



STAFF REPORT TO THE ANTIOCH PLANNING COMMISSION

DATE: November 6, 2024

SUBMITTED BY: Nathan Tinclair, Associate Planner

APPROVED BY: Zoe Merideth, Planning Manager

SUBJECT: Tentative Map Approval Procedure Ordinance (LA2024-0002)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the Antioch City Council adopt an ordinance amending Title 9, Chapter 4 (Subdivisions) of the Antioch Municipal Code to allow the Antioch Planning Commission to approve Tentative Maps.

SUMMARY

Title 9, Chapter 4 (Subdivisions) of the Antioch Municipal Code (“AMC”) contains regulations implementing the State of California’s Subdivision Map Act, including establishing the Antioch Planning Commission (“Planning Commission”) as the Advisory Agency, but also requiring that the City Council approve all Tentative Maps that are not considered minor.

In order to streamline Antioch’s development review process and make it more consistent with neighboring jurisdictions and the goals of the Housing Element, this proposed ordinance (“Ordinance”) amends AMC Title 9, Chapter 4, Articles 1 and 3 to assign the Planning Commission the sole authority to approve Tentative Maps as the Advisory Agency in compliance with the Subdivision Map Act, while designating the City Council to act as the Appeals Board for Tentative Map decisions and to continue approving Final Maps.

BACKGROUND

The Subdivision Map Act establishes local agency responsibilities for the design and division of improved and unimproved land. The Act requires that projects submit a Tentative and Final Map for all subdivisions containing five or more parcels, except under certain limited circumstances. Tentative Maps are reviewed by City Engineering and Community Development staff for compliance with development standards, general plan and/or specific plan guidelines, zoning provisions and other state and local regulations. Processing also includes completing necessary environmental review in compliance with

the California Environmental Quality Act. Once staff has evaluated a Tentative Map application, the map is forwarded to the approving body (here, the Planning Commission) with a recommendation to approve, conditionally approve, or deny the map, depending on whether it complies with the above areas of evaluation, or otherwise poses a threat to health and safety. When a local agency approves or conditionally approves a Tentative Map, that approval confers the right to proceed with development in substantial compliance with the approved map. In order to complete the subdivision of land, the developer is required to submit a Final Map which shows substantial compliance with the Tentative Map.

The Subdivision Map Act authorizes the City to delegate the approval, conditional approval, or disapproval of Tentative Maps to the Planning Commission. The City of Antioch is an outlier among nearby jurisdictions in that it requires the City Council to approve both Tentative Maps and Final Maps. Nearby jurisdictions that allow their Planning Commissions to approve Tentative Maps include:

- Pittsburg
- Brentwood
- Oakley
- Walnut Creek
- Concord
- Contra Costa County (for unincorporated areas)

DISCUSSION

Antioch's 2023-2031 General Plan Housing Element outlined a number of implementing programs to facilitate the production of housing in the city, including Implementing Program 4.1.1 "Maintain a Streamlined, Affordable Application Process." As part this program, the City committed to reviewing its development review procedures and modifying procedures and requirements that unduly impact the cost or supply of housing. Requiring City Council approval for Tentative Maps adds weeks or months on to the timeline for entitlement approval. Additionally, including this additional level of discretionary review adds a layer of uncertainty to developments, which may not be experienced in other nearby jurisdictions.

Eliminating the necessity of an additional hearing also saves the project applicant hundreds of dollars in permitting costs for staff time preparing reports and presentations and attending the actual hearing, as well as the costs to prepare, distribute and publish an additional public hearing notice.

Adoption of this Ordinance will not change Staff's current duty of evaluating projects for compliance with local and state laws, plans and regulations. Furthermore, this Ordinance does not exempt projects from following the CEQA environmental review process.

In the event that a project requires entitlements that must be approved by the City Council, such as would be the case for a Planned Development or other rezoning or General Plan Amendment, the City Council would continue to be the final approving body for all of the

project entitlements. This ordinance makes the approval of Tentative Maps consistent with the City Council's role as the as the body that establishes citywide plans, guidelines and policy, and the Planning Commission as the body that evaluates individual projects.

The City Council will also serve as the sole body hearing appeals of any Tentative Map approvals. Therefore, in the event that a decision of the Planning Commission is controversial, and an appeal is filed in accordance with section [9-5.2509](#) of the Antioch Municipal Code, the City Council would make the ultimate determination as to whether the map meets the city's adopted standards, and other relevant local, state and federal laws.

For these reasons, staff feels that this Ordinance will streamline development without sacrificing the City Council's ability to be the ultimate arbiter of the discretionary approvals required for a development project.

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 4, ARTICLES 1 AND 3 OF THE ANTIOCH MUNICIPAL CODE, SUBDIVISIONS, TO ALLOW THE ANTIOCH PLANNING COMMISSION TO APPROVE TENTATIVE MAPS, AND FINDING THE ACTION NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, California’s Subdivision Map Act (Government Code §§ 66410 et seq.) establishes local agency responsibilities for the design and division of improved and unimproved land;

WHEREAS, the Subdivision Map Act defines “Advisory Agency” as “...an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps;”

WHEREAS, Title 9, Chapter 4 (Subdivisions) of the Antioch Municipal Code (“AMC”) contains regulations implementing the Subdivision Map Act, including establishing the Antioch Planning Commission (“Planning Commission”) as the Advisory Agency, but also requiring that the City Council approve all Tentative Maps that are not considered minor;

WHEREAS, the Subdivision Map Act, pursuant to Government Code section 66452.1, authorizes cities to delegate the approval, conditional approval, or disapproval of Tentative Maps to their designated advisory agencies;

WHEREAS, The City of Antioch’s General Plan Housing Element (“Housing Element”) Implementing Program 4.1.1 requires the City to “identify ways to streamline and improve the development review process, as well as eliminate any unnecessary delays and restrictions in the processing of development applications...;”

WHEREAS, the proposed ordinance (“Ordinance”) amends AMC Title 9, Chapter 4, Articles 1 and 3 to assign the Planning Commission the sole authority to approve Tentative Maps as the Advisory Agency in compliance with the Subdivision Map Act, while designating the City Council to act as the Appeals Board for Tentative Map decisions and to continue approving Final Maps;

WHEREAS, adopting the proposed Ordinance would streamline Antioch’s development review process and make it more consistent with neighboring jurisdictions;

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,

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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;

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 Title 9, Chapter 4 (Subdivisions) of the Antioch Municipal Code, per § 9-5.2802(B) of the Antioch Municipal Code:

The public necessity, convenience, and general welfare require these amendments in order to streamline the production of housing and other developments in Antioch, as well as to keep Antioch's permitting process and timeline competitive with, and comparable to neighboring cities.

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.

* * * * *

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 4, ARTICLES 1 AND 3 OF THE ANTIOCH MUNICIPAL CODE, SUBDIVISIONS, TO ALLOW THE ANTIOCH PLANNING COMMISSION TO APPROVE TENTATIVE MAPS, AND FINDING THE ACTION NOT A PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, California’s Subdivision Map Act (Government Code §§ 66410 et seq.) establishes local agency responsibilities for the design and division of improved and unimproved land;

WHEREAS, the Subdivision Map Act defines “Advisory Agency” as “...an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps;”

WHEREAS, Title 9, Chapter 4 (Subdivisions) of the Antioch Municipal Code (“AMC”) contains regulations implementing the Subdivision Map Act, including establishing the Antioch Planning Commission (“Planning Commission”) as the Advisory Agency, but also requiring that the City Council approve all Tentative Maps that are not considered minor;

WHEREAS, the Subdivision Map Act, pursuant to Government Code section 66452.1, authorizes cities to delegate the approval, conditional approval, or disapproval of Tentative Maps to their designated advisory agencies;

WHEREAS, The City of Antioch’s General Plan Housing Element (“Housing Element”) Implementing Program 4.1.1 requires the City to “identify ways to streamline and improve the development review process, as well as eliminate any unnecessary delays and restrictions in the processing of development applications...;”

WHEREAS, this proposed ordinance (“Ordinance”) amends AMC Title 9, Chapter 4, Articles 1 and 3 to assign the Planning Commission the sole authority to approve Tentative Maps as the Advisory Agency in compliance with the Subdivision Map Act, while designating the City Council to act as the Appeals Board for Tentative Map decisions and to continue approving Final Maps;

WHEREAS, adopting this proposed Ordinance would streamline Antioch’s development review process and make it more consistent with neighboring jurisdictions;

WHEREAS, on [date], the Planning Commission held a duly noticed public hearing to consider the proposed Ordinance related to streamlining the Tentative Map approval process, 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 streamlining the Tentative Map approval process, 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 and implement the state Subdivision Map Act, as well as further goals of the Housing Element.

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 decision 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 9-4.104

Section 9-4.104 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-4.104 ADVISORY AGENCY.

The Planning Commission is hereby designated as the Advisory Agency with respect to subdivisions ~~in the following capacity~~ as provided in the Subdivision Map Act, ~~(Subdivisions)-subsection (a) (b) of § 66452.1 and subsection (a) of § 66452.2 and (Minor Subdivisions)-subsection (b) of § 66452.1~~, and shall have all the powers and duties with respect to subdivisions, the maps thereof, and the procedure relating thereto which are specified by law and the provisions of this chapter.

SECTION 6: Amendment to Section 9-4.312

Section 9-4.312 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-4.312 COMMISSION ACTION.

The Commission shall consider the tentative map at a duly noticed public hearing ~~within 50 days, unless such time is extended by the mutual consent of the subdivider and the Commission, and~~ The Commission shall, by resolution, approve, conditionally approve, or disapprove of the map, make a written report with recommendations to the Council concerning the approval, conditional approval, or disapproval of the map, or any other conditions precedent thereto, and such improvements as may be required, and shall report such action in writing to the subdivider, the City Engineer, and such agencies as may request to be notified. The Planning Commission shall approve, conditionally approve or deny the tentative map within fifty (50) days after certification of an environmental impact report, adoption of a negative declaration or a determination by the City that the project is exempt from the requirements of the California Environmental Quality Act, within 50 days, unless such time is extended by the mutual consent of the subdivider and the Commission ~~City~~. Any application for exceptions, as provided for in § 9-4.311 of this article, shall accompany the tentative map. In connection with the action to approve or conditionally approve the tentative map, the Commission may grant all or any part of such exceptions as may have been requested by the subdivider. and the recommendations of the Commission on the tentative map shall include the recommendations on any exception requested. Following the adoption of the recommendations on the tentative map, the map and recommendations shall be transmitted to the Council for action.

SECTION 7: Amendment to Section 9-4.313

Section 9-4.313 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-4.313 ~~COUNCIL ACTION APPEALS.~~

~~Following the receipt of the tentative map and the recommendations of the Commission, the Council shall consider the tentative map and the~~

~~recommendations thereon, and shall, within 30 days, by resolution, approve, conditionally approve, or disapprove the tentative map, and shall report such action in writing to the subdivider, the City Engineer, and such agencies as may request to be notified. In connection with the action to approve or conditionally approve the tentative map, the Council may grant all or any part of such exceptions as may have been requested by the subdivider as provided for in § 9-4.311 of this article. By mutual consent of the subdivider and the Council, the period of consideration of the tentative map by the Council may be extended.~~

Decisions of the Commission pursuant to this article shall be appealable solely to the Council as per § 9-5.2509 of the Antioch Municipal Code.

SECTION 8: Amendment to Section 9-4.314

Section 9-4.314 of the Antioch Municipal Code is hereby amended to read as follows, with additions shown in underline and deletions indicated by strikethrough:

§ 9-4.314 EXPIRATION AND EXTENSION.

An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval. Upon an application of the subdivider filed with the Engineering Division, prior to the expiration of the tentative map, and following the ~~recommendation~~ approval of the Commission, the time at which the map expires may be extended by the ~~Council~~ Commission by resolution, for a period of ~~one additional year~~ 12 additional months.

SECTION 9: 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 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.

SECTION 10: 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 11: 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**