



**DATE:** PLANNING COMMISSION MEETING OF MARCH 25, 2015

**TO:** THE PLANNING COMMISSION

**FROM:** LISA COSTA SANDERS, TOWN PLANNER

**SUBJECT:** DISCUSS BASEMENT REGULATIONS, ATHERTON MUNICIPAL CODE CHAPTER 17.44

**RECOMMENDATION:**

Staff recommends that the Planning Commission provide direction to staff to prepare an Ordinance amending Atherton Municipal Code Chapter 17.44 for consideration at a future Planning Commission meeting.

**INTRODUCTION:**

The Planning Commission, at its February 25, 2015 meeting requested staff prepare options for the Commission's consideration to revise the basement regulations.

**ANALYSIS:**

Atherton Municipal Code Chapter 17.44 provides regulations for basements. Basements are currently permitted under the footprint of the first floor of the main building. Basements that extend beyond the footprint of the first floor and basements under accessory buildings require a Special Structure Permit from the Planning Commission.

To consider a Special Structure Permit for a basement that extends beyond the first floor of the main building, the basement shall not exceed 130% of the total floor area of the first floor, a minimum of 75% of the basement area shall be located directly under the footprint of the first floor and the portions of the basement that are not directly under the footprint of the first floor shall only be allowed when they are still within the extents of the main building (squaring off the basement).

To consider a Special Structure Permit for basements under an accessory building, the Commission shall find that the basement will not impact heritage trees with lightwells that are located on the interior side of the yard.

Suggested revisions to the basement regulations:

- Modify the regulations for basements under accessory buildings to permit basements without lightwells when the basement is designed as non-habitable space to be reviewed at a staff level. Continue to require a Special Structure Permit for basements under accessory

buildings with lightwell(s).

- Modify the regulations for basements under the main dwelling to allow minor extension of basement area beyond the first floor of the residence to be reviewed at a staff level. The Commission could impose a maximum size of the extension for staff level review. A limitation of 100 square feet or 200 square feet maximum (combined area for all extensions) could be considered. For example, a 100 - 200 square foot basement extension at the staff level could allow smaller proposals such as squaring off the basement under a covered, first floor front entryway, thus allowing a streamlined processing of the application associated with application of the main residence.
- The Commission could also consider modifying the overall extension of basement area beyond the first floor to reduce the extension area and require all basements for the main residence be reviewed at staff level. Most applications for basement extension beyond the first floor have been minor in nature and have not requested the build-out potential of 130% floor area of the first floor. The Commission could reduce the total basement area to 110% or 120% of the first floor of the main residence and remove the Special Structure Permit requirement.

**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 by the applicants for development projects.

**ENVIRONMENTAL IMPACT:**

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15305, minor alterations in land use limitations.

*/s/ Lisa Costa Sanders*

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Lisa Costa Sanders, Town Planner

**Attachments:**

1. Atherton Municipal Code Chapter 17.44

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## Chapter 17.44 BASEMENTS

### Sections:

- 17.44.010 Purpose.
- 17.44.020 Definitions.
- 17.44.030 Locations for Basements.
- 17.44.040 Floor Area Calculations.
- 17.44.050 Lightwells, Stairwells, and Other Excavated Features in R-1B and Smaller Lots in the R-1A.
- 17.44.060 Design Requirements.

### **17.44.010 Purpose.**

The purpose of this chapter is to provide for the regulation of basements on residential property. The intent is to regulate the location and size of basements and the orientation and screening of driveway approaches leading to basement garages. (Ord. 582 § 1 (Exh. A) (part), 2009)

### **17.44.020 Definitions.**

Terms that are relevant to this chapter are defined in chapter 17.60 (Definitions). (Ord. 582 § 1 (Exh. A) (part), 2009)

### **17.44.030 Locations for Basements.**

A. Basements Under Main Buildings. Basements are permitted under a main building. The total allowed floor area for all basements under a main building shall be the same as the total floor area of the first floor of the building (e.g., maximum floor area for basements under a main building is one hundred percent of the floor area of the first floor of the main building). Additionally, the location of all basements as part of a main building shall be limited to the boundaries of the footprint of the first floor of the main building. However, because not all main buildings are exact rectangles, the approval authority (the planning commission as described in Table 17.06.070-1) may allow, through issuance of a special structures permit, exceptions to this rule when within the following parameters:

1. The total floor area of basements shall not exceed one hundred thirty percent of the total floor area of the first floor of the main building; and
2. A minimum of seventy-five percent of the total area of the basements shall be located directly under the footprint of the first floor of the main building; and
3. Portions of basements that are not located directly under the footprint of the first floor of the main building shall only be allowed in such locations when they are still within the extents of the main building (e.g., "squaring off" the basement).

B. Basement under Accessory Buildings. Basements may be located under the footprint of accessory buildings outside of the main building area with a special structures permit from the approval authority with the finding that the basement will not impact heritage trees and the condition that lightwells be

located on the interior side of the yard. The approval authority may impose reasonable conditions including, but not limited to, increased setbacks and limitation on the size of lightwells.

C. Garages in Basements. Garages may be located in basements under buildings located within the main building area. (Ord. 582 § 1 (Exh. A) (part), 2009)

**17.44.040 Floor Area Calculations.**

The following rules shall apply to the calculation of floor area ratio relative to basements:

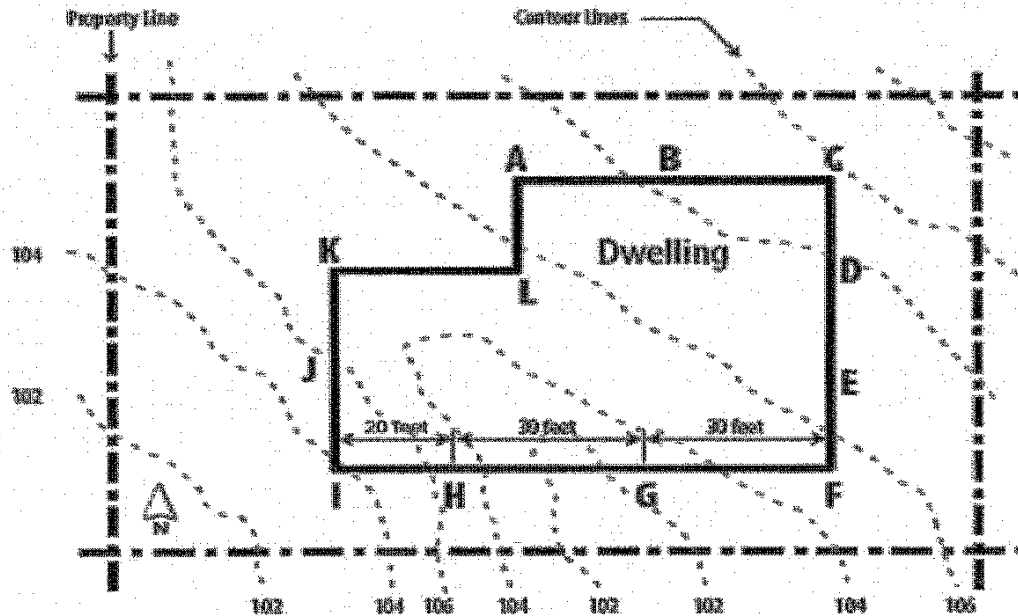
A. In instances where a building has a basement and the measurement of the vertical distance between the average natural grade of the site to the finished floor of the first story measures less than two feet, the basement area shall not be included in the calculation of floor area (see figure 17.44.040-1 (Basements and Floor Area)).

B. In instances where a building has a basement and the measurement of the vertical distance between the average natural grade of the site to the finished floor of the first story measures more than two feet, the basement area shall be included in the calculation of floor area (see figure 17.44.040-1 (Basements and Floor Area)).

C. Exceptions to the requirement of this section for hillside properties (where the average cross-slope is greater than twenty percent as determined under section 16.24.050 (Lot Size Requirements) of the town municipal code) may be permitted upon issuance of a special structure permit, provided landscape screening is maintained.

Figure 17.44.040-1

Basements and Floor Area



(Ord. 582 § 1 (Exh. A) (part), 2009)

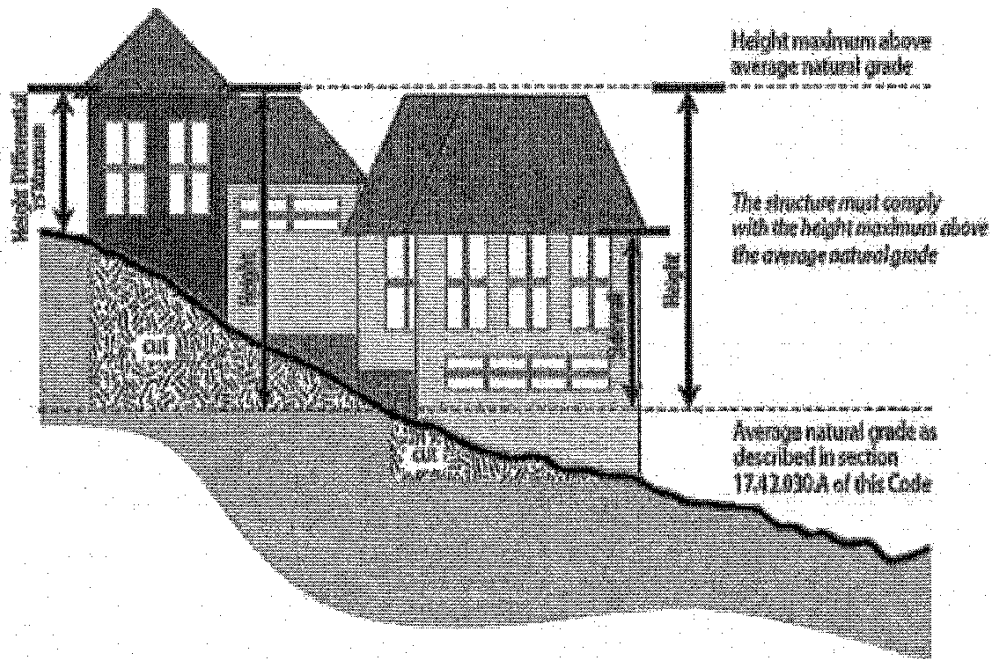
**17.44.050 Lightwells, Stairwells, and Other Excavated Features in R-1B and Smaller Lots in the R-1A.**

In the R-1B district and for lots with an area of less than ten thousand square feet in the R-1A district, excavated features such as lightwells are allowed to encroach into side and rear yards up to twenty-five percent of the total required side and rear setbacks for primary buildings (see figure 17.44.050-1, Lightwell Exemption), provided landscape screening is maintained between the feature and the adjacent property line and there is no impact to heritage trees. The following provisions shall apply:

- A. In residential district R-1B and for lots with an area less than ten thousand square feet in the R-1A district, an encroachment into both rear and interior side yards cannot exceed twenty-five percent of the length of the side of the building to which it is adjacent and a total area of one hundred square feet.
- B. The encroachment is measured to the face of the retaining wall, rather than to the back of the wall.
- C. These provisions do not apply to accessory buildings. Lightwells for these structures may only be allowed facing towards the interior of the lot and may not exceed the minimum setbacks for the accessory building.

**Figure 17.44.050-1**

**Lightwell Exemption**



(Ord. 582 § 1 (Exh. A) (part), 2009)

**17.44.060 Design Requirements.**

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- A. The side(s) of a basement not wholly or otherwise substantially underground (e.g., greater than eighty percent) may not be located facing any side of a lot that abuts a road.
  
  - B. Except as provided in section 17.44.050 (Lightwells, Stairwells, and Other Excavated Features in R-1B and Smaller Lots in the R-1A), areas for stairways and lightwells for basements in the main building area may extend beyond the footprint of buildings, but shall be limited to the main building area.
  
  - C. Driveway approach for garages in basements shall be screened from the public right-of-way by design, landscaping, or a solid wall and gate. The driveway approach shall not negatively impact heritage trees. (Ord. 582 § 1 (Exh. A) (part), 2009)
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**The Atherton Municipal Code is current through Ordinance 613, passed January 21, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Atherton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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