOMMENDATIONS:

- a) Find the adoption of this ordinance and master license agreement template 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;
- b) Waive full reading of an Ordinance, read by title only, conduct a second reading and adopt 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

- c) Adopt a Master License Agreement template for the nonexclusive installation of personal wireless service facilities by private wireless providers in the public right-of-way in a form substantially similar to Attachment C.

DISCUSSION:

Small cell and mid-cell installations within the public right-of-way have been identified as crucial to establishing an adequate network of coverage to serve the community. Current City regulations require a minor use permit (i.e., discretionary approval) for these installations, which has created a regulatory barrier for investment in such infrastructure in Newport Beach. The proposed amendments to Titles 13 (Streets, Sidewalks and Public Property) and 20 (Planning and Zoning) of the NBMC serve to update and streamline how the City regulates facilities within the public right-of-way and to modernize terms and definitions, consistent with state and federal law.

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). It is also being updated to provide clarification where, in practice, City staff has recognized confusion in the application of certain provisions.

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 (Public Right-of-Way) Installations. Two key provisions of this new chapter are Sections 13.22.040 (Departmental Standards, Forms and Other Regulations) and 13.22.050 (Permits Required), which help to streamline review and permitting processes.

Section 13.22.040 explicitly authorizes the Public Works Department director to publish and update standards, forms and other regulations. Although 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. A draft of the “Personal Wireless Service Facilities in the Public Right-of-Way Standards and Regulations” document is provided as Attachment B. This document is intended to be published to the City’s website on the effective date of the Ordinance.

Section 13.22.050 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. This section provides a streamlined path by which a templated master license agreement¹ may take the place of wireless facility permits, while still providing the City control over the time, place and manner of

¹ 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.

installations. City staff prepared the template, included as Attachment C, for City Council review and adoption. If a licensee makes no exceptions or changes to the template, the agreement may be executed without the separate authorization of the City Council.

The City Council introduced the Ordinance on June 9, 2026, at a noticed public hearing. After considering all evidence and taking public testimony, Mayor Pro Tem Noah Blom made a motion, which was seconded by Mayor Lauren Kleiman. Following the motion, the City Council voted unanimously (6 ayes, 0 nays, 1 recusal) to introduce Ordinance No. 2026-07 and to pass it on to a second reading.

If adopted, the Ordinance will become effective after 30 days, updating the regulations citywide except for those areas in the Coastal Zone. On a parallel track and consistent with Resolution No. 2026-41, City staff will submit the complementary Local Coastal Program Amendment to the California Coastal Commission for review and will diligently work to make the authorized updates to Title 21 (Local Coastal Program Implementation Plan) of the NBMC for areas within the Coastal Zone.

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 adoption 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:

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 – Draft Personal Wireless Service Facilities in the Public Right-of-Way
Standards and Regulations

Attachment C – Master License Agreement Template