

**Attachment 6**

**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  
REVISE 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

**WHEREAS**, on October 16, 2024, the City Council of the Town of Atherton approved adopting an updated Housing Element for the 2023-2031 cycle and submitted the Housing Element to the State Department of Housing and Community Development for review and certification; and

**WHEREAS**, on December 30, 2024, the State Department of Housing and Community Development sent a letter to the Town of Atherton indicating that additional revisions are necessary to substantially comply with State Housing Element Law (Article 10.6 of the California Government Code); and

**WHEREAS**, on January 29, 2025, the Planning Commission of the Town of Atherton held a duly noticed public hearing to review further revisions to the 2023-2031 Housing Element and the Atherton Municipal Code to comply with State Housing Element Law, considered public comment and voted to adopt a resolution recommending that the City Council approve revisions recommended by staff; and

**WHEREAS**, on February 19, 2025, the City Council of the Town of Atherton held a duly noticed public hearing to review revisions to the 2023-2031 Housing Element and Atherton Municipal Code, considered public comment and voted to continue the project for further discussion; and

**WHEREAS**, on March 19, 2025, the City Council of the Town of Atherton approved a resolution revising the Housing Element for the 2023-2031 cycle and directed staff to submit the Housing Element to the State Department of Housing and Community Development for review and

certification; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby approves revisions to 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 revised Housing Element will not have a significant effect on the environment and that the revisions are consistent with an Initial Study/Mitigated Negative Declaration that was prepared and adopted for the Housing Element and Zoning Code Updates project.
3. In accordance with state law, the City Council hereby finds as follows:
  - a. The revisions to the 2023-2031 Housing Element are 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 December 30, 2024 consistent with Government Code Section 65585(e), and the revised 2023-2031 Housing Element has been set forth in Attachment 2 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 October 16, 2024; and adopts the revised 2023-2031 Housing Element.
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 19th day of March 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Elizabeth Lewis, Mayor

ATTEST:

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Anthony W. Suber, City Clerk

APPROVED AS TO FORM:

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Mona Ebrahimi, City Attorney