

**PLANNING COMMISSION  
DRAFT MINUTES**

**TOWN OF ATHERTON  
December 7, 2016  
6:00pm  
JENNINGS PAVILLION  
150 WATKINS AVENUE**

**1. ROLL CALL**

**PRESENT:** Eric Lane  
Joann Byrd-Sokolov  
Nancy Lerner  
Randy Lamb

**ABSENT:** Paul Tonelli

Senior Planner Stephanie Bertollo-Davis, Town Arborist Sally Bentz, and Assistant Planner Dori Ganetsos were present

**2. PUBLIC COMMENTS –None**

**3. APPROVAL OF MINUTES**

**MOTION to approve the minutes of the October 26, 2016 meeting as submitted**  
M/S Lamb/Lerner      Ayes: 4      Noes:0      Abstain: 0

**4. PUBLIC HEARINGS**

**A. Heritage Tree Removal Permit– 167 Stockbridge Avenue (APN 059-292-010) – Request for a Heritage Tree Removal Permit to allow the removal of two trees. Atherton Municipal Code Sections 8.10**

Senior Planner Stephanie Bertollo-Davis presented the staff report. She noted reference in the staff report to a pier and grade foundation, which should be concrete slab.

OPEN PUBLIC HEARING

CLOSE PUBLIC HEARING

Commissioner Sokolov said she thought it was helpful that the applicant dug the test 8” trench to determine whether there were any roots that might be impacted, and that none were found.

Chair Lane said he appreciated the time, revisions, and coordination on this project. He noted that careful shoveling for this project should protect the remaining trees.

**MOTION to Approve the Heritage Tree Removal permit for the removal of two heritage trees.**

M/S Lane/ Sokolov      Ayes: 4      Noes: 0

## 5. OLD BUSINESS

### i. Discussion on Atherton Municipal Code Sidewall and Endwall Regulations

Senior Planner Stephanie Bertollo-Davis presented the staff report and thanked the architectural firms that provided assistance in the preparation of drawings and graphics for the staff.

Senior Planner Davis noted that staff identified four potential approaches for the Planning Commission to consider.

- 1) Maintain Increased Setbacks, but Reduce Applicability
- 2) Defined Allowable Building Height Protrusion
- 3) Daylight Plane
- 4) Remove Sidewall Height Limitations.

She discussed each design approach, and Commissioners asked questions and discussed throughout the course of the presentation. The Commission then discussed each of the four approaches.

#### 1. Maintain Increased Setbacks, but Reduce Applicability

Chair Lane clarified that the option of a Special Structures Permit only for the “offending element” of the home, described as option A(1), could apply to 3 sides of the home and that the option of a Special Structures Permit to be evaluated on a case by case basis, described as option C(1), would be the closest to a design review and farthest from what is currently practiced. He suggested starting with a Special Structures Permit only for the “offending element” of the home and then potentially transitioning to the option where these increased sidewall heights are reviewed at the staff level.

Senior Planner Stephanie Bertollo-Davis noted that option A(1) is commonly misinterpreted under existing Ordinance. She noted existing Ordinance requires increased setbacks for all 4 sides of the home, not just the “offending element”.

Commissioner Sockolov asked if this would also apply to the schools in the town. Senior Planner Davis said private schools have different zoning regulations.

Chair Lane said he is most comfortable starting with option A(1) then potentially progressing to option B(1), which would allow increased sidewall heights with increased setbacks to be approved at the staff level without a public hearing, gradually. He said he would prefer to stay away from option C(1) because it too closely resembles design review.

#### 2. Defined Allowable Building Height Protrusion

For option 2 (A)- “Dormer” Provision, Chair Lane asked if the 2’ distance below the roof ridge line would change if the roof of the dormer was flat.

Senior Planner Davis said the distance could change, and that the 28’ (2’ below the roof ridge line) might not be appropriate. She explained that the example shown has the roof of the dormer at 25.5’.

Commissioner Sockolov asked why the 25.5’ height was chosen.

Senior Planner Davis said 25.5' allows greater interior ceiling height, and an "attic" area to allow for the storage of mechanical equipment.

For option 2 (C) – Allow Buildings with Lower Roof Pitch to Exceed Sidewall Height with Increased Setback-Commissioner Sockolov asked if the existing tower rule included any specification on the type of roof.

Senior Planner Davis said it does not.

Commissioner Sockolov asked if a tower has to have a roof or if it could be open.

Senior Planner Davis said there is no requirement to have a roof and that the towers could be open.

### 3. Daylight Plane

Chair Lane asked how the daylight plane would work if the site wasn't flat.

Senior Planner Davis said that daylight plane measurements could be taken from the defined average natural grade of the lot.

Chair Lane asked if on an extremely sloped site, if the average natural grade would allow for a higher sidewall.

Senior Planner Davis said that unless the whole lot is extremely sloped, the homes are typically situated on the flattest part of the lot as this makes it easier to build.

### 4. Remove Sidewall Height

Senior Planner Davis presented the fourth option, which would propose to remove the sidewall height regulation altogether, and could set a sliding scale in terms of height and setback requirements.

The Commissioners reviewed a slideshow of modern homes in Atherton either built or currently under construction.

Chair Lane noted one home was the architectural style that he wanted to avoid as it was flat with tall windows, and more closely resembled an industrial building rather than a single family residence. He noted another example looked more like a "home" rather than an industrial building and that the overhang on this home meets the intent of the ordinance to distinguish roof from sidewall. He noted that the next example, which was square, glass, and had little distinction between the wall and the roof, looked like a compound. Chair Lane noted the next example may be more aesthetically pleasing, as it had more distinct features and different textures.

### OPEN PUBLIC HEARING

John Daseking, from Pacific Peninsula Architects, presented. He noted the negative impacts of the existing zoning code for people who wanted a modern home. He stated that he was working in Atherton in 1986 when the Town was moving towards larger homes, rather than ranch style homes, and that there was controversy associated with this transition at that time. Mr. Daseking said that contemporary / modern homes may look larger than traditional homes due to the fact that the exteriors can be less detailed. He stated he believed the potential revisions were about

creating an equitable zoning code and that in a traditional home a pitched roof allows for increased ceiling height and volume. Mr. Daseking said he approached potential changes while considering how to give a modern home more volume and to incorporate attics. He gave an overview of the options he presented for a potential dormer rule and gable rule, and said applying a dormer rule would control the scale and allow the benefit of service equipment storage to the design.

Commissioner Sockolov asked if most contemporary modern homes have service equipment in the attic.

Mr. Daseking said that the mechanical equipment for the 2<sup>nd</sup> floor is usually stored in an attic. He said he did not support a daylight plane approach because it is such a departure from the current zoning ordinance.

Chair Lane said a daylight plane could be difficult to explain to neighbors.

Steve Borlik, from Young and Borlik Architects, presented. Mr. Borlik said he considered the architectural character of the Town in his proposal as presented in the staff report and agreed that the existing ordinance doesn't lend itself to contemporary design. He noted that in considering using the dormer ordinance, the sloping elements of the roof could be removed to yield a resulting flat mass that is actually smaller than a traditional dormer.

Chair Lane said that the visual effect of the mass seems larger on modern homes.

Mr. Borlik noted he did not support architectural review.

Chair Lane said the intent of the current Ordinance is to eliminate the need for a design review process by conformance to requirements of the zoning code, which may provide greater assurances to the community of what gets built.

Mr. Borlik said it is important to reflect on the different perception for massing in these building envelopes, whether considering roof slope or dormer, and that he felt the dormer approach is the most applicable as it shows how the perception of contemporary homes looks far bulkier than the traditional homes. He noted that sidewall/ endwall regulations limit ceiling height potential for modern homes, which precludes taller roofs, attic space, and lofts.

Mr. Borlik said he also agrees that a daylight plane approach may not be preferred. He noted that the City of Palo Alto currently has one, and it allows for a certain amount of intrusion in to the daylight plane. He noted that the lots in Palo Alto are very different than the types of lots in Atherton and if the Town were to consider a daylight plane, a 1:5 rule may be useful.

Commissioner Lamb said one basis of this discussion was to streamline the process of approving modern homes, but he doesn't want any negative neighborhood impacts. He noted that beauty can be subjective, and wants to avoid neighbor conflict with any potential Ordinance change.

#### CLOSE PUBLIC HEARING

Commissioner Sockolov noted that the Town's landscape screening requirement can help to mitigate negative impacts. She further maintained that the Commission should try to promote equality for all designs, without incentivizing one type over another.

Chair Lane raised concerns about light emissions for taller windows on modern homes, but also wants to have some flexibility in the Ordinance for modern homes. He said that the way

development is currently occurring in Atherton, every time you drive by a single-story ranch home, you know that it will be bought, demolished, and replaced. Chair Lane said that there are inconsistent architectural styles throughout the Town, which is ok, but that the Commission should not provide more opportunity for one type of architectural style over another one. He said that allowing “boxy” homes on the lot almost always results in more square footage for the home, and could incentivize this type of design. Chair Lane noted his preference that the Planning Commission stay a part of the review process for requests for exceptions for the time being.

#### OPEN PUBLIC HEARING

Jude Kirik said a lot of the homes in the photo examples presented are currently under construction. He said they are so obvious and visible because there is no landscape screening yet. He noted most of these homes, post construction, will be sufficiently screened and will better blend into the neighborhood. Mr. Kirik said it would be more applicable to look at homes that have been around for 5 or more years than to look at homes currently being built.

Steve Borlik addressed concerns about light emission and privacy impacts associated with balconies, and noted the City of Menlo Park’s and Town of Woodside’s regulated both.

Chair Lane noted that balcony and lighting concerns may be greater in modern homes, but that they are discrete elements.

#### CLOSE PUBLIC HEARING

Staff and the Commissioners reviewed the potential revisions to sidewall/ endwall regulations as proposed in the staff report and powerpoint presentation.

All Commissioners agreed that neither the daylight plane nor removal of sidewall height limitations entirely are not the preferred approach and should not be further evaluated. The Commission also agreed to eliminate the design review approach, and directed staff to study options A (1) and B (1) further.

Senior Planner Davis said that option A (1) is most typically applied and that it lends itself to the least amount of substantive change to the existing Ordinance.

Commissioner Lamb supported option A (1).

Chair Lane said that he’s been in many sessions where the ceiling height issue as it relates to the sidewall regulations has been discussed, and that implementing option A (1), in conjunction with addressing the ceiling height issue, could be beneficial. He said that the limited ceiling height of a modern home plan seems unequitable.

#### OPEN PUBLIC HEARING

Steve Borlik, Architect, said he likes idea of a roof pitch defining sidewall height. He said that a shallower pitch should result in a taller sidewall height.

Commissioner Lane said he would like to focus on option A (1) plus an increased ceiling height.

Senior Planner Davis summarized the Commission direction received and that staff would further evaluate the maintenance of a SSP for increased sidewall height with increased setbacks, but to modify the criteria of the SSP to encompass the issue of interior ceiling height, advantages of a pitched roof v. flat roof, while also considering increased setbacks for the “offending elements”.

Commissioner Lane further summarized the Commission direction to staff for additional study which includes: (1) equalizing opportunities for attic space as it relates to ceiling height for modern homes (2) revising the existing SSP process for request of taller sidewall height with increased setbacks to “offending elements”. He emphasized the importance of community input on this process and ample public outreach.

**CLOSE PUBLIC HEARING**

Commission directed staff to further evaluate the issue and bring back for further Commission discussion.

6. **COMMISSIONERS’ REPORT** - None
7. **STAFF REPORTS** – None.
8. **ADJOURN** – The meeting adjourned at 7:46 PM.

Respectfully Submitted:

*Lisa Costa Sanders, Town Planner*