

DRAFT TOWN OF ATHERTON
CITY COUNCIL RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON,
CALIFORNIA, ADOPTING AMENDMENTS TO THE ATHERTON GENERAL PLAN TO
UPDATE AND IMPLEMENT THE 2023-2031 HOUSING ELEMENT**

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 rezoning amendments to facilitate housing sites as identified in the adopted Housing Element; 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 second 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 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 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 recommend adoption; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the 2023-2031 Housing Element and related General Plan amendments based on the findings, supported by substantial evidence in the record, that:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The City Council finds and determines that adoption of the Housing Element and Zoning Code Updates project will not have a significant effect on the environment and that an Initial Study/Mitigated Negative Declaration has been prepared and adopted for that project.
3. In accordance with state law, the City Council hereby finds as follows:
 - a. The 2023-2031 Housing Element and Zoning Code Update project is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly growth and development in a manner that preserves the public's health, safety, and welfare because it addresses changes that have occurred in the Town's housing needs by implementing the policies, procedures, and programs contained in the updated 2023-2031 Housing Element.
 - b. As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development (HCD) included in the Department's letter to the Town of Atherton dated April 4, 2023 consistent with Government Code Section 65585(e), and the revised 2023-2031 Housing Element has been set forth in Attachment 8 in the

staff report, to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

- c. The revised 2023-2031 Housing Element substantially complies with State Housing Element Law, as provided in Government Code 65580 et seq. and contains all provisions required by State Housing Element Law, as shown in Exhibit A to this Resolution, incorporated herein by this reference.
4. The City Council of the Town of Atherton hereby rescinds the current 2023-2031 Housing Element adopted on January 31, 2023; and adopts the revised 2023-2031 Housing Element and related General Plan amendments.
5. The Town Planner is directed to transmit the adopted 2023-2031 Housing Element to the California Department of Housing and Community Development for review pursuant to Government Code Section 65585(g). The Town Planner, in consultation with the City Manager, is further directed and authorized to make all non-substantive changes to the Housing Element to make it internally consistent or to address any non-substantive changes or amendments requested by the Department to achieve certification.

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