

**DRAFT TOWN OF ATHERTON
CITY COUNCIL RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON,
CALIFORNIA, ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM
ANALYZING THE TOWN OF ATHERTON’S 2023-2031 HOUSING ELEMENT AND
ZONING CODE UPDATES PROJECT**

WHEREAS, the Town of Atherton has been diligently working on an updated Housing Element for the 2023-2031 cycle to identify and address the Town's housing needs; and

WHEREAS, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that “Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.” (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature adopted the Housing Crisis Act of 2019 (SB 330) which states that “In 2018, California ranked 49th out of the 50 states in housing units per capita... California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years;” and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the Town of Atherton (Town) regional housing need allocation (RHNA) of 348 housing units, comprised of 94 very-low income units, 54 low-income units, 56 moderate-income units, and 144 above moderate-income units; and

WHEREAS, on January 31, 2023, the City Council of the Town of Atherton approved Resolution 2023–2 adopting an updated Housing Element for the 2023-2031 cycle, which did not constitute a project pursuant to the California Environmental Quality Act (CEQA) and submitted the Housing Element to the State Department of Housing and Community Development for review and certification; and

WHEREAS, on April 4, 2023, the State Department of Housing and Community Development sent a letter to the Town of Atherton indicating that while the adopted housing

element addresses many statutory requirements, additional revisions are necessary to substantially comply with State Housing Element Law (Article 10.6 of the California Government Code); and

WHEREAS, the Town of Atherton has continued diligently to address those comments and adopt any related amendments to the Atherton Municipal Code beyond the statutory deadline of January 31, 2023; while also continuing to work on the zoning amendments to facilitate housing sites as identified in the adopted Housing Element; and

WHEREAS, Pursuant to the provisions of the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq., and the State CEQA Guidelines California Code of Regulations, Title 14, Sections 15000 et seq., the Town of Atherton has prepared an Initial Study/Mitigated Negative Declaration on the 2023-2031 Housing Element and Zoning Code Updates (“Project”). The Initial Study/Mitigated Negative Declaration disclosed that all potential impacts from the Project would be less than significant with the incorporation of mitigation measures, and there was no substantial evidence that the Project would have a significant effect on the environment;

WHEREAS, Initial Study/Mitigated Negative Declaration (SCH# 2024050574) was released for a 31-day public comment period beginning on May 10, 2024 and no substantial public comments were received that altered the analysis or conclusions of the Initial Study; and

WHEREAS, on July 24, 2024, the Planning Commission of the Town of Atherton held a duly noticed public hearing to review the 2023-2031 Housing Element and Zoning Code Update project and an Initial Study/Mitigated Negative Declaration (SCH# 2024050574) to consider public comment and voted to continue the project for further discussion; and

WHEREAS, on August 28, 2024, the Planning Commission of the Town of Atherton held a duly noticed public hearing to review Initial Study/Mitigated Negative Declaration (SCH# 2024050574) and consider public comment and voted to recommend adoption; and

WHEREAS, on September 18, 2024, the City Council of the Town of Atherton held a duly noticed public hearing to review the 2023-2031 Housing Element and Zoning Code Update project and an Initial Study/Mitigated Negative Declaration (SCH# 2024050574) to consider public comment and voted to continue the project for further discussion; and

WHEREAS, on October 16, 2024, the Planning Commission of the Town of Atherton held a duly noticed public hearing to review Initial Study/Mitigated Negative Declaration (SCH# 2024050574) and consider public comment and voted to recommend adoption; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the Town of Atherton does hereby find, based on substantial evidence in the record, that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. In accordance with the requirements of CEQA, the City Council hereby finds as follows:
 - a. The City Council has considered the Initial Study and Mitigated Negative Declaration (SCH# 2024050574), and other information in the record, prior to acting upon the Housing Element and Zoning Code Update project.
 - b. The Initial Study and Mitigated Negative Declaration prepared for the Housing Element and Zoning Code Update project have been completed in accordance with the requirements of CEQA.
 - c. The Initial Study and Mitigated Negative Declaration prepared for the Housing Element and Zoning Code Update project represent the independent judgement and analysis of the City as lead agency.
 - d. The revisions to the Housing and Zoning Code Update project made after circulation of the Mitigated Negative Declaration do not alter the analysis set forth in the Mitigated Negative Declaration and no revisions are required to the Mitigated Negative Declaration.
 - e. There is no substantial evidence in the record that the Housing Element and Zoning Code Update project, as mitigated, will have a significant effect on the environment.
3. The City Council hereby approves and adopts the Initial Study and Mitigated Negative Declaration and the Mitigation Monitoring and reporting Program for the Housing Element and Zoning Code Update project.
4. Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its adoption are located in an may be obtained from the Town of Atherton, Planning Department at 80 Fair Oaks Lane, Atherton, CA 94027.
5. The Town Planner is hereby directed to file a Notice of Determination with respect to the Initial Study and Mitigated Negative Declaration with the County Clerk of San Mateo County.
6. The Mitigated Negative Declaration (SCH# 2024050574), which was prepared for the 2023-2031 Housing Element and Zoning Code Updates project, complies with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the Town of Atherton on this 16th day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Diana Hawkins-Manuelian, Mayor

ATTEST:

Anthony W. Suber, City Clerk

APPROVED AS TO FORM:

Mona Ebrahimi, City Attorney