

Atherton modifies accessory dwelling unit ordinance

Action taken to conform to new state law



Atherton City Council Member Rick DeGolia on Wednesday, March 14, 2017, questioned the need for a drone ordinance, and abstained from the vote on the matter. (John Orr / Daily News)

By **JOHN ORR** | jorr@bayareanewsgroup.com |

PUBLISHED: March 16, 2017 at 1:02 pm | UPDATED: March 16, 2017 at 1:18 pm

The Atherton City Council was stuck between a rock and a hard place on Wednesday evening, having to modify its existing ordinance regarding accessory units, or face the potential of having it declared null and void.

“This is because of a state requirement,” said Council Member Elizabeth Lewis. “Otherwise, we wouldn’t be talking about it.”

In discussion, some council members acknowledged that the state, in changing its requirements for what some call “granny units” — a small dwelling associated with a larger home — is trying to deal with a housing shortage.

But it’s a touchy subject in Atherton, where many of the housing lots are large — an acre or better — and privacy is prized.

There are lots of pool houses and other “accessory units” in the town, and the new state law makes it easier for them to be legally converted to “accessory dwelling units.”

Per the new regulations, an application for an accessory dwelling unit must be approved if it:

- Is contained within an existing, legally permitted single-family resident or accessory structure/building.
- Has independent exterior access from existing residence.

There are a few other changes to the existing ordinance, including that accessory dwelling units aren’t required to have fire sprinklers if they don’t already exist in the main dwelling, and no parking is required if the unit is within a half-mile of a public transit stop.

City Attorney William Conners said that town staff was trying to meet the requirements of state law, while being cognizant of the town’s concerns.

There was considerable discussion about the town’s setback requirements — how far a structure must be from a property line — and the length of time a renter must stay when temporarily housed in Atherton.

Council Member Rick DeGolia noted that in the last 15 years, Atherton has seen a dramatic increase in the size of new homes, and in accessory units added, and that even the town’s huge lots are sometimes crowded, straining set-backs.

But, both the set-back issue and the minimum required time to rent in Atherton can be discussed as separate issues, so the first reading of the new ordinance was passed by the council.

The council also spent considerable time discussing the second reading and adoption of the town's ordinance meant to regulate unmanned aircraft systems — drones.

Lewis noted that the drones are becoming hugely popular, and that her children and grandchildren showed up with drones recently and she would not let them be flown in her backyard — “As soon as they go up, they can see into the neighbor's yard.”

DeGolia said that he has gotten mail from a resident who questioned why the town was considering such an ordinance. The letter asked, “Have there been any complaints?”

Connors noted, anecdotally, that a resident had complained to him about a drone — not for the drone itself, but for the noise and ruckus in the street caused by the people operating the drone.

Council member Cary Wiest noted the need for regulations, especially for their use in Holbrook-Palmer Park, asking, “What if some drone crashed into a party of 12 with no insurance?”

Eventually, the ordinance was adopted, with DeGolia abstaining, Council Member Bill Widmer voting no, and Wiest, Lewis and Mayor Michael Lempres saying yes.

The ordinance includes provisions in line with federal rules, including that model aircraft (including drones) may not be operated within five miles of an airport without notifying the control tower, and that the drones may not interfere with any manned aircraft.

In addition, in Atherton, no drones may be operated in hobby use that carry devices capable of recording and/or transmitting images or sound.

Also, there is to be no model drone use in Holbrook-Palmer Park, and commercial operators who may photograph or record such events as wedding must provide proof of registration of their craft, insurance and compliance with Federal Aviation Authority requirements.

In other action during the three-and-a-half-hour session, a letter to the Menlo Park Fire Protection District was revised and authorized; Menlo School was authorized to issue bonds; the ballot argument for the June 6 election was tweaked and approved; and staff was instructed to hire Interwest Consulting Group to prepare the phasing plan for Town Center construction

SPONSORED CONTENT

It Only Takes 3-5 Minutes to Refuel the Hydrogen-Powered Clarity Fuel Cell. And It's...

By  HONDA

It only takes 3-5 minutes to refuel the hydrogen-powered Clarity Fuel Cell . And it's ridiculously easy.

Tags: [Atherton City Council](#)



John Orr John Orr edits and writes for Daily News feature pages, including arts and entertainment. He also reports on the Town of Atherton and some other cities, Previously, he was mysteries and thrillers books columnist for the Mercury News, and also wrote