



Planning Commission **STAFF REPORT**

Ken Goldstein, Chair
Gina Frierman-Hunt, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
Bob Spears, Commissioner

*Vincent Gonzalez, Planning and
Community Preservation Director*

DATE: April 21, 2016

TO: Planning Commission

FROM: Leticia Cardoso, Planning Manager

SUBJECT: **Discussion Regarding Lot Splits and Shared Driveway Subdivisions in the R-1 Zone**

ISSUE

At the meeting on March 17, 2016, the Planning Commission continued their discussion regarding minimum lot size requirements and shared driveways in the R-1 Zone. The Commission reviewed the recommendations provided by subcommittee Members Hutt and Frierman-Hunt, and agreed that further discussion and/or additional information regarding the following issues would be needed:

1) Shared driveway width (Section 17.20.100 C.2.a.):

Fire Chief Steve Heydorff will attend the meeting to provide information regarding requirements for Fire Department access along shared driveways. The lot configuration examples provided by the subcommittee at the last meeting have been included herein for reference as Exhibit B.

2) 6-foot-high wall/fence along secondary frontage of reverse corner lot:

At the meeting, staff explained that Section 17.48.130.C, included herein as Exhibit C, currently allows 6-foot-high wall and fences along the secondary frontage of a reversed corner lot. Under the penultimate paragraph of Section 17.20.100, the subcommittee added a clause to limit the height of walls and fences to primary front yard standards (maximum of 42 inches) along secondary frontage of reverse corner lots for shared public driveway subdivisions. The subcommittee would like the Commission to consider whether it also wishes to change this rule for all reverse corner lots, in which case it would delete the proposed clause and amend Section 17.48.130.C which addresses

reverse corner lots in the R-1, R-2 and R-3 zones of the City. A reversed corner lot diagram has been included herein as Exhibit D for reference.

3) Street naming/signage (Section 17.20.100 C.2.g):

Staff will provide input from the Department of Public Works regarding a potential requirement for shared driveways to have street names.

4) Lot line adjustments (Section 17.20.100):

Staff expressed concern that applying the minimum lot width requirements to lot line adjustments may be too restrictive for those adjustments that seek to address minor property issues, such as building encroachments, access, topographical concerns, etc. as opposed to those requested to allow intensification of development.

In order to address this concern, the subcommittee is proposing that some flexibility be afforded for "minor" lot line adjustments within a range of 5 to 10 percent with respect to average lot width, width at front yard setback and street frontage; furthermore, in case the Commission wishes to invest the director with some discretion in the approval of a lot line adjustment and public notice, the subcommittee recommends that approval of a minor conditional use permit be required.

Attached as Exhibit A is the subcommittee's recommended revisions to Code Section 17.20.100 and proposed Code Section 17.20.110 for the Commission's consideration.

Staff seeks further direction from the Planning Commission.

Attachments (4):

- Exhibit A: Revision to 17.20.100 and Proposed Code Section 17.20.110 from Planning Commission Subcommittee
- Exhibit B: Lot Configuration Examples from Subcommittee
- Exhibit C: Code Section 17.48.130 ("Walls and Fences")
- Exhibit D: Reverse Corner Lot Diagram

EXHIBIT A

Revision to 17.20.100 and Proposed
Code Section 17.20.110 from Planning Commission
Subcommittee

17.20.100 - Newly created or reconfigured lots—width and street frontage.

Every lot in the R-1 zone hereafter created or reconfigured by lot line adjustment or otherwise, shall have:

A. A width at the rear line of a twenty-five foot front yard setback of not less than the following:

1. Lots required to have a minimum lot area of less than nine thousand square feet: sixty feet;
2. Lots required to have a minimum lot area from nine thousand up to but not including eleven thousand square feet: seventy feet;
3. Lots required to have a minimum lot area from eleven thousand square feet up to but not including fifteen thousand square feet: eighty feet;
4. Lots required to have a minimum area of or in excess of fifteen thousand square feet: ninety feet.

B. An average width of not less than ten feet less than the required width appertaining to such lot, as set forth in subsection A above.

C. Frontage on a public street (or private street created in accordance with Section 16.32.030 of this code) of not less than the required width appertaining to such lot, as set forth in subsection A above, except:

1. For lots at the end of a cul-de-sac; or
2. Lots accessed by a shared private driveway (whether shared access easement or jointly-owned roadway lot) when all of the following are met:
 - a. The shared private driveway shall be at least *** *** feet wide, or wider if required by fire code, and shall meet all other fire code requirements;
 - b. To the extent feasible and compliant with fire and other applicable codes, the shared private driveway shall be constructed of permeable materials and/or have a rainwater catchment and detention system;
 - c. The shared private driveway shall be the sole means of vehicular access to the lots it crosses, and no such lot may have a separate driveway;
 - d. Historic resources shall be preserved in accordance with Section 16.04.060 of this code, and to the extent practicable, all other existing primary structures shall be preserved;
 - e. Public access to the shared driveway be maintained at all times, and such driveway shall not be gated or closed in any manner;
 - f. The lot fronting the public street (or private street created in accordance with Section 16.32.030 of this code) shall have minimum frontage thereon as required above, and each lot shall have minimum frontage on the shared private driveway as required above as if the same were a public street, except for lots at the end of the shared private driveway;
 - g. [***check with public works***] The shared private driveway shall be named and a street sign shall be installed where the same intersects a public street;
 - h. All such shared private driveways shall be made subject to maintenance agreements, which shall be approved by the city and shall be recorded as to all properties having a maintenance responsibility therefor; and
 - i. The city shall not be responsible for the maintenance of any shared private driveways.

The front of lots created by subdivisions using a shared private driveway in accordance with subsection (C) 2 above shall face the shared public driveway and the lot with frontage on a public street (or private street created in accordance with Section 16.32.030 of this code) shall be considered a reverse corner lot; provided however, that the front yard setback for such lots shall be at least 15 feet from the edge of the shared public driveway, and for purposes of applying standards for walls and fences along the

secondary street frontage, the same shall be treated as a primary front yard. Lot orientation and setbacks are illustrated on Diagram *** __***.

By way of illustration and not limitation of the foregoing, flag lot configurations and exclusive access easements for access to landlocked properties are prohibited in the R-1 Zone for newly created lots and for newly configured lots resulting from lot line adjustments. Additionally, Diagrams *** __*** through *** __*** are provided as examples of permissible and prohibited lot configurations.

17.20.110 – Minor Lot Line Adjustments.

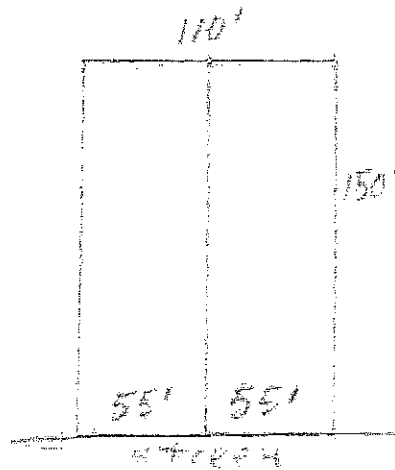
Notwithstanding Section 17.20.100, a lot line adjustment may be approved by the director [*** through a minor conditional use permit process in accordance with Section 17.60.055***], provided that for each affected lot none of the (i) width at setback, (ii) average lot width, or (iii) street frontage are altered by greater than [***5-10%***].

EXHIBIT B

Lot Configuration Examples from Subcommittee

Example sketches –

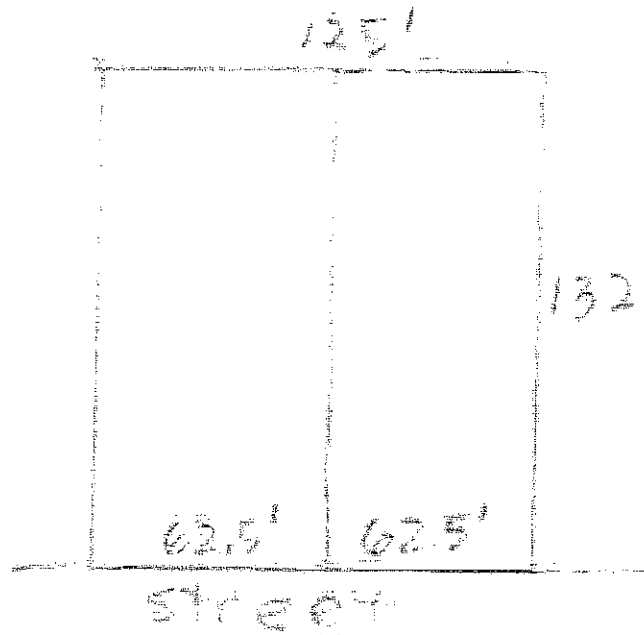
NOT PERMITTED



In R1-7 zone; Existing lot 110ft by 150ft.

Lot split not allowed because each lot of less than 9000 square feet must have at least 60 foot wide frontage on the street. Each of these lots would have only 55 foot frontage

ALLOWABLE

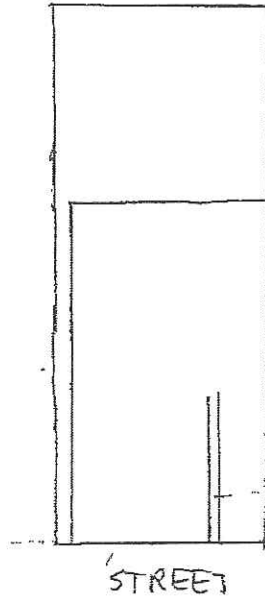


R1-7 zone; Existing lot 125ft by 132ft;

Lot split permitted because each lot of less than 9000 square feet has at least 60 foot frontage on street. Each lot would have 62.5 ft frontage on street

NOT PERMITTED

Flag lot or lot with
exclusive access easement
only for rear lot



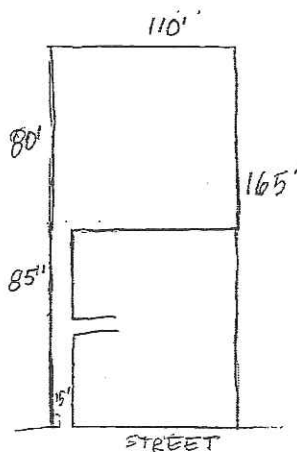
Separate driveway
only for front lot

Lot split not permitted because rear lot is flag lot configuration or has exclusive access easement to land locked property. 2 houses with 2 separate driveways not permitted,

PERMITTED

Private shared driveway
of required width

Access to driveway for
front lot from shared
driveway



Private shared driveway of required width with appropriate fire access operates as very short shared street with public access.

Shared driveway must meet minimum width, public access and fire access requirements.
POSSIBLE CONFIGURATIONS TO MEET FIRE ACCESS REQUIREMENTS Pictures not to
scale. (Must be approved by fire official)

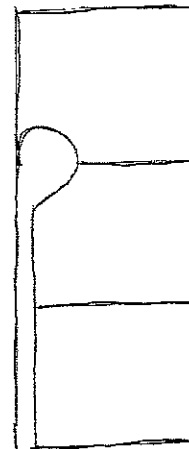
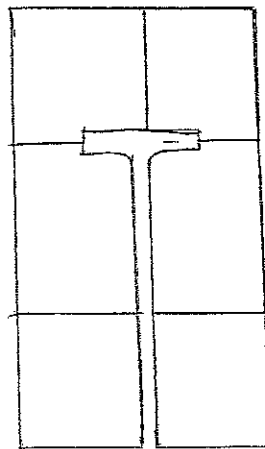
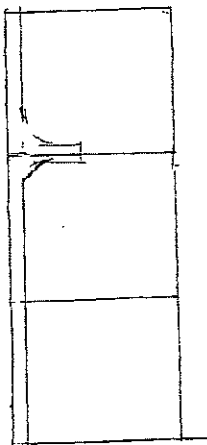
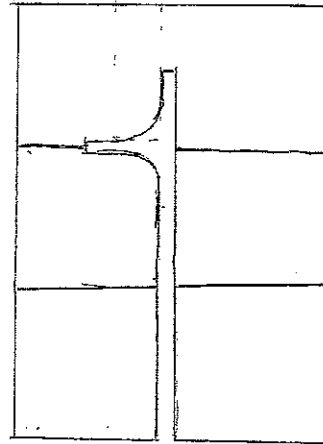
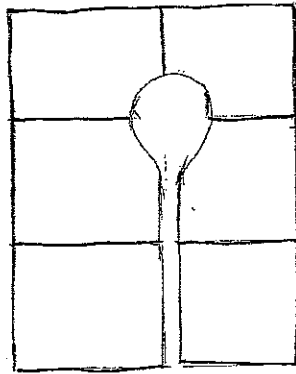



EXHIBIT C

Code Section 17.48.130 ("Walls and Fences")

17.48.130 - Walls and fences.

The following standards shall apply to all walls and fences in the R-1, R-2 and R-3 zones:

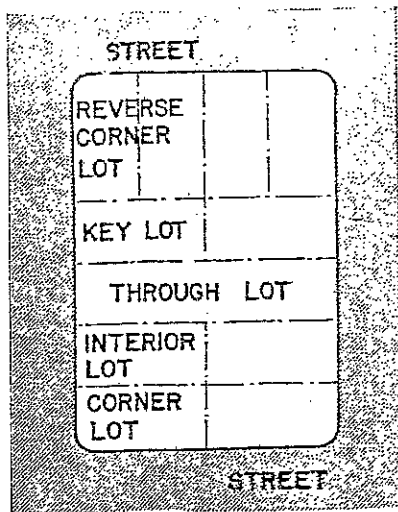
- A. Front Yards. Walls and fences within the required front yard setback, as set forth in Sections 17.20.050, 17.24.050 and 17.28.100, shall not exceed a maximum height of forty-two inches.
- B. Interior Side and Rear Yards. Walls and fences not in excess of six feet in height are permitted on, or adjacent to, the interior side or rear property lines. The walls and fences shall be reduced to forty-two inches within the required front yard pursuant to the provisions of Section 17.48.130(A).
-  C. Reverse Corner Lots. A wall or fence not in excess of six feet in height is permitted on, or adjacent to, the secondary street frontage property line except as follows:
 - 1. Primary Front Yard. The wall or fence shall be reduced to forty-two inches within the primary front yard, as required in Section 17.48.130(A).
 - 2. Adjacent to a Driveway. Where a driveway is located adjacent to the rear property line of the "reverse corner" property, the wall or fence shall be subject to the provisions of Section 17.48.100. For the purposes of this subsection, a driveway shall be determined to be "adjacent" to the rear property line of the "reverse corner" property if the edge of the portion of the adjoining driveway is within five feet of the property line of the "reverse corner" lot.
- D. Through Lots. Walls and fences a maximum six foot in height may be permitted within twenty-five feet of the secondary frontage property line, with the approval of a conditional use permit pursuant to the provisions of Chapter 17.60.
- E. Retaining Walls. The following provisions shall apply:
 - 1. Retaining a Cut. Where a retaining wall protects a cut below the natural grade and is located on the line separating lots, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at the location if no retaining wall existed.
 - 2. Retaining a Fill. Where a retaining wall contains a fill, the height of a protective open work fence or wall of not more than forty-two inches in height may be erected at the top of the retaining wall. For the purposes of this chapter, an open work fence means a fence in which the component solid portions are evenly distributed and constitute not more than sixty percent of the total surface area of the face of the fence. Examples of an open work fence include, but are not limited to, tubular steel, wrought iron and wooden pickets.
 - 3. Determination of a Cut or Fill. Where a retaining wall exists and no reasonable determination can be made that the subject retaining wall is retaining a cut or a fill, the maximum height of the wall or fence that may be placed on top of the subject existing retaining wall shall be determined by establishing the midpoint of the difference between the elevation of the two adjoining properties, and measuring upward. Regardless of the height of the existing retaining wall, an open work fence or wall of not greater than forty-two inches, as defined in subsection (E)(2) of this section, shall be permitted to be placed on top of the existing retaining wall.
- F. Minor Conditional Use Permit. The following fencing materials, features and designs shall require the approval of the director of development services of a minor conditional use permit, pursuant to the provisions of Section 17.60.055.
 - 1. Decorative Features. Decorative features and items, such as entrance arbors, decorative yard lights and similar items greater than forty-two inches in height, but less than ten feet in height, within the required front yard setback;
 - 2. Barbed Wire. Fencing which includes barbed wire, razor wire or similar material.

- G. Landscaping. Landscaping, vegetation, trees and similar organically grown material shall not be subject to the height provisions contained in this chapter, except as provided in Section 17.48.100.
- H. Prohibited Fencing. Spiked fencing shall be prohibited in all zones. Points, spikes and sharp edges shall mean any end of a vertical bar that is capable of causing, or are likely to cause, injury to persons, pets or undomesticated animals. Barbed wire fencing shall be prohibited in all residential zoned property.
 - 1. Exceptions. For the purposes of this chapter, a wooden picket fence shall not be considered a spiked fence.

(Ord. 1197 §§ 1 and 2, 2002; Ord. 1177 § 3 (part), 2000: prior code § 9762)

EXHIBIT D

Reverse Corner Lot Diagram



Reverse corner lots are those that have a side property line that fronts a street (secondary frontage) and becomes the front lot line of the lot behind it.

