

ATTACHMENT A

RESOLUTION NO. 2019-52

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, VIA OPORTO FROM VIA LIDO TO 32ND STREET, 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, the City Council of the City of Newport Beach finds and declares that each year, during the July 4th Holiday period, thousands of persons visit oceanfront beaches between the Santa Ana River and the West Jetty;

WHEREAS, the City Council of the City of Newport Beach finds and declares that 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, the City Council of the City of Newport Beach finds and declares that 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, the City Council of the City of Newport Beach finds and declares that 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, the City Council of the City of Newport Beach finds and declares that this traffic congestion, combined with the large number of visitors and a related increase in criminal conduct is, at times, beyond the capacity of the Newport Beach Police Department to control. The City routinely contracts with several other 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 Newport Beach Police Department is able to more effectively provide police and emergency services in the West Newport area with the temporary street closures authorized by this resolution;

WHEREAS, the City Council of the City of Newport Beach finds and declares that the July 4th Holiday period brings with it an increased threat of fire (due to illegal fireworks), and much higher than normal incidence of medical emergencies. The City routinely enlists the aid of neighboring cities to provide supplemental fire support service to enable the Newport Beach Fire Department to respond to medical emergencies and suppress fires as necessary. The Newport Beach Fire Department might not be able to travel to or from the scene of medical or fire emergencies in the oceanfront and other areas in the absence of the temporary street closures authorized by this resolution; and

WHEREAS, the City Council of the City of Newport Beach finds and declares that 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 closure, and the City Council 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.

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

Section 1:

- A. 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:

1. Back Bay Drive;
 2. The 100 block of Orange Street from traffic off of Pacific Coast Highway;
 3. Via Oporto from Via Lido to 32nd Street;
 4. San Joaquin Hills Road between Back Bay Drive and the entrance to the Park Newport Apartment complex; and
 5. Via Malaga between Via Oporto and Via Lido.
- B. That the authority of a peace officer 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, 2019, to 6:00 a.m. on July 5, 2019.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 3: 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 4: 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, Division 6, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: 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 11th day of June, 2019.

Diane B. Dixon
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:



Aaron C. Harp
City Attorney