

**PLANNING COMMISSION  
APPROVED MINUTES**

**TOWN OF ATHERTON  
October 28, 2015  
6:00pm  
COUNCIL CHAMBERS  
94 ASHFIELD ROAD**

**1. ROLL CALL**

**PRESENT:** Eric Lane  
Mary Beth Widmer  
Paul Tonelli  
Randy Lamb

**EXCUSED:** JoAnn Byrne Sockolov

Assistant City Attorney Jennifer Larson and Senior Planner Stephanie Davis were present.

**2. PUBLIC COMMENTS - none**

**3. APPROVAL OF MINUTES -** The approval of the minutes from the September 23, 2015 meeting was continued until the December 2, 2015 meeting, due to lack of a quorum.

**4. REGULAR AGENDA**

**5. OLD BUSINESS**

**6. PUBLIC HEARINGS**

- a. Special Structures Permit – 22 Lane Place (APN 061-330-030).** Request for a Special Structures Permit to allow for increased height of the vertical sidewalls for a main residence.

*This item was continued from the September 23, 2015 Planning Commission Meeting.*

Senior Planner Stephanie Davis presented the item.

**OPEN PUBLIC HEARING**

Jeff Gibson, architect, spoke on behalf of the project. He explained the changes made to the design.

Commissioner Lamb asked if there had been any comments or concerns voiced by the neighbors. Jeff Gibson noted that there were not concerns raised and one of the neighbors gave very complimentary comments about the design.

Commissioner Widmer commented that she feels comfortable with the changes mind and the new design.

Commissioner Tonelli agreed with Commissioner Widmer and thanked Mr. Gibson for his flexibility.

Chair Lane remarked that it is a great design.

**MOTION to approve the Special Structures permit to allow the vertical sidewalls for the main residence on the north and south elevations to exceed the maximum allowable height of 22 feet, up to 22 feet, 11 inches at 22 Lane Place as the required findings can be met for the reasons enumerated in the staff report.**

**M/S Tonelli/Widmer                      Ayes: 4              Noes: 0              Excused: 1 (Sokolov)**

Chair Lane advised of the 10-day appeal period.

*Findings:*

1. *The proposed building or structure will not negatively impact neighboring properties with respect to privacy and view.*
2. *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; and*
3. *The granting of the special structure permit is consistent with the objectives of the general plan and this title.*

**b. Revisions to Chapter 6.04 – Consider revisions to Chapter 6.04, Animal Control related to the keeping of animals.**

This item was continued from the July 22, 2015 Planning Commission Meeting.

Senior Planner Stephanie Davis presented the item. Stephanie Davis reviewed the current ordinance and went over proposed additions and changes to the ordinance.

Commissioner Widmer expressed concern that imposing a 20 foot setback would result in the potential for a property owner building a chicken coop closer to a neighbor's house than to their own. Commissioner Widmer also noted that accommodations need to be made for smaller lots. She suggested that different regulations could be in place for R1-A and R1-B lots. She added that bigger lots have more choices on where to place a chicken coop so the standards should be different.

Stephanie Davis noted that the proposed ordinance would allow any lot to have up to 12 chickens.

Commissioner Widmer asked how Staff came up with the number 12. Stephanie Davis commented that they arrived at the number based on the results of the survey and public comment.

Commissioner Tonelli asked if the majority of people want the chickens for egg production. Stephanie Davis answered that most want them for eggs and to keep as pets.

Commissioner Widmer noted that survey participation was solicited on Monday, two days prior to this Planning Commission meeting after Commissioner packets had been assembled. She questioned the timing of soliciting results.

**OPEN PUBLIC COMMENT**

Ellen Bacon, resident, spoke in favor of a reasonable adjustment to allow chickens.

Kat Westover, 128 Heather, asked the Commission how enforcement of a new ordinance will happen. She added that other than her question of enforcement, she is in favor of changing the ordinance.

Assistant City Attorney Jennifer Larson, noted that the code enforcement in Atherton is complaint based and individual issues would be addressed if complaints are submitted.

Chair Lane noted that he thought there would be a minimum lot size. He added that he would be more comfortable with a maximum number of chickens in the 8-10 range. Chair Lane also referenced the County's calendar which contains useful information to provide to all permit applicants.

Commissioner Lamb asked if there will be a design review process for chicken enclosures. Stephanie Davis responded that there will be a permit for use and for construction but not design review.

Chair Lane and Commissioner Lamb expressed concern about calling the chicken enclosures a "structure" and adding complexity to the process.

Commissioner Tonelli suggested calling it an animal pen with its own standards.

#### RE-OPEN PUBLIC COMMENT

Betsy Hollack, 52 Laburnum, provided desired dimensions for chickens for living, roosting and roaming.

Commissioner Tonelli asked who might need 40 chickens. Commissioner Lamb asked Ms. Hollack general questions about egg production.

Kristina Cataline spoke on behalf of the San Mateo County Public Health Department and provided the County's recommendation for space needed for the care and keeping of chickens. She noted that 40 chickens would likely be a commercial operation.

Liz Henriquez, 29 Flood Circle, spoke in opposition to dropping the minimum lot size required to keep chickens.

#### CLOSE PUBLIC COMMENT

Commissioner Widmer commented that she would like to look at the whole animal ordinance. She is concerned about safety with regards to disposing of dead birds, quarantining and other related topics.

Commissioner Widmer asked if there is a limit in Atherton on dogs and cats. Stephanie Davis answered that the limit for dogs is three and the code does not specify a number of cats.

Commissioner Widmer suggested that the ordinance needs more work and thought.

Commissioner Tonelli agrees that more thought is required. He commented that 40 chickens seems excessive. Commissioner Tonelli thinks there should be a sliding scale for various lot sizes. Additionally, he sees the predator issue as a concern.

Commissioner Lamb agrees that more thought is required but doesn't think the answer is another committee.

Chair Lane agreed that more thought is required. He suggested that on  $\frac{3}{4}$  of an acre, ten chickens would be noticeable. He commented that people are already trying to find a way to have chickens so he would like to provide the missing piece, which is the health piece. Chair Lane would like to focus on chickens and not expand the conversation to all animals. He would prefer to answer the issue brought before the Commission.

Stephanie Davis noted that staff will reevaluate the structure standards. She also provided staff an overview of the steps she would take to incorporate the Commission's comments into the ordinance.

Chair Lane and Commissioner Widmer offered to meet with staff to provide guidance.

OPEN PUBLIC COMMENT

Betsy Holak offered to show the Commission the chicken setup she has at her house. She noted that the chickens make noise for about five minutes while they are laying an egg or if there is a predator nearby.

CLOSE PUBLIC HEARING

**MOTION to continue the amendment to Atherton's chicken ordinance to the December 2, 2015 meeting.**

M/S Lamb/Tonelli                      Ayes: 4              Noes: 0              Excused: 1 (Sokolov)

**7. NEW BUSINESS**

**a. General Plan Update – Staff to present to the Commission an outline of a proposed work plan to update the Atherton General Plan**

Senior Planner Stephanie Davis gave an overview and requested direction on the two procedural options from the Commission.

Commissioner Lamb asked if staff has a preference between the options.

Senior Planner Stephanie Davis commented that process one is the preferred method for staff.

Commissioner Widmer asked about the previous discussions the Commission has had regarding the General Plan. Stephanie Davis noted that the Commission did a lot of work on last year's Housing Element, which is submitted to the State through a separate process.

Commissioner Tonelli asked about the timing. Stephanie Davis answered that staff would like to close it out by the end of the fiscal year, which is July 2016.

Discussion ensued about the weight of upcoming agendas. Commissioner Lamb asked if the General Plan must be done by July 2016. Stephanie Davis responded that the date is based on the City Council work plan.

The Commission decided to request staff to proceed with Process 1:

Staff to prepare updates to the General Plan and present the updates to the Planning Commission two-three Elements at a time in a study session format. Following comment and direction received by the Planning Commission at each study session(s) for each of the six Elements to be updated, Staff would come back to the Planning Commission with a cumulative, draft updated General Plan for Planning Commission review and formal recommendation to the City Council. The item would then be presented to the City Council for formal adoption.

Chair Lane advised of the 10-day appeal period.

**8. COMMISSIONERS' REPORTS –**

Planning Commission Meeting Minutes, September 23, 2015

Commissioner Tonelli announced that there is a Civic Center Advisory Committee meeting on November 2, 2015.

9. **STAFF REPORTS** – none

10. **ADJOURN** – The meeting adjourned at 7:08pm.

Respectfully Submitted:

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Stephanie Davis, Senior Planner