

## DRIVEWAY APPROACHES

### *General*

- A. An encroachment permit shall be required prior to any driveway construction within the street right-of-way. All construction shall conform with the Standard Plans and Specifications of the City of Newport Beach, which may be amended from time-to-time. Brick, textured concrete or flat stone surfacing may be used subject to Public Works Department approval. Such brick, textured concrete or flat stone surfacing may not be used on Bayside Drive.
- B. The number and width of driveway openings shall be kept to a minimum allowed by City standards so as to preserve on-street parking and to reduce the points of traffic conflict.
- C. The term "Curb Opening" shall mean the total width of the approach including the slope distances on the curb. The term "Approach Bottom" shall mean the total width of the approach less the slope distances on the curbs.
- D. Curb openings shall not be constructed closer than five (5) feet to the beginning of the curvature of a curb return, crosswalk, fire hydrant, traffic signal/street light, utility pole/ anchor/ pedestal or trees, unless approved by the Public Works Department.
- E. The entire curb opening shall be within the prolongation of the property lines except when cross easements provide for a common driveway along the mutual property line.
- F. No permit shall be issued for driveways on Clubhouse Drive, Glen Drive, Balboa Island or on the ocean side of Ocean Boulevard without City Council approval. No curb openings shall be permitted on Ocean Boulevard when access is available from an existing alley, street or improved private roadway.
- G. No permit shall be issued if the driveway encroaches on a crosswalk area.
- H. No permit shall be issued if the driveway construction requires the relocation of any public facility such as fire hydrants utility pole/ anchor/ pedestal, street tree, vault, vent pipes, or street lights without prior written approved of the Public Works Department and a deposit has been made to cover the cost of relocation. The property owner shall pay all costs for the relocation of any public facilities.
- J. No permit shall be issued unless the applicant agrees to remove any existing driveway opening that is or will be abandoned, and reconstruct curb, gutter and sidewalk (if applicable) to City Standards at no cost to the City.

- K. Where practical, difficulties or hardships may result from the strict application of this policy, minor dimensional variances may be granted with prior written approval of the Public Works Director.
- L. Nothing herein shall be construed as preventing any person from appealing to the City Council for relief from the applications of this policy.
- M. No building permit shall be issued on a parcel whose access requires City Council review for an encroachment permit on public property, until said encroachment permit has been issued.

*Residential Zones and Residential Uses - Special Requirements*

- A. The width of the driveway approach bottom shall not exceed twenty (20) feet except when the driveway is to serve an enclosed three (3) or four (4) car garage, in which case the driveway approach bottom may be increased to twenty-five (25) feet or thirty-two (32) feet, respectively.
- B. One (1) additional curb opening may be permitted to a single parcel subject to the following conditions:
  - 1. The total width for all openings shall not exceed fifty percent (50%) of the total frontage of the parcel; and
  - 2. The curb openings shall be separated by at least twenty (20) feet to retain maximum street parking.
- C. For new developments, proposed new street curb openings or retention of existing street curb openings shall not be permitted for residential property which abuts an alley. All vehicle access shall be from the alley.

An exception may be made in the case of corner lots where the street on which the proposed new or existing curb opening is not located on an arterial street and the street frontage is available for the full depth of the lot, subject to the one of the following conditions:

- 1. A new curb opening from the street shall be permitted where existing utility conditions, that cannot be removed/relocated, prevent alley access and one (1) additional covered non-tandem off-street parking space beyond code required amount is being provided. The proposed new curb opening shall be located to maximize the remaining on-street parking; or

2. An existing curb opening can be maintained or relocated when one (1) additional covered non-tandem off-street parking spaces beyond code required amount is being provided and no loss of on-street parking is proposed.

In no case shall there be more than one (1) street curb opening on a residential property that abuts an alley.

- D. Driveway grades must not exceed the listed applicable maximum slope depending on application. Driveways to lowered or entrances to subterranean parking must rise above the flood level or a minimum of six (6) inches above the flow line of the street or alley, whichever is greater, before transitioning to a downward slope. Slope transitions shall be a minimum of five (5) feet in length and the change of slope cannot exceed eleven percent (11%).

Driveways providing only parking access - Fifteen percent (15%) maximum slope. Must have access directly from garage into residence.

Driveways providing vehicle and pedestrian access - Eight percent (8%) maximum slope.

Driveways providing required parking spaces on the driveway itself - Five percent (5%) maximum slope.

Minor variations from the listed maximum slopes and slope changes may be granted by the Public Works Director when unusual site conditions are encountered.

### *Commercial Uses*

- A. The width of the driveway approach bottom shall not exceed thirty-five (35) feet.
- B. The total width of all driveways shall not exceed fifty (50%) of the frontage of the parcel.
- C. Commercial driveway approaches may use a curb return design with a maximum curb radius of twenty-five (25) feet and a driveway approach bottom of greater than thirty-five (35) feet if the following conditions are satisfied:
  1. The driveway serves as an entrance to a parking area or structure for 200 or more vehicles.

2. The number of driveways serving the parcel are at a minimum.
- D. The curb return commercial driveway approach may incorporate a divided exit and entrance if the separation structure (median island) is continued on-site in such a manner as to provide proper traffic design.

### *Closure of Abandoned Driveway Approaches By City*

The City may close any abandoned driveway approaches at locations where two (2) or more of the following criteria exist:

- A. The abandoned driveway approach is adjacent to a parcel of property where redevelopment and possible subsequent closure of the approach is not believed imminent;
- B. The driveway approach is at a location where there is a shortage of available on-street parking;
- C. The removal of the driveway approach is needed for safe pedestrian and/or bicycle passage;
- D. The closure of the abandoned driveway approach benefits not so much to the property owner as the pedestrian and vehicular traffic in the area;
- E. The parcel is adjacent to and can take access from a public alley.

When in the opinion of the Public Works Department, a curb cut or abandoned driveway approach should be closed, and the adjoining property owner protests the closing, the protester shall be notified that he shall have two (2) weeks to appeal the staff decision to the City Council. That appeal must be in writing and may be filed through the mail. If an appeal is not made, the City shall proceed with the closure. If an appeal is made, a hearing shall be held by the City Council, and the decision of the Council shall be final.

### *History*

- (1966, 01/24) - L-2 - Adopted  
 (1968, 02/26) - L-2 - Amended  
 (1970, 03/09) - L-2 - Amended  
 (1972, 02/14) - L-2 - Reaffirmed  
 (1972, 07/24) - L-2 - Amended  
 (1977, 11/14) - L-2 - Amended  
 (1982, 10/12) - L-2 - Amended

(1982, 10/25) - L-2 - Amended  
(1987, 07/13) - L-2 - Amended  
(1989, 11/27) - L-2 - Amended  
(1992, 12/14) - L-2 - Amended  
(1994, 01/24) - L-2 - Amended  
(1996, 02/26) - L-2 - Amended  
(2001, 05/08) - L-2 - Amended  
(2006, 10/10) - L-2 - Amended  
(2018, 08/14) - L-2 - Amended