

ANTIOCH CALIFORNIA

2023-2031 6th Cycle Housing Element



Scope of Review

1. **CEQA:** Environmental Impact Report
2. **General Plan Amendments:** Housing Element & Safety Element
3. **East Lone Tree Specific Plan Amendment**
4. **Zoning Text Amendments**
5. **Zoning Map Amendments (Rezone)**
6. **Objective Design Standards**

Project Description

The Planning Commission will review and make a recommendation to the City Council on the draft 2023-2031 6th Cycle Housing Element. The review includes the draft Housing Element, Environmental Impact Report, General Plan Map and General Plan Text Amendments, the Safety Element, Zoning Text Amendments, Zoning Map Amendments, East Lone Tree Specific Plan Amendments and Objective Design Standards for multi-family housing development.

Requested Approvals

Housing Element
Safety Element
Land Use Element Text and Map Amendments
Zoning Text and Map Amendments
Objective Design Standards

STAFF RECOMMENDATION: Recommend Approval to the City Council

BACKGROUND

State Law

Pursuant to California Government Code Sections 65580-65589.8 which require local jurisdictions throughout the State to update the Housing Element of their General Plans every eight years, the City of Antioch has drafted the 6th Cycle Housing Element Update of its General Plan for the 2023-2031 planning period. This Housing Element is required to ensure the City of Antioch adequately plans for the existing and projected housing needs of residents of all income groups.

Project Timeline

- Consultant Contract Approved: May 25, 2021
- Contract Amended: July 27, 2021
- [First Planning Commission Meeting](#): October 6, 2021
 - Presentation on Housing Element, Environmental Hazards Element, and Environmental Justice Requirements
- [First City Council Meeting](#): October 26, 2021
 - Presentation on Housing Element, Environmental Hazards Element, and Environmental Justice Requirements
- [Second Planning Commission Meeting](#): November 17, 2021
 - Presentation on Environmental Justice and Housing Element's CEQA
- [Third Planning Commission Meeting](#): December 15, 2021
- [Community Open House #1](#): February 17, 2022
- Community Open House #2: April 13, 2022
- [Draft Housing Element Comment Period](#): May 16-June 16, 2022
- [Planning Commission Draft Review](#): May 18, 2022
- [City Council 1st Draft Review](#): June 14, 2022
- City Council 2nd Draft Review: June 28, 2022
- [Draft Housing Element Submitted to HCD](#): July 1, 2022
- [EIR Comment Period](#): September 2, 2022-October 17, 2022
- [HCD Comment Letter Received](#): September 29, 2022
- **Planning Commission Review: January 4, 2023**

Table 1: City of Antioch's Regional Housing Needs Allocation (RHNA)

Income Category	City of Antioch RHNA	
	Previous Housing Element Cycle (2015-2023)	6 th Cycle RHNA (2023-2031)
Very Low (Less than 50% of AMI)	349	792
Low (50-80% of AMI)	205	456
Moderate (80-120% of AMI)	214	493
Above Moderate (More than 120% of AMI)	680	1,275
Total	1,448	3,016

Source: Final RHNA Plan for the San Francisco Bay Area: 2023-2031

On [May 18, 2022](#) and [June 1, 2022](#), the Planning Commission reviewed the draft Housing Element and recommended the following:

- That additional language be added to the discussion of solar to mention the benefits, including how solar can reduce operational costs for occupants.
- A concern was raised about Site 162 at 2721 Empire Ave being rezoned to R-35 due to it being located between large retail buildings. Other commissioners felt the location was appropriate as it would allow future residents to walk to nearby commercial uses. It was noted that the design of the development would be key to fitting into the area.
- Rent control, tenant protections and just cause eviction ordinance be included as programs.
- City may want to reevaluate fees in Antioch which are considerably lower than in adjacent communities and the Consider a program be considered to allow renters the first right to purchase their unit if it is offered for sale.
- Explore and educate landlords on programs that offer rental deposit assistance. A business that lets tenants pay a monthly insurance fee instead of providing first and last month's rent and a security deposit was cited as an example.
- Explore basic income was mentioned.
- Consider down payment assistance programs.

The City Council considered the Housing Element at their meeting on June 14, 2022. The Council enhanced the implementation of program measures related to rent control, tenant protections, and just cause eviction ordinance and directed staff to prepare a rent control ordinance, anti-tenant harassment policies, and just cause eviction ordinance. The City Council authorized staff to forward the draft Housing Element to HCD.

The draft Housing Element was forwarded to HCD for review on July 1, 2022 which started a 90-day review period. During that time, staff and the consultants had two conversations with HCD staff, on August 15, 2022 and September 8 and 20, 2022, to discuss the draft Element. On

September 29, 2022, the City received a letter (attached) from HCD outlining the changes necessary to bring the City's Housing Element into compliance with State law. The letter is attached to the staff report.

The City's comments can be grouped into four categories:

1. **Affirmatively Furthering Fair Housing** – Comments requesting additional information and analysis of issues related to Affirmatively Furthering Fair Housing (AFFH) and proposed housing sites.
2. **Housing Programs** – Comments requesting changes to implementation of housing programs to include specific commitment, timing, and quantified objectives.
3. **Housing Sites** – Comments requesting additional information on sites inventory including the suitability of specific sites, realistic capacity and an analysis of the relationship of zoning and public facilities and services to these sites.
4. **Government Constraints** – Comments requesting additional information on land use controls, fees, permitting and processing procedures, constraints on persons with persons with special needs.

The draft Housing Element has been updated to address the comments received from HCD. Those changes are discussed in the analysis section of the staff report.

In conjunction with the Housing Element, there are several proposed changes to the Land Use Element, the Zoning Code and Zoning Map, Safety Element, and new Objective Design Standards. Below is a summary of the actions before the Planning Commission.

[Housing Element](#)

As discussed above, the Housing Element is required to be updated for the 2023-2031 planning period. The 6th Cycle Housing Element has a significant amount of new statutory requirements. These requirements include the obligation for communities to deliberately address, combat, and relieve disparities in housing that have resulted from past patterns of segregation, as well as new public participation and transparency requirements related to draft element updates and revisions. For additional information related to these new requirements see the staff reports to the Planning Commission dated [October 6, 2021](#) and [May 18, 2022](#).

[Environmental Hazards Element](#)

Cities must review and update their Safety Element to meet certain requirements concurrently with the Housing Element update. The Safety Element must be reviewed and updated to address wildfire, seismic, geologic, and flood risks. Also considered are climate adaptation and resiliency strategies. Antioch's Safety Element is called the Environmental Hazards Element.

- **SB 1035 and SB 379.** Require all cities to address climate change adaptation and resilience in their General Plan Safety Element. SB 379 is triggered by the next update of a jurisdiction's local hazard mitigation plan (updated every five years) or before January 1,

2022, whichever is first. SB 1035 built off SB 379, requiring the Safety Element be updated every eight years upon the next Housing Element update.

- **SB 1241.** Applies to communities with very high fire hazard severity or unincorporated communities in state responsibility areas. Communities subject to SB 1241 need to ensure consistency between the Housing and Safety Elements to address fire risk. AB 2911 strengthened the local very high fire hazard severity zone designation.
- **AB 2140.** Authorizes local governments to adopt the LHMP with the General Plan Safety Element. Integration by reference or annexation is encouraged through a post-disaster financial incentive to cover local shares of the 25 percent non-federal portion of grant-funded post-disaster projects when approved by the legislature.

Land Use Element Text and Map Amendments

The Land Use Element is being updated to reflect allowing up to 35 units per acre in several of the Focus areas and Specific Plans. The primary change is amending the General Plan map for the site identified in the Housing Element that will be changed to allow up to 35 units per acre. The sites are identified in *Chapter 6, Adequate Sites* of the Housing Element and Exhibit C of Attachment 2 – Resolution recommending adoption of General Plan.

East Lone Tree Specific Plan Amendments

Updates to the East Lone Tree Specific Plan to clarify multi-family development up to 35 units per acres is permitted on certain sites.

Zoning Ordinance Text Amendments and Map Amendments

To implement the policies in the Housing Element, address changes to State Law and implement the Objective Design Standards. This includes updating allowed uses in various residential and mixed-use zones that include residential, to comply with recent changes to State Law for Low Barrier Navigation Centers and Supportive Housing and changes to the design review process for multi-family projects. Similar to the General Plan amendments, the primary changes related to zoning is the rezones of parcels to R-35 as identified in the Housing Element. The list of sites is identified in *Chapter 6, Adequate Sites* of the Housing Element and Exhibit C of Attachment 5 – Resolution recommending adoption of amendments to the Zoning Ordinance.

Objective Design Standards

State legislation, including Senate Bill No. 35, Senate Bill No. 177, and Senate Bill No. 330, require housing development projects to be reviewed against objective design standards. Below is a summary of the legislation:

- **SB 35.** Requires approval of qualified housing projects based on objective regulatory standards.

- **SB 167.** Housing Accountability Act - Local government may not deny, reduce density, or make infeasible housing projects consistent with objective design standards.
- **SB 330.** Prohibits imposing or enforcing new design standards established on or after January 1, 2020, that are not objective.

Objective design standards are intended to make the requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public. Objective design standards are defined in Government Code Sections 65913.4 and 66300(a)(7) as standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.

Analysis

Overview

The Planning Commission is required to review and make a recommendation to the City Council on General Plan and Zoning Amendments to the City Council. The Planning Commission is also asked to make a recommendation to the City Council on the proposed Objective Design Guidelines.

Housing Element

To help prepare revisions to the draft Housing Element, staff and the City's consultant had phone consultations with HCD reviewer Paul McDougal on December 14, 2022 to discuss how the City can best address their comments. In addition, the City is receiving assistance from the Contra Costa County Planning Collaborative which provided additional technical data related to comments on Affirmatively Further Fair Housing (AFFH) topics.

Most of the responses to HCD comments entail providing additional information and pointing to information already in the draft document. HCD also requested the goals of the housing element and programs revised with discrete timelines (e.g., at least annually or month and year) or timeframes earlier in the planning period. Additionally, it was requested that programs be revised to include specific commitment and actions toward beneficial impacts or housing outcomes. Program language such as “discuss,” “review,” “develop,” and “explore” should be complemented or replaced with commitment such as “adopt,” “pursue,” “apply,” or “identify.” The Goals, Policies, and Implementation measures have been modified accordingly. Some new Goals, Policies, and Implementation programs have been added to address HCD comments primarily related to assistance for extremely low-income households, emergency shelters, transitional housing, and group homes.

A summary of proposed responses to HCD comments is included in Attachment 7. Below are highlights of responses related to housing sites and new policies and programs not included in the initial draft that are needed to address HCD comments.

Zoning for a Variety of Housing Types (Emergency Shelters) – Comment 3h & 4g: HCD noted that the Element mentions emergency shelters are permitted in an overlay district. However, the

Element should also clarify shelters are permitted without discretionary action and discuss available acreage, including typical parcel sizes and the presence of reuse opportunities, proximity to transportation and services and any conditions inappropriate for human habitability. The analysis should also list and evaluate development standards. Finally, parking requirements appear inconsistent with statutory requirements that limit parking to staff and as a result, the element should add or modify programs to revise parking requirements.

The Element has been updated to include the information requested and Implementation Program 3.1.5.a. has been updated stating the City will amend the zoning code to remove the per bed parking requirement for emergency shelters to be consistent with state law.

Implementation Program 3.1.1 has been updated to amend the Zoning Ordinance to allow for “low barrier navigation centers” as defined by AB 101 (2019) and to allow “supportive housing” as defined by AB 2162 (2018).

Land Use Controls – Comment 4a: HCD expressed concern that the R-35 District density range of 30-35 units per acre was too narrow and that multi-family development in area was generally less than 30 units per acre. Generally, zoning districts have a greater density range. They were concerned the narrow density range could impact the viability of projects. The density range for the R-35 District has been modified to be 25-35 units per acre. This is more consistent with the density range 25 to 28 units per acre density range that several local developers have indicated is more viable in Antioch for apartments. To be conservative, the realistic capacity for number of potential units in R-35 District is based on the minimum required density for the district. With the minimum density reduced from 30 units per acre to 25 units per acre, the realistic capacity for the RHNA has been reduced slightly but still meets the required capacity with a sufficient buffer.

Current Residential Sites Inventory

	Very Low- Income Units	Low- Income Units	Moderate - Income Units	Above Moderat e- Income Units	Total Units
<u>2023-2031 RHNA</u>	<u>792</u>	<u>456</u>	<u>493</u>	<u>1,275</u>	<u>3,016</u>
Pipeline Units	<u>91</u>	<u>299</u>	<u>0</u>	<u>4</u>	<u>394</u>
Projected ADUs	<u>41</u>	<u>41</u>	<u>41</u>	<u>13</u>	<u>136</u>
Pending Units	<u>4</u>	<u>0</u>	<u>0</u>	<u>286</u>	<u>290</u>
Future Multi-Family Development	<u>746</u>	<u>420</u>	<u>804</u>	<u>2,091</u>	<u>4,061</u>
<u>Total</u>	<u>882</u>	<u>760</u>	<u>845</u>	<u>2,394</u>	<u>4,881</u>
Surplus	<u>90</u>	<u>304</u>	<u>352</u>	<u>1,119</u>	<u>1,865</u>
Buffer Percentage	<u>11%</u>	<u>67%</u>	<u>71%</u>	<u>88%</u>	<u>62%</u>

Previous Summary of Residential Sites Inventory

	<u>Very Low- Income Units</u>	<u>Low- Income Units</u>	<u>Moderate - Income Units</u>	<u>Above Moderat e- Income Units</u>	<u>Total Units</u>
<u>2023-2031 RHNA</u>	<u>792</u>	<u>456</u>	<u>493</u>	<u>1,275</u>	<u>3,016</u>
<u>Pipeline Units</u>	<u>91</u>	<u>299</u>	<u>0</u>	<u>4</u>	<u>394</u>
<u>Projected ADUs</u>	<u>41</u>	<u>41</u>	<u>41</u>	<u>13</u>	<u>136</u>
<u>Future Multi-Family Development</u>	<u>967</u>	<u>548</u>	<u>947</u>	<u>2,113</u>	<u>4,575</u>
<u>Total</u>	<u>1,099</u>	<u>888</u>	<u>988</u>	<u>2,130</u>	<u>5,105</u>
<u>Surplus</u>	<u>307</u>	<u>432</u>	<u>495</u>	<u>855</u>	<u>2,089</u>
<u>Buffer Percentage</u>	<u>39%</u>	<u>95%</u>	<u>100%</u>	<u>67%</u>	<u>69%</u>

Special Needs – Comment Bb: HCD commented that the element must include a program to assist in the development of housing for all special needs households (e.g., elderly, homeless, farmworkers, persons with disabilities, female-headed households).

Implementation Measure 3.1.1 has been updated to provide more specificity and concrete programs to assist persons with special needs.

3.1.1 Housing Opportunities for Special Needs Groups. Expand housing opportunities to meet the special housing needs of the elderly; persons with disabilities, including those who have developmental disabilities; large families; female-headed households; farmworkers, and unhoused individuals. Encourage the development of housing opportunities that typically serve special needs groups by facilitating the development of emergency shelters, transitional housing, single room occupancy (SRO) units, ADUs and JADUs, residential care facilities, and high-density multi-family housing, including:

- Continue to support affordable housing development for special-needs groups throughout the city, including in areas that are predominantly single-family residential. Special needs groups include seniors; persons with disabilities, including developmental disabilities; female-headed households; and homeless persons, to reduce the displacement risk for these residents from their existing homes and communities.
- Continue to promote the use of the density bonus ordinance, and application process streamlining, to encourage affordable housing, with an emphasis on encouraging affordable housing in high-resource areas and areas with limited rental opportunities currently.
- Facilitate the approval process for land divisions, lot line adjustments, and/or specific plans or master plans resulting in parcel sizes that enable affordable housing development.
- Amend the Zoning Ordinance by the end of January 31, 2023, to allow “supportive housing” as defined by AB 2162 (2018) within all zoning districts which allow for multi-family development. Supportive housing uses shall be reviewed consistent with the review of multi-family uses within the same zoning district.

- Amend the Zoning Ordinance by January 31, 2023, to allow for “low barrier navigation centers” as defined by AB 101 (2019) as a permitted use, by-right within mixed use and non-residential zoning districts which allow for multi-family development and subjected to streamlined review and approval.
- Amend the Zoning Ordinance by January 31, 2023, to rezone 46 parcels to the city's R-35 zoning district which allows for the by-right development of multi-family uses between 25 and 35 dwelling units per acre, at and above that of the city's default density necessary to accommodate housing for lower-income residents.
- Develop and adopt Multi-family Residential Objective Design Standards by the end of January 31, 2023, to simplify and facilitate the review, permitting and development of multi-family residential uses within the City's R-10, R-20, R-25, and R-35 zoning districts.
- Amend the Zoning Ordinance by September 30, 2023, to allow for residential care facilities and group homes for 7 or more persons within zoning districts that permit residential development.

The deadline for adoption of the housing element is January 31, 2023. Since HCD has 60 days to review any subsequent revised drafts and provide comments, it is unlikely that many jurisdictions in the Bay Area will be able to meet the deadline.

As noted in previous staff reports, there are consequences for not having a legally compliant Housing Element under State law and in recent years the legislature has repeatedly increased the severity of those consequences. One of the adverse consequences includes “Builder’s Remedy” projects which lately have garnered much attention in the news.

The “Builder’s Remedy” arises from the Housing Accountability Act (HAA) and generally provides that the City cannot deny a housing development project that meets certain criteria if the City does not have a legally adequate Housing Element. Additional information on the “Builder’s Remedy” can be found in Attachment E. The “Builder’s Remedy” applies to emergency shelters and housing development projects “for very low-, low-, or moderate-income households” that includes either:

- 20% of the total units sold or rented to lower-income households;
- 100% of the units sold or rented to moderate-income households; or
- 100% of the units sold or rented to middle-income households (earning no more than 150% of median income).

With the proposed revisions to the Housing Element, it is recommended that the Planning Commission and City Council make findings that the Housing Element is in “Substantial Compliance” with State law and that the City Council adopt the Housing Element.

Environmental Hazards Element

The Environmental Hazards Element contains an evaluation of natural and human-caused conditions which may pose certain health and safety hazards to life and property in Antioch

and includes a comprehensive program to mitigate identified hazards. This Element addresses constraints to development from environmental hazards including geologic and seismic conditions, flooding, wildfire, noise, and hazardous materials. To ensure compliance with new requirements, the Element also addresses concerns associated with climate change adaptation and disaster response.

The Environmental Hazards Element includes the following sections:

Section 11.2, Goals of the Environmental Hazards Element.

Section 11.3, Regulatory Framework presents the applicable requirements relating to safety elements.

Section 11.4, Geology and Seismicity Hazards presents information on seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, slope instability leading to mudslides and landslides, subsidence liquefaction, and other seismic hazards. This section also provides goals, policies, and implementation programs to minimize property damage and personal injury posed by seismic and geologic hazards.

Section 11.5, Flood Protection includes information on flood hazards, flood hazard zones, flood insurance rate maps, levees, historical flooding, dam failure, identification of state, local and federal agencies with responsibility for flood protection, identification of goals, policies, objectives, and implementation measures for the protection of the community from the unreasonable risk of flooding.

Section 11.6, Fire Hazards provides information regarding fire hazards, including wildland fire, fire hazard severity zones, identification of local state and federal agencies with responsibility for fire protection, and identification of goals, policies, objectives, and implementation measures for the protection of the community from unreasonable risk of wildland fire and wildfire hazards.

Section 11.7, Climate Change Adaptation and Resilience describes the impacts of a warming climate on Antioch, including increased risk of extreme heat events, more frequent and intense storms, sea level rise, and wildfire, and includes goals, policies, and programs to reduce and adapt to the impacts from climate change.

Section 11.8, Noise describes auditory impacts and sounds that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep.

Section 11.9, Hazardous Materials includes information relating to risks associated with hazardous materials, transportation, and storage, and goals, policies, and implementation programs to reduce risks to life, property, and the environment resulting from the use, storage, transportation, and disposal of these materials.

Section 11.10, Disaster Response presents information on the City's Emergency Operations Plan (EOP), including goals, policies, and implementation programs to provide effective emergency response.

Section 11.11, Evacuation analyzes evacuation routes throughout and around the city which are utilized in the movement of people that are at risk of being impacted by a disaster to a safer location.

As previously discussed, state law changes require municipalities to update the Safety Element (which Antioch calls Environmental Hazards) in conjunction with the Housing Element.

Below is an outline of the changes:

1. In addition to updating the Element to comply with new State laws, text and map in the Element have been updated to reflect current conditions.
2. Fire Hazard Policies 11.6.2.a.-11.6.2.n have been added.
3. Text for Geology and Seismicity have been updated to reflect during conditions.
4. Chapter 11.7, Climate Change Adaption is a new chapter, as required by state law, with new text, goals and policies.
5. Noise Policy 11.8.2.k related to temporary construction has been added.
6. Several new policies related to Hazardous Materials have been in added including:
 - a. 11.9.2.g. Facilities Siting
 - b. 11.9.2. Hazardous Materials Policies
 - c. 11.9.2.k. Facilities Management
 - d. 11.9.2. Hazardous Materials Policies
 - e. 11.9.2.t. Hazardous Buildings Materials
 - f. 11.9.2. Hazardous Materials Policies
 - g. 11.9.2.u. Hazardous Materials Contamination
 - h. 11.9.2.v. Hazardous Materials Contamination
7. 11.11 Evacuation is a new chapter, as required by State law, with text, goals, and policies.

Land Use Element

Changes to the Land Use Element include the following:

1. Amendment to Land Use of 154 parcels to High Density Residential Land Use;
2. Amendment to Antioch Commercial Focus to allow multi-family residential development, consistent with the High-Density Residential Land Use Category;
3. Amendment to the Eastern Waterfront Employment Area to allow multi-family residential development, consistent with the High-Density Residential Land Use Category;
4. Amendment to A Street Interchange to allow multi-family residential development, consistent with the High-Density Residential Land Use Category; and
5. Amendment to East Lone Tree Specific Plan Area to allow multi-family residential development, consistent with the High-Density Residential Land Use Category.

East Lone Tree Specific Plan Amendments

The Housing Element identifies several properties in the East Lone Tree Specific Plan for multi-family development. The Specific Plan is being amended to specify that certain properties on Empire Avenue and Apollo Court can develop with multi-family residential up to 35 units per acre. The discussion of Residential Areas, Land Use and Land Use Districts, Site, Height, and Density Criteria are being amended to reflect this change.

Zoning Text and Map Amendments

1. Add definition for of Low Barrier Navigation Center and modify the definition for Supportive Housing.
2. Amend the allowed densities in the R-20, R-25 and R-35 districts.
3. Update the Table of Allowed Land Uses to comply with State law requirements.

4. Update the Height, Area & Setback Regulations for Primary Structure to reflect the change in the minimum density in the R-35 district to 25 units per acre from 30 units per acre.
5. Revise the Multi-Family Residential Standards to reflect that multi-family is a permitted use and Objective Design Standards replacing the multi-family standards in the code.
6. Update Procedures to reference the Objective Design Standards.
7. Update Special Use Regulations to comply with state law requirements for Low Barrier Navigation Centers to allow them as permitted uses in multi-family residential and mixed-use zones that allow residential.
8. Modify the Design Review Duties and Responsibilities to reference the Objective Design Standards.

Objective Design Standards

The Objective Design Standards provide key objective requirements for the development of multi-family residential and mixed-use development on sites zoned for multi-family housing in the City of Antioch. The standards are based on the Objective Design Standards contained in the City's Commercial Infill Housing Overlay District Design Standards document that were reviewed by the Planning Commission on March 16, 2022 and approved by the City Council on April 12, 2022. The document contains Objective Design Standards for five topic areas:

- Site design
- Building design
- Landscaping
- Lighting
- Signage

Each standard type begins with an intent statement, followed by specific standards. The intent statements are provided to help the reader understand the overarching principle behind the standard requirements and do not serve as review criteria. The Objective Standards would be used by Planning Staff and the Planning Commission when reviewing multi-family and mixed-use projects with residential uses.

Development standards (i.e. setbacks, lot coverage, and density) for multi-family residential development and different zoning districts can be found in Table 9-5.601 of Article 6, Height and Area Regulations in the City's Zoning Ordinance. Parking requirements can be found in City Zoning Ordinance Section 9-5.1703.1, Off-Street Parking Requirements by Use.

It is recommended that the Planning Commission adopt a Resolution recommending that the City Council adopt the Objective Design Standards for Multi-Family projects.

Environmental Analysis

Draft Environmental Impact Report

A Draft Environmental Impact Report (DEIR) In accordance with the California Environmental Quality Act (CEQA) an Environmental Impact Report has been prepared for the project. The purpose of an EIR is to evaluate and inform the public and decision makers of a project's potential environmental impacts. The EIR is generally divided into project-related impacts, cumulative impacts, and project alternatives. The Draft EIR and the associated technical appendices are available on the Housing Element website (Link to [DEIR](#) & [DEIR Technical Appendix](#)).

In summary, the Draft EIR found that the project would result in significant unavoidable environmental impacts related to transportation. Implementation of the Project would generate home-based VMT per resident that is greater than 85 percent of the Citywide average home-based CMT per resident. Mitigation Measure TRANS-1 Individual housing project development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis, projects which result in a significant impact shall include travel demand management measures and physical measures to reduce VMT to a less-than-significant level. Potential measures include unbundled parking, car, bike, and/or scooter-sharing programs and subsidized transit passes.

Final EIR

CEQA requires that, following public review and comment on the Draft EIR, a Final EIR (FEIR) and responses to written comments be prepared. The Final EIR includes all agency and public comments (written and verbal) received on the Draft Environmental Impact Report for the Project. Written comments on the Draft EIR were received by the City during the public comment period from September 2, 2022 through October 17, 2022. The FEIR includes written responses to each comment received. The [Final EIR document](#) has been prepared in accordance with the CEQA requirements to be considered by the decision-makers during project hearings.

<https://www.antiochca.gov/fc/community-development/planning/housing-element/FEIR-Response-to-Comments.pdf>

This Final EIR has been prepared to respond to comments received on the Draft EIR, which are addressed within *Chapter II, Response to Comments*, of the Final EIR; and to present corrections, revisions, and other clarifications and amplifications to the Draft EIR. These revisions, including project updates, made in response to comments on the Draft EIR, and as a result of the City of Antioch's ongoing planning efforts, are individually listed within *Chapter III, Revisions of the Draft EIR*, of the Final EIR.

A majority of these revisions are a result of modifications to the Draft EIR's Project Description which necessitate related revisions to the various other sections of the Draft EIR. These revisions to the Project Description are primarily a result of edits to the Housing Element Update component of the Project. These edits include:

- Revisions to the Housing Sites Inventory of the Draft EIR's Project Description to include pipeline units and projected accessory dwelling units (ADUs) in the overall total development potential under the project. While the pipeline units and ADUs were included within the RHNA Credits section of the Draft EIR, the unit counts were not included within the overall housing unit totals for the Project.
- Revisions to the Rezoning section of the Draft EIR's Project Description to reflect a decrease in the permitted minimum density allowed within the City's existing R-35 zoning district from 30 dwelling units per acre to 25 dwelling units per acre. Accordingly, the R-35 zoning district would allow for housing development between 25 and 35 dwelling units per acre.
- Due to the realistic capacity of housing sites within the Housing Sites Inventory being calculated using the minimum permitted density of proposed zoning districts, these revisions result in an overall net decrease in the total realistic capacity of the Housing Sites Inventory. Additionally, due to a majority of the housing sites included within the Housing Site Inventory planned to accommodate lower-income housing units being rezoned to the R-35 zoning district, this decrease in minimum permitted density results in an overall decrease in the total number of lower-income housing units that can be accommodated by the project's R-35 rezonings and Housing Sites Inventory.
- Revisions to the Rezoning section of the Draft EIR's Project Description to reflect revisions to the proposed rezoning districts included within the Draft EIR, specifically the City's existing R-25 zoning district. Whereas the Draft EIR reflected proposed revisions to the R-25 district, primarily renaming the district to "R-30," this Final EIR does not include those proposed revisions. The City's existing R-25 zoning district is no longer proposed to be modified as part of the project.
- Revisions to the Housing Sites Inventory section of the Draft EIR's Project Description to reflect the inclusion of a new housing site located in the southeastern portion of the project area, Site No. 183, Assessor's Parcel Number (APN) 056-120-098. This new housing site is approximately 6.4 acres in size and is proposed to accommodate a total of 134 above moderate-income units as part of the project. To accommodate development of these units, the new housing site would have its General Plan land use designation amended and be rezoned to the R-25 zoning district as part of the project.
- Revisions to the Housing Sites Inventory section of the Draft EIR's Project Description to reflect the inclusion of a new housing site located in the southeastern portion of the project area, Site No. 184, APN 053-060-063. This new housing site is approximately 10.2 acres in size and is proposed to accommodate a total of 216 above moderate-income units as part of the project. Following publishing of the Draft EIR the City of Antioch received a development application for the development of 216 above moderate-income housing units on Site No. 184, in conjunction with the development of housing sites No. 113, 114, and 115 which were already included within the Draft EIR's Housing Sites Inventory (see bullet below).
- Revisions to the RHNA Credits and Housing Sites Inventory sections of the Draft EIR's Project Description to reflect the re-classification of three multi-family housing sites (Sites No. 113, 114, 115), and inclusion of one new site (Site No. 184) as "pending units" as part of the project. Pending units are housing units proposed to be developed within the 6th cycle planning period, but which have not yet received certificate of occupancies. This revision is necessitated by the City of Antioch's receipt of an application for housing development on the four housing sites during the public comment review period of the Draft EIR. This application for development proposes the development of housing on the four sites at

approximately 11 dwelling units per acre, as permitted by the sites' existing zoning, for a total of 216 above moderate-income units.

- Additionally, since the application for development received by the City proposes development consistent with the existing zoning of Housing Sites No. 113, 114, 115, these sites are no longer proposed to be rezoned as part of the Project. Accordingly, this revision also necessitates revisions to the Rezoning section of the Draft EIR's Project Description as well.
- Revisions to the Housing Sites Inventory and RHNA Credits sections of the Draft EIR's Project Description to reflect the reclassification of Housing Sites No. 123, APN 065-110-006, as "pending units" due to the City of Antioch receiving an application for housing development on the site during the public comment review period of the Draft EIR. Pending units are housing units expected to be developed during the 6th Cycle planning period, but which have not yet received certificate of occupancies. This application for development proposes housing development on the site at approximately 25 dwelling units per acre, as permitted by the sites' existing zoning and State Density Bonus Law, for a total of 4 very low-income units and 70 above moderate-income units, totaling 74 units. Additionally, since the application for development received by the City proposes development consistent with the existing zoning of Housing Site No. 123, the site is no longer proposed to be rezoned as part of the Project. Accordingly, this revision also necessitates revisions to the Rezoning section of the Draft EIR's Project Description as well.
- Revisions to the Biological Resources section of the Draft EIR to reflect responses to Comment Letter A3 within this Final EIR.
- The Reduced VMT Alternative has been updated to account for the two new housing sites located in TAZs with a home-based VMT per resident that is above the significance threshold.

Statement of Overriding Considerations

The EIR has found that the project would result in significant unavoidable environmental impacts related to transportation. As such, a Statement of Overriding Considerations has been prepared and is included as an attachment to the staff report. CEQA Guidelines Section 15043 provides that public agencies may approve projects even though the project may cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- a. There is no feasible way to lessen or avoid the significant effect; and
- b. Public benefits from the project outweigh the significant environmental impacts of the project as set forth in a Statement of Overriding Considerations.

CEQA Guidelines Section 15093(a) "requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." Further, "[w]hen the lead agency approves a project which will result in the occurrence of

significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record," referred to as the Statement of Overriding Considerations (Section 15093(b)).

The Statement of Overriding Considerations attached to the proposed CEQA resolution sets forth the following as benefits from the project:

- a. The Project will improve and conserve existing housing stock;
- b. The Project will facilitate housing production and provide Antioch Residents with a variety of housing options;
- c. The Project will redevelop under-utilized and vacant sites;
- d. The Project will mitigate natural and human-caused hazards, thereby improving public safety and resiliency; and
- e. The Project will ensure that all residents have equal protection from environmental hazards.

Mitigation Monitoring and Reporting Program

Approval of the project also requires adoption of a mitigation monitoring and reporting program (MMRP) designed to ensure the Project's compliance with the mitigation measures. The Draft EIR identified mitigation measures that would reduce the environmental impacts generated by the project to less than significant, except transportation which remains significant and unavoidable. A MMRP has been prepared is included with the Final EIR (FEIR). Compliance with the MMRP would be a condition for project approval for individual housing developments.

ATTACHMENTS

- A.** Adopt a Resolution Recommending the City Council certify the Environmental Impact Report and make all the findings required to approve the project, including a Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program for Housing Element, Environmental Hazards Element, Land Use Element Update and General Plan Map Amendments, East Lone Tree Specific Plan Amendment, Zone Code and Zoning Map Amendments and Objective Design Standards.
- B.** Resolution recommending City Council approval for the Housing Element
- C.** Resolution recommending City Council approval for the Land Use and Environmental Hazards Amendments
- D.** Resolution recommending City Council approval of amendments to the East Lone Tree Specific Plan
- E.** Resolution recommending City Council approval of the Zoning Text Amendments and Zoning Map Amendments
- F.** Resolution recommending City Council approval of the Objective Design Standards