

Chair Lane noted that he would vote in favor of the motion so that the applicant could move forward with their project.

M/S Lamb/Narancic Ayes: 5 Noes: 0 Absent: 0

D. ADU Ordinance Amendments: Consideration of a recommendation to the Town Council to approve amendments to Atherton Municipal Code Chapters 17.52 Accessory Dwelling Units, Chapter 17.60 Definitions, and Chapter 17.36 Public Facilities and Schools District (PFS).

Chair Lane stated that City Manager asked the Commission to make the item a study session instead of an action item.

Town Planner Sung Kwon stated that staff recommended the study session to hear comments and suggestions and that no formal recommendation is required.

Chair Lane explained the process of the item and added that it is related to the draft Housing Element. He asked staff if his explanation was accurate.

Town Planner Sung Kwon responded in the affirmative.

Deputy City Attorney Andres Booher added that the City Manager recommended that the Commission treat the item as a study session as Town anticipates revisions to the ADU ordinance and desired comments from the public on the matter.

Town Planner Sung Kwon presented the staff report.

Chair Lane asked for clarification on ADUs and other additional structures.

Town Planner Sung Kwon responded that staff would recommend not allowing connecting a detached ADU with another detached structure such as garages.

Chair Lane directed Vice Chair Lamb to the section which proposes that ADUs can not be denied on the basis of heritage trees. He expressed concern with multiple issues in the proposed changes.

Chair Lane asked staff if they wanted to add anything.

Town Planner Sung Kwon responded by informing the Commission about the letters sent about the item.

Chair Lane read the first letter from Donald Stansky about the consideration of his proposed ADU.

Chair Lane read the second letter from John Dasking about edits to the spelling and grammar on the agenda item.

Chair Lane asked if the Commission had any questions for Staff.

Commissioner Narancic asked if the new allowances was for two story ADUs.

Chair Lane responded that the allowances refer to ADUs above garages.

Commissioner Narancic asked for clarification if the two story limit on ADUs refers to all ADUs.

Town Planner Sung Kwon responded that there were limitations.

Chair Lane asked if the allowance were for two story ADUs and ADUs above garages.

Commissioner Konce asked if the requirement that ADUs contain a kitchen, bedroom, and bathroom includes ADUs on second floors of garages.

Chair Lane added that the first letter he read was looking for comment on a proposed ADU and is not concerning the agenda item.

Vice Chair Lamb asked for clarification on the definition of attached.

Deputy City Attorney Andres Booher responded that specifics about the definition is what the City Manager is looking for from the Commission.

Vice Chair Lamb stated that the term attached varied from city to city. He added that the proposed ordinance concerning heritage trees was slated for removal.

Chair Lane responded in agreement and added that the purpose of the meeting was to define the specifics of the ordinance.

Commissioner Konce asked what elements were required for an ADU.

Town Planner Sung Kwon read the current definition of an ADU, stating that it contains a separate kitchen, bathroom, and sleeping facility. He also read the current definitions of attached and detached.

Chair Lane stated that the study was intended to make the review process quicker.

Commissioner Konce asked what was defined as a kitchen.

Town Planner Sung Kwon responded that the staff wanted recommendations by the Commission on what the definitions were.

Chair Lane opened up the public comment.

Donald Stansky, resident of 40 Ashfield Road stated that his request was sent in as a response to the survey the Commission and that he had waited for a response for a significant amount of time. He added that his inquiry was whether he could put a second story on his garage for an ADU. He hoped that the Commission's recommendations make it cost effective to build ADUs.

Chair Lane thanked the speaker for his comments.

Town Planner Sung Kwon noted that the email was sent to a different person and that when he had heard about the email he contacted the speaker.

Chair Lane discussed that the Commission had not previously addressed the expansion of garages and the addition of an ADU.

Lauren Gruner stated that she could not find the proposed ADU ordinance. She added that the Town in the past did not allow for separate utilities for ADUs and main houses, and that allowing separate utilities would make it easier to rent out ADUs. She agreed with the removal of the 30 day maximum usage. She applauded the allowances of conversions of existing structures to ADUs. She wanted clarification on what defines a kitchen. She stated that she did not like the inclusionary fee. She also believed that a public awareness campaign about ADUs and housing numbers would be beneficial to the Town meeting housing requirements. This could include ADU owners renting out to Menlo College teachers. She stated that she had questions about whether property owners could expand rooms to make JADUs.

Commissioner Narancic recommended that the speaker write down her ideas so that they could be included in the record.

Town Planner Sung Kwon asked if the speaker wanted the definitions of ADUs.

Commissioner Konce added that it may not be possible to set up separate utilities on a homeowner's property.

Lauren Gruner responded that the homeowner would still set up the utilities in her proposal, but currently can not set up separate utilities.

Commissioner Konce stated that she had not heard from PG&E that a homeowner could subdivide utilities.

Lauren Gruner noted that other jurisdictions allow it.

Chair Lane added that Atherton in the past restricted subdividing utilities and that subdividing utilities is possible.

Commissioner Konce stated that she believed that subdividing utilities would not happen in Atherton.

Chair Lane clarified that the issue was whether the Town allowed the subdivision of utilities at all.

Town Planner Sung Kwon explained that the proposed ordinance required detached ADUs have separate utilities, but not attached ADUs.

Lauren Gruner asked if the homeowner was allowed to have utilities on an existing ADU.

Deputy City Attorney Andres Booher responded that the proposed draft states that the homeowner could if the homeowner chose.

Commissioner Konce stated that she believed that the homeowner should be responsible for the utilities on their properties.

Chair Lane responded that with ADUs, the homeowner becomes a landlord and that the homeowner is protected as a landlord.

Commissioner Konce stated that she did not know that.

Vice Chair Lamb stated that ADUs are set up to be completely separate units in a legal sense.

Commissioner Konce asked who pays property taxes.

Vice Chair Lamb responded that the question was too specific for the meeting.

Deputy City Attorney Andres Booher asked the Commission what their opinions were on requiring detached ADUs to have separate utility connections or should be allowed.

Commissioners Narancic and Chair Lane responded in agreement.

Chair Lane added that he wanted property owners to have control on the issue.

Commissioner Konce responded that she was confused about how ADUs can have separate utilities if ADU renters do not own the ADU and are not on the deed or the mortgage of the property.

Chair Lane corrected her and stated that the owner of the property and the ADU can have the ability to set up separate utilities for the ADU on the property and their main home.

Chair Lane introduced the next speaker.

Gregory Connolly resident at 43 Virginia Lane observed that if the Town wants to encourage homeowners to construct ADUs, they should allow property owners to install electric burners with 110 amps rather than 240 amps to reduce a cost barrier. He added that the fees for building an ADU are a cost barrier for homeowners and he thought that the fees would be waived.

Chair Lane explained that the fee waiver was being discussed and was not instated. He added that the Town Council will have to address the incentives in the future.

Town Planning Sung Kwon stated that the Town Council would be reviewing the draft Housing Element on January 31st.

Chair Lane clarified that the Town Council when discussing the Housing Element would be considering ADU fees.

Gregory Connolly reiterated that he would recommend removing the fees to encourage ADUs.

Michael Templeton, resident at 80 Palmer Lane stated that his neighbor is creating an ADU and considering an SB 9 conversion. He expressed concern about noise and privacy. He added that parking is a problem. He proposed that a separate noise ordinance for ADUs and main homes, as well as better enforcing the current noise ordinance. He stated that the visual space and footprint is something that must be considered and he proposed that a smaller footprint would allow for more trees. He added that landscape screening has not been enforced. He also continued and stated that building height impacts shading of neighboring properties and he proposed that structure positions and placement on lots should be considered so that it reduces impact on neighbors.

Chair Lane informed the speaker that he should send staff all the ideas that he has so that the Commission can address them.

Michael Templeton continued that the heritage tree ordinance was important and he expressed concern about how his neighbor's ADUs impact his heritage trees.

John Daseking, architect at Pacific Peninsula Architecture expressed concern about entrances for ADUs and stated that the rules for attached ADUs are too restrictive concerning the requirement to have an entrance facing a side yard or a rear yard. He proposed a requirement saying that the entrance should not face the front rather than where specifically it should face. He suggested that entrances should not face front property line.

Chair Lane agreed with the proposal but felt that the wording could be improved. He added that flag lots have a front side and that restricting entrances from the front would limit property owners.

Commissioner Konce asked if ADU lots had a separate address.

Chair Lane responded that the question was not for the speaker and that he would answer it later.

Chair Lane asked if there were any other speakers.

Lee Kenna, resident of 162 Fair Oaks Lane stated that he was working on an expansion of his house and had considered building an ADU. He stated that he wanted to combine the ADU and the garage but added that there are restrictions for the setbacks for an ADU and the garage which are different and do not allow them to be added. He proposed a variance that allows for an ADU that is attached to a detached garage to have the same setback.

Town Planner Sung Kwon added that detached ADUs have a height limit of 16 ft. and that detached accessory structures have a height limit of 15ft. He noted that if the speaker wanted to have the same roof for both, they would not be able to have the same roof line with the current ordinance.

Chair Lane asked the speaker how large their lot is.

Lee Kenna responded that the lot is 1.2 acres and hoped to complete the project in the next year. He asked what the next steps were.

Chair Lane responded that the Town Council would meet on January 31st to gather input then add other ordinances.

Town Planner Sung Kwon added that the current meeting was a study session and that the input would go to the Town Council.

Chair Lane asked if parts of the ADU ordinance would be included in the Housing Element.

Town Planner Sung Kwon responded that potential policies could be outlined in the Housing Element.

Chair Lane informed the speaker to check in with staff and outlined the process of getting the Housing Element approved by the State.

Lee Kenna asked if more information would be available in late February.

Chair Lane responded that the information would become available around March or April.

Town Planner Sung Kwon added that there was not an exact date yet.

Chair Lane added that the timeline would be dependent on the State approval of the Housing Element and that the meeting is the first step of a longer process.

Chair Lane closed public comment and brought the item to the Commission for discussion.

Commissioner Konce stated concern about home insurance and ADUs and wanted to remind home owners that they may have additional liability if they construct ADUs on their property.

Chair Lane added that there are other liabilities.

Commissioner Konce added that insurance payments in Atherton are high.

Chair Lane asked if any other commissioners had any comments or questions.

No comments or questions were presented.

Chair Lane wanted to make sure that the recommendation of incentives for better planning is sent to the Town Council. He added that the Town can not stop people from doing things, but can encourage people to do the right thing. He stated that incentives must consciously encourage using property better. He expressed concern about the lack of restrictions on parking. He wanted to incentivize ADU building in the first year of the ordinance to encourage property owners to build ADUs and maintain the ambience of the Town. He added that SB 9 lot splits should be incentivized to be sped up.

Deputy City Attorney Andreas Booher asked for clarification on the fee waiving that Chair Lane proposed.

Chair Lane stated that any incentive should be employed in the first two years including free approval of ADUs among other incentives.

Town Planner Sung Kwon provided a clarification on the planning review fee and the building permit fee.

Chair Lane stated that the Town Council should consider either and added that the more incentives the better.

Commissioner Konce stated that she agreed with the comment a speaker made about treating ADUs as studio apartments to reduce the barrier to construct or convert them.

Chair Lane added the example of bachelor settings with a small kitchen strip installed in a wall. He stated that would be an acceptable minimum.

Commissioner Konce added that a wardrobe included would be considered a minimum for a bedroom.

Town Planner Sung Kwon asked what the requirement for kitchens should be.

Chair Lane that a kitchen should be defined from a fire safety standard. He does not believe a hot plate would be appropriate.