



MINUTES
Town of Atherton
City Council
JANUARY 31, 2023
SPECIAL MEETING - 2:00 P.M.

Mayor Widmer called the meeting to order at 2:00 PM

2:00 P.M. SPECIAL MEETING

ROLL CALL – Holland, DeGolia, Lewis, Vice Mayor Hawkins-Manuelian (Attended Remotely), Mayor Widmer – **All Present**

PUBLIC COMMENTS

PUBLIC HEARING

1. CONSIDERATION OF A RESOLUTION ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE 20152022 HOUSING ELEMENT AND REPLACE IT WITH THE 20232031 HOUSING ELEMENT (SIXTH CYCLE).

Mayor Widmer indicated that he would ask Council to provide comments on the item prior to receiving public comments in an attempt to address questions or comments the public may have.

Council member Holland recused herself on any discussion related to the Overlay to avoid the appearance of a conflict of interest due to the location of her property. City Attorney Ebrahimi added context related to the recusal and noted there were no legal concerns with the Council members participation in the Overlay conversation. Ebrahimi noted that the FPPC has considered elected official participation in General Plan update decisions including Housing Elements and adopted regulations 18702.2c which allows participation of local officials when deciding on Housing Elements, when specific factors are met.

City Manager Rodericks introduced the staff report providing the CEQA information related to the Housing Element and the requirements around approval and adoption. He clarified that a full CEQA study would be later conducted and combined with any future zoning amendments or changes when they are considered. Rodericks continued by reciting the Council direction at the January 11, 2023, meeting. He shared several risks of not having an approved Housing Element including loss of land use control and the Builders Remedy.

Council member Holland left the dais as per her recusal at 2:12 PM

City Attorney noted that she can return for Public Comment.

Widmer indicated that the Council would discuss the potential Upzone first and Ebrahimi confirmed that Holland could participate in that conversation.

Holland returned at 2:14 p.m.

Council held a discussion on the Upzone option along El Camino Real within Town boundaries and after receiving comments from each member of Council a consensus was reached that there was no support to include an upzone along El Camino Real.

Council continued with a discussion on including the 23 Oakwood property citing reasons to include such risks related to the Builders Remedy, having a willing property owner, access to transit, and having an inclusionary multi-family housing option within the plan.

Rodericks clarified that design standards must be objective and not subjective adding that the standards cannot be imposed in a manner that prevent development for taking place and any applicable changes to the proposed overlay, RM-10 Zone, would apply to all RM-10 Zones within Town.

Ebrahimi provided context related to what action the Council would be taking today, which is to adopt the Housing Element and submit to HCD, who would then review it for certification. She clarified that the Housing Element by itself is a chapter within the Town's General Plan and alone does not amend or change any zoning rules within Town. She clarified that additional zoning and municipal code changes would be needed at a later date in order to effectuate the changes.

Holland left at 2:49 PM Due to Recusal for the Overlay conversation.

Council continued the discussion picking up the topic of the Overlay with members indicating a desire to keep in line with a defined set of criteria for inclusion, limiting an Overlay to major transit areas along El Camino at entry points into Town.

Rodericks noted that the State has provided clarity around the requirement of multi-family housing by combining rules and addressing exclusionary housing or other barriers.

Council discussed limiting height restrictions at the property and adding rules related to setback requirements, fencing and landscape screening to limit the impact on the neighbors.

PUBLIC COMMENTS:

- Frank Burke
- Tom Giorgi
- Joan Kronin
- Mary Gilles
- Tom Hayes

- Morad
- Kevin McKinly
- Rod Shepard
- Pam Severula
- Rosa C.
- Public Commenter
- Young
- Julie Quinlan
- Carol Flaherty
- Vasily Shikin
- Stephanie James
- Jeff Morris
- Christine David
- Laurie Shepard
- David Asid.
- Steve Wadsworth
- Sue Thomas
- Public Commenter
- Tony Sanchez

PUBLIC COMMENTS on ZOOM (Chat and Verbal):

- Mike Childs iPhone
- Matt Chen
- Joan Lambert
- Betsy Bradford
- Kaia Eakin
- Brenda Woodson
- Jeremy Levine, Housing Leadership Council
- Jim Reese
- Ana Chase
- Jing Yi
- Iphone – Jay Come
- Diane Howard

MOTION by Widmer, Second by _____ to limit the overlay to run along El Camino Real from the Redwood City boarder to Menlo College.

AYES:

NOES:

ABSENT

ABSTAIN:

Motion did not receive a second and fails.

MOTION by DeGolia, Second by Widmer to reject the Planning Commission recommendations entirely.

AYES: Hawkins, Lewis, DeGolia, Widmer.

NOES:

ABSENT:

ABSTAIN:

Holland was recused from this item.

Holland returned at 4:25 p.m.

Rodericks clarified that Council came to a consensus to not include the Overaly along El Camino Real or Upzone of the 17 properties in the Housing Element at this time.

PUBLIC COMMENTS:

- Tom Giorgi
- Francine Miltenberger
- Scott Wiley
- Diane Howard
- Kaia Eakin
- David Perry
- Kenneth Kilen
- Anush Ganar
- Shepard
- Carol Flaherty
- Anurag Chandra
- Pam Silvaroli
- Jeff Morris
- Stephanie Sergeant
- Mr. Shelton

City Attorney Ebrahim addressed that the Town of Atherton does not have any ordinances that address development standards for multi-family housing. She again clarified that the Housing Element is a policy document and to effectuate it staff will return to the Planning Commission and Council with ordinance and zoning amendments. She added that until that level of detail is done there is no opportunity to conduct a formal or accurate environmental study determine any impacts. She added that an environmental review will be conducted.

PUBLIC COMMENTS ONLINE:

- Catherine
- Jeremy Levine, Housing Leadership Council
- Jim Reese

- Aline Ng
- Debra iPhone

Public Comment was closed at 5:16 PM.

Council continued a discussion on the strategies to include in the Housing Element, risks related to submitting a plan that is out of compliance, the State review process and what actions could take place during the State 60-day review, and the possibility of making revisions to the Housing Element while the State is reviewing the plan.

City Attorney Ebrahimi provided extensive clarity around the requirements of submission, rules and steps related to the review process and how revisions or changes may be incorporated moving forward.

MOTION by Lewis, Second by Widmer to include the property at 23 Oakwood into the Housing Element as an Overlay Zone at 10 units per acre with 20% of the development be reserved for low-income.

AYES: Holland, DeGolia, Lewis, Hawkins, Widmer

NOES:

ABSENT:

ABSTAIN:

MOTION by Lewis, Second by Hawkins to remove the 17 properties along El Camino Real along Cebalo Lane and Gresham Lane from Stockbridge Avenue to the Redwood City boarder.

AYES: Holland, DeGolia, Lewis, Hawkins, Widmer

NOES:

ABSENT:

ABSTAIN:

MOTION by DeGolia, Second by Lewis to allow two Accessory Dwelling Units per parcel applying only to parcels that are at least 2 acres.

AYES: Holland, DeGolia, Lewis, Hawkins

NOES: Widmer

ABSENT:

ABSTAIN:

MOTION by DeGolia, Second by Lewis to adopt Resolution No. 2023-02, as amended with 3 additional findings, adopting and certifying a general plan amendment to repeal the 2015-2022 Housing Element and replace with the 2023-2031 Housing Element (Sixth Cycle).

AYES: Holland, DeGolia, Lewis, Hawkins, Widmer

NOES:

ABSENT:

ABSTAIN

COUNCIL REPORTS/COMMENTS

ADJOURN

Mayor Widmer adjourned the meeting at 6: 13 p.m.

Anthony Suber
City Clerk