



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** January 23, 2018

**TO:** Members of the City Council

**SUBMITTED BY:** Holly Smyth, AICP Planning Director  
Elaine Hsieh, Planning Intern

**SUBJECT:** Paving in Front Yards

### **RECOMMENDED ACTION:**

Receive report, discuss and provide direction, if any.

### **COMMISSION/SUBCOMMITTEE ACTION AND RECOMMENDATION:**

Not applicable, though modification to the Zoning Code, if desired, would require Planning Commission review and action.

### **FISCAL IMPACT OF RECOMMENDATION:**

None as a result of this item.

### **DISCUSSION:**

At their December 12, 2017 meeting, the City Council directed that a concern regarding the paving of front yards on single-family lots be brought forward for discussion. Staff has determined that the Hercules Zoning Ordinance does not have specific requirements regulating the paving of yards on single-family lots. Solid surfaces in replacement of landscaping on household lots could affect property values, could create problems with run off, and tend to have an unappealing look. Staff recommends the adoption of regulations to more specifically address the paving of yards on single-family lots.

### **RECOMMENDATIONS:**

- Amend the Zoning Ordinance definition of “Site Coverage” in Section 60.200 Single family residential developments to include outdoor uncovered paved areas. Currently Zoning Districts RS-E (Residential Single Family Estate) and RS-L (Residential Single Family Low Density), have site coverage maximums of 20% and 50% respectively, while the PC-R (Planned Commercial Residential) coverage threshold is set by the approved Planned Development Plan approval, but the definition expressly excludes paved areas.

- Identify coverage requirements in each residential zone district to separate front yard and back yard lot coverage in a maximum coverage percentage per area instead of the whole site, based on Council direction and/or best management practices.
- Specifically define if “paved areas” include semi-pervious materials such as pavers.
- Decide whether or not to allow any additional asphalt and/or concrete paving in front and/or rear yards.
- Consider storm water and run-off concerns in any future regulations.
- Review regulations in other jurisdictions and consider adopting similar policies that meet the needs of Hercules residents.

Attached are examples from other jurisdictions for Council’s review (See Attachment 1).

### **CONCLUSION:**

After discussion, the Council can provide direction to staff that might include referring the matter to the Planning Commission, directing staff to bring the matter back to Council for further discussion/action, or taking no action.

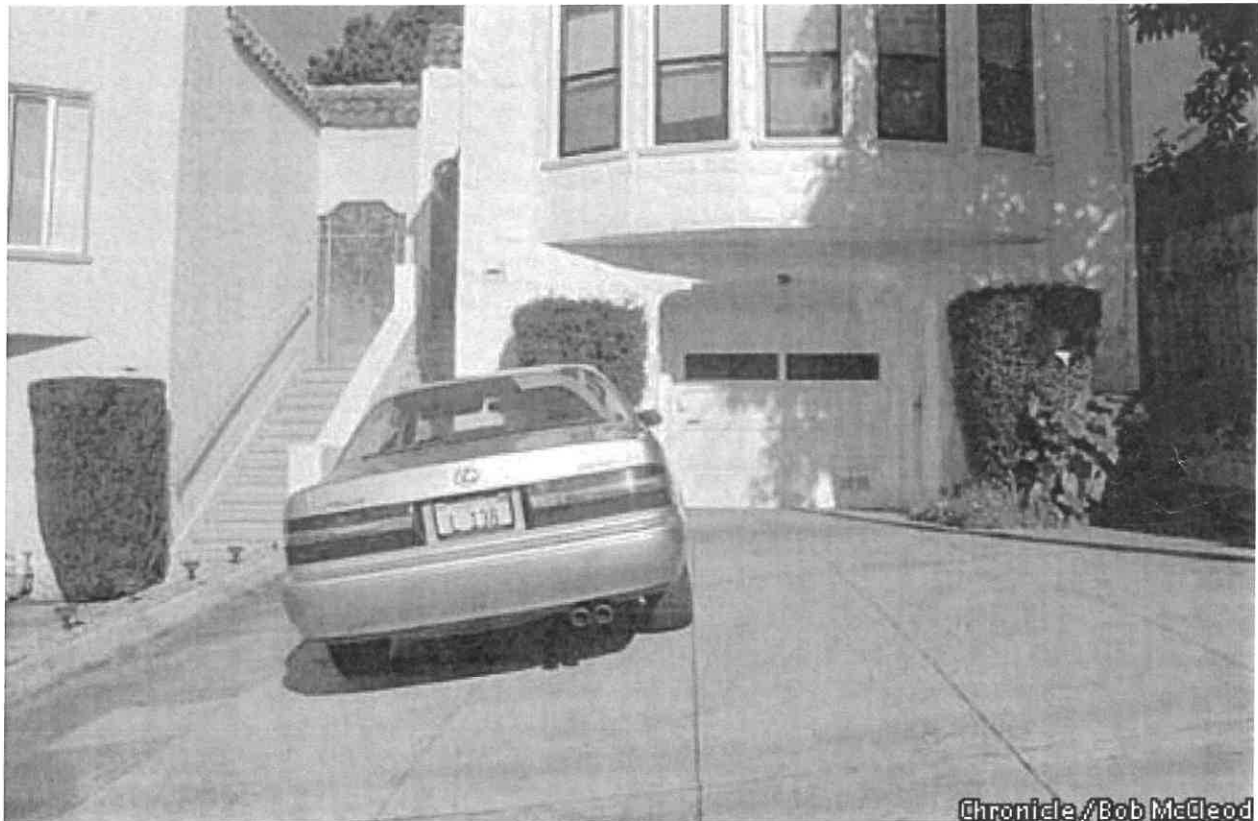
### **ATTACHMENTS:**

Attachment 1: Articles/Brochures/Policies from SFGate News, San Jose, San Jacinto, & San Mateo

**SFGATE** <http://www.sfgate.com/news/article/Supervisor-takes-aim-at-paved-front-yards-More-2860384.php>

## Supervisor takes aim at paved front yards / More lawns turning into parking space

Rachel Gordon, Chronicle Staff Writer Published 4:00 am, Thursday, March 28, 2002



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CONCRETE-C-26MAR02-MT-BM Homeowners paving over lawn to make a place to park more cars on Ralston Ave. near Garfield in San Francisco. chronicle photo by Bob McLeod

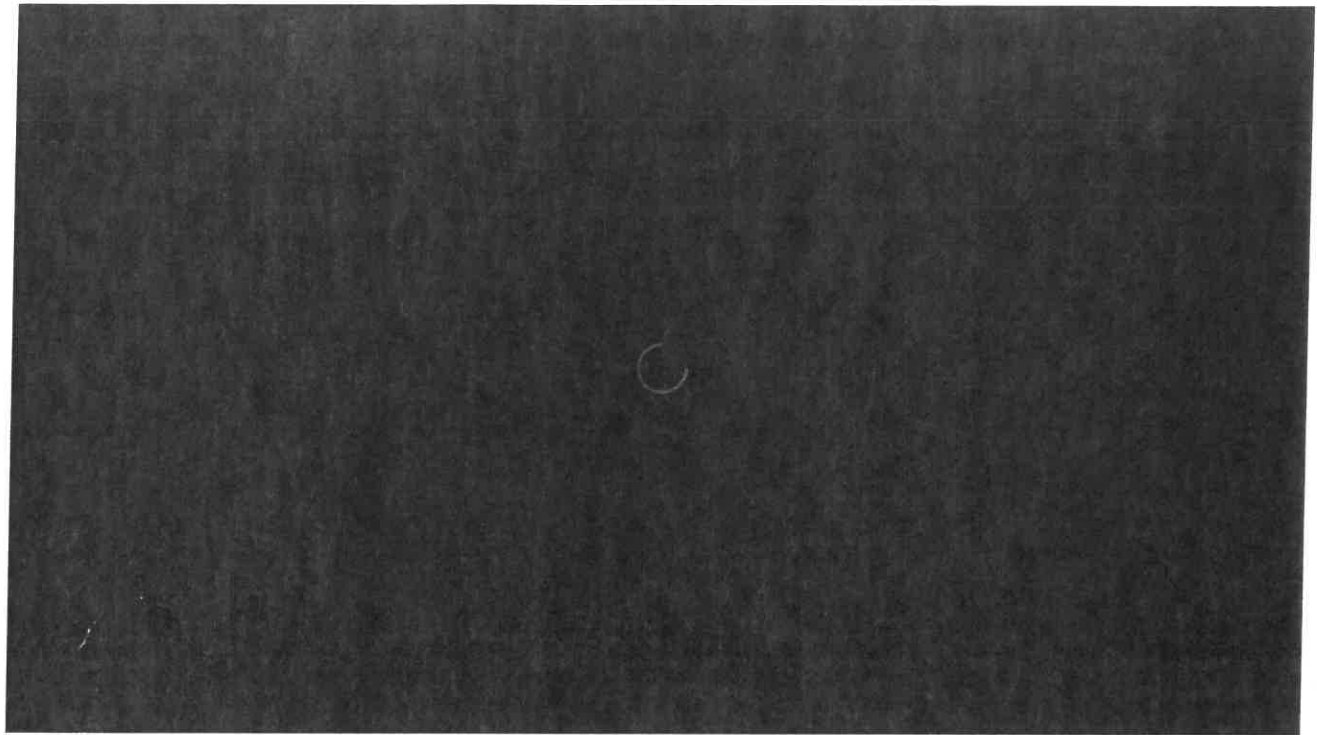
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**2002-03-28 04:00:00 PDT San Francisco** -- San Franciscans have found a creative way to deal with the unceasing parking crunch: Pave over the front yard and turn it into a makeshift carport.

Shrub-loving neighbors are saying enough is enough, and this week persuaded Supervisor **Gerardo Sandoval** to call for a crackdown on the illegal loss of urban greenery. He wants to tighten requirements for property owners to landscape the front of their houses and keep **cars** out of the yard, and asked city officials to develop a plan.

"I just don't think it's appropriate to have a concrete jungle in our neighborhoods," he said.

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**Lillie Simms** said action from City Hall couldn't come soon enough.

"When I moved in here 40 years ago, there was grass and shrubbery in the front yards," said Simms, who lives in the Ingleside district, a middle-class neighborhood of single-family homes on the city's southwest side.

"Now, people are pulling up everything green from their front yards and putting concrete down," she said. "What had been a front yard is now a parking lot."

Simms, whose front yard on Ralston Street sports a couple of trees, bushes and ground cover, said the paving of her neighborhood lowers property values and is just plain ugly -- replacing soul-soothing flowers and greenery with cars.

"It gets so bad around here, it makes your eyes bulge," she said.

A neighbor about a block away who gave up his yard for a parking space had no apologies.

"I'm not about to spend my weekends mowing a lawn or tending roses," said the Ingleside resident, who would not give his name because he didn't want the city to come after him. "And so what if I get rid of my yard? Whose business is it, anyway?"

According to the city, it's the public's business.

The San Francisco planning code states that when properties have a front yard setback, at least 20 percent of the space "shall be appropriately landscaped . . . and devoted to plant material." Parked Toyotas, Volkswagens and Cadillacs don't count.

There is a hodgepodge of laws in the Bay Area dealing with front yards, paving and parking, with variations in each city and county. Daly City, for instance, lets people pave their front yards, "as long as it's not used for parking," said city planner **Howard Lee**. He said the law is on the books for aesthetic reasons.

Berkeley also doesn't want autos parked in the front yards, but the tenacious can jump through bureaucratic hoops and try to get a special permit.

In Pleasanton, people can asphalt their entire front yard if they want, said city planner **Tricia Maier**. But if they want to park there, they have to get permission for a curb cut.

San Jose, responding to the need of large families with multiple cars, allows residents to pave their front yards. But the city forbids people from parking on their lawns.

Larry Badiner, San Francisco's zoning administrator and the czar of sorts when it comes to planning codes, said a lot of people in the city flout the law. How many? He couldn't say but said it's prevalent in such residential neighborhoods as Ingleside and the Sunset.

One of the chief reasons is that people want to park their cars close to their homes, which can be hard to do in San Francisco when parking is at a premium. According to the **Department of Parking and Traffic**, there are about 357,000 registered cars in the city and only about 320,000 on-street parking spaces. Some people are lucky enough to have private garages; many are not.

At the request of disabled and seniors groups, parking control officers have stepped up enforcement of the law banning parking on sidewalks and issue more than 100,000 tickets for the violation a year.

But when people park on their own property, in the space that had once been their front yard, parking cops keep hands off; the jurisdiction falls to the **Planning Department**, which hasn't made enforcement of the landscaping law a top priority.

Sandoval, who represents some southwest neighborhoods, wants the city to do more -- go after new homes and old ones.

Badiner suggested that Sandoval's intent is noble. He questioned, however, how the city can go after homeowners retroactively, particularly those who bought homes with yards already paved over.

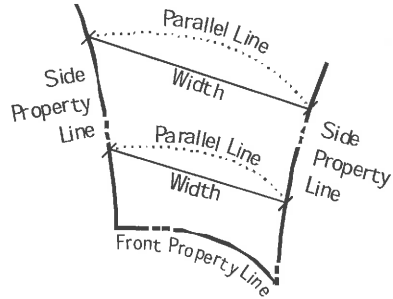
"It's going to be difficult to enforce," he said.

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***How does a property owner determine the width of the property if it is an odd shape or configuration?***

The width of the property is determined by a line drawn between two points at which the line parallel to the front property line crosses the side property lines.



***What happens to the properties that don't conform to the Front Setback Paving Ordinance?***

If the paving was done **prior** to the effective date of the ordinance, the paving is legal. If the paving is legal, the owner of the site would not have to remove it in order to comply with the current regulations. The current regulations do apply, however, to any increases in the amount of paved area after July 1, 1999. If you have questions regarding the regulations, contact the Planning staff at (408) 535-3555.

***What is the required front setback for my lot? How can I find out what the setback requirements are?***

The required setback for a lot is determined by its zoning district. Zoning districts in the City of San Jose can vary from block to block. To find out the zoning district and the required setbacks for a lot, contact the Planning staff at (408) 535-3555.

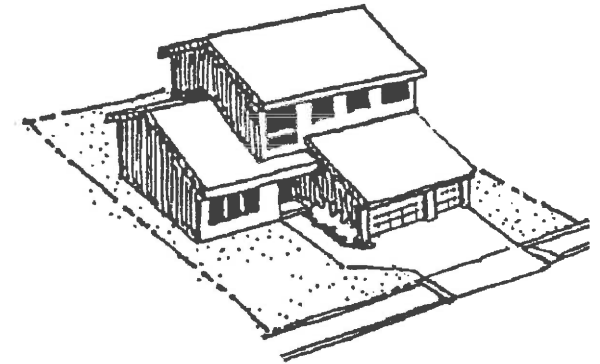
Para mas informacion,  
por favor llame (408) 535-3555

For more information  
call (408) 535-3555



City of San Jose  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905

# Front Setback Paving Ordinance



City of San Jose  
Planning, Building and Code Enforcement  
[www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

### ***What does the Front Setback Paving Ordinance do?***

This ordinance limits the amount of paving in the front setback of all lots with a single-family dwelling unit and all lots in **any R-1** Residence District in the City of San Jose.

### ***When did the ordinance go into effect?***

The Front Paving Ordinance went into effect on July 1, 1999.

### ***Why did the City Council enact this Ordinance?***

The Front Setback Paving Ordinance was enacted in response to community concerns about the damaging effect on neighborhood character of paving and parking in single-family front yards. Front yards paved as private parking lots are generally considered to be inconsistent with good neighborhood quality. Parking in front setback areas has increased noticeably in recent years and many neighborhoods have expressed an interest in having limits placed on the extent of such paving and parking.

Off-street parking on single-family lots is currently limited to paved areas in the front yard and corner side yard as a result of the Lawn Parking Ordinance enacted by the City Council December 1995.

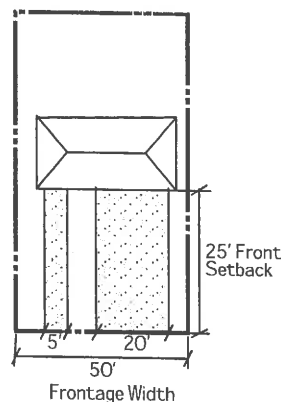
### ***What is a "paved" surface?***

A "paved" surface is one made of concrete, brick, asphalt, pavers, or other similar material. For more information regarding parking and paving, please refer to Planning brochure titled "What is the Lawn Parking Ordinance?"

### ***What are the limitations under this Ordinance?***

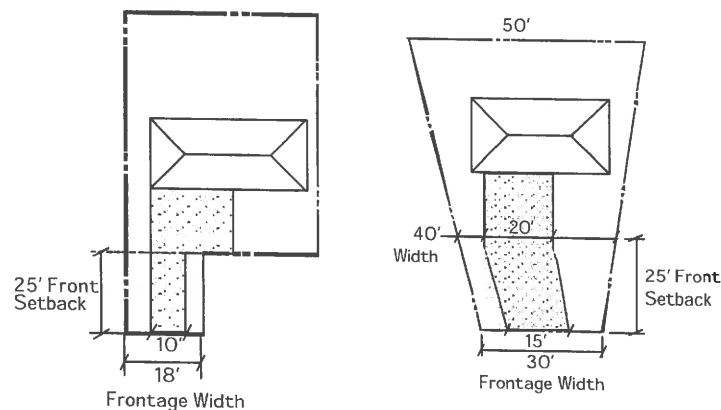
#### **Single-Family Lots with a Frontage Width of 40 Feet or Greater:**

- No more than 50% of the front setback area may be paved.



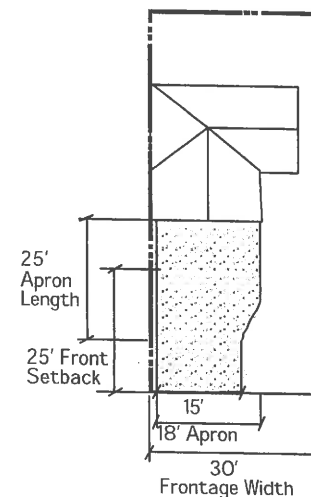
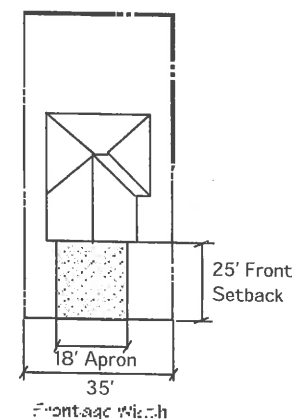
#### **Single-Family Lots with a Frontage Width of Less Than 40 Feet:**

- Paving in the front setback area is limited to 10 feet in width or 50% of the width of the lot at any given point, whichever is greater.



Also,...

- A "parking apron" is allowed as an exception to the 50% limitation for *single-family lots with a frontage width of less than 40 feet only*. To qualify as an exception, the parking apron must be located directly "in front" of, and provide primary access to, two side by side required parking spaces. In most cases, the required parking will be a garage. This apron is limited to a width of no more than 18 feet and a length of no more than 25 feet and may be located wholly or partially in the front setback area.



### ***What will happen then?***

Eventually the car may be towed, but it is a long process. The City must send a written, 30-day notice to the registered owner of the vehicle and the owner of the property. This is followed by a 10-day notice.

### ***What if the car is pushed onto the street?***

To report an inoperable vehicle on the street, call 277-5305. You will hear a recording that will ask you for the license plate number, if any, the address, cross street, color of the vehicle, and description. A Vehicle Abatement Officer will investigate the next time they are in the district.

### ***If you would like to report a violation, please provide the following information:***

- your name, address, and daytime telephone number;
- the address where the motor vehicle is parked on the lawn;
- the license plate number of the vehicle;
- the location on the lawn;
- whether the vehicle appears operable or inoperable.

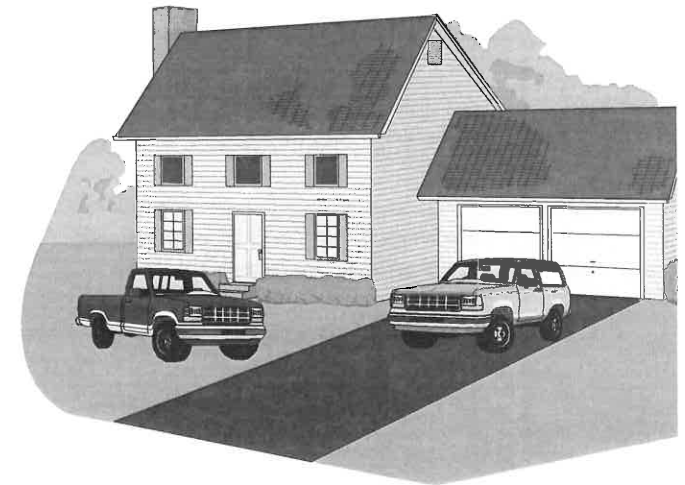
***If you have more than 3 addresses to report, we ask that you supply the above-requested information by mail or by fax. Thank you for helping us keep the cost of this program low.***

Para mas informacion,  
por favor llame (408) 535-3555

For more information  
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CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY  
City of San Jose  
Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905

# Lawn Parking Ordinance



City of San Jose  
Dept. of Planning, Building and Code Enforcement  
Code Enforcement Division  
170 W. San Carlos Street  
(408) 277-4528  
(408) 277-3290 fax



### ***Why did the City Council enact this Ordinance?***

The City Council enacted the Lawn Parking Ordinance in response to complaints from citizens that motor vehicles parking on lawns created visual blight in the neighborhood, lowered property values, and, in some cases, created a safety concern.

### ***What exactly does the Ordinance prohibit?***

The Ordinance prohibits parking any motor vehicle (including automobiles, trucks, boats, campers, recreational vehicles, and motorcycles) on any portion of a front yard or corner lot side yard except on an area that is paved.

### ***What is a "paved surface"?***

A "paved surface" can be cement, brick, asphalt, paver, etc. It should be installed so it does not drain onto neighboring property. It is **not** a paved surface if only the areas under the tires are paved. In some areas of town there are existing strips of cement leading to a parking area - this is **ok** but will not be acceptable for new installations.

### ***Where may I park my car?***

Cars may be parked: in the garage; on the driveway or any other paved surface, except the public sidewalk; in side yards that are not adjacent to a street if no required exits from the house are blocked; in the rear yard if 60% of the yard area remains open space; and on the street as long as they are moved every 72 hours.

### ***What about my travel trailer or my kid's bicycle?***

Another ordinance, the Zoning Code, prohibits storing your trailer in the front setback of your property. The Lawn Parking Ordinance does **not** prohibit parking a bicycle or tricycle on the lawn.

### ***How is the Ordinance enforced?***

When Code Enforcement receives a complaint, a letter will be sent to the registered owner of the vehicle and, if different, the owner and occupant of the property. The letter will give the vehicle and/or property owner ten days to locate an alternative parking space for the motor vehicle.

### ***Why should the property owner be held responsible if his tenant parks on the lawn?***

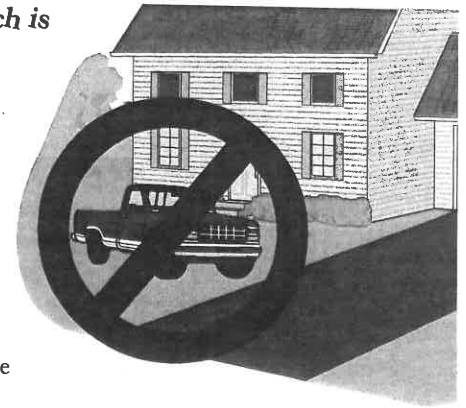
Generally, property owners **are** responsible for any code violation on their property. The property owner also is the only one who can authorize paving for any additional parking.

### ***What happens if the vehicle is not moved?***

If the vehicle is not moved, an Administrative Citation will be sent to the registered owner of the vehicle and may also be mailed to the property owner. This citation is similar to a parking ticket in that the person receiving the notice may pay the fine without going to court. This is **not** a criminal citation.

### ***How much is the fine?***

The fine is \$25.00, but a new citation may be issued every day that the vehicle is discovered parked on the lawn.



### ***What if the citations are ignored?***

If the owner ignores the citations and refuses to move the vehicle, the City could issue a Compliance Order which carries fines up to \$2500 per day, plus administrative costs.

### ***What if I pull my car onto the lawn to wash it? Will I be cited for that?***

No. Neighbors won't complain if this is just a temporary situation or infrequent occurrence. The Ordinance is designed to prohibit someone from routinely parking his or her car on the lawn.

### ***What if my neighbor has an old junk car up on jacks but it's stored on his driveway, not his lawn?***

There is another City Ordinance that prohibits storing inoperable vehicles in driveways or front yard. Call the Vehicle Abatement Unit, 277-4528. Be sure you state that the vehicle is on private property. You will need to provide the correct address, a description of the vehicle, and the license plate number, if available. **Note:** The vehicle has to be inoperable (missing essential parts like the engine, transmission, or wheels); no action can be taken if the vehicle is only unregistered, not used, or looks ugly.

**C. Design criteria.**

1. Structures utilizing metal sheathing shall be designed to be compatible with surrounding land uses and architecture.
2. The front of the structures shall face the street, where practical, and shall utilize materials other than metal (e.g., masonry, stone, concrete, wood, glass, etc.), either structurally or applied as a veneer.
3. The structure's design shall include an architecturally enhanced roofline (e.g., mansard roof, parapet wall, etc.).
4. Enhanced treatment shall not end at an exposed corner, but shall wrap around the side walls a distance of at least three feet.

**17.305.090 — Paving Within Residential Front Yard Area**

- A. **Driveways.** As specified in Section 17.330.100 (Paving Limitations for Driveways in Residential Zones), the amount of allowable paving for driveways shall not exceed 35 percent of the required total front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards). The Director may approve deviations from this standard for parcels of 50 feet or less in width.
- B. **Walkway.** The amount of paved walkways and hardscape shall not exceed 25 percent of the required front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards).
- C. **All of front yard area.** A minimum of 40 percent of the front yard shall consist of pervious surfaces for landscaping.
- D. **Zoning Clearance.** New driveway paving and hardscape features (e.g., walkways, patios, etc.) shall require a Zoning Clearance issued in compliance with Chapter 17.655 (Zoning Clearances).

- K. Loading/unloading areas – Abutting residential zones.** Where loading/unloading docks abut a residential zone, a 25-foot wide planting buffer area shall be provided, which shall be consistent with the City's Landscape Design Guidelines.

#### **17.330.100 — Paving Limitations for Driveways in Residential Zones**

- A. Driveways.** In compliance with Section 17.305.090 (Paving Within Residential Front Yard Area), paving for driveways in residential zones shall not exceed 35 percent of the required total front yard area. See Figure 3-3 (Limits on Paving and Hardscaping for Residential Front Yards). The Director may approve deviations from this standard for parcels of 50 feet or less in width.
- B. Zoning Clearance.** New driveway paving shall require a Zoning Clearance issued in compliance with Chapter 17.655 (Zoning Clearances).

#### **17.330.110 — Bicycle Parking**

Each multi-family residential project of five or more units and each nonresidential land use shall provide bicycle parking facilities, including bicycle racks, lockers, and other secure facilities, in compliance with this Section.

- A. Number of spaces required.**
- 1. Multi-family project.** A multi-family project of five or more units shall provide bicycle parking facilities equal to a minimum of 10 percent of the required motor vehicle spaces, unless separate secured garage space is provided for each unit. The bicycle facilities shall be distributed throughout the project.
  - 2. Nonresidential project.** A nonresidential project (e.g., retail, office, etc.) shall provide bicycle parking facilities equal to a minimum of 10 percent of the required motor vehicle spaces, distributed to serve customers and employees of the project.
- B. Types of bicycle parking facilities.** Bicycle parking facilities may consist of any of the following:
- 1. Parking racks.** Bicycle parking racks shall be designed to allow the bicycle to be securely locked in an upright position. The parking rack shall be of permanent construction (e.g., heavy gauge tubular steel) with angle bars permanently attached to the pavement. The design shall be approved by the Director.
  - 2. Lockers.** Bicycle storage lockers should be located close to building entrances, or on the first level of a parking garage and within range of security surveillance, and away from sidewalks and areas with high pedestrian traffic. Each bicycle storage locker shall be:

San Mateo City Charter and Municipal Code							
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Title 27 ZONING							
Chapter 27.18 R1 DISTRICTS—ONE FAMILY DWELLINGS							

**27.18.070 FRONT YARD.**

(a) A front yard not less than twenty-five (25) feet in an R1-A district and not less than fifteen (15) feet in an R1-B or R1-C district shall be provided.

(b) Garage setback. A front yard not less than twenty (20) feet in an R1-B or R1-C district shall be provided for a garage.

(c) Private roads. Buildings erected or enlarged on property fronting upon a private road or easement shall maintain a front setback of at least fifty (50) feet from the centerline of such private road or easement.

(d) Limits on paving. Paving and similar impervious surfaces within a required front yard shall be limited to:

(1) that required for necessary driveway, as follows:

(A) Single car garages: 17 feet maximum or 40% of the street frontage, whichever is less, beginning at the side property line adjacent to the driveway, and including any contiguous paving (i.e. pedestrian walkways) with the following exception:

(i) For those parcels with single car garages, carports, or open parking spaces setback more than 35 feet from the front property line, no paving in addition to the driveway shall be allowed in the front setback.

(B) Two-car garages or larger: 20 feet maximum.

(C) For properties located on a cul-de-sac, a driveway at least 10 feet in width shall be permitted when providing access to two or fewer garages, carports, or open parking spaces, and 12 feet in width when providing access to three or more garage, carport, or open parking spaces;

(2) Circular driveways subject to SPAR review; and

(3) Pedestrian walkways which are five (5) feet or less in width.

Paving and similar impervious surfaces means that surface which is incapable of being penetrated by water. (Ord. 1994-14 § 1, 1994; Ord. 1993-11 § 2, 1993; Ord. 1992-16 § 10, 1992; prior code § 146.02(G) (1-4)).

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