



MINUTES
Town of Atherton
City Council
JANUARY 11, 2023
CLOSED SESSION – 3:00 P.M.
SPECIAL MEETING - 4:00 P.M.

Mayor Widmer called the Closed Session to order at 3:00 PM

3:00 P.M. CLOSED SESSION

- A. Conference with Legal Counsel – Exposure to Litigation**
Significant Exposure to Litigation Pursuant to Gov. Code section 54956.9(d)(2) and (e)(1)(One Case)

4:00 P.M. SPECIAL MEETING

Mayor Widmer called the Special Meeting to order at 4:03 PM

ROLL CALL – Holland, DeGolia, Lewis, Vice Mayor Hawkins-Manuelian, Mayor Widmer – All Present

REPORT OUT OF CLOSED SESSION – by City Attorney Ebrahimi

City Attorney Ebrahim reported that Council met in Closed Session and there was no reportable action.

PUBLIC COMMENT:

- Bob Polito
- Greg Conlon
- Dianne Jensen
- Marty Brill

ACTION ITEMS

- 1. RATIFICATION AND CERTIFICATION OF PROCLAMATION OF LOCAL EMERGENCY; MAKE SUCH FINDINGS AS REQUIRED UNDER GOVERNMENT CODE SECTION 54953(E)(3); AND RATIFY SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO DECEMBER 31, 2022 STORM EVENT(S)**

City Manager Rodericks presented a proclamation of local emergency that was issued on January 4, 2023 that needs ratification and adoption with following changes;

- an additional Whereas to include the Town is requesting Federal and State assistance for response and recovery to the December 2022/January 2023 storm events,
- additional findings: number 5 requesting that the Governor of the State of California proclaim a state of emergency and request a federal declaration to provide assistance funding, but not limited to the California Disaster Assistance Act, Federal Individual Assistance Act and US Small Business Administration Disaster Declaration, to assist with losses and emergency preparedness, number 6- Town Staff are authorized and directed to take any action that may be necessary to seek Federal, State, or Regional Disaster Recovery funding.

MOTION by Lewis, Second by DeGolia to ratify the proclamation of local emergency as enacted by the Director of Emergency Services in response to the December 31, 2022, Storm Event(s); and make such findings as required under Government Code Section 54953(e)(3) to meet remotely to ensure the continued health and safety of the public.

AYES: Holland, DeGolia, Lewis, Hawkins, Mayor Widmer

NOES:

ABSTAIN:

ABSENT:

2. REVISIONS TO THE DRAFT HOUSING ELEMENT IN RESPONSE TO HCD COMMENTS

City Manager Rodericks presented the item with revisions to the Draft Housing Element to include changes based on the HCD comments. He reported that the Housing unit table and related ADU production estimates did not match the final direction of that the Council gave on December 17, 2022, will be corrected, and will be reflected in any associated narrative changes. There has also been some additional data and narrative added in direct response to comments. There are a few other minor areas of corrective text changes that will be made but the current draft is presented in an overall final form. He presented possible discussions points such as 23 Oakwood, the Gilmore House, properties along Bay Road and properties along El Camino Real. He noted that discussion of the 23 Oakwood property be considered as a rezone, not an overlay, and consider adding 20 units to per acre to meet the very low and low-income categories but added that anything less than 20 units per acre then it would not qualify as very-low and low income but as moderate or above moderate.

Rodericks informed Council that if the Gilmore House were to be included in the Housing Element, he suggested that it would be a rezone at 20 units per acre and that the Town could build 6 to 10 housing units on the site. Regarding properties along Bay Road and El Camino Real, the suggestion to Council is that minimum as an overlay would be 20 units per acre. Lastly, Rodericks noted the deadline of January 31, 2023, for the submission of the Final Housing Element to the State.

Council member Lewis questioned if there were any specific recommendations that would meet the requirements and address the HCD comments.

Nazanin Salehi informed Council that HCD is concerned about the lack the multi-family zoning, fair housing analysis regarding the ADU and SB 9 program, and the lack of planning for housing for the extremely low-income housing similarly with housing for individuals with disabilities.

Diana Elrod added that the focus would be on multi-family housing and zoning to accommodate the lower income through ADU will not be sufficient with the State.

Vice Mayor Hawkins-Manuelian questioned if the multi-family housing proposal on schools is insufficient. Diana responded that the housing would need to meet the criteria of low-income housing and address fair housing needs to be available to other people besides staff and students.

Nazinin commented that adding designated sites reduces the risks of future issue and demonstrates adequate sites to meet the criteria.

City Attorney Ebrahimi commented that on page 67 of the draft housing element there is language based on correspondence with the college president and staff that there is interest in developing that a multi-family housing. She clarified that the purpose of the Housing Element is allow for future development to be allowed to meet the State's requirements, but it is not under the Town's obligation to ensure that the development occurs. The government code in the Housing Element discusses that when a jurisdiction plans for a 20 unit per acre multi-family project, that is presumptively meeting the very low and low-income needs.

City Manager Rodericks clarified that including Menlo College in the housing element in the sixth cycle requires a development to be in place.

Council member DeGolia commented that he had a conversation with Steve Weiner about the school being offered funds to discuss schematic of the development but there is no official letter. Additionally, he questioned about the issue of financing and if it was related to adding the school to the current cycle. City Attorney Ebrahimi confirmed that the programs that are offered in the town's housing element need to be capable of being accomplished.

Council member Holland asked for further clarification regarding financing. City Manager Rodericks confirmed that the school is facing a financing issue and although the Town is not required to fund, it would be in the best interest to consider that. Additionally, he informed Council that the developer for 23 Oakwood may take advantage of the Builder's Remedy without a multi-family housing option.

Public Comments:

- Tom Georgie and Stephanie Seargent
- Jim Massey
- Scott Wylie
- Greg Conlon
- Ali Sapirman
- Jeremy Levine

- Mike McPherson
- Jordan Grimes
- Ellen Jamason

Planning Consultant Costa Sanders presented information about the Inclusionary Ordinance and clarified the Inclusionary Fee for new development in the current proposed Housing Element. City Manager Rodericks added that if Town moves in the direction of multi-family housing then an Inclusionary Ordinance will be presented to Council for consideration.

Council discussed utilize property at Holbrook-Palmer Park for multi-family housing and along El Camino Real

Council member DeGolia commented that there are deed restrictions for Holbrook-Palmer Park and use of the park for multi-family housing could risk losing the property to Stanford. He expressed that he is not in support of 23 Oakwood nor does he support any zoning changes, permanent or overlay, unless it is with a 20% Inclusionary Ordinance requiring low-income options.

MOTION by Lewis, Second by Hawkins Council to include upzoning along El Camino from Stockbridge to Menlo College at 20 units per acre with the Town adopting an inclusionary zoning ordinance and an incentives program to encourage consolidation of parcels.

AYES: Holland, Hawkins-Manuelian, Lewis, Widmer

NOES: DeGolia

ABSTAIN:

ABSENT:

MOTION by Widmer, Second by Lewis to include 23 Oakwood in the Housing Element at 10 units per acre in the Draft Housing Element.

AYES: Holland, Hawkins-Manuelian, Lewis, Widmer

NOES: DeGolia

ABSTAIN:

ABSENT:

COUNCIL REPORTS/COMMENTS

Chief McCulley distributed a centennial coin in celebration of the 100 year of the Town.

ADJOURN

Mayor Widmer adjourned the meeting at 6:38 p.m.

Anthony Suber
City Clerk