



CITY OF

NEWPORT BEACH

City Council Staff Report

September 23, 2025
Agenda Item No. 8

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Ordinance No. 2025-22: Amending Chapter 10.08 (Use of Public Property and Interference with Public Access) of the Newport Beach Municipal Code to Add Provisions Related to the Protection of Pedestrians, Vehicle Traffic and Landscaping – Second Reading

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance No. 2025-22, which will increase public safety and reduce the City's maintenance and repair costs by prohibiting pedestrian presence on the portions of roadway center medians. This Ordinance was introduced and considered at the September 9, 2025, City Council meeting.

RECOMMENDATIONS:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Conduct second reading and adopt Ordinance No. 2025-22, *An Ordinance of the City Council of the City of Newport Beach, California, Amending Section 10.08.005 (Definitions) and Adding Section 10.08.012 (Safe Use of Medians) to Chapter 10.08 (Use of Public Property and Interference with Public Access) to Title 10 (Offenses and Nuisances) of the Newport Beach Municipal Code, Relating to the Protection of Pedestrians, Vehicle Traffic and Landscaping.*

DISCUSSION:

For many years, the City of Newport Beach has observed pedestrians occupying roadway center medians, leading to public safety concerns and increased maintenance and repair costs. These medians—primarily located along high-speed arterial corridors, and heavily used streets, and intersections in the City including Pacific Coast Highway, MacArthur Boulevard, Dover Drive, Jamboree Road, San Miguel Drive, San Joaquin Hills Road, Avocado Avenue, Newport Coast Drive, Newport Boulevard, and West/East Balboa Boulevard—are designed to function as safety buffers that separate opposing lanes of

vehicular traffic. However, their use for unintended purposes has created significant issues, including the following:

Public Safety: According to the Federal Highway Administration (FHWA), 17 percent of all traffic fatalities are related to pedestrian crashes. Individuals located in roadway medians pose a distraction to motorists and are at increased risk of injury, especially in narrow or unraised medians that do not provide adequate protection or sight distance.

Infrastructure Damage: Landscaping, irrigation, and decorative hardscape features are frequently damaged by unauthorized pedestrian activity, increasing the City's maintenance and repair costs.

Non-Compliance with Federal Guidelines: The FHWA recommends that medians or refuge islands be more than 48 inches wide and preferably 96 inches wide, for the median or refuge island to be considered safe for temporary occupancy.

The proposed ordinance is designed to increase public safety and reduce the City's maintenance and repair costs by prohibiting pedestrian presence on the portions of medians that are: (1) not raised; (2) contain landscaping, irrigation or decorative hardscape; and (3) that are under 48 inches wide by 48 inches long. The City Council approved an ordinance to amending Chapter 10.08 (Use of Public Property and Interference with Public Access) of the Newport Beach Municipal Code to Add Provisions Related to the Protection of Pedestrians, Vehicle Traffic and Landscaping on September 9, 2025. The second reading of this ordinance is for adoption in its entirety.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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.

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).

ATTACHMENT:

Attachment A – Ordinance No. 2025-22