

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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November 3, 2025

Mayor Ron Bernal  
Mayor Pro Tem Louie Rocha  
Council Members Donald P. Freitas, Tamisha Torres-Walker, and Monica Wilson  
City of Antioch  
200 H Street  
Antioch, CA 94509

Dear Mayor Ron Bernal, Mayor Pro Tem Louie Rocha, and Council Members Donald P. Freitas, Tamisha Torres-Walker, and Monica Wilson

**RE: Wildflower Station Townhomes 2 Project– Letter of Support and Technical Assistance**

The California Department of Housing and Community Development (HCD) understands that on October 28, 2025, the City Council of the City of Antioch (City) continued the public hearing to consider a proposed 159-unit project to be located at the east side of Hillcrest Avenue and the north side of Wildflower Drive (APNs: 052-140-013, 052-140-014, 052-140-015, 052-140-016) (Project). The purpose of this letter is to assist the City with its decision-making by providing technical assistance related to Housing Accountability Act (HAA)<sup>1</sup>, State Housing Element Law<sup>2</sup>, and the Five Hearing Rule.<sup>3</sup>

**Background**

HCD understands the Project has been verified by planning staff (Staff) to be consistent with the General Plan, as well as applicable standards of the City's Zoning Ordinance and Subdivision Ordinance, and that the Planning Commission approved the project at its August 20, 2025 meeting. The Project was then brought to City Council for approval on September 23, 2025, but consideration of the project was continued until the Council's October 28, 2025 meeting, where a final determination on the project was again continued until the Council's scheduled meeting on November 3, 2025.

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<sup>1</sup> Gov. Code, § 65589.5.

<sup>2</sup> Gov. Code, § 65580.

<sup>3</sup> Gov. Code, § 65905.5.

## **Housing Accountability Act (HAA)**

The Project meets the definition of a “housing development project” under the HAA.<sup>4</sup> A “housing development project” that meets all objective standards (except those lawfully modified via State Density Bonus Law (SDBL) concessions and waivers) may only be disapproved or approved at a lower density if the City makes written findings, supported by a preponderance of evidence on the record, that (1) a specific, adverse impact upon the public health or safety would result and (2) mitigation of the adverse impact is not possible. Specific, adverse, impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions.<sup>5</sup> “Objective” means, “involving no personal or subjective judgment by a public official and being 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.”<sup>6</sup> The HAA also contains language pertaining to legal procedures and penalties.

## **Housing Element Law**

A review of the City’s adopted Housing Element approved by HCD on October 12, 2023, shows the Project sites listed in Table 6-10 as sites that would be rezoned concurrently with housing element adoption to accommodate higher densities of up to 35 dwelling units per acre. The City’s Site Inventory also describes the sites as being able to accommodate 102 moderate income units and 102 above moderate-income units toward the City’s Regional Housing Needs Allocation (RHNA). The presence of sites in this project in the City’s adopted Housing Element, and its consistency with the applicable Zoning District and General Plan Land Use Designation density ranges, suggests that the City is prepared to permit the Project at the density proposed.

Additionally, Government Code section 65863 requires adequate sites to be maintained at all times throughout the planning period for all income groups. Any action affecting the number of units identified on a site or the assumed affordability of a site triggers these statutory requirements. Unless specified findings are made, a locality may be required to rezone comparable sites within 180 days.

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<sup>4</sup> Gov. Code, § 65589.5, subd. (h)(2).

<sup>5</sup> Gov. Code, § 65589.5, subd. (j).

<sup>6</sup> Gov. Code, § 65589.5, subd. (h)(8).

## Five Hearing Rule

If a housing development project complies with all objective standards in effect at the time the project is deemed complete, after the application is deemed complete, a city shall not conduct more than five hearings before approving or denying the application. If a city continues a hearing to another date, the continued hearing shall count as one of the five hearings allowed.<sup>7</sup> A hearing includes any public hearings, workshops, meetings that involve architectural review, or meetings to consider an appeal. HCD understands that the Project has already been heard at five hearings: (1) the Parks and Recreation commission Hearing on October 24, 2024, (2) the Planning Commission public hearing on July 16, 2025, (3) the Planning Commission public hearing on August 20, 2025, (4) the City Council public hearing on September 23, 2025, and (5) the City Council public hearing on October 28, 2025. The City Council hearing scheduled for November 4, 2025 will be the sixth. Please be aware, pursuant to AB 1893 (Statutes of 2024), violations of the five-hearing rule are now considered a type of “disapproval” and thus may be constitute a violation of the HAA<sup>8</sup>.

## Conclusion

The State of California is in a housing crisis, and the provision of housing is a priority of the highest order. HCD encourages the City Council to approve the Project as proposed. The City Council should remain mindful of the City’s obligations under state housing law as it considers the Project. HCD would also like to remind the City that HCD has enforcement authority over the HAA and Housing Element Law, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a city’s actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law.<sup>9</sup>

If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Reid Miller at [Reid.Miller@hcd.ca.gov](mailto:Reid.Miller@hcd.ca.gov).

Sincerely,



Melinda Coy  
Housing Accountability Unit Chief

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<sup>7</sup> Gov. Code, § 65905.5, subd. (a).

<sup>8</sup> Gov. Code, § 65589.5, subd. (6)(E).

<sup>9</sup> Gov. Code, § 65585, subd. (j).