

**REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY**

***Purpose***

The purpose of this policy is to reduce barriers to wireless service facilities on private property, City-owned and City-held trust property, and the public right-of-way. This policy describes the manner in which these locations may be used as locations for personal wireless service facilities that transmit voice and/or data.

***Policy***

It is the Policy of the City to effectively balance the needs of its residents, visitors, and businesses to use and have access to state-of-the-art wireless telecommunication systems (such as wireless Internet, voice, and other data communications) with the needs of residents to safely and effectively enjoy their property. This Policy shall be used when considering applications to install wireless communications devices on private property, City-owned, or City-held property by any wireless telecommunications provider or siting company.

Except for sites identified as ineligible for personal wireless service facilities pursuant to this Policy, all proposals affecting City-owned or City-held trust property shall be processed through the Community Development Department and the Public Works Department and shall be exempt facilities as provided in Chapters 20.49 and 21.49.

Chapters 20.49 and 21.49 of the Newport Beach Municipal Code (NBMC) shall be used for wireless service facilities on private property. The NBMC shall be reviewed to reduce the barriers to wireless service facilities.

***Agreement Required***

All personal wireless service facilities located on City-owned property or City-held Trust property, or in the public right-of-way must have an agreement approved as to form by the City Attorney and approved as to substance (including, but not limited to, compensation, term, insurance requirements, bonding requirements, and hold harmless provisions) by the City Manager. The agreement shall be executed prior to the issuance of a street construction permit (encroachment permit).

***City Sites Eligible or Ineligible for Personal Wireless Service Facility Placement***

- A. Sites Eligible for Use. The City Council has determined that the following City locations are acceptable for placement of personal wireless service facilities, in no particular order of preference:
1. Newport Beach Civic Center.
  2. Parks.

3. Police Headquarters.
  4. Lifeguard Headquarters.
  5. The Community Centers.
  6. Medians and parkways along public streets
  7. The Central Library and Branch Libraries.
  8. The Corporate Yards.
  9. Qualifying City-held easements.
  10. Streetlights (following certification and acceptance by the Utilities Department of an effective test of the facility's impacts to the light standard under various environmental conditions), which may be located upon the right-of-way, or City-trust held property.
  11. Leased City property, subject to the lease provisions.
  12. Open space areas owned by the City where no sensitive habitat exists and the personal wireless service facilities are located on existing structures, are designed to be unobtrusive and/or stealth-integrated to preserve the visual character and natural landscape of the site.
- B. Sites Ineligible for Use. The City Council has determined that the following City locations are unacceptable for placement of personal wireless service facilities:
1. Open space areas owned by the City where placement of facilities in these areas would aesthetically impair the pristine nature of the area.
  2. Other properties owned by the City where the placement of facilities would conflict with existing structures, including utilities, or otherwise impact use of the facility or property for its designated purpose.
  3. Traffic signal poles.

### ***Compensation and Term***

The City Manager shall follow these rules when developing any agreement for the placement of any personal wireless service facilities on City-owned or City-held trust property, or in the public right-of-way:

- A. Compensation for personal wireless services facilities located in the public right-of-way shall be based on the rates established by Federal Communications Commission (FCC) Small Cell Order (FCC 18-133).
- B. Compensation on City-owned property other than a City streetlight shall be determined based on the California Department of General Services published telecommunications lease rates for

installation of all types on City-owned public, non-commercial, and commercial properties, as may be amended or replaced. At the discretion of the City Manager, a discount not to exceed twenty percent (20%) may be applied to these rates to facilitate the installation of personal wireless service facilities in locations that address local coverage gaps or improves telecommunication coverage for residents.

- C. The Agreement shall provide for a specific term to be determined by the City Manager.
- D. The Agreement shall provide for the following rent adjustments:
  - 1. Rent adjustments for personal wireless services facilities located in the public right-of-way shall be adjusted annually by the Consumer Price Index (CPI), or any subsequent rates established by the FCC .
  - 2. Rent adjustment on City-owned property other than City streetlights shall be adjusted annually based on the California Department of General Services published telecommunications lease rates.
- E. The Agreement shall require the applicant to post a bond, letter of credit, or other financial security/securities (“Financial Security”) in an amount that equals or exceeds the anticipated cost of removing the personal wireless service facility or personal wireless service facilities and repairing any damage to City property at the completion of the Agreement term or in the event that the applicant ceases use of or abandons the personal wireless service facility or otherwise does not remove the personal wireless service facility including any equipment or cabinet whether underground, in the public right-of-way, or on City or private property. The Financial Security shall name the City as eligible for receipt of the Financial Security’s proceeds if the applicant ceases use of or abandons the personal wireless service facility(ies).

### ***City Communications Systems Exempt***

This Policy shall not apply to any communications system used by City personnel for communications deemed necessary for City operations.

### ***History***

Adopted L-23 – 9-24-2002  
 Amended L-23 – 10-10-2006  
 Amended L-23 – 8-14-2018  
 Amended L-23 – 2-24-2026