



Item No. 4
Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARINGS

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: BRITTANY BENDIX, TOWN PLANNER

DATE: MARCH 19, 2025

**SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND
THE ATHERTON MUNICIPAL CODE TO RESPOND TO COMMENTS
FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT (HCD) ON THE 2023-2031 HOUSING
ELEMENT AND ZONING CODE UPDATES.**

RECOMMENDATION:

It is recommended that the City Council approve for second reading an ordinance that revises the Atherton Municipal Code to comply with the requirements of the Department of Housing and Community Development (HCD).

BACKGROUND

At its February 19, 2025, meeting the City Council discussed revisions to the Atherton Municipal Code and the Town's 2023-2031 Housing Element that could address comments received by the California Department of Housing and Community Development (HCD) on December 30, 2024 (Attachment 1). To address HCD's comments, the Council adopted revisions to the housing element and introduced, with first reading, the corresponding amendments to the Atherton Municipal Code.

On Thursday, March 6, 2025, the Town submitted its revised 2023-2031 Housing Element to HCD for review. The remaining action required by the Town to comply with HCD's comments is to adopt the related amendments to the Atherton Municipal Code (AMC).

DISCUSSION

There is only one proposed modification to the AMC. In its December 30, 2024, comment letter HCD requested additional clarification that the RM-20/40 standards do not require discretionary action. Upon further discussion between staff and HCD, to address this item the term "ministerial approval" is proposed to be explicitly written into Section 17.36.030 of the Atherton Municipal Code. The proposed change is provided in Attachment 2. For comparison, a link to the Zoning Code changes, adopted on October 16, 2024, are included in Attachment 3.

Any additional materials related to the Housing Element update process are maintained on the Town's website at: <https://www.ci.atherton.ca.us/627/Housing-Element-Update>

FINDINGS:

The proposed zoning text amendments are consistent with the General Plan goals, policies, and implementation programs. The proposed Zoning Ordinance amendments allow the Town to be compliant with state housing element law related. Amendments proposed address the following General Plan Goal, Objectives, and Policy:

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| Housing Element Goal 3.730 | Facilitate the development of faculty housing on school campuses to meet a portion of the moderate and very low-income housing need identified for Atherton. |
| Housing Element Objective 3.731 | Encourage the construction of 96 new faculty housing units at private and public schools in the moderate to very low-income categories in Atherton from 2023-2031. |
| Housing Element Policy 3.732 | Encourage and incentivize schools in Atherton to provide affordable faculty, staff and student housing on and or near their campuses. |

ENVIRONMENTAL CONSIDERATIONS

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Housing Element and Zoning Code Updates project and adopted on by the City Council on October 16, 2024. The changes described to the Atherton Municipal Code described in this report and provided in Attachment 2 are consistent with the scope of the IS/MND and do not result in any environmental impacts or changes to the adopted Mitigation Monitoring and Reporting Program (MMRP). The IS/MND, MMRP and supporting technical studies are available on the Town's Housing Element website: <https://www.ci.atherton.ca.us/627/Housing-Element-Update>

STAFF RECOMMENDATION

Staff recommends that City Council consider the information included in this report and adopt an ordinance amending Atherton Municipal Code 17.36.030. The ordinance is included as Attachment 4.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Legal advertisement of this hearing was published in The Almanac newspaper and mailed to owners and occupants within the Town and within 500 feet of the Town's boundaries, 20 days prior to the hearing date.

ATTACHMENTS

1. HCD Comment Letter dated December 30, 2024
2. Municipal Code Text Amendments
3. [Adopted Zoning Code Amendments \(Oct. 16, 2024\)](#)
4. Draft Ordinance Adopting Amendments to Atherton Municipal Code Section 17.36.030