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**TOWN OF ATHERTON**  
**ATHERTON ZONING CODE RECORD OF INTERPRETATION PURSUANT TO**  
**ATHERTON MUNICIPAL CODE SECTION 17.10.040**

- AMC 17.32.040 (F) Accessory Structure Area. The one thousand two hundred square feet of accessory buildings per acre ratio applies to both accessory buildings and structures on the lot. Covered patios that are exempt from the floor area of the lot do not count towards this 1,200/ acre ratio.
- AMC 17.32.040(F) Accessory Structure Area. The maximum area permitted for accessory structures is included within the total floor area for the lot.
- AMC 17.32.040(G) Eaves. Roof eaves may encroach a maximum of four feet into any yard on the main building and one foot on an accessory building/structure. Roof eaves are not counted towards floor area or porch overhang, consistent with the eave size designed for the residence. For example, if the main residence is designed with two foot roof eaves and has a section of roof overhang that projects six feet, the first four feet of that roof overhang would be exempt. If a design approach includes a roof eave that extends beyond four feet into any yard on the main building and beyond one foot on an accessory building/structure, the required setback shall be met.
- Chapter 17.33 Residential District R-1B, Section 17.33.040 C Maximum Floor Area Ratio. The maximum floor area ratio shall be eighteen percent of the lot size except for those lots smaller than forty three thousand five hundred sixty square feet (one acre), which shall be determined by the following equation:

Floor area in square feet = (lot size in square feet × 0.165) + 1,500 square feet.

The following conditions shall not be included in floor area calculations:

1. Structures, open on all sides, with substantially open roofs (e.g., trellis) (see figure 17.33.040-3 (Substantially Open Roof)), with the **following** provisions
  - a. No more than one side of the structure shall be attached to the main building and no more than one side of the structure may be enclosed by small structural features (e.g., outdoor kitchens/barbeques, fire pits/fireplaces, cabinets); provided, that on the side with the structural feature at least fifty percent of the side is still open (see figure 17.40.040-2 (Attached Trellis Exempt from Floor Area Requirement)); or
  - b. No more than two sides shall be partially enclosed with small structural features (e.g., outdoor kitchens/barbeques, fire pits/ fireplaces, cabinets); provided, that at least fifty percent of both sides is still open and the other two sides are completely open.

2. Roofed areas open on two or more sides not exceeding five percent of the maximum allowed floor area for the lot plus five hundred square feet (e.g., awning, patio cover, covered walk)
- AMC 17.40.040(B) Height. Vertical sidewalls or columns shall not exceed eleven feet. End walls are permitted on the walls not parallel to the sidewall consistent with the main building.
  - AMC 17.40.040 (H) Windows. Windows and skylights on accessory buildings or structures facing the side or rear property line may exceed 9' if the window complies with the setbacks for the main residence. For example, if the required rear yard setback for the main residence is 60', a window on an accessory building facing the rear yard may exceed 9' if it is set back 60' from the rear property line.
  - AMC 17.42.030(C) Height Measurement for Sidewalls. The height of sidewalls shall be measured from the average natural grade to the base of the roof plate directly above. The sidewall height is measured to the underside of the roof eave. The width of the end wall (minimum width as required by building code) is not counted towards sidewall. For example, for flat roof designs, there shall be a massing distinction between building wall line and the roof element to distinguish between a sidewall and endwall, in which case a roof element shall project out from the wall line below a minimum of 12 inches. For further example, for a flat roof design that does not include a design approach with a distinct roof element, the maximum endwall height, shall be the maximum sidewall height as prescribed in the applicable development standards (i.e. 22 foot sidewall maximum for properties in the R1-A District, 18 foot sidewall height maximum for properties in the R1-B District, and 11 foot sidewall height maximum for accessory buildings/structures).



- AMC 17.42.040(D) Exception for Vertical Projections. The combined total area of all vertical projections is a maximum of five percent of the total footprint of the accessory building.
- AMC 17.40.030(B) Exempt Accessory Buildings and Structures. No zoning clearance or special structure permit is required for the following buildings and structures; (4) Driveways, walkways, patios, and other flat wood, concrete, or asphalt work or other similar materials not over six inches above grade.

- AMC 17.40.030(B) (6) Exempt Accessory Buildings and Structures. The same requirement applies to planting beds as does seat walls (exempt if under twenty-four inches in height).
- Any surface over 6 inches in height is considered a “structure”, and not exempt from zoning clearance. Therefore it becomes a part of any structure/building it is attached to, and shall meet the applicable development standards. If it is not attached to any structure/building, such a free standing deck or patio greater than 6 inches in height above grade, it is considered an “accessory structure” and shall meet the applicable development standards of AMC Chapter 17.40 “Accessory Buildings and Structures”.
- AMC17.44.060 Design Requirements. 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.
- AMC 17.44 Basements. The extent of any proposed basement lightwell connected to a main residence basement is considered part of the main residence and is required to be in the main building area. The outermost extent of the lightwell shall be within the main building area and top most point of the associated retaining wall shall terminate at existing grade.
- AMC 17.54.030 Setback Measurements. In instances where a private property has a public access easement (i.e. a street) along its front property line and boundary survey indicates front property boundary at centerline of street, front yard setbacks shall be taken from the back edge of public easement, not the centerline of the street. In these instances, lot depth shall be taken from back edge of public easement.
- AMC 17.40 Accessory Buildings and Structures. In all cases, the eight-foot separation shall be maintained between the main building and accessory building(s), between the main building and accessory structure(s) and between accessory building(s) and accessory building(s). The separation between accessory building(s) and accessory structure(s) and between accessory structure(s) and accessory structure(s) shall be the minimum distance required under the California Code of Regulations as adopted by the City Council.
- AMC 17.60, includes incidental equipment and housing as part of the definition of a swimming pool/spa. Swimming pools/spas are governed by AMC 17.40 Accessory Buildings and Structures. Thus, it follows that swimming pool/spa equipment shall meet the setback requirements as prescribed in AMC 17.40.
- Roof eaves are allowed to project into the required 8’0” separation between main building and accessory building so long as the areas of roof eave projection do not exceed the maximum width and depth provisions per Section 17.40.040 F 1 “Connecting Accessory Buildings and Structures”.
- A water feature with a depth less than 18” may be connected to the main residence, with depth allowed to exceed 18” once the required 8’ setback between accessory structures and the main residence has been met.