



**Town of Atherton  
Planning Department  
80 Fair Oaks Lane  
Atherton, California 94027  
Phone: (650) 752-0544**

**DATE: MAY 22, 2024**

**TO: PLANNING COMMISSION**

**FROM: RADHA HAYAGREEV, CONSULTING SENIOR PLANNER**

**SUBJECT:** Request for a **Special Structures Permit** (Application SSR24-0002) to construct a detached garage with a reduced front setback at **178 Atherton Avenue (APN 070-070-290)**, in the R1-A zone.

**CEQA:** This proposal has been determined to be categorically exempt from further environmental review pursuant to: CEQA Sections 15303 (New Construction)

**RECOMMENDATION:**

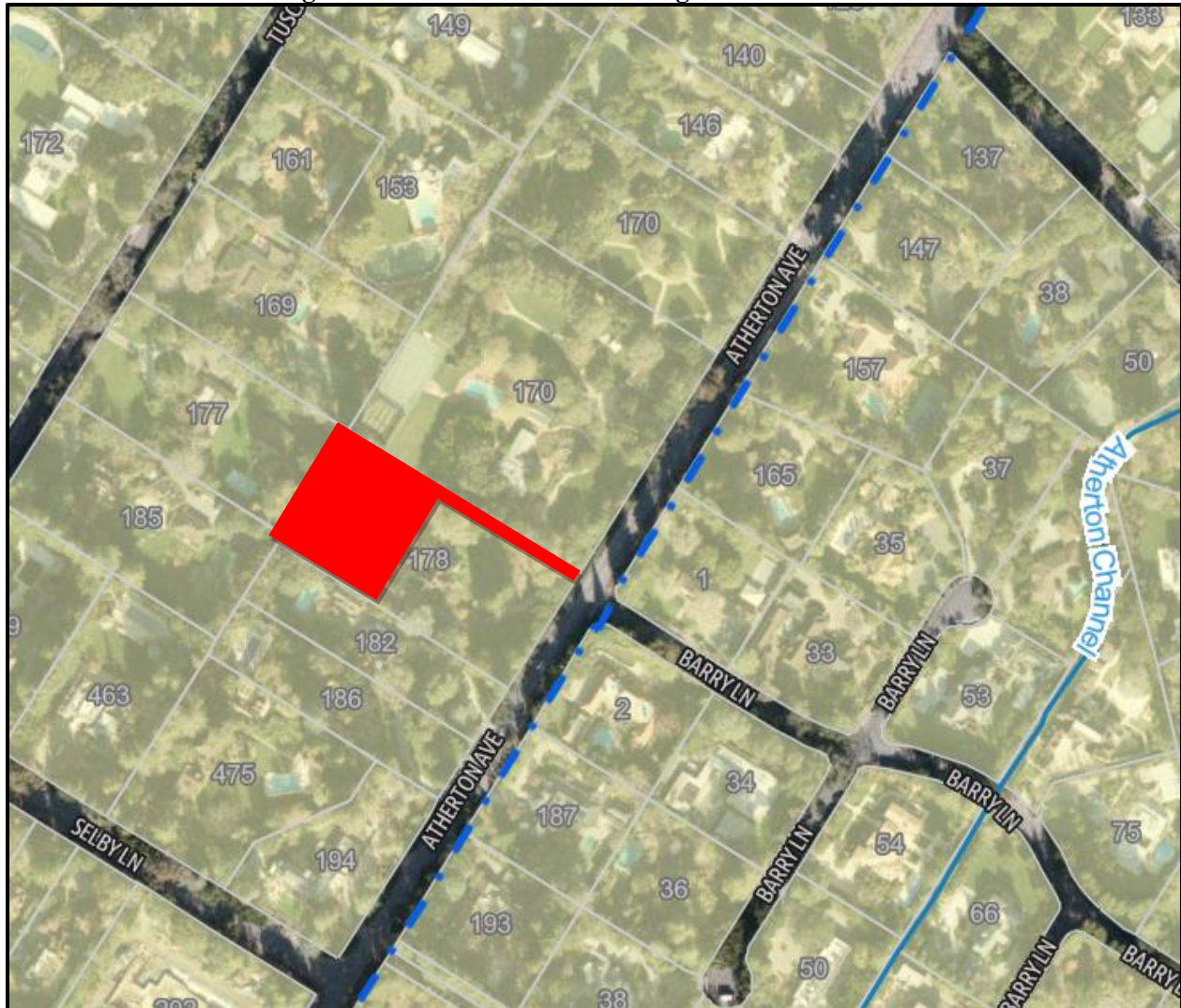
For the reasons outlined in this staff report, the Planning Staff recommends the Planning Commission conduct the public hearing and **approve** the Special Structures Permit (SSR).

**BACKGROUND:**

The project is located at 178 Atherton Avenue (APN 070-070-290). The subject property is a 43,560 square foot (1.0 acre) interior flag lot located near the center of Atherton Avenue, between Barry and Selby Lanes. The property is zoned R1-A and is bounded on all sides by similar low-residential single-family homes, also in the R1-A zone. The subject property is generally flat and consistent with the topography of neighboring lots. Neighboring properties are also of similar one-acre size and developed with single family homes and accessory structures and building and landscape features. The subject property is shown in red in Figure 1.

At a hearing on October 25, 2023, the Planning Commission approved a designation for the subject property that established the northern property as the lot frontage LLA23-00002. The property is currently undeveloped and has a building permit application under review for a single-family dwelling, ADUs and ancillary structures. The project requires a Special Structures Permit to accommodate the location of the garage.

### Figure 1: Parcel Location and Neighborhood Context



**PROJECT DESCRIPTION:**

The proposed project involves the construction of a 7,841 square feet main home at the center of the subject property and with driveway access from a 20ft portion of the lot that accesses Atherton Avenue. The proposed dwelling contains an attached garage and an attached ADU. Additional structures that also have direct access to the lot's driveway are a detached ADU and a detached garage. All elements of the site development comply with the requirements of the Zoning Code; however, the location of the detached garage requires a Special Structures Permit. Table A provides a summary of all development requirements for the detached garage.

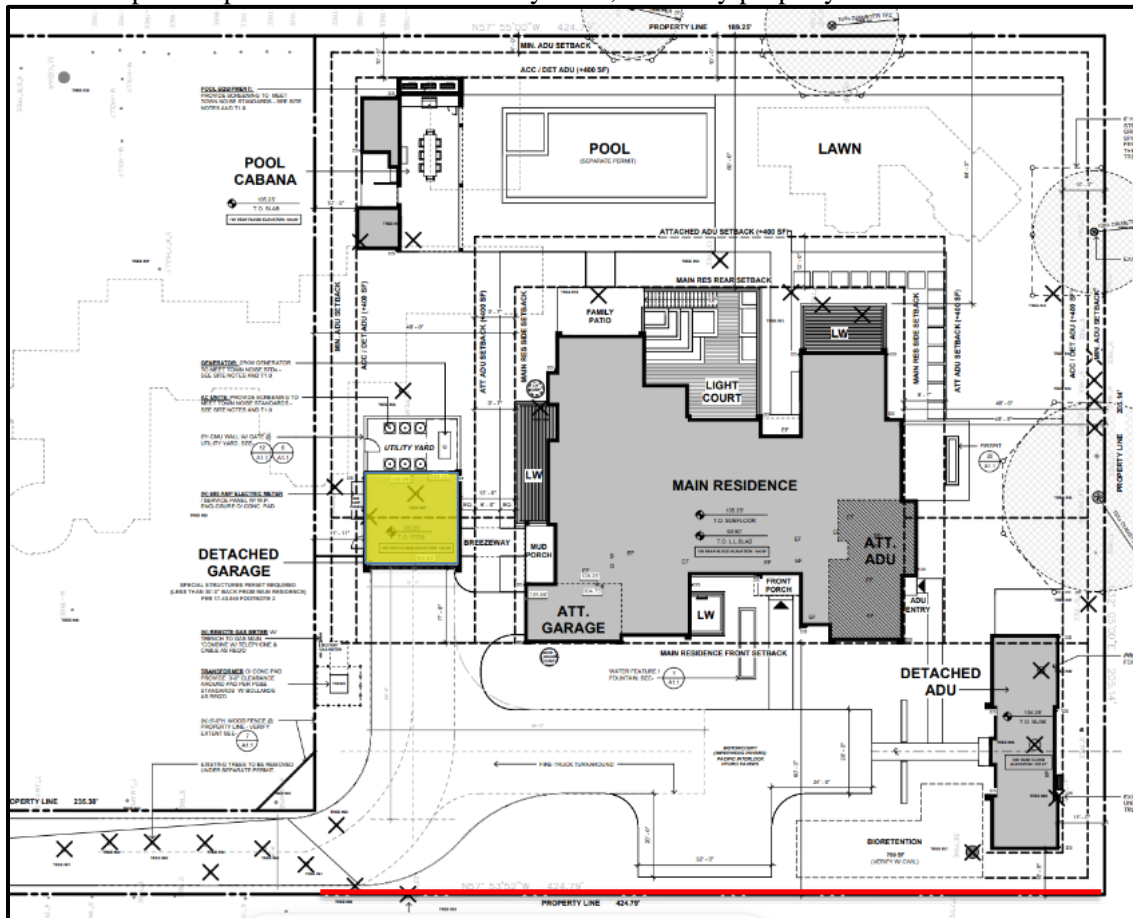
Zoning Code Section 17.40.040(A) requires that accessory buildings or structures, such as a detached garage, must be setback 120 feet from the front property line, or 30 feet behind the front line of the main structure, whichever is less. On flag lots, the front setback for accessory buildings and structures may be consistent with the front setback required for the main residence, upon issuance of a Special Structures Permit.

The proposed main residence provides a code-complying front setback of 60 feet. The Special Structures Permit seeks to allow a detached garage located 17-feet 8-inches behind the front wall of the main residence, where 30 feet is otherwise required by Zoning Code Section 17.40.040(A). The proposed detached garage would be setback a total of 77-feet 8-inches from the northern property line.

**Table A: Development Summary, Proposed Detached garage.**

	Standard	Proposed	Conform (Yes /No)
<b>Max. Height</b>	15-ft	11ft 8in	Yes
<b>Max. Sidewall height</b>	11ft	11ft	Yes
<b>Front Setback</b>	90ft or 120ft	77ft 8in	No, request for special structures per AMC17.40.040
<b>Side Setback.</b>	10ft	11ft. 11in	Yes
<b>Distance from main building</b>	8ft	13ft	Yes

**Figure 2: Site Plan and Layout (Sheet A1.0 of Attachment 1)**  
 Proposed Special Structure shown in yellow, northerly property line shown in red



## **FINDINGS ANALYSIS**

To grant a Special Structures Permit, the Planning Commission must make three findings contained in Atherton Municipal Code Chapter 17.15. The following analysis by staff addresses each finding.

**A. The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.**

*Staff review:* Finding met.

The proposed accessory structure conforms to the required side yard setback of 10-feet for this zone. The structure does not have any openings or windows to impact privacy and view to the neighboring properties. The overall height of the structure is 11 feet 8 inches, which is below the 15-foot height limit. The required landscape screening, per AMC 17.50.020 and 030, shall have plantings provided by the owners and located to reduce the visual impact of structures on the front, side and rear yards being to provide privacy. Landscaping on adjacent properties may be taken into consideration.

**B. The proposed building or structure complies with other development standards, restrictions, or limitations for the proposed building or structure, such as height and landscaping screening;**

*Staff review:* Finding met.

The proposed special structure adheres to all required development standards, restrictions and limitations of overall height, sidewall height, side setbacks and distance between structures. The development will be conditioned to provide landscape screening and it complies with all development standards for accessory buildings and structures for R1-A zone, per the provisions of AMC 17.40.040

**C. The granting of the Special Structures Permit is consistent with the objectives of the General Plan and this Title.**

*Staff review:* Finding met.

Land Use Policy 1.1 of the General Plan emphasizes the preservation of the Town's character as "scenic, semi-rural, thickly wooded residential area with abundant open space" with an objective to "retain the quality of life, character, and existing in the Town's residential neighborhoods." The stated purpose of AMC Title 17: Zoning is to implement the General Plan. AMC Chapter 17.40 provides regulations that apply to accessory structures and buildings, which includes detached garages. These regulations provide directions on the location and size restrictions within the Town's private properties.

As this project complies with the standards described in the AMC Chapter 17.40.040, the structure will be permitted and deemed consistent with the objectives of the General Plan and this Title upon approval of a special structures permit. Applicable life and safety codes shall be applied and implemented through the future building permit process.

## **PUBLIC NOTIFICATION**

Notice of the proposed project was mailed to all property owners within 500 feet of the subject property. To date, the Town has not received any other public comment or inquiries on the application.

## **CONCLUSION**

To grant a Special Structures Permit, the Planning Commission must make the findings contained in Atherton Municipal Code Chapter 17.15 and governed by State Law. The Planning Commission may grant a Special Structures Permit if it makes the three findings listed in the Recommendation section of the staff report. As indicated above, staff believes the application has demonstrated the ability to meet all three required findings to issue approval. Specifically, the increased retaining wall height will not impact heritage trees, meets all other required setbacks, and will be screened from neighboring properties and the public right-of-way.

## **ALTERNATIVES:**

The Planning Commission could deny or modify the request for a special structures permit, and per AMC Chapter 17.15.050 on Conditions and Restrictions impose any such reasonable conditions as it deems appropriate or necessary to protect the public health, safety, or general welfare and may require guarantees and evidence that such conditions are being, or will be, complied with.

## **RECOMMENDED FORMAL MOTION (APPROVAL):**

I move that the Planning Commission approve the Special Structures Permit to allow a 510 square-foot detached garage located 17-feet 8-inches behind the front wall of the main residence, where 30 feet is required, for a total of 77-feet 8-inches from the northern property line, based on the findings enumerated in the staff report and subject to the conditions of approval certificate.

## **ALTERNATIVE FORMAL MOTION (DENIAL):**

I move that the Planning Commission **deny** the Special Structures Permit at 178 Atherton Avenue for the proposed 510 square-foot detached garage location at 77-feet 8-inches from the northern property line of the new proposed residence, as all three of the required findings cannot be met.

*/s/ Radha Hayagreev*

Radha Hayagreev, Consulting Senior Planner

Attachments:

1. Architectural Plan Set
2. Signed Special Structures Application
3. Certificate of Conditional approval.