

PROTECTION OF WATER QUALITY:
DRAINAGE - PUBLIC RIGHTS-OF-WAY

PURPOSE

This policy, along with Policy L-22 (Water Quality Management Plans), is intended to minimize dry-weather runoff and runoff from small rain events (collectively referred to as "runoff" in this Policy) in an effort to improve water quality of Newport Bay, water quality-limited receiving waters (like Buck Gully) and the near-shore ocean environment. The motivation for this Policy, in addition to the community's interest in clean water, is in part the adoption of regulations upon the City of Newport Beach by the California Regional Water Quality Control Board, Santa Ana Region ("Regional Board") contained in the Regional Board's Order , NPDES No. CAS618030.

FINDING

Runoff from irrigation overspray, overwatering, roof drains, patio and deck drains, and washdowns of hardscape areas contribute flow to the street drainage systems and natural watercourses which then convey pollutants such as pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into surface waters.

POLICY

Whenever possible, runoff should be retained on private property to prevent the transport of these pollutants in the manner described below. Reduction, retention or diversion of runoff can benefit property owners through water conservation and reuse of water that would otherwise drain to the City's street drainage system and our harbors, bays, and ocean.

- A. Curb Drains. Curb drains have been utilized as a means of draining sump areas and roof drains within a property by conveying flows via subsurface piping systems to the curb gutter. Curb drains typically convey runoff directly to the City's street drainage system without the benefit of absorption by permeable surfaces and natural treatments such as landscaped areas and planters. Whenever possible, runoff shall be diverted through planted areas or sumps that recharge the groundwater. The use of permeable surfaces affords the opportunity to use the natural filtration properties of the earth to prevent the

transport of harmful pollutants directly to our water resources. The use of curb drains to drain private residential and commercial property shall only be permitted as follows:

1. New Development/Redevelopment - see Policy L-22.
 2. Reconstruction or Grading of Existing Properties - The grading/drainage for additions and/or modifications to existing properties including the construction of patios, decks, roof drains, downspouts, gutters or substantial grading remodel (grading affecting over 50% of the existing yard/setback areas that alter existing drainage patterns) shall be designed to retain and/or direct urban runoff into planted/permeable areas. Curb drains and subsurface piping shall be permitted for secondary or overflow of hardscape or planted areas to prevent dwellings from flooding due to significant (defined for this Policy as more than 3/4" of rain in any 24-hour period) storm events only. Curb drains may be permitted to correct existing drainage problems on a case-by-case basis after all reasonable alternatives are explored. Curb drains, when approved, shall have a French drain system of perforated pipe and gravel unless site-specific circumstances endanger public safety so as to prohibit its use as determined by the Public Works Director.
- B. Parkway permeability. The City's parkway areas represent the last opportunity to retain and allow urban runoff to percolate into the earth before entering the City's street drainage system. Non-sidewalk areas within the City's parkway areas (defined as the area between the curb and the street right of way/property line) shall utilize permeable surfaces that permit the percolation of urban runoff. Non-permeable parkway surfacing within the area between the street curb and sidewalk for decorative (non-pedestrian) purposes, installed at grade, not to exceed 25% of the parkway area (between back of curb and sidewalk) less driveways when installed in conjunction with landscaping, irrigation, and street trees is permitted in accordance with Council Policy L-6. Decorative materials include colored, stamped, and patterned concrete; brick, pavers, and stone masonry, pavers, flat stone, and brick set in sand; and other materials as approved by the Public Works Department.
- C. Down Slope Drains. Wherever practical, private property drainage shall be diverted away from bluffs or steep slopes (2:1 slopes or greater). The design shall include:

1. Hydrological and hydraulic calculations in conformance with the latest edition of the Orange County Drainage Design Manual;
 2. Subsurface piping system utilizing approved piping materials which incorporate sealed joints;
 3. The drainage system shall have a French drain system of perforated pipe and gravel, or similar device to percolate low flow urban runoff unless site-specific circumstances endanger public safety or improvements so as to prohibit its use as determined by the Public Works Director and/or the project soils engineer does not allow percolation; and
 4. Any permitted flow shall not create continuous standing water within City street gutters, pose a hazard to safe motor vehicle or pedestrian use, or create a nuisance such as odor or algae growth. The property owner will accept responsibility to maintain the slope drainage facility and will execute a non-standard permit agreement with the City. The City reserves the right to revoke this agreement at any time for non-compliance.
- D. Sump Pump discharges into the public right of way. Permanent sump pump discharges shall be permitted as follows:
1. Permitted sump pump discharges shall be filtered and piped directly to the City' storm drain system. Connections to the city's storm drain shall be in accordance with City standards and executed under a valid encroachment permit from the Public Works Department.
 2. The permittee and the City have executed a non-standard permit agreement which authorizes the City to revoke the permit at any time for non-compliance.
 3. Discharges from permanently installed sump pumps of basement garage spaces (areas with motor vehicle storage) shall not be permitted within the public right of way.
 4. Storage areas and living areas below natural grade as permitted by the Building Division may discharge sump pump flow into the City's street drainage system provided that:

- The property owner show evidence of all approved permits as required by the Regional Water Quality Control Board and other jurisdictional agencies;
- The discharge flow must not be continuous and be shown to be less than five (5) gallons per day; and
- The permitted flow shall not create continuous standing water within City street gutters, pose a hazard to safe motor vehicle or pedestrian use, or create a nuisance such as odor or algae growth.

E. Construction Dewatering. Construction dewatering as permitted by the Building Division may discharge pump flow into the City's street drainage system provided that:

- The property owner show evidence of all approved permits as required by the Regional Board and other jurisdictional agencies;
- The permitted flow shall not create continuous standing water within City street gutters, pose a hazard to safe motor vehicle or pedestrian use, or create a nuisance such as odor or algae growth; and
- An encroachment permit is executed in accordance with City Council Policy L-6, including authorization for the City to revoke this permit at any time for non-compliance.

Adopted - April 23, 2002

Amended - September 27, 2011