

TOWN OF ATHERTON
PLANNING COMMISSION RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF ATHERTON PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT 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 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 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 (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, to comply with State Housing Element Law, the Town of Atherton 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 City take meaningful steps to promote and affirmatively further fair housing (Gov. Code Section 65583(c)(5)); and

WHEREAS, State law requires that the City make zoning available for all types of housing, including multifamily housing (Gov. Code Sections 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 Sections 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 and 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, and oral and written public comments; 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 proposed Housing Element 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. The State Department of Housing and Community Development ("HCD") has reviewed the draft Housing Element and provided suggested modifications to ensure the Housing Element's consistency with State Law. City staff has responded to and addressed HCD's comments in the draft Housing Element. Accordingly, the Planning Commission recommends to the City Council that the updated Housing Element is in substantially compliance with State Housing Element law and otherwise consistent with the State Planning and Zoning Law.
3. The consideration and adoption of the Town-initiated Housing Element (6th Cycle) is not a project pursuant to the California Environmental Quality Act (CEQA). The consideration and adoption of the Housing Element is alternatively exempt from CEQA pursuant to CEQA Guidelines Section 15002 as the adoption of the Housing Element is a planning study and will not have any impacts to the environment. Further, to the extent the Regional Housing Needs determinations are made, the Project is further exempt from CEQA pursuant to Section 15283, which provides, "CEQA does not apply to regional housing needs determinations made by the Department of Housing and Community Development, a council of governments, or a city or county pursuant to Section 65584 of the Government Code." A CEQA analysis will be conducted for any future zoning code amendments and/or development of specific projects when those are considered.
4. The Planning Commission recommends that the City Council adopt a General Plan Amendment to repeal the 2015 – 2022 Housing Element and replace it with the 2023-2031 Housing Element (Chapter V of the Town of Atherton General Plan 2019) and replace the Housing Element 2023-2031 attached hereto as Exhibit A, as Chapter V of the Town of Atherton General Plan 2019.

Exhibit A: Housing Element 2023-2031

PASSED AND ADOPTED at a special meeting of the Planning Commission of the Town of Atherton held on this 19th day of January 2023 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT: