

## ATTACHMENT A

### RESOLUTION NO. 2025- 35

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING THE TEMPORARY CLOSURE OF BACK BAY DRIVE, THE 100 BLOCK OF ORANGE STREET FROM TRAFFIC OFF OF PACIFIC COAST HIGHWAY, SAN JOAQUIN HILLS ROAD BETWEEN BACK BAY DRIVE AND THE ENTRANCE TO THE PARK NEWPORT APARTMENT COMPLEX, AND VIA MALAGA BETWEEN VIA OPORTO AND VIA LIDO**

**WHEREAS**, each year, during the July 4th Holiday period, thousands of persons visit oceanfront beaches between the Santa Ana River and the West Jetty;

**WHEREAS**, this large influx of visitors can create severe traffic congestion in West Newport, on the Balboa Peninsula, and on San Joaquin Hills Road in the area of Back Bay Drive;

**WHEREAS**, during the July 4th Holiday period, traffic on streets in the areas of West Newport and the Balboa Peninsula can result in little or no vehicular flow with many vehicles not promptly moving when an opportunity arises to do so;

**WHEREAS**, during the July 4th Holiday period, visitors may use public streets to celebrate the occasion, and pedestrian and bicycle traffic on streets may result in a de facto parade which makes vehicular use unsafe to those using the streets;

**WHEREAS**, this traffic congestion, combined with the large number of visitors and a related increase in criminal conduct places a significant demand on police resources. The City routinely contracts with several outside agencies to provide supplemental law enforcement services during the July 4th Holiday period to enable the Newport Beach Police Department to respond to emergencies and maintain public safety. The temporary street closures authorized by this resolution will allow the Newport Beach Police Department to more effectively provide police and emergency services in the West Newport area;

**WHEREAS**, the July 4th Holiday period brings an increased threat of fire due to illegal fireworks and a much higher than normal incidence of medical emergencies. The City routinely enlists the aid of neighboring agencies to provide supplemental fire support services which enables the Newport Beach Fire Department to respond to medical emergencies and suppress fires as necessary. In the absence of the temporary street closures authorized by this resolution, the Newport Beach Fire Department may be impeded from traveling to or from the scene of medical or fire emergencies in the oceanfront and other areas; and

**WHEREAS**, the Vehicle Code of the State of California permits the temporary closure of any street when the City Council determines that closure is necessary for the safety and protection of persons using that portion of the street during the closure.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council hereby determines that the closures authorized by this resolution are necessary to protect both the individuals using the street and those visitors and residents in need of emergency police and fire services during the July 4th Holiday period.

**Section 2:** Pursuant to the provisions of Division 11, Chapter 1, Article 3 of the Vehicle Code of the State of California (Section 21100 *et seq.*), the City Council of the City of Newport Beach hereby authorizes any peace officer to temporarily close or divert traffic including, but not limited to, vehicles, bicycles and/or pedestrians from all or a portion of the following streets when, in the opinion of that peace officer, little or no vehicular flow is occurring and a significant number of vehicles are not promptly moving when an opportunity arises to do so or closure is necessary to provide for the safety and protection of persons using the street for celebrations, parades, special events, or similar activities:

- A. Back Bay Drive;
- B. The 100 block of Orange Street from traffic off of Pacific Coast Highway;
- C. San Joaquin Hills Road between Back Bay Drive and the entrance to the Park Newport Apartment complex; and
- D. Via Malaga between Via Oporto and Via Lido.



**Section 3:** The authority of a peace officer pursuant to this resolution to temporarily close or divert traffic, including but not limited to, vehicles, bicycles and/or pedestrians from the streets and areas listed above is limited to the period from 5:00 p.m. on July 3, 2025, to 6:00 a.m. on July 5, 2025.

**Section 4:** The authority of a peace officer pursuant to this resolution shall be in addition to all other authority that may be pursued by that peace officer to temporarily close or divert traffic, and that use of the authority pursuant to this resolution shall be at the sole discretion of that peace officer.

**Section 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 6:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 7:** The City Council finds the adoption of this resolution 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.

**Section 8:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

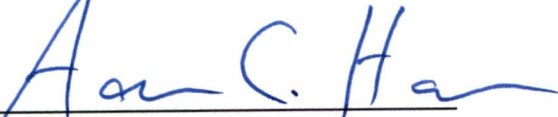
**ADOPTED** this 24th day of June, 2025.

\_\_\_\_\_  
Joe Stapleton  
Mayor

**ATTEST:**

\_\_\_\_\_  
Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney