



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

March 5, 2026
Agenda Item No. 4

SUBJECT: Wireless Service Facilities Code Amendments (PA2021-103)
▪ Zoning Code Amendment
▪ Local Coastal Program Amendment

SITE LOCATION: Citywide

APPLICANT: City of Newport Beach

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PROJECT 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.

RECOMMENDATION

- 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 (Attachment No. PC 1) recommending the City Council approve the Zoning Code Amendment modifying regulations pertaining to wireless service facilities on private and public property; and

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- 4) Adopt Resolution No. PC2026-007 (Attachment No. PC 2) recommending the City Council authorize staff to submit the Local Coastal Program Amendment to the California Coastal Commission.

INTRODUCTION

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 Newport Beach Municipal Code (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 v. 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. In light of 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.

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 was functioning appropriately.

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. At the conclusion of the session, 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.

DISCUSSION

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 and common with many other jurisdictions, the Public Works Department is 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 believes 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

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 Section 20.49.030(G), moving them to the new Chapter 13.22 (Personal Wireless Service Facilities in the Public Right-of-Way). This new chapter is included for reference only in draft form as Attachment No. PC 3. Chapter 20.49 is also being updated to modernize definitions and certain provisions consistent with applicable state and federal laws. Additional notable updates to Chapter 20.49 include:

- Clarification that Class 1 (Stealth) Installations, as defined by 20.49.030(G), are authorized through an administrative clearance and not subject to appeal;
- Clarification that the 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) of the NBMC; and
- An allowance for temporary installations that coincide with a construction project that affects a permanent installation.

The proposed updates to Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC mostly refresh the language for consistency with the revisions to Title 20 (Planning and Zoning). To help with the Planning Commission's review, Attachment Nos. PC 4 and PC 5 are redline-strikeout versions of each affected chapter.

Community Correspondence Received

On January 16, 2026, the efforts to revamp the City's regulations regarding wireless service facilities were shared in the City Manager's newsletter *From City Hall to You*. Since that publication, City staff has received one piece of correspondence from a community member supporting the City's efforts. This has been included for review as Attachment No. PC 6.

Summary and Alternatives

Staff believes the proposed collective changes to Titles 20 (Planning and Zoning) and 21 (Local Coastal Program Implementation Plan) of the NBMC serve to modernize aspects of the City's requirements for the deployment of wireless service facilities in a manner consistent with general law while especially streamlining such deployments in the public right-of-way.

Should the Planning Commission identify any deficiencies or areas for improvement, the Planning Commission may recommend revisions to the draft ordinance.

Environmental Review

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.

Public Notice

Pursuant to Section 13515 of the California Code of Regulations, a review draft of the proposed amendment to Title 21 (Local Coastal Program Implementation Plan) of the NBMC was made available and a Notice of Availability was 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 in a one-eighth-page format 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 website.

Prepared and Submitted by:



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ATTACHMENTS

- PC 1 Resolution No. PC2026-006
- PC 2 Resolution No. PC2026-007
- PC 3 Draft NBMC Chapter 13.22
- PC 4 Redline-Strikeout Chapter 20.49
- PC 5 Redline-Strikeout Chapter 21.49
- PC 6 Community Correspondence Received

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