



## Item No. 11 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: STEPHANIE B. DAVIS, AICP SENIOR PLANNER**

**DATE: MAY 17, 2017**

**SUBJECT: ADOPT AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE  
CHAPTER 17.32 “RESIDENTIAL DISTRICT R1-A” REGULATING THE  
CRITERIA FOR SPECIAL STRUCTURE PERMITS TO EXCEED THE  
MAXIMUM ALLOWABLE SIDEWALL HEIGHT**

### **RECOMMENDATION**

The Planning Commission recommends that the City Council adopt an ordinance amending Atherton Municipal Code Chapter 17.32 “Residential District R1-A” regulating the criteria for Special Structures Permits to exceed the maximum allowable sidewall height for main residences.

### **BACKGROUND**

In May 2016 the Planning Commission began discussion of the sidewall and endwall height regulations for main residences in light of reviewing several Special Structure Permit (SSP) requests for increases to the maximum allowable 22 foot sidewall height to accommodate contemporary and modern architecture. It was noted that the design of these homes are often in conflict with the Town’s maximum allowable sidewall height limit of 22 feet for a main residence in the R1-A Zoning District due to the typical, more flat-roofed designs versus a pitched roof design in more traditional style architecture. The SSP process requires requests to exceed the 22 foot sidewall height to increase the setbacks for the residence, at all four sides of the home, at each level.

The Commission directed staff to prepare options for the Commission’s consideration to potentially revise the regulations related to increases in the maximum vertical sidewall height. The Commission conducted 2 study sessions in August and December 2016 to extensively discuss and deliberate on the different options presented by staff and local architects to provide a solution that attempted to mitigate the resulting as-built bulk and mass issues apparent in some homes built under the current standards. At the March 22, 2017 the Planning Commission recommended that the City Council adopt revisions to the criteria of Special Structures Permit by only requiring an increase in setback to the portion of the home having the requested increased vertical height.

The City Council, at its April 19, 2017 regular meeting, conducted a public hearing and introduced amendments to Chapter 17.32 “Residential District R1-A” as recommended by the Planning

Commission with some changes to the proposed new Ordinance language for clarity (Attachment 1).

### **ANALYSIS**

The Ordinance amending the R1-A Ordinance is attached for adoption by the City Council. Following adoption, the Ordinance will be in effect 30-days from the date of the City Council hearing.

### **ENVIRONMENTAL IMPACT**

The project is Categorical Exemption per Section 15305 of the CEQA Guidelines. Section 15305 relates to Minor Alterations in Land Use Limitations, as the ordinance amendments would not result in any changes to land use or density.

### **POLICY FOCUS**

The revisions to the Ordinance are considered a minor update to provide a more streamlined and clearer review process criteria and provide more design options for resident’s choosing to make requests to increase the vertical sidewall height of the main residence.

### **FISCAL IMPACT**

The cost associated with the preparation of the draft Ordinance amendment is included within the annual Planning Department budget. The cost to implement the Ordinance will be paid for the applicants of related development projects

### **PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. Notice was also provided pursuant to the Town’s Public Hearing provisions, which includes posting at Town bulletin boards and publication in a newspaper (The Almanac).

### **ATTACHMENTS**

1. Ordinance Amending Chapter 17.32 “Residential District R1-A” of the Atherton Municipal Code

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 17.32, RESIDENTIAL DISTRICT R1-A OF THE ATHERTON  
MUNICIPAL CODE**

The City Council of the Town of Atherton does hereby ordain as follows.

**SECTION 1:** Chapter 17.32 is hereby amended to read as follows:

**17.32.040 Development Standards.**

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The following minimum and maximum requirements shall apply in the R-1A district. The town planner will review development applications against these standards to determine compliance with applicable zoning regulations.

A. Height. The maximum building heights permitted are provided below. See also chapter [17.42](#) for height measurement.

1. The standard maximum height for main buildings shall be thirty feet; provided, that vertical sidewalls and columns may not exceed twenty-two feet; and provided further, that these standard maximum heights may be increased, but in no event to exceed thirty-four feet for main buildings nor to exceed twenty-eight feet for vertical sidewalls and columns, ~~under any of the as following follow circumstances:~~

a. The main building, vertical sidewalls, and columns height may be increased in any case where the front, rear, and side yards as measured to the area(s) having the increased vertical height, are increased above the standard setbacks by a ratio of at least five feet for each one-foot increase of height. ~~and-~~

b. Increased height for a main building (but not to exceed thirty-four feet) or for vertical sidewalls or columns (but not to exceed twenty-eight feet) ~~shall may~~ be permitted ~~upon approval by way~~ of a special structure permit.

**SECTION 2:** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provision in the Ordinance severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 3:** This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the 19th day of April, 2017.

Passed and adopted as an ordinance of the City Council of the Town of Atherton at a regular meeting thereof held on the 17<sup>th</sup> day of May, 2017 by the following vote:

AYES: COUNCIL MEMBERS: \_\_\_\_\_

NOES: COUNCIL MEMBERS: \_\_\_\_\_

ABSENT: COUNCIL MEMBERS: \_\_\_\_\_

ABSTAIN: COUNCIL MEMBERS: \_\_\_\_\_

\_\_\_\_\_  
Michael Lempres, Mayor

ATTEST:

\_\_\_\_\_

Theresa DellaSanta, City Clerk

APPROVED AS TO FORM:

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Bill Connors, City Attorney