

**TOWN OF ATHERTON  
CITY COUNCIL RESOLUTION NO. 23-2**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON ADOPTING  
A GENERAL PLAN AMENDMENT TO REPEAL THE 2015 – 2022 HOUSING ELEMENT  
AND REPLACE IT WITH THE 2023-2031 HOUSING ELEMENT (SIXTH CYCLE).**

**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, § 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, § 65589.5.); and

**WHEREAS**, the Legislature recently 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 (Gov. Code, § 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**, to comply with State Housing Element Law, the Town has prepared Housing Element 2023-2031 (the "Housing Element") in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City’s RHNA; and

**WHEREAS**, as provided in Government Code section 65350 et. seq., the Housing Element constitutes a General Plan Amendment; and

**WHEREAS**, State law requires that the Town take meaningful steps to promote and affirmatively further fair housing and provide an inventory of land suitable and available for residential development (Gov. Code, § 65583(c)); and

**WHEREAS**, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code, §§ 65583.2 and 65583(c)); and

**WHEREAS**, the Housing Element must be adopted to comply with State law, accommodate the RHNA, affirmatively further fair housing, and facilitate and encourage a variety

of housing types for all income levels, including multifamily housing (Gov. Code, §§ 65583.2 and 65583(c)); and

**WHEREAS**, the preparation, adoption, and implementation of the Housing Element requires a diligent effort to include all economic segments of the community; and

**WHEREAS**, the Town conducted extensive community outreach over a two-year period, beginning in November 2020, as described in Section 3.9 of the proposed Housing Element; and

**WHEREAS**, in accordance with Government Code section 65585(b), on June 10, 2022 the Town posted the draft Housing Element on the Town website and requested public comment for a 30-day review period, and on August 2, 2022, after responding to public comments, the Town submitted the draft Housing Element to the State Department of Housing and Community Development ("HCD") for its review; and

**WHEREAS**, on October 14, 2022, HCD reviewed the preliminary comments with the Town and sent formal written comments on October 31, 2022 with its findings regarding the draft Housing Element; and

**WHEREAS**, based on direction received from the City Council at public study sessions conducted on November 2, 2022, November 17, 2022, December 15, 2022, and January 11, 2023, Town staff and consultants revised the draft Housing Element to include additional data, analysis and programs responding to HCD's findings, and requested public comment on the draft Housing Element; and

**WHEREAS**, on January 12, 2023, the Town published the final draft Housing Element on the Town website and requested public comment on the final draft Housing Element; and

**WHEREAS**, on January 19, 2023 the Planning Commission conducted a duly and properly noticed public hearing to take public comment and consider this Resolution regarding the proposed Housing Element, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the Town's response to HCD's findings, the staff report and all attachments, as well as oral and written public comments; and

**WHEREAS**, on January 24, 2023, the Town published the revised draft Housing Element (revised to be in substantial compliance with state law based on the comments by HCD) on the Town website and requested public comment on the final draft; and

**WHEREAS**, on January 31, 2023 the City Council conducted a duly and property noticed public hearing, reviewed the Housing Element and all pertinent maps, documents and exhibits, including HCD's findings, the Town's response to HCD's findings, the staff report and all attachments, and oral and written public comments; and determined the Housing Element to be consistent with state law and the General Plan of the Town; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Housing Element is exempt from environmental review at this time pursuant to the California Environmental Quality Act sections 15061(b)(3) (Common Sense), 15002, and 15283 ("CEQA"). The Housing Element is exempt from environmental analysis because it would be speculative to analyze potential environmental impacts from future development when zoning code changes and development standards have yet to be approved. Instead, the Town will conduct a CEQA review when it brings forth any zoning code amendments or other land use ordinances to effectuate the Housing Element or upon receipt of development applications, whichever occurs first. Based on this, the City Council directs staff to file a Notice of Exemption.
3. Adoption of the sixth cycle Housing Element is consistent with its General Plan and in the best interest of the Town in that it will further the Town's goals to enhance and maintain the quality of housing through the Town, facilitate and promote a fair and balanced distribution of housing choices; assist in the provision of affordable housing through new construction within in-fill areas that have access to existing municipal utilities, retail access, and infrastructure; mitigate governmental and other constraints to housing investment by adopting programs to streamline approvals and promote fair and equal opportunities by responding to all income categories within the Town's RHNA allocation.
4. Unlike other communities with significant populations, commercial properties and open land, Atherton is built out and charged with planning for a significant RHNA (348 units with a total population of about 6915). Nevertheless, the sixth cycle Housing Element utilizes all options available to plan for land use changes that are significant and new to the Town—encouraging Senate Bill 9 units, construction of Accessory Dwelling Units, developing an inclusionary housing ordinance, and planning for multi-family housing—to address all segments of the population at all income levels. In doing so, this document complies with all mandates set forth in the Government Code related to the Housing element.
5. The City Council hereby finds that the amendment to the General Plan with the adoption of the Housing Element 2023-2031 constitutes a substantial public benefit in conformance with Atherton Municipal Code section 17.23.050.
6. The Housing Element substantially complies with Housing Element Law, as provided in Government Code section 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.
7. As required by Government Code section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the Town of Atherton dated October 31, 2022, consistent with Government Code section 65585(f), and as described in **Exhibit B to this Resolution**, incorporated herein by this reference, the City Council has changed the Housing Element

in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

- 8. The Town of Atherton Housing Element 2015-2022 (fifth cycle) is hereby repealed in its entirety, and the Town of Atherton Housing Element 2023-2031 (sixth cycle) is adopted.
- 9. This Resolution shall become effective upon adoption by the City Council.
- 10. The City Manager or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element is in conformance with State Housing Element Law and 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.
- 11. The City Manager or designee is hereby directed to distribute copies of the Housing Element in the manner provided in Government Code sections 65357 and 65589.7.

**BE IT FURTHER RESOLVED**, that the City Council hereby approves and certifies the 2023-2031 Housing Element in its current form.


\* \* \* \* \*


I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a Special Meeting thereof held on this 31<sup>st</sup> day of January 2023, by the following vote:

AYES: 5      COUNCILMEMBERS: Holland, DeGolia, Lewis, Vice Mayor Hawkins-  
 Manuelian, Mayor Widmer  
 NOES: 0      COUNCILMEMBERS:  
 ABSENT: 0    COUNCILMEMBERS:  
 ABSTAIN: 0   COUNCILMEMBERS:



\_\_\_\_\_  
Bill Widmer, MAYOR  
TOWN OF ATHERTON

ATTEST:  
  
\_\_\_\_\_  
Anthony Suber, City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Mona G. Ebrahimi, City Attorney

## **Exhibit A**

The incorporated Housing Element substantially complies with Housing Element Law, as provided in Government Code section 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.

## **Exhibit 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 included in the Departments letter to the Town of Atherton dated October 31, 2022, consistent with Government Code section 65585 (f), and as described in **Exhibit B to this Resolution**, incorporated herein by this reference, the City Council has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.