



TO: Antioch Planning Commission

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REVIEWED Anne Hersch, Planning Manager *AH*

SUBJECT: City of Antioch 6th Cycle Housing Element Update

DATE: May 18, 2022

RECOMMENDED ACTION

Staff recommends that the Planning Commission receive the presentation on the Housing Element update and provide feedback to staff and the consultant. This is a study session and no action will be take.

EXECUTIVE SUMMARY

This staff report provides a summary of the City of Antioch 6th Cycle Housing Element Update for the 2023-2031 planning period (Housing Element), pursuant to California Government Code Sections 65580-65589.8, which require all local jurisdictions in the State to update the Housing Element of their General Plans every eight years. With a significant amount of new statutory requirements, the 6th Cycle Housing Element is much different than prior cycles. These requirements include the obligation for communities to deliberately address, combat, and relieve disparities in housing that have resulted from past patterns of segregation, as well as new public participation and transparency requirements related to draft element updates and revisions. For additional information related to these new requirements see the “New Requirements for the 6th Cycle Housing Element Update” Section below.

The purpose of this report is to provide the Planning Commission with an update on the draft Housing Element and receive comments and feedback from the Planning Commission to be incorporated into the Housing Element for review by the City Council. Following City Council review, the Draft Housing Element Update will be submitted to the California Department of Housing and Community Development (HCD) for review and certification. Consistent with statutory requirements, the Housing Element must be certified by HCD and adopted by the City by January 2023 (although a 120-day grace period is allowed).

DISCUSSION

Background

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

As part of the Housing Element update process, jurisdictions are required to establish goals, policies, quantified objectives, and implementing programs for the preservation, improvement, and development of housing during the eight-year planning period. This includes the identification of land resources in the community that are eligible for future accommodation of residential development necessary to satisfy the community's Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period, as ascribed by the Association of Bay Area Governments (ABAG) in partnership with the California Department of Housing and Community Development (HCD).

The following section summarizes the required components of Housing Element Updates per State Law, new requirements included since the 5th cycle Housing Element Update (2015-2023), and penalties for non-compliance with Housing Element Laws. The section also includes a summary of public meetings related to the 6th Cycle Housing Element Update prior to today's meeting.

Required Components of a Housing Element

Pursuant to Government Code Section 65583, local governments are required to include the below items as components within their Housing Elements, and subsequent updates thereto.

1. **Housing Needs Assessment:** Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities).
2. **Evaluation of Past Performance:** Review the prior Housing Element to measure progress in implementing policies and programs.
3. **Housing Sites Inventory:** Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future need at all income levels.
4. **Community Engagement:** Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
5. **Constraints Analysis:** Analyze and recommend remedies for existing and potential governmental and nongovernmental barriers to housing development.
6. **Policies and Programs:** Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.
7. **Affirmatively Furthering Fair Housing (AFFH):** Analyze and address significant disparities in housing needs and access to opportunity, as described further below.

New Requirements for the 6th Cycle Housing Element Update

Pursuant to recent State legislation, the following items are now required as part of the Housing Element Update process:

- **Affirmatively Furthering Fair Housing (AFFH).** Assembly Bill (AB) 686, passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics” and is Federally mandated by the 1968 Fair Housing Act. The four main goals are to:
 - o Address significant disparities in housing needs and in access to opportunity
 - o Replace segregated living patterns with truly integrated and balanced living patterns
 - o Transform racially and ethnically concentrated areas of poverty into areas of opportunity
 - o Foster and maintain compliance with civil rights and fair housing laws
- **Public Comment on Draft Revisions.** AB 215 (2021), requires local governments to make the first draft of their Housing Element update available for public comment for at least 30 days. Further, if any comments are received, a local government must take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting to HCD. HCD must review the draft and report its written findings to the planning agency within 90 days of receiving the first draft submittal for each Housing Element (or within 60 days of its receipt for a subsequent draft amendment or adoption).

Penalties for Noncompliance

Under the 6th Cycle, jurisdictions face several new consequences for not having a certified Housing Element. Under legislation enacted in recent years, if a city does not comply with State housing law, it can be brought under litigation– by individuals, developers, third parties or the State. In addition to facing significant fines, a court may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance. Additionally, local governments may lose the right to deny certain projects.

Conversely, an HCD-certified Housing Element makes cities eligible for numerous sources of funding, such as Local Housing Allocations, Affordable Housing and Sustainable Communities Grants, Senate Bill (SB) 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Design funding, Local Housing Trust Funds, Regional Transportation Funds (such as MTC’s OneBayArea Grants).

Related Elements

- **Environmental Justice.** In 2016, SB 1000 amended Government Code § 65302 to require cities to adopt an Environmental Justice (EJ) Element or EJ-related goals, policies, and objectives integrated in other General Plan Elements, that identifies “disadvantaged communities” within the area covered by the General Plan. “Disadvantaged communities” are defined as areas identified by the California Environmental Protection Agency Pursuant to Section 39711 of the Health and Safety Code or a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. This law is triggered if the city is updating two or more elements concurrently on or after January 1, 2018.

- **Safety Element.** Cities must review and update their Safety Element to meet certain requirements concurrently with the Housing Element update. The Safety Element must be reviewed and updated to address wildfire, seismic, geologic and flood risks. Climate adaptation and resiliency strategies are also considered. Antioch's Safety Element is called the Environmental Hazards Element.
- **SB 1035 and SB 379.** Require all cities to address climate change adaptation and resilience in their General Plan Safety Element. SB 379 is triggered by the next update of a jurisdiction's local hazard mitigation plan (updated every five years) or before 1/1/2022, whichever is first. SB 1035 built off SB 379, requiring the Safety Element be updated every eight years upon the next Housing Element update.
- **SB 1241.** Applies to communities with very high fire hazard severity or unincorporated communities in state responsibility areas. Communities subject to SB 1241 need to ensure consistency between the housing and safety elements to address fire risk. AB 2911 strengthened the local very high fire hazard severity zone designation. There are no very high fire hazard severity zones in Antioch.

Summary of Prior Meetings and Study Sessions

Over the course of the last year, the City of Antioch has conducted a comprehensive community engagement and outreach strategy as required by State Law to assist in informing the 6th Cycle Housing Element Update Process. This strategy has included a series of community meetings and study sessions with the Planning Commission and City Council. These meetings and study sessions are summarized below. Feedback received throughout the ongoing community engagement and outreach process has assisted staff and the consulting team in preparing the draft Housing Element Update and related items, as outlined in the tables found in Appendix E of the Housing Element.

Study Sessions

- October 6, 2021 – Planning Commission
 - o Presentation on Housing Element, Environmental Hazards Element, and Environmental Justice Requirements
- October 26, 2021 – City Council
 - o Presentation on Housing Element, Environmental Hazards Element, and Environmental Justice Requirements
- November 17, 2021 – Planning Commission
 - o Presentation on Environmental Justice and Housing Element's CEQA

In addition to these meetings, several community meetings were also held, as discussed under *Community Engagement* in this staff report.

DRAFT HOUSING ELEMENT

The following section summarizes the contents of the City of Antioch's Draft Housing Element.

Housing Needs Assessment

The City's analysis of housing needs includes an assessment of detailed demographic data, including population age, size, and ethnicity; household characteristics; overpayment trends; housing stock conditions; units in need of replacement or rehabilitation; and needs of special needs populations including the elderly, persons with disabilities, unhoused persons, extremely

low-income households, and farmworkers. Utilizing the *Housing Needs Data Report* provided by ABAG, the 6th Cycle Housing Element Update outlines the housing needs for the City of Antioch. The Needs Assessment is summarized in Chapter 2 and more detailed information is provided in Appendix A.

Regional Housing Needs Allocation (RHNA)

In January of 2022, HCD approved ABAG's adopted *Final RHNA Plan for the San Francisco Bay Area: 2023-2031 (Plan)* which establishes a total RHNA for the San Francisco Bay Area of 441,176 residential units for the 6th Cycle Housing Element Update 2023-2031 planning period. ABAG's *Plan* further distributes this RHNA across the Bay Area's nine counties and 101 cities based on demographic population data received from the California Department of Finance (DOF). Local jurisdictions must then utilize their ascribed RHNA to update their Housing Elements, inclusive of identifying eligible land resources to accommodate this RHNA. See the Sites Inventory Section below.

RHNA requirements are organized into four affordability categories, established according to the Area Median Income (AMI) of a geography. These categories include very low-income residential units, which are affordable to households earning less than 50% of AMI; low-income residential units, which are affordable to households earning between 50% and 80% of AMI; moderate income residential units, which are affordable to households earning between 80% and 120%; and above moderate-income residential units, which are affordable to households earning upwards of 120% of AMI. Antioch's 2023-2031 RHNA allocation compared to its previous allocation is detailed below in Table 1.

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

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

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

RHNA Buffer

New “no net loss” provisions of SB 166 (2017) require the City of Antioch to ensure an adequate supply of land resources to be made available for housing development throughout the duration of the 2023-2031 planning period. This means if housing sites identified within Antioch's 6th Cycle Housing Element Update are developed with non-residential uses, lower residential densities, or residential uses at affordability levels higher than anticipated by the Housing Element, Antioch's Housing Element could be determined to be out of compliance. HCD recommends a buffer of 15% to 30% in each income category.

Constraints Analysis

In addition to analyzing the existing and projected housing needs of Antioch, the Housing Element Update must also identify and analyze potential and actual governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for all income in the community, regardless of protected class. Chapter 4 of the Housing Element identifies governmental and non-governmental constraints.

Housing Resources & Sites Inventory

Chapter 5 identifies resources available to the community for the preservation, rehabilitation, and production of housing throughout the community. This includes programmatic and financial resources, such as those offered locally or through State or federal partners.

Chapter 6 outlines the land resources within Antioch that were identified as eligible for accommodation of the City's RHNA. Pursuant to Government Code Section 65583.2(a) the following land resources were included to accommodate Antioch's RHNA: vacant sites zoned for residential use, residentially zoned sites that are capable of being developed at a higher density, and sites zoned for nonresidential use that can be redeveloped for residential use, and for which the Housing Element includes a program to rezone the site. City staff anticipate starting the rezoning process in tandem with HCD's review of the Housing Element so that sites will be rezoned before the start of the planning period.

A total of 182 parcels are identified to accommodate up to 4,575 housing units, providing a buffer of approximately 20% for the lower-income units. See Table 2 and the map of sites in Attachment A. Sites were selected based on a variety of factors, including the existing land uses on and surrounding the site, existing zoning, parcel size, property owner interest, and AFFH considerations (e.g., avoidance of concentrating low-income units in one area, avoidance of placing low-income units in EJ areas). The majority of sites (55%) identified in the inventory are vacant sites. New state requirements (AB 1397, 2017) require substantial analysis to demonstrate that nonvacant sites could realistically redevelop during the planning period, including an analysis of the nonvacant site's existing use as an impediment to future development, the jurisdiction's past experience converting existing uses to higher density residential, and market trends and conditions. The nonvacant sites included in the inventory all have a land to improvement ratio of less than 1.0, indicating underutilization and the potential for redevelopment and/or have interest from the property owner.

Table 2: City of Antioch's RHNA, Land Resources, and RHNA Buffer

Income Category	RHNA (units)	Housing Element Sites Inventory (units)	Buffer Percentage
Very Low (Less than 50% of AMI)	792	967	22%
Low (50-80% of AMI)	456	548	20%
Moderate (80-120% of AMI)	493	947	92%
Above Moderate (More than 120% of AMI)	1,275	2,113	66%
Total	3,016	4,575	52%

Source: City of Antioch and Urban Planning Partners, 2022

In addition to the development of multi-family units planned for in the sites inventory, the City anticipates a total of 136 Accessory Dwelling Units (ADUs), or approximately 17 ADUs per year, to be built during the eight-year planning period. This figure is based on average ADU production rates over recent years and further provides a RHNA buffer, consistent with State recommendations. The completion of the AMCAL project will also count towards the 2023-2031 RHNA because it is anticipated that the Certificate of Occupancy will be issued after the 6th Cycle planning period begins. Table 3 shows the total development potential from the pipeline units, ADUs, and development on sites in the sites inventory.

Table 3: City of Antioch Housing Sites Inventory

Site Category	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
2023-2031 RHNA	792	456	493	1,275	3,016
Pipeline Units (AMCAL project)	91	299	0	4	394
Projected ADUs	41	41	41	13	136
Future Multi-Family Development on Sites Identified in Sites Inventory	967	548	947	2,113	4,575
Total	1,099	888	988	2,130	5,105
Buffer Percentage	39%	95%	100%	67%	69%

Source: City of Antioch and Urban Planning Partners, 2022

Policies and Programs

The Housing Element Update includes a set of goals, policies, and implementing programs intended to promote the preservation, rehabilitation, and production of housing throughout the City of Antioch. Goals are long-range, broad, and comprehensive targets that describe future outcomes the City desires. A policy is a specific instructional guideline that seeks to promote goals. Together, goals and policies are implemented through a series of programs that identify specific, quantifiable actions the City will undertake during the 6th Cycle planning period. The State requires clear metrics and milestones be established for each implementation program.

Goals, policies, and programs are found in Chapter 7 of the Housing Element. Identified below are the 5 goals of the Housing Element. Fair housing goals and actions are also included in the Fair Housing Action Plan found in Chapter 3.

1. Improve and Conserve Existing Housing Stock
2. Assist in the Development of Housing
3. Special Needs Housing
4. Elimination of Government Constraints
5. Fair Housing

AFFH

AFFF requirements are intended to address racial inequalities seen today throughout the Bay Area which developed through historical policies and practices enacted at federal, State, regional, and local levels and across the public and private sectors. Though many of these explicit forms of historical discrimination have been outlawed, the results of these systems have left a lasting

imprint on both the Bay Area region and Antioch. Racially explicit practices (e.g., racial covenants) which excluded persons of color from predominately White neighborhoods have been replaced with race-neutral land use policies that continue to exclude these same groups. Furthermore, rapidly increasing housing costs have deepened racial and economic disparity and segregation, displacing many low income and people of color to the peripheries of the region or out of the Bay Area all together.

Accordingly, AB 686 requires the City of Antioch to incorporate fair housing into its 6th Cycle Housing Element Update to increase housing opportunities in high resource neighborhoods and bring additional resources to traditionally under-resourced neighborhoods. These fair housing requirements were considered during the site selection process for the site inventory. Demographics and indicators such as median income, poverty level, environmental hazards, displacement risk, racial makeup, and access to opportunity were analyzed during site selection in order to ensure inequalities were not exacerbated within the city. AFFH is discussed in Chapter 3 and more thoroughly analyzed in Appendix B.

Evaluation of Past Progress

Pursuant to State Law, the Housing Element must review the implementation status of Goals, Policies and Programs from the City of Antioch's 5th Cycle Housing Element. This evaluation can be found in Appendix D of the Housing Element.

Community Engagement

Consistent with State Law, the City of Antioch has conducted ongoing community outreach efforts throughout the 6th Cycle Housing Element Update process. These efforts, inclusive of Planning Commission and City Council Meetings held prior to today, are summarized below and discussed in Chapter 8 and Appendix E of the Housing Element Update.

Community Meetings

- **February 17, 2022 – Community Meeting #1**
 - o The meeting was held virtually and utilized breakout rooms and a live poll to gather community feedback. A presentation was given for context, including an overview of housing needs data and the draft sites inventory. The presentation was followed by a breakout room discussion to receive feedback on housing needs and the sites inventory.
 - o Key Topics Discussed: Cost burdened experienced by renters, need for affordable housing, importance of locating housing near services and transit, questions about how to address Antioch's car dependency and infrastructure needs, and the importance of conducting an assessment of fair housing and using it to inform the location of sites.
- **April 13, 2022 – Community Meeting #2**
 - o The meeting was held virtually and utilized live polls and discussion to gather community feedback. The presentation contained information about the contents and goals of the Housing Element update, alongside an update on findings related to EJ. The presentation was followed by a discussion.
 - o Key Topics Discussed: Providing various types of housing, importance of locating future housing near services, need for programs around tenant rights, importance

of addressing governmental constraints to development of transitional housing, and the desire to increase homeownership opportunities.

- **May 4, 2022 – Community Meeting #3 (Bilingual)**

- o This bilingual English-Spanish virtual community meeting was held in partnership with First Five. First Five is a trusted community organization in the Latinx community and has been active in identifying housing issues for its members and advocating for solutions. There was a brief presentation on the contents and goals of the Housing Element update and findings related to environmental justice. After the presentation, there was a discussion.
- o Key Topics Discussed: Experiences with unsafe and inadequate housing and landlord harassment; desire for greater tenant protections and legal services; desire for more opportunities to homeownership; importance of considering quality of parks and clean air in housing and EJ policies; concerns about investment properties and rising rents.

Stakeholder Interviews and Focus Groups

- October 20, 2021 – Independent Living Resources
- October 25, 2021 – Antioch First 5 Center
- October 25, 2021 – ECHO Fair Housing
- December 3, 2021 – AMCAL Multi-Housing
- December 13, 2021 – Community-Based Organizations Focus Group
 - o ECHO Fair Housing
 - o Shelter Inc
 - o Contra Costa Senior Legal Services
 - o Bay Area Legal Aid
 - o Habitat for Humanity East Bay/Silicon Valley
 - o Saint Vincent de Paul Most Holy Rosary Conference
 - o East Bay Housing Organizations
- December 22, 2021 – CityVentures
- February 19, 2022 – Spanish Speakers Focus Group
- April 5, 2022 – Contra Costa Health Services
- April 19, 2022 – Antioch First 5 Center
- April 25, 2022 – Contra Costa Health Services

NEXT STEPS

At the end of the 30-day comment period, staff will consolidate comments received by the public and Planning Commission in response to the Draft Housing Element Update and incorporate them into the revised draft. The revised Draft will be presented to City Council on June 14 and then be sent to the State (HCD) for initial review. Initial review comments from HCD are anticipated in **mid-September 2022**. Once HCD comments are received, Staff and consultant team will update the draft based on HCD's comment and then seek formal adoption of the Housing Element and associated Environmental Impact Report (EIR) from Planning Commission and City Council.

During the spring and early summer, staff and the consulting team will begin the rezoning process and continue to work on drafting EJ goals, policies, and programs to be incorporated in the General Plan, as well as mandatory updates to the Environmental Hazards Element. The program EIR will also be underway, and the draft EIR is scheduled for release in late Summer 2022. The entire package of draft elements, rezoning, and EIR will go to Planning Commission and City Council in Fall 2022.

EIR

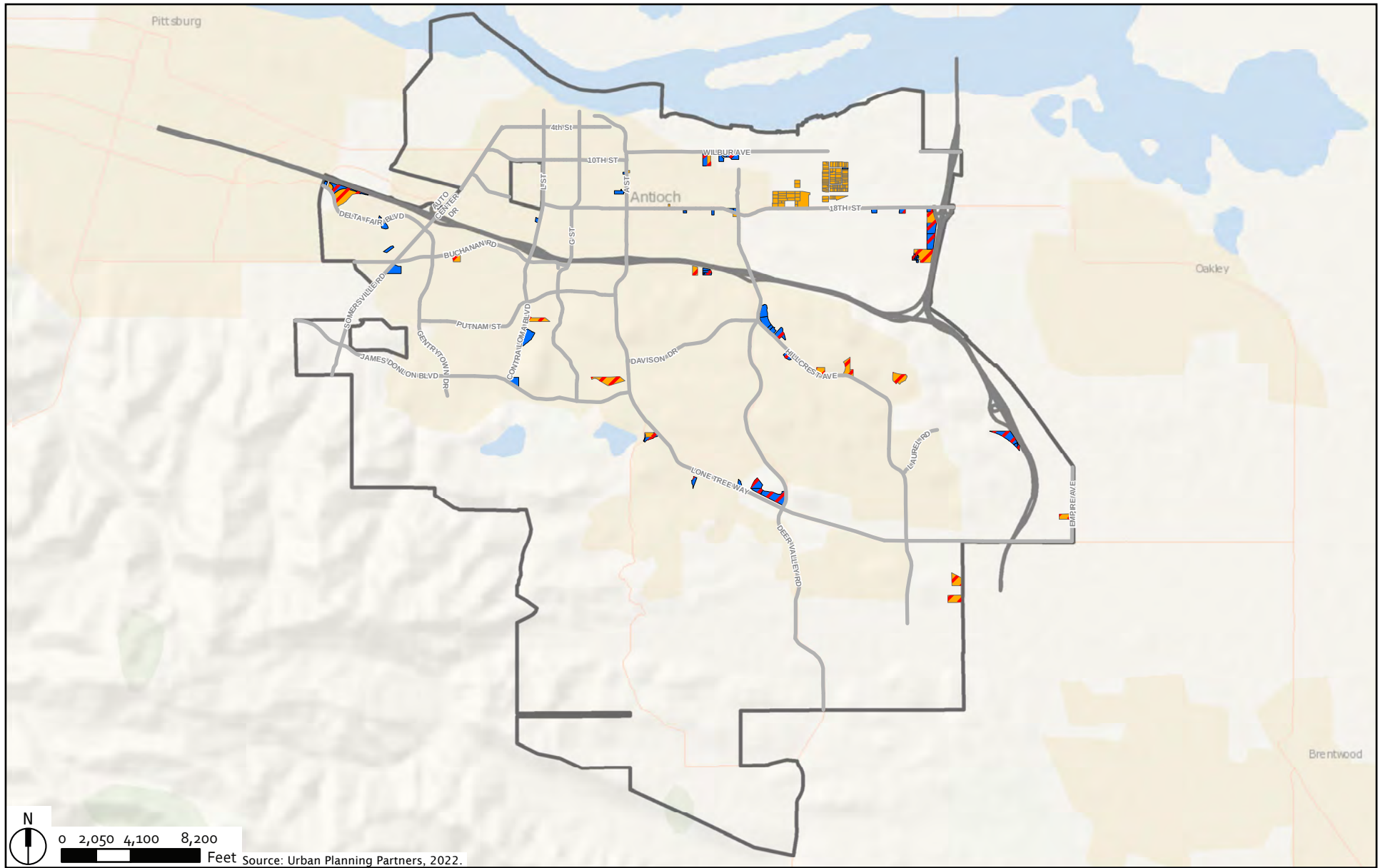
Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City's action to submit the Draft 2023-2031 Housing Element to HCD for review is exempt from CEQA pursuant to CEQA Guidelines Section 15262, as the project involves only feasibility or planning studies for possible future actions which have not been approved or adopted. However, the City of Antioch will prepare an EIR, consistent with CEQA, for the Draft 2023– 2031 Housing Element Update.

A Notice of Preparation for the EIR associated with Antioch's 6th Cycle Housing Element Update was posted on November 8, 2021. The scoping session for the EIR was on November 17, 2021 before the Planning Commission. Comments received during the 30-day scoping period will be considered in the Program EIR Analysis.

ATTACHMENTS

Attachment A: Sites Inventory

**ATTACHMENT A
SITES INVENTORY
(SEPARATE PAGE)**



-  Nonvacant Sites
-  Vacant Sites
-  Affordable Housing Sites