

**PLANNING COMMISSION RESOLUTION 2023-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF  
ATHERTON TO RECOMMEND CHANGES TO THE ATHERTON MUNICIPAL  
CODE CHAPTERS 17.52, 17.36 AND 17.60.**

**WHEREAS**, the State of California passed AB 2221 and AB 2097 that necessitates updates to the Accessory Dwelling Unit regulations; and

**WHEREAS**, the Town of Atherton seeks to remain in compliance with State Regulations; and

**WHEREAS**, the Town of Atherton encourages the development of accessory dwelling units to produce housing; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing as prescribed by law to consider revisions to Chapter 17.52 accessory dwelling units, Chapter 17.36 Public Facilities and Schools District (PFS) and Chapter 17.60 definitions of the Atherton Municipal Code at the regular October 25, 2023 meeting to conform to state requirements; and

**WHEREAS**, the Planning Commission, received public comment, and discussed elements of the Accessory Dwelling Unit Regulations; and

**WHEREAS**, the Planning Commission finds that revisions to Chapters 17.52, 17.36, and 17.60 are in conformance with the General Plan, particularly the following Goal, Objectives, and Policy:

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| <b>Housing Element Goal 3.720</b>      | Use Accessory Dwelling Units to meet a substantial portion of the Town’s moderate to very low-income housing need.  |
| <b>Housing Element Objective 3.721</b> | A. Realize the construction of 280 new accessory dwelling units planned for occupancy by moderate to extremely low-income households in Atherton from 2023-2031.  |
| <b>Housing Element Policy 3.722</b>    | A. Actively promote the Accessory Dwelling Unit provision of the Atherton Zoning Ordinance by encouraging homeowners and developers to include attached or detached Accessory Dwelling Units in existing or new homes.<br>B. Comprehensively update the Town’s Accessory Dwelling Unit (ADU) Ordinance to amend any identified zoning development standards which may unduly constrain development of ADUs. |

**Housing Element Policy 3.762**

B. The Town shall continue to encourage the production and availability of more affordable housing through the development of new accessory dwelling units, and private and public-school faculty and student housing.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atherton in its independent judgment and based on substantial evidence in the record, hereby recommends to the City Council:

1. That the revisions to the ADU regulations are exempt from CEQA under Section 15305
2. To adopt revisions to the Chapters 17.52, 17.36, and 17.60 to conform to state regulations and with the following direction to staff:
  - a. review the appropriateness of the 15 years' timeline requirement for the deed restriction in Section B(3) of the Ordinance;
  - b. add language relative to clerestory windows or no windows on walls facing adjacent properties for ADUs that are located above a detached garage; and,
  - c. continue to work with the Town Arborist to modify the tree protection zone exception process in a manner that incentivizes applicants to comply with the Town's setback standards.

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Passed and adopted as a Resolution of the Planning Commission of the Town of Atherton at a regular meeting thereof held on the October 25, 2023 by the following vote:

AYES, PLANNING COMMISSIONERS: Bryan, Lane Lerner, Polito, and Tonelli

NOES, PLANNING COMMISSIONERS: None

ABSENT, PLANNING COMMISSIONERS: None  
Eric Lane  
CHAIR of the Planning Commission

ATTEST:  
Brittany Bendix  
TOWN PLANNER of the Town of Atherton