

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON TO AMEND TITLE 17 ZONING OF THE ATHERTON MUNICIPAL CODE AND THE ZONING MAP TO IMPLEMENT THE 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

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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:

The City Council of the Town of Atherton does hereby ordain as follows:

Section 1. Recitals. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. Findings. In accordance with all requirements Atherton Municipal Code Section 17.18.040, the City Council hereby finds that the proposed Zoning Code and Map Amendments are consistent with the goals, policies, and implementation of the Atherton General Plan.

Section 3. Compliance with CEQA. The proposed Zoning Code and Map Amendments have been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The Zoning Code and Map Amendments related to the implementation of the 2023-2031 Housing Element were analyzed in, are contemplated by, and are consistent with the adopted Initial Study/Mitigated Negative Declaration (SCH# 2024050574) and Mitigation Monitoring and Reporting Program.

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Section 4. Adoption of Zoning Code Amendments. The City Council of the Town of Atherton hereby adopts the Zoning Code Amendments as provided in Exhibit “A” attached hereto and incorporated by reference.

Section 5. Adoption of Zoning Map Amendments. The City Council of the Town of Atherton hereby adopts the Zoning Map Amendments as provided in Exhibit “B” attached hereto and incorporated by reference.

Section 6. Effective Date. This ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Town of Atherton, a municipal corporation.

MAYOR: _____

DIANA HAWKINS MANUELIAN

ATTEST: _____

ANTHONY SUBER, CITY CLERK

APPROVED AS TO FORM: _____

MONA EBRAHIMI, CITY ATTORNEY