



STAFF REPORT TO THE ANTIOCH PLANNING COMMISSION

DATE: Regular Meeting of September 17, 2025

SUBMITTED BY: Monet Boyd, Assistant Planner

APPROVED BY: Zoe Merideth, Planning Manager

SUBJECT: Developer Incentives for Accessible Units

STAFF RECOMMENDATION

Staff recommend that the Planning Commission recommend that the Antioch City Council adopt an ordinance adding Title 9, Chapter 5, Article 43 to the Antioch Municipal Code, Developer Incentives for Accessible Units.

SUMMARY

This item is for the Antioch Planning Commission to consider recommending that the City Council adopt an ordinance to fulfill Housing Element Program 5.1.3. Housing Element Program 5.1.3 which incentivizes developers through development standards, concessions, waivers/reductions to increase the number of accessible units beyond the federal requirement of 5 percent for subsidized developments. The ordinance would create a code section that establishes a tiered system that allows developers to access incentives based upon the percentage of accessible units in a multifamily housing project.

BACKGROUND

The City of Antioch's 2023-2031 Housing Element, which was adopted on January 24, 2023 and certified by the California Department of Housing and Community Development on October 12, 2023, outlines 67 implementing programs to support the production of housing for all income levels, household types, and needs, and deliver the 3,016 units assigned as part of Antioch's Regional Housing Needs Allocation (RHNA).

This proposed ordinance is in furtherance of the following Housing Element program:

Housing Element Program

5.1.3 Incentivize Accessible Units – Incentivize developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirement of 5 percent for subsidized developments.

Federal Requirement

Section 504 establishes various physical accessibility requirements for new construction, acquisition, and rehabilitation projects that receive federal funding, including: Five percent of units must be made accessible to persons with mobility disabilities.

DISCUSSION

The City of Antioch updated the Housing Element to promote inclusivity for all residents. One of the initiatives identified is to incentivize the development of accessible housing. The goal is to increase the number of accessible units in Antioch by offering development incentives to developers, aiming to exceed the federal requirement of 5% accessible units. This effort addresses the needs of individuals with disabilities, by providing supportive and accessible housing that allows them to live independent lives.

People with disabilities need affordable housing but also accessibly designed housing, which offers greater mobility and independence. Unfortunately, the need outweighs what is available, especially in a high-demand housing market. People with disabilities are at high risk for housing insecurity, homelessness, and institutional problems particularly when they lose aging caregivers.

In Antioch, 15.2% of residents have a disability that may require accessible housing. This rate is higher than both the national average (11.1%) and the regional average (9.6%).

To better understand how the City can support the creation of accessible units, staff met with developers on Thursday, September 19, 2024, and Wednesday, September 25, 2024, to discuss potential incentives. Developers expressed enthusiasm for additional incentives in the City of Antioch but noted concerns that Section 504 of the Rehabilitation Act only apply to projects using federal funding. Unlike Section 504, the proposed incentives will apply to new multifamily projects, regardless of whether they receive federal funding.

Tiered Incentive Program

The proposed ordinance implements Housing Element program 5.1.3.

A. Tier 1: The project must contain 6-10% Accessible Units

1. Incentives available: access to a total of one (1) of the following incentives:

- (a) **Modified Front Setback Requirements:** Minimum Front Setback requirements may be reduced by 5 feet for the overall project;
- (b) **Modified Parking Requirements:** Required guest parking may be reduced by 30% for the overall project;
- (c) **Modified Open Space Requirements:** 35% of the total area counted as common open space may be provided on a roof. Buildings and roofed structures with recreational functions (pool houses, recreation centers, gazebos) may occupy up to 35% of the area counted as common open space.

Tier 1: The project must contain 6-10% Accessible Units		
Current Requirement (R-20)	Modified Requirement	Potential Impact to Project
<ul style="list-style-type: none"> Arterial street: minimum 15-foot setback Collector street: minimum 15-foot setback Local street: minimum 10-foot setback 	Modified Front Setback Requirements: Minimum Front Setback requirements may be reduced by 5 feet for the overall project	<ul style="list-style-type: none"> Arterial street: minimum 10-foot setback Collector street: minimum 10-foot Local street: minimum 5-foot setback
<ul style="list-style-type: none"> 1 space per 5 units for guest parking Ex. 100-unit project = 20 parking spaces 	Modified Parking Requirements: Required guest parking may be reduced by 30% for the overall project	<ul style="list-style-type: none"> Ex. 100-unit project = 14 parking spaces
<ul style="list-style-type: none"> Standard 2.1.7.M: Buildings and roofed structures with recreational functions may occupy up to 20% of the area counted as common open space 	Modified Open Space Requirements: 35% of the total area counted as common open space may be provided on a roof. Buildings and roofed structures with recreational functions (pool houses, recreation centers, gazebos) may occupy up to 35% of the area counted as common open space	<ul style="list-style-type: none"> This would allow for more open space to be allowed on rooftops as well as within buildings with recreational uses

- B. Tier 2: The project must contain 11-15% Accessible Units
1. Incentives available: access a total of one (1) of the Tier 1 Incentives and one (1) of the following incentives
 - (a) **Modified Maximum Building Height:** Maximum building height may be increased by 10 feet above the height allowed in the zoning district for the proposed project.
 - (b) **Modified Common Open Space Requirement:** Minimum required usable open space requirements may be reduced by 50% for the overall project;
 - i. This incentive cannot be combined with Tier 1c

Tier 2: The project must contain 11-15% Accessible Units		
Current Requirement (R-20 Requirements)	Modified Requirement	Potential Impact to Project
<ul style="list-style-type: none"> Maximum height is 45 feet 	Modified Maximum Building Height: Maximum building height may be increased by 10 feet above the height allowed in the zoning district for the proposed project.	<ul style="list-style-type: none"> The maximum height can increase to 55 feet
<ul style="list-style-type: none"> Standard 2.1.7.A: All multi-family residential developments shall provide a total of 200 square feet of usable open space per unit 	Modified Common Open Space Requirement: Minimum required usable open space requirements may be reduced by 50% for the overall project	<ul style="list-style-type: none"> The multi-family residential developments shall provide a total of 100 square feet of usable open space per unit

- C. Tier 3: The project must contain more than 15% Accessible Units
1. Incentives available: access a total of two (2) of the previous and (1) of the following incentives:
 - (a) **Modified Covered Parking Requirement:** Required covered parking may be reduced by 60% for the overall project;
 - (b) **Modified Maximum Lot Coverage Requirement:** Required lot coverage may be increased by 20% for the overall project

Tier 3: The project must contain more than 15% Accessible Units		
Current Requirement (R-20 Requirements)	Modified Requirement	Potential Impact to Project
<ul style="list-style-type: none"> 1.5 spaces per unit up to 2 bedrooms; one space to be covered Ex. 100-unit project = 150 parking spaces, 100 covered parking spaces 2 spaces per unit = 3 bedrooms; one space to be covered plus 1 space per 5 units for guest parking Ex. 100-unit project = 300 parking spaces, 150 parking spaces 	Modified Covered Parking Requirement: Required covered parking may be reduced by 60% for the overall project	<ul style="list-style-type: none"> 150 parking spaces, 40 covered parking spaces Ex. 100-unit project = 300 parking spaces, 60 parking spaces
<ul style="list-style-type: none"> Maximum lot coverage is 40% 	Modified Maximum Lot Coverage Requirement: Required lot coverage may be increased by 20% for the overall project	<ul style="list-style-type: none"> Maximum lot coverage will be 60% for the overall project

CONCLUSION

The proposed Ordinance advances the goals of the City's 6th Cycle Housing Element by incentivizing the creation of accessible housing and supporting inclusive growth in Antioch. The program provides meaningful tools for developers while addressing the housing needs of residents with disabilities. To ensure long-term compliance and continued accessibility, participating developers will be required to enter into an agreement with the City.

The draft Ordinance is attached to this Staff Report for review and consideration. Adoption of the ordinance would mark a significant step toward increasing housing opportunities for residents with disabilities and furthering the City's commitment to fair and equitable housing.

ENVIRONMENTAL REVIEW

The project is exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would be exempt because the Antioch Housing Element, Environmental Hazards, and Environmental Justice Element Environmental Impact Report (EIR) evaluated the implementation of Housing Element policies and programs, including the proposed ordinance implementation of Housing Element Program 5.1.3 Incentivize Accessible Units. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

ATTACHMENTS

- A. Resolution recommending the City Council approve and ordinance creating Title 9, Chapter 5, Article 43 of the Antioch Municipal Code, Developer Incentives for Accessible Units.

Exhibit A: Draft Ordinance

ATTACHMENT "A"

PLANNING COMMISSION RESOLUTION NO. 2025-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE ADDING TITLE 9, CHAPTER 5, ARTICLE 43 TO THE ANTIOCH MUNICIPAL CODE, DEVELOPER INCENTIVES FOR ACCESSIBLE UNITSTO IMPLEMENT A PROGRAM RELATED TO THE GENERAL PLAN HOUSING ELEMENT AND

WHEREAS, The City of Antioch's Housing Element Program 5.1.3 incentivizes developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirement of 5 percent for subsidized developments;

WHEREAS, The Housing Element Program incentivize developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirements of 5% for subsidized developments;

WHEREAS, Title 9, Chapter 5, Article 43 of the Antioch Municipal Code will contain incentives and concessions;

WHEREAS, this ordinance ("Ordinance") will create Antioch Municipal Code Title 9, Chapter 5, Article 43 to adopt Developer Incentives for Accessible Units Program;

WHEREAS, adopting the Developer Incentives for Accessible Units Program will ensure alignment with the City of Antioch's Housing Element Program 5.1.3;

WHEREAS, the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would be exempt because the Antioch Housing Element, Environmental Hazards, and Environmental Justice Element EIR evaluated the implementation of Housing Element policies and programs, including missing middle implementation, and the proposed ordinance implementation of Housing Element Program 5.1.3 Incentivize Accessible Units. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment.

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law;

WHEREAS, on September 17, 2025, the Planning Commission duly held a public hearing on the matter, and received and considered public comments and evidence, both oral and documentary;

**PLANNING COMMISSION
RESOLUTION NO. 2025-XX**

September 17, 2025

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NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission does hereby make the following findings for recommending City Council adoption of an ordinance adding AMC Title 9, Chapter 5, Article 43, per § 9-5.2802(B) of the Antioch Municipal Code:

The public necessity, convenience, and general welfare require this amendment to the Antioch Municipal Code in order to implement the City's Housing Element.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Commission hereby recommends City Council ADOPT the proposed ordinance, contained within Exhibit A.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 17th day of September 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DAVID A. STORER, AICP
Secretary to the Planning Commission

EXHIBIT A
PROPOSED ORDINANCE

ORDINANCE NO. XXXX-C-S

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADDING TITLE 9, CHAPTER 5, ARTICLE 43 TO THE ANTIOCH MUNICIPAL CODE, DEVELOPER INCENTIVES FOR ACCESSIBLE UNITS

WHEREAS, The City of Antioch's Housing Element Program 5.1.3 incentivizes developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirement of 5 percent for subsidized developments;

WHEREAS, The Housing Element Program incentivize developers through development standards concessions or fee waivers/reductions to increase the number of accessible units beyond the federal requirements of 5% for subsidized developments;

WHEREAS, Title 9, Chapter 5, Article 43 of the Antioch Municipal Code will contain incentives and concessions;

WHEREAS, this ordinance ("Ordinance") will create Antioch Municipal Code Title 9, Chapter 5, Article 43 to adopt Developer Incentives for Accessible Units Program;

WHEREAS, adopting the Developer Incentives for Accessible Units Program will ensure alignment with the City of Antioch's Housing Element;

WHEREAS, on September 17th, the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, and discussed the matter. Following the public hearing, the Planning Commission adopted Resolution No. [Planning Commission Resolution #] recommending the City Council adopt the proposed Ordinance;

WHEREAS, on [date], the City Council held a duly noticed public hearing to consider the proposed Ordinance related to density bonus, received the staff report and staff presentation, received comments from the public and interested parties, considered the recommendation of the Planning Commission and discussed the matter; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

The City Council of the City of Antioch does ordain as follows:

SECTION 1: Recitals

The recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2: Findings

The City Council finds that the Ordinance is necessary to further the public necessity, convenience, and general welfare in that the purpose of the Ordinance is to ensure that

the City's Municipal Code will comply with, implement, and adopt the City of Antioch's Housing Element Program 5.1.3 Incentivize Accessible Units.

SECTION 3: City Council Review

The City Council has reviewed, considered, and evaluated all of the information prior to acting upon Ordinance.

SECTION 4: Record of Proceedings

The documents and other materials that constitute the record of proceedings upon which the City Council has based its recommendation are located in and may be obtained from the City of Antioch's Clerk's Office, 200 H Street, Antioch, CA 94509

SECTION 5: Amendment

The Antioch Municipal Code is hereby amended to read as follows:

Title 9, Chapter 5, Article 43: Incentives for Accessible Units

§ 9-5.4301 Purpose.

The Developer Incentives for Accessible Units Program is intended to provide equal housing opportunities for all existing and future Antioch residents through the implementation of City of Antioch 6th Cycle Housing Element program 5.1.3 to incentivize the creation of accessible units beyond the federal requirement of 5 percent.

§ 9-5.4302 Definitions.

- A. Accessible units. An accessible unit refers to a residential unit that is designed and constructed to comply with the accessibility standards outlined in the Americans with Disabilities Act (ADA). These units are specifically tailored to accommodate people living with disabilities, ensuring they have equal access to housing and related amenities.
- B. Multifamily units. Buildings consisting of five or more units.
- C. Rounding. If the application of the requirements of this chapter, a fractional number is obtained, one unit shall be required for a fraction of more than one-half, and no unit shall be required for a fraction of one-half or less.

§ 9-5.4303 Applicability.

- A. Incentives provided for this Article shall be provided to multi-family development projects that exceed the minimum requirements for accessible units within Section 504 of the Rehabilitation Act of 1973, and codified as 29 U.S.C. § 794.

§ 9-5.4304 Incentives

- A. Tier 1: The project must contain 6-10% Accessible Units
 - 1. Incentives available: access a total of one (1) of the following incentives:
 - (a) **Modified Front Setback Requirements:** Minimum Front Setback requirements may be reduced by 5 feet for the overall project;
 - (b) **Modified Parking Requirements:** Required guest parking may be reduced by 30% for the overall project;
 - (c) **Modified Open Space Requirements:** 35% of the total area counted as common open space may be provided on a roof.

Buildings and roofed structures with recreational functions (pool houses, recreation centers, gazebos) may occupy up to 35% of the area counted as common open space.

- B. Tier 2: The project must contain 11-15% Accessible Units
 - 1. Incentives available: access a total of one (1) of the Tier 1 Incentives and one (1) of the following incentives
 - (a) **Modified Maximum Building Height:** Maximum building height may be increased by 10 feet above the height allowed in the zoning district for the proposed project.
 - (b) **Modified Common Open Space Requirement:** Minimum required usable open space requirements may be reduced by 50% for the overall project;
 - i. This incentive can not be combined with Tier 1c
- C. Tier 3: The project must contain more than 15% Accessible Units
 - 1. Incentives available: access a total of two (2) of the previous and (1) of the following incentives:
 - (a) **Modified Covered Parking Requirement:** Required covered parking may be reduced by 60% for the overall project;
 - (b) **Modified Maximum Lot Coverage Requirement:** Required lot coverage may be increased by 20% for the overall project

§ 9-5.4305 Application Procedure

- A. **Application Requirements:** An application for accessible unit incentives under this Article for a housing development shall be submitted in writing to the City to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this Article, and in connection with the project for which the request is made, including, but not limited to, the following:
 - 1. The application form and submittal requirements approved by the Community Development Director;
 - 2. The application fee, established by resolution of the City Council, at the time the application is filed;
 - 3. Reasonable documentation to establish eligibility for the requested tiered incentive;
- B. City Staff shall process the application for accessible unit incentives in the same manner as, and concurrently with, the application for a development plan review or administrative approval that is required by this Code
- C. The applicant shall enter into an agreement with the City to ensure the continued accessibility of all accessible units or the continues reservation of such units for qualifying citizens. Prior to receiving a building permit for any project that receives any incentives pursuant to this section, such agreement shall be recorded as a covenant against the property.
- D. **Application Processing.** The application shall be considered by the Zoning Administrator, Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is

not to be otherwise considered by the Zoning Administrator, Planning Commission, or the City Council, the requests being made under this Article shall be considered by the Community Development Director or designee, separately.

SECTION 6: CEQA

The City Council finds that adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3) – Common Sense Exemption in that the proposed ordinance would be exempt because the Antioch Housing Element, Environmental Hazards, and Environmental Justice Element EIR evaluated the implementation of Housing Element policies and programs, including missing middle implementation, and the proposed ordinance implementation of Housing Element Program 5.1.3 Incentivize Accessible Units. There is no potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. This determination reflects the City's independent judgment and analysis.

SECTION 7: Severability

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unreasonable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 8: Publication; Effective Date

This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the ____ day of ____ 2025, and passed and adopted at a regular meeting thereof, held on the ____ day of ____ 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ROWLAND BERNAL JR.
MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH