



STAFF REPORT TO THE ANTIOCH PLANNING COMMISSION

DATE: November 6, 2024

SUBMITTED BY: Nathan Tinclair, Associate Planner

APPROVED BY: Zoe Merideth, Planning Manager

SUBJECT: Housing-Related Zoning Code Updates (LA2024-0003)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Antioch City Council adopt an ordinance amending Chapter 5, Articles 2 (Definitions) and 38 (Land Use Regulations) of the Antioch Municipal Code, to reflect updated requirements for emergency shelters, major transit stops, supportive housing, transitional housing, employee housing, and replacement units required as part of development projects.

SUMMARY

This item is for the Antioch Planning Commission to consider recommending that the City Council adopt an ordinance amending the Zoning Code to meet new state law requirements and fulfill Housing Element implementation programs. Specifically – the ordinance would make the following changes:

1. Update the definitions of Emergency Shelters and Major Transit Stops.
2. Add a section that creates Employee Housing as a land use category and provides guidelines for its development including that housing for six or fewer employees be considered a single-family structure, and that housing for agricultural employees be considered an agricultural use.
3. Clarify that both supportive and transitional housing projects are considered a residential use of property, subject to the same restrictions that apply to other dwellings of the same type in the same zone.
4. Add a section that establishes requirements for the replacement of dwelling units.
5. Update footnotes to Table of Land Use Regulations to reflect updates in State law.

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).

Concurrently with the adoption of the Housing Element in January 2023, staff brought forward an ordinance, approved by City Council, amending several sections of the zoning code to comply with Housing Element policies and state laws, including changes to the design review process for multi-family projects, rezoning of parcels identified in the Housing Element, and updates to the allowed uses in residential and mixed-use zones. On November 28, 2023, the City Council adopted two additional ordinances related to updating the zoning code in furtherance of the Housing Element and compliance with state laws, including establishing new requirements for accessory dwelling units (ADU’s).

Since development and adoption of the Housing Element, the State of California has continued to implement legislation regulating the ways in which cities evaluate housing project applications, including AB 2553, discussed further below.

This proposed ordinance is in furtherance of the following Housing Element implementing programs and state laws:

Housing Element Programs

3.1.5 Emergency Shelters, Supportive, and Transitional Housing – this program requires updates to the zoning code to accommodate emergency shelters, supportive and transitional housing. The zoning code was previously amended to update requirements for emergency shelters, to allow supportive housing in multi-family zoning districts, as well as allow transitional housing subject to the same standards and procedures of residential uses in the same zone.

3.1.6 Zoning for Employee Housing— this program requires updates to the zoning code to accommodate employee housing – including defining housing for six or fewer employees as a single-family structure, as well as treating agricultural employee housing for 36 beds or less in group setting, or 12 individual units or less, as an agricultural use.

5.1.18 Replacement Housing—this program requires that replacement of units affordable to the same or lower income level be included as a condition of development on any nonvacant site identified in the Housing Element.

State Laws

AB 2553 – passed in 2023. This legislation updates the definition of “Major Transit Stop” – which includes rail or bus rapid transit stations, ferry terminals served by bus or rail transit, and the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less (was previously 15 minutes or less). In Antioch, the only

locations currently meeting the definition of a Major Transit Stop are the Antioch BART station and Antioch-Pittsburg Amtrak station.

SB 330/AB 1218 – SB 330, the Housing Crisis Act of 2019, added replacement unit requirements applicable to housing developments proposing to demolish existing dwelling units. AB 1218, passed in 2023, expanded these replacement unit requirements to all development projects demolishing protected units.

DISCUSSION

The proposed ordinance implements Housing Element programs, codifies state law, and provides clarification and upkeep for the Antioch Municipal Code.

Antioch's zoning regulations only allow for the continuation of the small amounts of existing agricultural uses, not expansion of agriculture, so staff does not anticipate that the employee housing amendments will result in significant development of agricultural workforce housing in Antioch. Small employee housing for six or fewer residents would be treated as a single-family house and could be developed in neighborhoods throughout the city.

The requirement for replacement dwelling units comes from state housing element law and the Housing Crisis Act of 2019. Projects that replace certain protected dwelling units, including those subject to rent restrictions or occupied by low or very low-income households, would be required to provide replacement units affordable to the same income level. Additionally, housing development projects must create at least as many units as they will demolish.

The proposed ordinance clarifies that per Government Code section 65583(c)(3), supportive housing (i.e. transitional housing) is also allowed subject to the same standards and procedures of residential uses in the same zone, and it adds a footnote better defining transitional housing.

The table below summarizes the proposed text amendments and the reason for requesting them:

AMC Section	Summary of Amendments	Reason for Amendments
9-5.203 DEFINITIONS	Clarifying that emergency shelters include navigation centers, bridge housing, respite or recuperative care.	Housing Element Program 3.1.5 Emergency Shelters, Supportive and Transitional Housing
	Changing frequency of bus service required to be considered a Major Transit Stop from intervals of 15 minutes or less to 20 minutes or less.	AB 2553
9-5.3803 TABLE OF LAND USE REGULATIONS	Add new category Employee Housing with footnotes 20 (employee housing for six or fewer considered a single-family structure) and 21 (agricultural housing developments).	Housing Element Program 3.1.6 Zoning for Employee Housing
	Make Supportive Housing permitted by right in RE/RR and R-4/R-6 districts subject to footnotes 11 and 17. Footnote 17 amended to clarify that supportive housing is subject to only those restrictions that apply to other dwellings of the same type in the same zone.	Housing Element Program 3.1.5 Emergency Shelters, Supportive and Transitional Housing Government Code section 65583(c)(3)
	Make Transitional Housing permitted by right in RE/RR and R-4/R-6 districts subject to footnotes 11 and 22. Footnote 22: transitional housing is subject to only those restrictions that apply to other dwellings of the same type in the same zone.	Housing Element Program 3.1.5 Emergency Shelters, Supportive and Transitional Housing Government Code section 65583(c)(3)

9-5.3809 AGRICULTURAL USES	Amend to read that employee housing is also permitted subject to § 9-5.3851.	Housing Element Program 3.1.6 Zoning for Employee Housing
9-5.3851 EMPLOYEE HOUSING	Establishes regulations for development of employee housing. Employee housing for six or fewer deemed a single-family structure. Agricultural employee housing of up to 36 beds in group quarters, or 12 individual units, is considered an agricultural use.	Housing Element Program 3.1.6 Zoning for Employee Housing
9-5.3852 REPLACEMENT OF DWELLING UNITS	Establishes replacement unit requirements for certain projects that involve the demolition of dwelling units.	Housing Element Program 3.1.8 Replacement Housing SB 330/AB 1218

ENVIRONMENTAL REVIEW

The proposed Ordinance is not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5) and Public Resources Code section 21065, because it constitutes organizational or administrative activities of the City that will not result in direct or reasonably foreseeable indirect physical changes in the environment. Specifically, the proposed Ordinance would only establish and clarify administrative processes required by state law and would not approve new construction or other groundbreaking activities. Thus, 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. Accordingly, this Ordinance is not a project under CEQA, and no further environmental review is required. This determination reflects the City’s independent judgment and analysis.

ATTACHMENTS

- A. Resolution recommending the City Council adopt Zoning Text Amendments
 Exhibit A: Draft Ordinance

ATTACHMENT "A"

PLANNING COMMISSION RESOLUTION NO. 2024-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, ARTICLES 2 AND 38 OF THE ANTIOCH MUNICIPAL CODE, ZONING, TO IMPLEMENT ZONING MODIFICATIONS RELATED TO THE GENERAL PLAN HOUSING ELEMENT AND UPDATES TO STATE LAW, AND FINDING THE ACTION NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the state Housing Element Law (Cal. Gov. Code §§ 65580 – 65589.11) requires that the City of Antioch (“Antioch” or “City”) adopt a General Plan Housing Element for the eight-year period of 2023-2031 (“Housing Element”), to accommodate the City’s regional housing need allocation (RHNA), and identify actions that will be taken to accommodate that portion of the City’s share of the regional housing need for each income level, that could not be accommodated on sites identified in the Housing Element inventory without rezoning (Gov. Code § 65583(c)(1)).

WHEREAS, on January 24, 2023, the City adopted the Housing Element and on October 12, 2023, the California Department of Housing and Community Development certified the Housing Element;

WHEREAS, to accommodate the RHNA allocation and increase the production and availability of housing in Antioch, the Housing Element outlines 67 separate Implementing Programs (“Program or Programs”), including Program 3.1.6, Zoning for Employee Housing, and Program 5.1.18, Replacement Housing;

WHEREAS, Title 9, Chapter 5 (Zoning) of the Antioch Municipal Code (“AMC”) contains the City’s zoning and land use regulations;

WHEREAS, to implement these Housing Element Programs, as well as maintain compliance with state housing law, AMC Title 9, Chapter 5, Articles 2 (Definitions) and 38 (Land Use Regulations) must be amended to update requirements for emergency shelters, major transit stops, supportive housing, transitional housing, employee housing, and replacement units required as part of development projects;

WHEREAS, this proposed ordinance (“Ordinance”) amends AMC Title 9, Chapter 5, Articles 2 and 38 to fulfill Housing Element Programs and comply with State law;

WHEREAS, the adoption of this Ordinance is not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5) and Public Resources Code section 21065, because it constitutes organizational or administrative activities of the City that will not result in direct or reasonably foreseeable indirect physical changes in the environment. Specifically, the proposed Ordinance would only establish and clarify administrative processes required by the Housing Element and state law and would not approve new

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construction or other groundbreaking activities. Thus, 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. Accordingly, this Ordinance is not a project under CEQA, and no further environmental review is required. This determination reflects the City's independent judgment and analysis;

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

WHEREAS, on November 6, 2024, the Planning Commission duly held a public hearing on the matter, and received and considered public comments and evidence, both oral and documentary;

WHEREAS, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

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 amending AMC Title 9, Chapter 5, Articles 2 (Definitions) and 38 (Land Use Regulations), per § 9-5.2802(B) of the Antioch Municipal Code:

The public necessity, convenience, and general welfare require these amendments in order to implement the City's Housing Element and comply with state law.

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

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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 6th day of November 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

KEVIN SCUDERO
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
AMENDING TITLE 9, CHAPTER 5, ARTICLES 2 AND 38 OF THE ANTIOCH MUNICIPAL CODE,
ZONING, TO IMPLEMENT ZONING MODIFICATIONS RELATED TO THE GENERAL PLAN
HOUSING ELEMENT AND UPDATES TO STATE LAW, AND FINDING THE ACTION NOT A
PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, the state Housing Element Law (Cal. Gov. Code §§ 65580 – 65589.11) requires that the City of Antioch (“Antioch” or “City”) adopt a General Plan Housing Element for the eight-year period of 2023-2031 (“Housing Element”), to accommodate the City’s regional housing need allocation (RHNA), and identify actions that will be taken to accommodate that portion of the City’s share of the regional housing need for each income level, that could not be accommodated on sites identified in the Housing Element inventory without rezoning (Gov. Code § 65583(c)(1)).

WHEREAS, on January 24, 2023, the City adopted the Housing Element and on October 12, 2023, the California Department of Housing and Community Development certified the Housing Element;

WHEREAS, to accommodate the RHNA allocation and increase the production and availability of housing in Antioch, the Housing Element outlines 67 separate Implementing Programs (“Program or Programs”), including Program 3.1.6, Zoning for Employee Housing, and Program 5.1.18, Replacement Housing;

WHEREAS, Title 9, Chapter 5 (Zoning) of the Antioch Municipal Code (“AMC”) contains the City’s zoning and land use regulations;

WHEREAS, to implement these Housing Element Programs, as well as maintain compliance with state Housing Element Law, AMC Title 9, Chapter 5, Articles 2 (Definitions) and 38 (Land Use Regulations) must be amended to update requirements for emergency shelters, major transit stops, supportive housing, transitional housing, employee housing, and replacement units required as part of development projects;

WHEREAS, this proposed ordinance (“Ordinance”) amends AMC Title 9, Chapter 5, Articles 2 and 38 to fulfill Housing Element Programs and comply with State law;

WHEREAS, on [date], the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to Zoning code amendments to implement Housing Element Programs, 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 Zoning code amendments to implement Housing Element Programs, 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;

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 state law, as well as implement Housing Element Programs.

SECTION 3: City Council Review

The City Council has reviewed, considered, and evaluated all of the information prior to acting upon the 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 to Section 9-5.203

Section 9-5.203 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-5.203 DEFINITIONS.

EMERGENCY SHELTER. A temporary, short-term residence providing housing with minimal support service for homeless families or individual persons where occupancy is limited to six months or less, as defined in Cal. Health and Safety Code § 50801. Medical assistance, counseling, and meals may be provided. An emergency shelter shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

MAJOR TRANST STOP. Consistent with California Public Resources Code Section 21064.3, a site containing any of the following:

- (a) An existing rail or bus rapid transit station
- (b) A ferry terminal served by either a bus or rail transit service
- (c) The intersection of two or more major bus routes with a frequency of service interval of ~~15~~ 20 minutes or less during the morning and afternoon peak commute periods.

SECTION 6: Amendment to Section 9-5.3803

Section 9-5.3803 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-5.3803 TABLE OF LAND USE REGULATIONS.

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES 9	CB	TH 14	CIH 14	IH
RESIDENTIAL USES																						
Day-care centers (§ 9-5.3832)	U	U	U	U	U	U	U	U	U	U	U	U	—	—	U	—	—	U*	—	—	—	— ¹⁸
Senior Group Housing ¹⁰	P	P	U	U	U	U	—	—	—	—	—	U	U	—	—	—	—	U*	—	—	—	P
Family care home ¹⁰	P	P	P	P	—	—	—	—	—	—	—	U	U	—	—	—	—	U	—	—	—	P
Fraternity-sorority house/dormitory	U	U	U	U	U	U	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—
<u>Employee Housing (§ 9-5.3809 & § 9-5.3851)</u>	<u>p^{20, 21}</u>	<u>p²⁰</u>	<u>p²⁰</u>	<u>p²⁰</u>	<u>p²⁰</u>	<u>p²⁰</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>p²¹</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
Home occupations	A	A	A	A	A	A	—	—	—	—	—	A	—	—	—	—	—	—	—	—	P	P
Hospice ¹⁰	—	—	U	U	U	U	—	U	U	—	—	U	—	—	—	—	—	U ₂ *	—	—	—	—

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB	TH	CIH 14	IH
Low Barrier Navigation Center													P					P	P			P	P
Mobile homepark			U	U	U		U												*				
Multiple-family: condominium, apartment, town-house (§9-5.3820)			P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹						P ¹¹					U ₂	*			P ¹⁵ U ¹⁶	— ¹⁹
Recreational vehicle park (§9-5.3830)														U				U	*				
Residential care facility ¹⁰			U	U	U	U	U		U	U	U	U	U					U	*				
Supportive Housing	<u>P^{11,17}</u>	<u>P^{11,17}</u>	P ^{11,17}	P ^{11,17}	P ^{11,17}	P ^{11,17}	P ^{11,17}						P ^{11,17}					U	P,17			P,17	P ¹⁷
Residential hotel			U	U	U	U	U		U	U	U	U	U						*				

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-2 35	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB	TH	CIH ₁₄	IH
Room & boarding house	—	—	U	U	U	U	—	U	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Accessory Dwelling Unit (§9-5.3805)	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	—	—	*	—	—	—	—
Cottage Community																						P
Single-family dwelling	P	P	U	P ¹	P ¹	P ¹	—	—	—	—	—	U	—	—	—	—	—	*	—	—	—	—
Tobacco and paraphernalia retailers (§9-5.3843)	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—	—
Two-family dwelling	—	—	P	P	P	P	—	—	—	—	—	U	—	—	—	—	—	*	—	—	—	—
Transitional Housing	P¹¹, P²²	P¹¹, P²²	P¹¹, P²²	P¹¹, P²²	P¹¹, P²²	P¹¹, P²²	—	—	—	—	—	P¹¹, P²²	—	—	—	—	U	P²²	—	U	P¹⁵, U¹⁶	P¹¹, P²²
PUBLIC AND SEMI-PUBLIC USES																						
Bus & transit maintenance facility	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*	—	—	—	—
Bus & train terminal	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*	—	—	—	—
Clubs & Lodges(private)	—	U	U	U	U	U	U	U	U	U	U	U	—	—	—	—	U	*	—	—	—	—

& public)	R E R R	R-4 R-6	R-10	R-2 0	R-2 5	R-35	R-PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	H ES ⁹	CB	TH	CIH ₁₄	IH
Convalescent and Extended Care	—	—	U	U	U	U	—	—	—	—	—	U	—	—	—	—	U	—	—	—	—	—
Correctional facility ¹²	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—
Cultural institutions	—	—	—	—	—	—	U	U	—	U	U	U	U	—	U	—	U	*	—	—	—	—
Government offices	—	—	—	—	—	—	U	P	P	P	P	U	—	—	U	U	—	*	—	—	—	—
Heliport (§9-5.3806)	—	—	—	—	—	—	U	—	—	—	—	—	U	—	U	U	U	*	—	—	—	—
Emergency shelter	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	P	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H ES 9	CB	TH CIH 14	IH
Hospitals (§ 9-5.3827):																				
Acute care	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	—	—	—
Rehabilitation	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	—	—	—
Psychiatric/ chemical dependency	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	—	—	—
Medical care—urgent	—	—	—	—	—	—	U	U	—	—	—	U	—	—	P	U	P	—	—	—
Parks	P	P	P	P	P	P	P	P	—	U	U	U	P	P	U	U	—	—	—	—
Public assembly	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	—	—	— ¹⁸
Public safety facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—
Public utility yard	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	—	—	—
Religious assembly ³ (§9- 5.3832)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—
Satellite antenna (§ 9-5.3807)	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	—	—	—
Schools, private and preschools	U	U	U	U	U	U	U	U	U	U	—	U	—	—	U	—	U	—	—	— ¹⁸

	RE RR	R-4 R-6	R-10	R-20	R-2 5	R-35	PB C	C-0	C-1 2	C-3	MC R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	IH
Utility substations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	—	—	—	—
COMMERCIAL USES																					
Adult book stores, motion picture arcades, and model studios (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	*	—	—	—	—
Adult entertainment, other (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	*	—	—	—	—
Agricultural uses (§ 9-5.3809)	P	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	*	—	—	—	—
Appliance maintenance & repair services:																					
Major	—	—	—	—	—	—	—	—	—	P	P	—	—	P	P	—	*	—	—	—	—
Minor	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	*	—	—	—	—
Amusement center (§ 9-5.3813)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—

	RE R R	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2 2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH 14	IH
Animal hospital veterinary clinics	—	—	—	—	—	—	U	—	U	U	U	U	—	—	U	U	—	*	—	—	—	—
Antique store	—	—	—	—	—	—	—	—	—	P	A	U	—	—	U	—	—	*	—	—	—	—
Auto sales, rental	—	—	—	—	—	—	U	—	—	U	U	—	—	—	—	—	—	*	—	—	—	—
Auto storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Auto service station (§ 9-5.3815)	—	—	—	—	—	—	—	—	U	U	U	—	—	—	U	U	—	*	—	—	—	—
Auto repair:																						
Major	—	—	—	—	—	—	U	—	—	—	U	U	—	—	U	P	—	*	—	—	—	—
Minor	—	—	—	—	—	—	U	—	U	U	U	U	—	—	P	P	—	*	—	—	—	—
Bakeries-retail	—	—	—	—	—	—	—	—	P	P	P	P	U	—	P	P	—	*	—	—	—	—
Bank or savings & loan	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Bar (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Barber & beauty shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—

	RE	R-4	R-1	R-20	R-2	R-3	P	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	CB	TH	CIH	IH
	RR	R-6	R-0		5	5	B					R					S ⁹				₁₄	
Bed and breakfast inns (§9-5.3819)	U	U	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	*	—	—	—	—
Boat repair																						
Major	—	—	—	—	—	—	U	—	—	—	U	U	U	—	U	P	—	*	—	—	—	—
Minor	—	—	—	—	—	—	U	—	U	—	U	U	U	—	P	P	—	*	—	—	—	—
Boat, RV— storage facility (§ 9-5.3810)	—	—	—	—	—	—	—	—	—	—	U	U	U	—	U	P	—	*	—	—	—	—
Bowling alleys (§9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Cannabis business (§ 9-5.3845)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U ¹³	—	—	—
Car and vehicle wash	—	—	—	—	—	—	—	—	—	U	U	U	U	—	U	U	—	*	—	—	—	—
Card room	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	*	—	—	—	—
Catering services	—	—	—	—	—	—	—	—	—	P	P	P	A	—	U	—	—	*	—	—	—	—
Clothing store	—	—	—	—	—	—	—	—	—	P	P	P	A	—	—	—	—	*	—	—	—	—

	RE	R-4	R-1	R-20	R-2	R-3	R-5	P	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	CB	TH	CIH ₁₄	IH	
Combined residential/commercial structure	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*	—	—	—	—
Computer gaming and internet access business	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—	—	—
Confectionery stores	—	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	—	*	—	—	—	—
Dance hall	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	—	—	—	*	—	—	—	—

	RE	R-4	R-1	R-20	R-2	R-3	R-5	P	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	CB	TH	CIH	IH
	RR	R-6	R-0		5	5	5	B			2		R					S ⁹				14	
Drive-up window (all uses)	—	—	—	—	—	—	—	U	U	U	U	U	U	—	—	U	U	U	*	—	—	—	—
Dry cleaning agencies; pick-up and self-serve	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Florist shop	—	—	—	—	—	—	—	P	—	P	P	P	P	—	—	—	—	P	*	—	—	—	—
Food stores (§9-5.3831):																							
Convenience store	—	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	U	*	—	—	—	—
Supermarket	—	—	—	—	—	—	—	—	—	U	P	P	U	—	—	—	—	—	*	—	—	—	—
Fortune-teller's	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Funeral parlor & mortuary	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Furniture stores	—	—	—	—	—	—	—	—	—	—	P	P	U	—	—	—	—	—	*	—	—	—	—
Gift shop	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	*	—	—	—	—
Gun sales (§9-5.3833)	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Hardware store	—	—	—	—	—	—	—	—	—	U	P	P	U	U	—	—	—	—	*	—	—	—	—
Health club/fitness center	—	—	—	—	—	—	—	U	—	U	P	P	U	—	—	U	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH 14	IH
Hotel & motels	—	—	—	—	—	—	U ⁵	U	—	P	P	P	U	—	U ⁵	—	U	*	—	—	—	—
Jewelry store	—	—	—	—	—	—	—	—	—	P	P	P	U	—	—	—	—	*	—	—	—	—
Kennels	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	U	—	*	—	—	—	—
Laboratories; medical, dental, optical	—	—	—	—	—	—	P	P	U	U	U	U	—	—	U	—	P	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH 14	IH
Laundrette	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Liquor stores (§9- 5.3831)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Marina	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	*	—	—	—	—
Miniature golf courses	—	—	—	—	—	—	—	—	—	U	U ⁶	U	—	—	U	—	—	*	—	—	—	—
Mini-storage	—	—	—	—	—	—	—	—	—	—	—	U	U	—	U	P	—	*	—	—	—	—
Nurseries (horticulture) (§ 9-5.3824)	—	—	—	—	—	—	—	—	—	P	P	U	U	—	P	P	—	*	—	—	—	—

	RE	R-4	R-1	R-20	R-2	R-3	P	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	CB	TH	CIH	IH
	RR	R-6	0		5	5	B			2		R				2	—	S ⁹			14	
Printing & blue printing	—	—	—	—	—	—	—	P	P	U	U	U	—	—	P	P	—	*	—	—	—	—
Radio & TV sales & repair	—	—	—	—	—	—	—	—	U	P	P	P	—	—	—	—	—	*	—	—	—	—
Recycling facilities:																						
Reverse vending machines (§ 9-5.3811)	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	*	—	—	—	—
Small collection facility (§ 9-5.3812)	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*	—	—	—	—
Large collection facility (§ 9-5.3813)	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*	—	—	—	—
Light processing facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Heavy processing facility (§ 9-5.3815)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Repair service	—	—	—	—	—	—	—	—	—	—	U	U	U ⁷	—	P	P	—	*	—	—	—	—

	RE	R-4	R-1	R-2	R-2	R-3	R-3	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	S ⁹	CB	TH	CIH ₁₄	IH
Restaurants (§§ 9-5.3823 and 9-5.3831):																							
General	—	—	—	—	—	—	P	P	P	P	P	P	P	—	U ⁵	—	—	*	—	—	—	—	—
Fast food	—	—	—	—	—	—	U	—	—	U	U	U	U	—	U ⁵	—	—	*	—	—	—	—	—
Outdoor seating & food service	—	—	—	—	—	—	U	U	U	U	U	U	U	—	U ⁵	U	—	*	—	—	—	—	—
Take out/delivery	—	—	—	—	—	—	P	U	P	P	P	P	U	—	U ⁵	—	—	*	—	—	—	—	—

	RE	R-4	R-1	R-2	R-2	R-3	P	C-0	C-1	C-2	C-3	MC	WF	OS	M-1	M-2	H	E	CB	TH	CIH	IH
	RR	R-6	R-0	R-0	R-5	R-5	B	C				R					S ⁹				14	
With bar & live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Retail; general and specialty	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	*	—	—	—	—
Secondhand sales	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*	—	—	—	—
Shoe repair shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Sign shop	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	—	—	*	—	—	—	—
Studios (e.g., dance, martial arts)	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	*	—	—	—	—
Tailor shop	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	*	—	—	—	—
Tattoo studio	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Theaters	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Upholstery shop	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	P	—	*	—	—	—	—
Wireless Communications Facilities (§ 9-5.3846)	As subject to § 9-5.3846																					
Variety store	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H S ⁹	CB	TH	CIH 14	IH
Vehicle/boat/ equipment sales & rental (\$ 9-5.3825)	—	—	—	—	—	—	U ⁸	—	—	U	U	U	U	—	U	U	—	*	—	—	—
INDUSTRIAL USES																					
Animal rendering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Bakery- commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	*	—	—	—
Beverage bottling plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—
Boat building	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	P	—	*	—	—	—
Cement or clay products manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—
Concrete batch plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Contractor's storage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—
Dairy products processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—
Dry cleaners processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—
Exterminator	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H ES ₉	CB	TH	CIH ₁₄	IH
Residual repository (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	*	—	—	—	—
Salvage/war surplus yards	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	*	—	—	—	—
Solid waste transfer station	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	*	—	—	—	—
Smelting or processing of iron, tin zinc or other ore	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	*	—	—	—	—
Stockyards/slaughterhouses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	*	—	—	—	—
Stone monument works	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	*	—	—	—	—
Truck terminal yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	*	—	—	—	—
Truck & tractor repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	*	—	—	—	—
Warehousing & wholesaling	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	U	P	*	—	—	—	—
TEMPORARY USES																						
	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-2 5	R-3 3	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H ES	CB	TH	CIH	IH

Removal of earth (§ 9-5.3822)	A	A	A	A	A	A	A	A	A	A	A	A	A	14	
Temporary construction building and uses (§ 9-5.3821)	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Outdoor display of merchandise (in conjunction with a non-residential use)	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	A	A	A	A	A	A	A	A	A	A	A	A	A	*	—
Christmas tree and pumpkin sale lots (§ 9-5.3829)	—	—	—	—	—	—	—	—	—	—	—	—	—	*	—

1. Single-family dwellings existing prior to the effective date of this section are permitted uses, conforming to the R-20 zone; however, development of new single-family dwelling units, other than replacement of existing single-family dwellings, are prohibited within the R-20, R-25, and R-35 zones.
2. Use may be permitted as an ancillary use if it is incidental to an otherwise permitted or conditionally permitted use within this zoning district.
3. Legally established churches existing prior to the effective date of this section are permitted uses, conforming to the PBC, C-O, C-1, C-2, and C-3 zone; however, development of new religious assembly uses, other than replacement of existing uses, is prohibited within these zoning districts.

4. Funeral services are limited to “J” Street, Fourth Street, and the area between Fourth and Fifth Streets.
5. May be located only on sites adjacent to freeway interchanges.
6. May be located along Somersville Road north of the SR-4 freeway.
7. Marine repair only. Permitted as an ancillary service for waterfront activities.
8. Boat sales and repair only.
9. In the case of the Emergency Shelter Overlay District, where no letter or number is included in the table for a particular landuse, the regulations of the base zone apply. Emergency shelters are permitted by right in the Emergency Shelter Overlay District if they meet all standards of § 9-5.3835, Emergency Shelters, of this article.
10. Hospices and residential care facilities providing care for up to six patients are a permitted use in any district where residential uses are allowed.
11. Permitted by right subject to compliance with all other applicable standards and design review pursuant to Article 26 and 27.
12. Subject to a conditional use permit on a site at least one quarter mile from any type of residential care facility, social service institution, welfare institution, or a similar type of facility; at least one mile from another correctional facility; and at least 1,000 feet from a school, library, public park, recreation area or any property zoned or used for residential development. See § 9-5.3838, Correctional Facilities, for additional requirements.
13. Cannabis business requires approval of a use permit by the City Council upon recommendation by the Planning Commission. See § 9-5.3845.
14. In the Commercial Infill Housing Overlay District, allowable commercial uses and standards remain as determined by the underlying zoning.
15. Up to 35 units/acre and building height of four stories or 45 feet permitted by right subject to compliance with all other applicable standards.
16. 35 to 50 units/acre and building height above 45 feet permitted with approval of a use permit.
17. Supportive housing developments must meet the requirements of Government Code Section 65651 (a) to be permitted by right and reviewed consistent with Government Code Sections 65651 and 65653. Pursuant to Government Code Section 65583(c)(3), supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Developments which do not meet such requirements shall require approval of a use permit, except that cottage community supportive housing developments may be deed restricted for 20 years instead of 55 years.
18. Permitted as supportive services/community spaces that are accessory to residential land uses in a cottage community.
19. The IH Overlay does not preclude the development of multiple-family residential where otherwise allowed. When multiple-family residential uses are permitted per the underlying zoning, such as with sites identified in the Housing Element, the site may develop in compliance with Articles 26 and 27.
20. Employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure. See § 9-5.3851.
21. Any employee housing consisting of 12 units or 36 beds or less designed for use by families or households working for an existing agricultural use, shall also be deemed an agricultural use. See § 9-5.3809.
22. Pursuant to Government Code Section 65583(c)(3), transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same

zone. Transitional housing developments must meet the definition of Government Code Section 65582 (j). Developments which do not meet such requirements shall require approval of a use permit.

SECTION 7: Amendment to Section 9-5.3809

Section 9-5.3809 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-5.3809 AGRICULTURAL USES.

Pre-existing agricultural uses can be continued and not expanded. Employee housing for agricultural uses is also permitted in zones where pre-existing agricultural uses are allowed subject to § 9-5.3851, Employee Housing, of this article.

SECTION 8: Addition of Section 9-5.3851

Section 9-5.3851 is hereby added to Title 9, Chapter 5, Article 38 of the Antioch Municipal Code, to read as follows:

§ 9-5.3851 EMPLOYEE HOUSING.

(A) Pursuant to California Health and Safety Code § 17021.5, employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Employee housing, as defined in California Health and Safety Code § 17008, shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. The provisions of this subdivision shall be interpreted to fulfill the requirements of Cal. Health and Safety Code § 17021.5. Any changes to that Cal. Health and Safety Code § 17021.5 shall be deemed to supersede and govern any conflicting provisions contained herein.

(B) Pursuant to California Health and Safety Code § 17021.6, any employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designed for use by a single family or household, working for an agricultural use, shall be deemed an agricultural use. No conditional use permit, zoning variance or other discretionary approval shall be required of this employee housing for up to 12 units or 36 beds that is not required of any other agricultural activity in the same zone. Pursuant to California Health and Safety Code § 17021.8, a new agricultural employee housing development that meets certain criteria is eligible for a streamlined, ministerial approval process and is not subject to a conditional use permit. The provisions of this subdivision shall be interpreted to fulfill the requirements of Cal. Health and Safety Code §§ 17021.6 and 17021.8. Any changes to Cal. Health and Safety Code § 17021.6 and § 17021.8 shall be deemed to supersede and govern any conflicting provisions contained herein.

SECTION 9: Addition of Section 9-5.3852

Section 9-5.3852 is hereby added to Title 9, Chapter 5, Article 38 of the Antioch Municipal Code, to read as follows:

§ 9-5.3852 REPLACEMENT OF DWELLING UNITS.

(A) No project shall be approved that will require the demolition of occupied or vacant protected units, unless the project complies with the applicable replacement requirements of Government Code § 66300.6(b).

(B) A housing development project shall not be approved if it requires demolition of one or more residential dwelling units unless the project will create at least as many units as will be demolished.

(C) For any project on a nonvacant site identified in the General Plan Housing Element inventory of adequate sites, dwelling units shall also be replaced consistent with Government Code § 65915(c)(3).

(D) The terms used in this section are as defined in Government Code § 66300.5, and Antioch Municipal Code § 9-5.203.

SECTION 10: CEQA

The City Council finds that the adoption of this Ordinance is not a project under CEQA pursuant to CEQA Guidelines section 15378(b)(5) and Public Resources Code section 21065, because it constitutes organizational or administrative activities of the City that will not result in direct or reasonably foreseeable indirect physical changes in the environment. Specifically, the proposed Ordinance would only establish and clarify administrative processes required by state law and the City's adopted Housing Element, and would not approve new construction or other groundbreaking activities. Thus, 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 11: 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 12: 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 ___ 2024, and passed and adopted at a regular meeting thereof, held on the ___ day of ___ 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

**LAMAR A. HERNANDEZ-THORPE
MAYOR OF THE CITY OF ANTIOCH**

ATTEST:

**ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH**