

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: SETBACKS – 01 (Setbacks from a new right-of-way serving 2 parcels)
Effective Date: 10/14/08
Originally Issued: NA
Revised:

Question

Are corner lot setbacks required for lots bordering a new right-of-way serving two parcels, and created as part of a new tentative map?

Applicable Regulatory Section(s)

§13.10.700-S
§13.10.323(b)

INTERPRETATION:

For corner street sideyard purposes only, any new right of way on a tentative map serving two parcels is treated like a driveway, and does therefore not require new corner lot street sideyards. Instead, the side setbacks specified in 13.10.323(b) for interior lots apply to lots where the side yard of a parcel borders the edge of a right of way serving two parcels (see illustration). The setbacks apply from the edge of the access way, not the edge of the property line, treating the parcel like a corridor access lot. The right of way still creates a front setback for lots where the front yard borders the edge of the right of way. Any lot fronting such a right of way must comply with all County regulations, including minimum frontage requirements and Fire Department regulations.

Reason

In Section 13.10.700-S of the Zoning Ordinance, a street is defined as “(a)n existing permanent public or private right of way, 40 feet or more in width, which is used as the principal means of access to abutting properties...”. Although the number of properties accessed is plural, indicating at least two properties, the specific number is undefined. However, other chapters of the County Code, including Chapter 16.20, define a right of way serving two properties as a driveway rather than a street, and require narrower widths for right of ways serving 2 parcels than for rights of way serving three or more parcels. These other sections of the County Code recognize that rights of way serving one or two parcels function differently from rights of way serving three or more parcels.

The purpose of the larger street side setbacks for corner lots is to create adequate sight distance where a street intersects another street, and to provide uniform frontage by requiring the same minimum setbacks for the side yards abutting the street that exists for properties with front yards facing the same street. Since rights of way serving two parcels are traveled by fewer people and have fewer dwellings bordering them than typical streets, such rights of way function more like driveways, and increased sight distance and uniform frontage for side yards are not required. Therefore, it is unnecessary to require street side corner setbacks for newly created lots where the side yard borders a right of way serving two parcels, nor are street side corner setbacks required for existing lots of record with side

yards adjacent to the right of way (lot “E” in the attached illustration). This interpretation is consistent with other chapters of the County Code that treat streets serving two parcels as driveways.

This interpretation does not affect how we determine lot frontage, or change the minimum distance required for carport or garage entrances specified in 13.10.323(b).

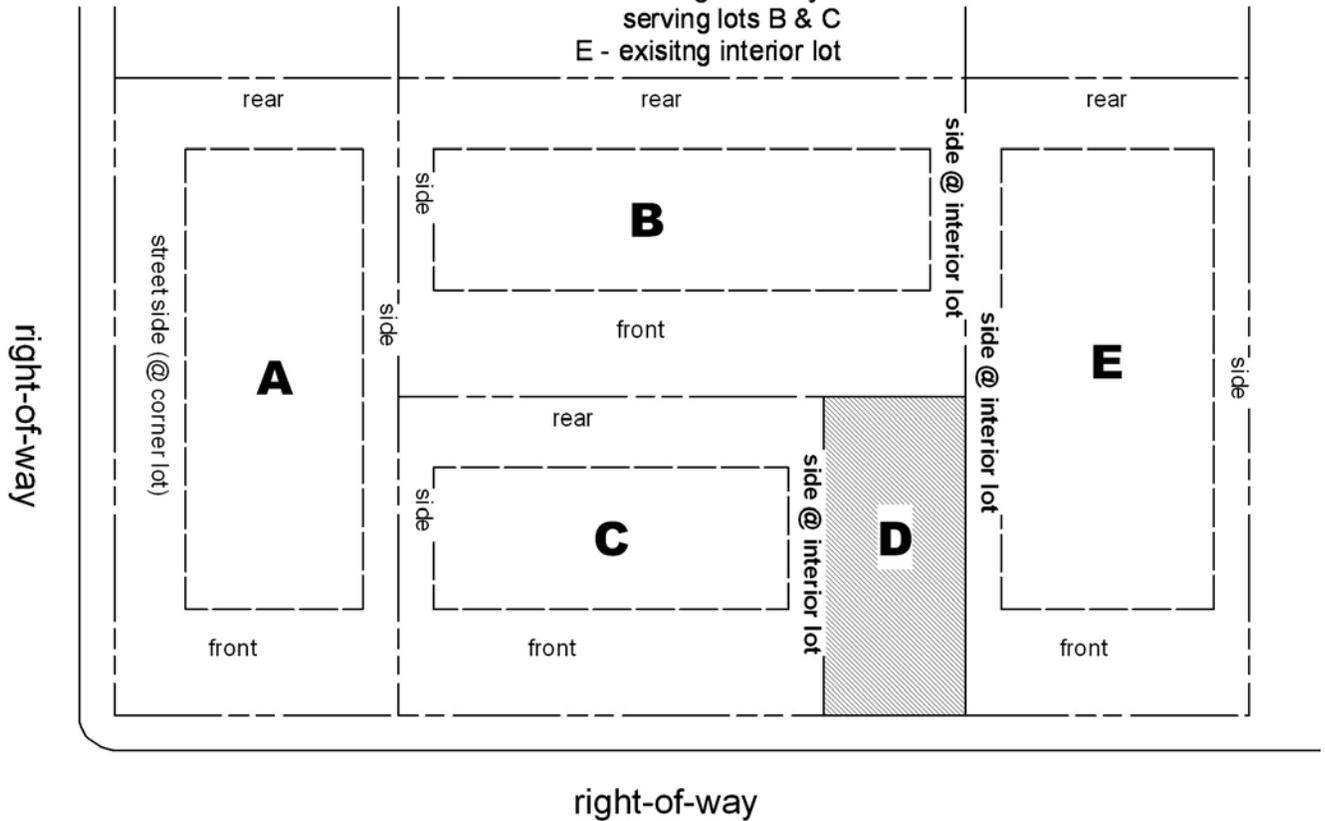
Tom Burns, Planning Director

Date

SIDE SETBACK REQUIREMENTS FOR LOTS BORDERING A NEW RIGHT-OF-WAY SERVING TWO PARCELS

(drawing not to scale)

- A - existing corner lot
- B - newly created lot
- C - newly created lot
- D - new right-of-way serving lots B & C
- E - existing interior lot



Note:

This illustration is for conceptual purposes only, to illustrate side setback requirements for lots bordering a right of way serving two parcels. Applicant should check with their planner regarding other County requirements for front setbacks, frontages and rights-of-way, including Fire Department requirements.