



**DATE: FOR THE PLANNING COMMISSION MEETING OF AUGUST 24, 2016**

**TO: THE PLANNING COMMISSION**

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

**SUBJECT: DISCUSSION ON ATHERTON MUNICIPAL CODE SIDEWALL AND  
ENDWALL HEIGHT REGULATIONS**

**RECOMMENDATION:**

It is recommended that the Planning Commission discuss the current sidewall and endwall height regulations and provide direction to staff.

**BACKGROUND:**

At the May 25, 2016 Planning Commission meeting, the Commission began discussion of the sidewall and endwall height regulations in light of recently reviewing several Special Structure Permit requests for increases to the sidewall height to accommodate contemporary and modern architecture. It was noted that within the last couple of years, the Town is experiencing an increasing number of new contemporary and modern style homes and that the design of these homes are often in conflict with the Town's sidewall and endwall height limits. Several architects attended this meeting to provide their feedback. As discussed at the meeting, the prominent difficulty faced by those developing modern or contemporary style residences was the ability to comply with the Town Zoning Ordinance's 22' main residence (for lots in the R1-A Zoning District) and 11' accessory building sidewall height maximums, without compromising the home's overall architectural integrity. See Attachment 1, Approved Planning Commission minutes, May 25, 2016.

The Commission directed staff to come back with some conceptual ideas on options to consider potential revisions to the sidewall and endwall height regulations for further discussion and Commission consideration. Following that meeting, staff outreached to the local development community and met with two architects to discuss further and continue to study the issues. An additional architectural firm submitted written comments for consideration (Attachment 2). Conceptual options for discussion are presented at tonight's meeting.

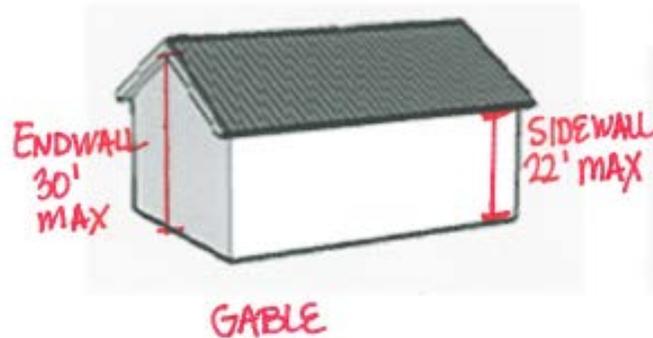
**ANALYSIS:**

**Existing Regulations and Limitations**

In terms of existing Municipal Code regulations for those residences in the R1-A Zoning District (the

majority of residentially zoned lots), per Figure 1, below, the gable end (end wall) may be 30' tall, while the wall perpendicular to the end wall, the sidewall, is limited to 22' in height. For those properties within the R1-B Zoning District, the respective end wall and sidewall height maximums are 28 and 18'. While the overall height is the same, enforcing sidewall heights ensures that the mass of the home is regulated and limits the effect of tall solid walls. For accessory buildings, the maximum end wall height is 15' with sidewall at 11'.

**Figure 1**



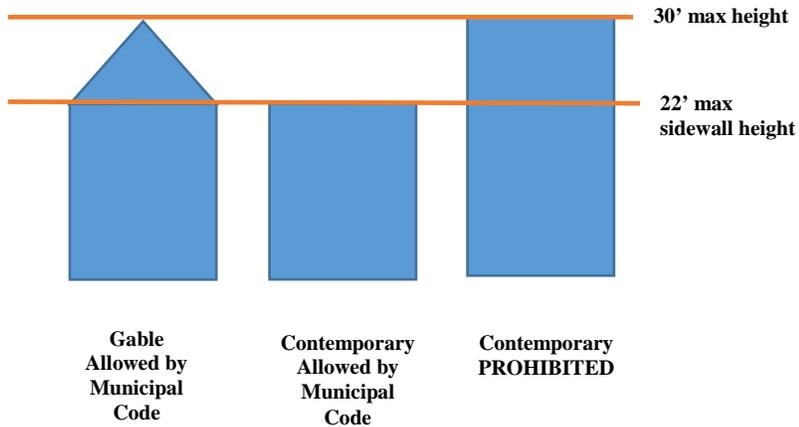
When a contemporary design is presented where there is not a traditional gable or hip roof, the sidewall design can be more challenging. (See Figure 2). Since the roof is flat, the “sidewall” height

**Figure 2**



is utilized along all sides of the residence. As shown in Figure 3, without a sidewall height limit, a residence could be able to be constructed to the maximum 30' height limit.

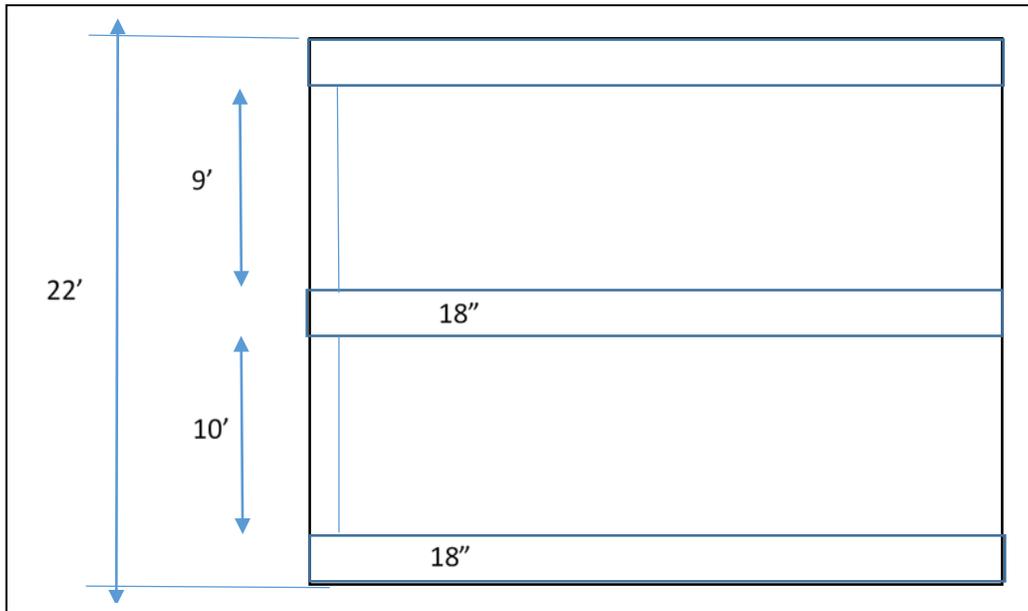
**Figure 3**



### **Modern/Contemporary Architecture**

For flat roofed homes, these regulations effectively limit the overall height of the home to 22' maximum (or 18' foot maximum for lots in the R1-B zone). While it is noted that a two-story house with a flat roof can be constructed at 22', it also limits the resulting, internal ceiling heights of the home. Assuming that the first floor of the building is constructed approximately 1.5' above ground level to allow for proper on-site drainage, and floor plate between the first and second story is 1.5' as well, a two-story flat roofed home would have 19' in elevation remaining. This could result in 10' ceilings at the first floor and 9' ceilings at the second floor or 9.5' ceilings at both floors. Please see Figure 4 below as an example. It was noted that these ceiling heights are not the predominant design preferred by most homeowners requesting a modern/contemporary style home. Specifically, it is noted to staff that the homeowner's desire and this type of architecture alludes itself to higher ceiling heights at both the first and second floor.

**FIGURE 4**



Further, many times these flat-roofed modern/contemporary styles exhibit “vertical breaks” in their roof elevations; or segmented roof lines at varying heights. As such, a 22 foot height limitation does not easily allow for these vertical variations and relief. Please see the following contemporary home design examples that display a “break” or variation in roof line heights.



## **Potential Alternatives**

It is the goal of the General Plan to preserve the Town’s character as a scenic, rural, thickly wooded residential area with abundant open space. Further, one of the intentions of zoning development standards is to mitigate visual and other impacts (noise, privacy) on surrounding properties, including the public rights-of-way. Thus, any revisions in development standards should attempt to consider the resulting design consequences in relation to these established goals and policies.

### *Define Flat Roofs*

In considering amendments to the Zoning Ordinance for specific architectural occurrences, it may be worthwhile to define the boundaries of what types of proposed designs would be subject to the changes. As discussed, it is the flat roof designs of contemporary/modern architectural style that are having design difficulties under the sidewall and endwall regulations. By defining flat roof home styles, resulting unintended consequences to more “traditional” style homes with pitched roof schemes may be minimized. Some options to consider:

- Flat roofs could include roof pitches of 2% or less, or 2:12 (2 inch vertical rise per 12 inch horizontal run).
- Roofs may be flat with parapets, sloped, barrel-shaped, domed, or a combination thereof.
- Flat roof height could be measured from average natural grade to the highest point of the roof coping.

### *Main Residence - Maintain Increased Setbacks, But Reduce Applicability*

Currently, a request to increase the sidewall height of 22’ in the R1-A zoning district requires an increased setback for all sides of the home, at a ratio of a 5’ setback increase per every 1’ of requested vertical increase up to 28’ upon issuance of a Special Structures Permit by the Planning Commission. The Ordinance requires this setback increase to be applicable to all four sides of the home, (i.e. the front, sides, and rear) at each floor level– not just the wall line and elevation requesting the increased sidewall height. The R1-B Zoning Ordinance, currently does not allow for consideration of a Special Structures Permit to increase sidewall height above the maximum allowable 18’. Some options to consider:

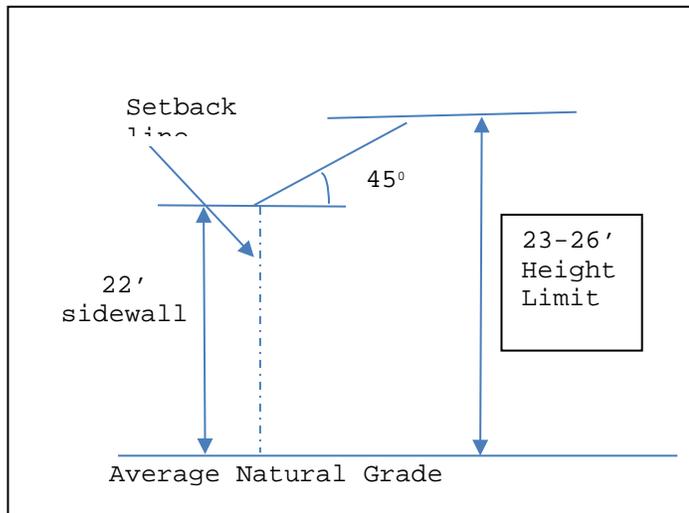
- Continue to require a Special Structures Permit for requests to increase the vertical sidewall height, but only require the increased setback requirement to the “offending” element(s) of the home requesting the sidewall height increase. Expand this opportunity to the R1-B zoning district.
- Maintain existing increased setback ratios and applicability for requests of increased sidewall height, but remove the Special Structures Permit request to allow these applications to be reviewed at the staff level to streamline the process. Expand this opportunity to the R1-B zoning district.
- Require a Special Structure Permit for any request to exceed sidewall height for main residences in the R1-A or R1-B without specific setback increases and evaluate each request on a case-by-case basis. This would resemble more of a “design-review” process.

*Create New, Limiting Standards for Increased Sidewall Heights For Flat Roofed Homes*

As discussed above, creating a clear definition of those residences with flat roofs will allow for the applicability of new or revised regulations to be focused and centered on the types of architectural designs that have been experiencing issues with the existing sidewall and endwall height regulations. While considering the possibility of allowing increased, or limited increase in sidewall heights, it is important to also consider the resulting design implications with respect to minimizing the homes apparent mass, bulk, and potential to negatively impact the surrounding properties and public right-of-way. Some options to consider:

- An increased, allowable sidewall height for just those residences with defined flat roofs. The range of 23’-26’ could be considered. The means of applying such a regulation could be done through application of a daylight plane Ordinance. The intent would be to contain the development within the buildable area in a way that attempts to preserve privacy, light, and building mass completely within this designated space.
  - The daylight plane could be measured at the required side setbacks, from the point of average natural grade, up a distance of 22’ for the R1-A Zoning District and 18’ for the R1-B Zoning District and inward toward the center of the property at an angle of 45 degrees (or other such angle as deemed appropriate).
  - A maximum height limit associated with the daylight plane would need to be established. A maximum height between 23’ to 26’ could be considered for the R1-A Zoning District. Twenty -six feet is proposed simply as it is the average between the Town’s existing maximum sidewall height of 22’ and the maximum allowable requested sidewall height increase under the Special Structures Permit of 28’. For reference, it was discussed with a few architects that a sidewall height of up to 24’ would still allow for greater flexibility in design practice. For the R1-B Zoning District, a maximum height between 19’-24’ could be considered.

The following graphic attempts to summarize this requirement for a property in the R1-A Zoning District.



- There was discussion at the Planning Commission meeting on how to avoid any changes in regulations resulting in a “box”-type design; or a square type home that does not provide an architectural relief through variation of setback and or height. Combined with a daylight plane ordinance or other means of increased setback requirements, there could also be an associated limitation of how much of a second floor with an increased sidewall height could be allowed.
  - This could be similar to the existing dormer regulation, limiting the amount of any sidewall in excess of 22’ (or 18’ in the R1-B zone) to be limited so that the maximum combined length of all such sidewalls shall not exceed fifty percent (or other such percentile) of the total length of the respective side or elevation of the building to which they are associated.
- There was discussion at the last Planning Commission meeting on how contemporary/modern style architecture can lend itself to a fair amount of glass and/or windows in its design and concern was expressed on the resulting light and privacy impacts that may result. Limitations on the placement of glass and/or windows within the area of a sidewall over 22’ (or 18’ in the R1-B zone) could be considered.

#### *Remove Sidewall Height Limitations*

A local architectural firm proposed another alternative approach to consider; remove the sidewall height regulation in its entirety for flat roofed/modern/contemporary architecture and create maximum allowable building height at setback lines (See Attachment 2); thus set a sliding scale so that the farther the building is setback from the minimum required setback line, the taller the building could be. The case proposed would be that, for example, every 2’ back from the setback line the building is inset, an additional 1 foot of vertical height they receive, up to a maximum height of 25’.

#### *Accessory Building Sidewall Heights*

Existing regulations for accessory buildings and structure limit the sidewall height to not exceed 11’, while the endwall heights shall not exceed 15’. For flat roofed accessory buildings such as a garage, pool or guest house, these limitations limit the height of the building to be no more than 11’. These regulations are the same for properties in the R1-A and R1-B zoning district. Some architects proposing modern/contemporary style homes, have stated their design/aesthetic concern with this limited height as the goal is to architecturally tie in these accessory buildings with the main residence. The only exception allowed for accessory buildings and structures are that vertical architectural projections (e.g., cupolas, spires, towers) may exceed the maximum height by up to 2’, up to a maximum of 17’; provided, that the footprint of the projection is not more than 10% the total footprint of the building and are located a minimum of 20’ from rear and side property lines. Some options to consider:

- For flat-roofed accessory buildings and structures (as proposed to be defined above) remove any sidewall height limitation and reduce the maximum allowable building height from 15’ to an acceptable height range; somewhere between 12’-14’.
- Create a tiered system similar to that proposed for the main residence that requires accessory buildings and structures in excess of 11’, to increase their setbacks proportional to the

requested height increase. For example, require the accessory building or structure to be setback an additional 5' from the side and rear property line for every 1' of vertical height increase over 11' up to a defined maximum height. This could be considered at the staff level or through a Special Structures Permit as described for the main residence above.

**ENVIRONMENTAL IMPACT:**

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

/s/ Stephanie Davis  
Stephanie Davis, AICP, Senior Planner

Attachments:

1. Approved Planning Commission Minutes, May 25, 2016
2. Sidewall/Endwall Comments, Owen Homes, August 12, 2016

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
May 25, 2016  
6:00pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT: Eric Lane  
Mary Beth Widmer  
Randy Lamb  
Joann Byrne-Sockolov  
Paul Tonelli**

Town Planner Lisa Costa Sanders and Assistant City Attorney Jennifer Larson were present.

**2. PUBLIC COMMENTS – none**

**3. APPROVAL OF MINUTES**

**MOTION to approve, with corrections, the minutes of the April 27, 2016 meeting.  
M/S Widmer/Lamb                      Ayes:    5    Noes:    0**

**4. NEW BUSINESS**

**A. Discussion on Atherton Municipal Code Sidewall and Endwall Regulations.**

Lisa Costa Sanders presented the item and showed examples of the kinds of issues that the current municipal code presents for architects trying to design contemporary homes.

She noted that making changes to the endwall and sidewall regulations would not change the maximum floor area limit or the limitation of the second floor ratio.

**OPEN PUBLIC HEARING**

Jaclyn Greenmyer, architect, outlined the rules for sidewalls and endwalls as defined in other jurisdictions. She noted that the current Atherton regulations relate to traditional architecture.

Commissioner Tonelli asked what a number for sidewall height would be that most architects could work with.

Jaclyn Greenmyer answered that 24” is reasonable when combined with a setback.

Commissioner Widmer asked if the setback would allow for more height. Lisa Costa Sanders answered that currently the code requires the entire residence meet increased setbacks for increased sidewall height. One suggestion might be to only require the offending element with additional setback for the increase in the sidewall height.

Commissioner Lane noted that while the contemporary designs usually have more windows and glass to let more light in, the light goes both ways and can disturb neighbors. Jaclyn Greenmyer agreed and noted that privacy goes both ways.

Commissioner Lane asked Ms. Greenmyer what percentage of new home designs are contemporary. Jaclyn Greenmyer answered that roughly 20-25% of houses are contemporary and the number is increasing. Commissioner Lane asked if there is a size difference between traditional houses and contemporary designs. Jaclyn Greenmeyer noted that there is no significant size difference between contemporary and traditional projects.

Miya Miraki, architect with Swatt Miers addressed the Commission and explained the difficulties architects in her firm have encountered in modern designs with Atherton regulations.

Jude Kirik, PPG, echoed the comments made by Ms. Greenmyer and Ms. Miraki. The same problems arise over and over with the sidewall limitations. He sees qualified architects being extremely appreciative of a modification in the code. Mr. Kirik noted that he could give many examples of homes that have been built under the current code that could have been designed better.

Chair Lane asked how a change to the code might be misused. He wants to avoid a domino effect and knows some projects will push the limits of the code.

Lisa Costa Sanders noted that a purpose statement in the code from the Commission could help clarify the intent of the changes.

Commissioner Lamb noted that he too sees that there could be unintended consequences.

Mr. Kirik noted that there is no way to anticipate or prevent optimizing or “cheating.”

#### CLOSE PUBLIC HEARING

Commissioner Widmer brought out a three-dimensional model of a house and noted her concern with people creating long structures within the setbacks but out of character in Atherton. Chair Lane noted that this is where a purpose statement would come in to explain the parameters and thought behind the code changes.

Lisa Costa Sanders suggested that there might be an interim step with the Special Structures Permit and allowing just the offending element to step back instead of the entire structure.

Commissioner Widmer asked if there are restrictions on where windows can be placed. Lisa Costa Sanders answered that window height is restricted on accessory structures but not on the main building.

Commissioners discussed different options for offering designers and architects more flexibility.

Lisa Costa Sanders presented a few options to the Committee for moving forward including creating an ad hoc sub-committee or directing staff to work with designers and architects to present options to the Commission.

Jude Kirik commented that he doesn't want to dictate form. He would like to have as much flexibility as possible or designs start looking alike.

Chair Lane noted that without design review there must be a tradeoff. Rules will cause things to look similar.

#### CLOSE PUBLIC HEARING

The Commission agreed to have staff bring back examples and options for moving forward at a future meeting.

**B. General Plan Consistency Determination for the Capital Improvement Program Fiscal Years 2016/2017 through 2020/2021.**

Lisa Costa Sanders presented the item.

There was a brief discussion about neighborhood traffic management. The Commission then discussed the process for moving forward with the CIP. It was noted that the Commission must only find that the CIP is consistent with the General Plan.

**MOTION to find that the Capital Improvement Program for Fiscal Years 2016/17 and 2020/2021 and the projects included in that program are consistent with the Atherton General Plan for the reasons noted in the Staff Report.**

**M/S Lamb/Tonelli                      Ayes: 5              Noes: 0**

5. **COMMISSIONER'S REPORTS** – Commission Sockolov noted that she met with PG&E Liaison Bill Chiang about the outreach PG&E is doing in communities. She also noted that the tree that was removed that was discussed at the April 2016 Planning Commission meeting was found to be 70% hollow inside.

Chair Lane noted that Dale Sakai, Greenoaks Drive emailed about a code enforcement issue that has since been taken care of.

6. **STAFF REPORTS** – none

7. **ADJOURN** - The meeting adjourned at 7:03pm.

Respectfully Submitted:

*Lisa Costa Sanders*, Town Planner

## Stephanie Bertollo-Davis

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**From:** Shawn Owen <shawn@owenhomes.com>  
**Sent:** Friday, August 12, 2016 4:39 PM  
**To:** Stephanie Bertollo-Davis  
**Cc:** Bob Owen  
**Subject:** Re: sidewall/endwall discussion

Hello Stephanie,

Thank you again for reaching out, following are some thoughts from our design team for 61 Faxon:

“First, we have one simple change that I think we have all already touched on and suggested.

We’d like to suggest a couple revisions the Section 17.32.040 (A) regarding height. Instead of requiring that all setbacks be increased by 5’ if just one element extends higher than 22’ at the side wall, require that only that element be the extra 5’ away from the setback for every one foot gained in height. Further, make this an exception that does not need a special structure permit. Its just a straight rule in the code.

As for code regulations that work for contemporary/modern style architecture, we have an idea that is a little outside the box. It allows for every style of architecture with the least amount of change to the status quo or rewriting of the code.

Here’s what we suggest. Keep the rules with sidewalls and end walls and exceptions for dormers, etc. for homes that are traditionally shaped (Section 17.32.040 (A), District R-1A ) with the exceptions I described above. Then propose an alternate rule, an either/or situation.

Here’s our alternate:

Create a maximum height at all setbacks. There would be no side wall or end wall. There would be no measurement to the underside of a roof eave; the height would be measured to the top of the building at the setback. From there, you would institute a "daylight plane". For example, for every 2 feet back away from the setback, you can go up another 1’ in height until you reach the max. height allowed. We suggest the max. height at the setback to be 25’. If you take the average of the side wall max. height (22’) and the end wall max. height (30’), which is allowed at the setbacks currently, you’d get 26’. But then reduce it by one foot since the 22’ is measured from bottom of eave and not the top of roof.

We would suggest a similar alternate rule for Zone District R-1B proportionally consistent with the code side wall and end wall max. heights.

Then, still allow height exceptions per Section 17.42.040, for towers totaling 400SF for either set of rules you’d like to follow.

Now we’d have a set of rules that work for flat roofs AND traditional, gabled roofs. You’d just have to abide by one or the other.”

We look forward to being a part of the meeting later this month.

Thanks,

Shawn Owen

Vice President

**Owen Signature Homes**

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**From:** Stephanie Bertollo-Davis <SBertollo-Davis@ci.atherton.ca.us>

**Date:** Tuesday, August 9, 2016 at 10:50 AM

**To:** Shawn Owen <shawn@owenhomes.com>

**Subject:** RE: sidewalk/endwall discussion

Hello,

I'm working with Lisa Costa Sanders on bringing back to the Planning Commission some more specific Ordinance alternatives for them to consider regarding this discussion of endwall/sidewall height and contemporary type architecture to the August 24, 2016 meeting.

If you had specific solutions/ideas you'd like to offer, please let me know. I need to wrap up the materials for their consideration first thing next week, so would appreciate any materials beforehand. If not, please do attend the meeting if you are able – August 24, 2016 at 6:00 p.m. in the Town Councils Chambers. We'd appreciate any insight you had to offer.

The agenda, staff report, and meeting materials will be available online the Thursday prior to the meeting:

<http://www.ci.atherton.ca.us/index.aspx?nid=143>

Happy to meet or discuss further.

Thank you,

Stephanie B. Davis, AICP

Senior Planner, Town of Atherton

Direct: 650.773.7249

***My Available Counter Hours: Tues 9 a.m.-11 a.m. & 1-4 p.m. and Thurs 9:00-11:00 a.m. Counter staff is available during other regular Tues & Thurs counter hours.***

Planning Department Counter Hours are GENERALLY: **Tuesdays and Thursdays from 8 a.m. – 11 a.m. and 1 p.m. to 4 p.m.** Please note that certain days, Planning Staff may be in meetings or conducting inspections during these hours and therefore not available. We strongly encourage you set up an appointment to meet with Staff.

Submittal of plans can occur ANYTIME during regular Building Department Counter hours, M-F 8 a.m. -11 a.m. and 1 p.m.-4 p.m.

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**From:** Shawn Owen <[shawn@owenhomes.com](mailto:shawn@owenhomes.com)>

**Sent:** Thursday, May 26, 2016 9:37 AM

**To:** Lisa Costa Sanders

**Cc:** Bob Owen

**Subject:** sidewall/endwall discussion

Hello Lisa,

I want to thank you for bringing this issue to light and opening up the dialogue with the Planning Commission. They seemed to be quite receptive which is very encouraging and obviously this would not have been possible had you not brought it to their attention. Please let me know if there is anything we can do to help in the dialogue, but I know you have a great pool of architects that will provide valuable feedback and direction.

Not to get the cart before the horse, but... The detailing we added to our project at 61 Faxon to comply with the current guidelines is something we would love to design out prior to building those elements. Building them will likely be at least 6-8 months down the road and I'm not asking for a commitment from you, but wanted you to keep it on your radar for something we would like to revert back to the original design if the potential new guidelines allow. I'd love to hear your thoughts.

Again, thanks for your efforts on this.

Best,

Shawn Owen  
Vice President

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