

**TOWN OF ATHERTON
PLANNING COMMISSION RESOLUTION NO. 24-0002**

**A RESOLUTION OF THE TOWN OF ATHERTON PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE
ATHERTON GENERAL PLAN AND ATHERTON MUNICIPAL CODE 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

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 with the direction to remove the Bay/Ringwood sites from the Housing Element and modify the RM-10 standards to apply the R1-A standards for height (34'), rear yard (60') and side yard (requirement varies by lot width), the proposed front yard setback of 30' and FAR of .5 is to remain, but staff should encourage underground parking, and exclude underground parking and habitable attic space from FAR. And to apply a new privacy standard based on sill height.; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends approval of the 2023-2031 Housing Element 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 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. Additionally, the revisions to the adopted Housing Element will ensure the Housing Element's consistency with State Law. Accordingly, the Planning Commission recommends to the City Council that the amendments to the Atherton General Plan and Municipal Code to implement the Project are in substantial compliance with State Housing Element law and otherwise consistent with the State Planning and Zoning Law.
3. The consideration and adoption of amendments to the Atherton General Plan and Municipal Code to implement the 2023-2031 Housing Element is a project pursuant to the California Environmental Quality Act (CEQA). An Initial Study/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. The Initial Study/Mitigated Negative Declaration was released for a 30-day public comment period and 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. On August 28, 2024, the Planning Commission of the Town of Atherton held a duly notice public hearing to review the Initial Study/Mitigated Negative Declaration (SCH# 2024050574) and consider public comment and voted to recommend adoption, and recommended adoption to the City Council.

4. The Planning Commission recommends that the City Council adopt amendments to the Atherton General Plan and Municipal Code to implement the 2023-2031 Housing Element and Zoning Code Updates Project with additional direction to correct minor text errors in the update package, to remove the four properties along Bay Road and Ringwood Avenue from the Housing Element and to modify the proposed RM-10 standards.as follows:

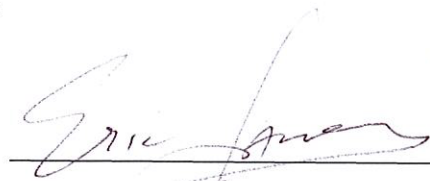
- Apply the R1-A standards for height (34 feet), rear yard (60 feet) and side yard (requirement varies by lot width)
- Require a minimum front yard setback of 30 feet.
- Allow a Floor Area Ratio (FAR) of 0.5 and exempt habitable attic space and underground parking from FAR.
- Encourage underground parking and exclude underground parking and habitable attic space from FAR. The Commission also directed Staff to clean up errors identified in the staff report and to apply a new privacy standard based on sill height.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Atherton held on this 28th day of August 2028 by the following vote:

AYES, PLANNING COMMISSIONERS: Lane, Polito, Bryant, Tonelli, and Levison

NOES, PLANNING COMMISSIONERS: None

ABSENT, PLANNING COMMISSIONERS None



CHAIR of the Planning Commission

ATTEST: 

TOWN PLANNER of the Town of Atherton