

STAFF REPORT TO THE PLANNING COMMISSION

DATE: October 6, 2021

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SUBJECT: **Housing Element, Environmental Hazard Element, and
Environmental Justice Requirements Presentation**

RECOMMENDED ACTION

Staff recommends that the Planning Commission receive the presentation and offer any questions or suggestions.

DISCUSSION

The City is required by the State to prepare an update to two of its General Plan elements: the Housing Element and Environmental Hazards Element. Recent State legislation also requires that the City address Environmental Justice (EJ) when two or more elements of the General Plan are updated. These three topics (i.e., Housing Element update, Environmental Hazards update, and Environmental Justice) are discussed below.

Housing Element

California's Planning and Zoning Law (Govt Code §§65000 et seq.) establishes a framework for local land use regulation. It requires that every City adopt a General Plan for its physical development. The plan must be comprehensive, long-term, and up to date. The General Plan is required to contain the following seven mandatory elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety.

California State Law recognizes that local government plays a vital role in developing affordable housing. In 1969, the State mandated that all California cities, towns, and counties must adequately plan for the housing needs of everyone in their communities. This state mandate is called the Housing Element. State regulations regarding Housing Elements are found in the California Government Code Sections §65580-65589. The Regional Housing Need Allocation (RHNA) process is the part of Housing Element Law used to determine how many new homes, and the affordability of those homes, each local

government must plan for in its Housing Element. This process is repeated every eight years, and for this cycle (6th cycle), the Bay Area is planning for the period from 2023 to 2031.

As part of RHNA, the California Department of Housing and Community Development (HCD) determines the total number of residential units that need to be built and how affordable those units need to be in order to meet the housing needs of people at all income levels. Local needs allocations are developed by each regional Council of Governments (COGs). The Association of Bay Area Governments (ABAG) serves as the COG in the Bay Area. ABAG is responsible for conducting the Bay Area's RHNA process every eight years via the Housing Methodology Committee (HMC) in conjunction with local elected officials and staff, stakeholders, and residents from around the region. The RHNA is required to be consistent with the growth pattern from Region's land use and transportation plan, Plan Bay Area.

The Antioch General Plan, which was adopted in 2003, serves as a blueprint for development in the city. It is a long-range planning document that describes citywide goals along with policies and programs that seek to accomplish those goals. All development-related decisions must be consistent with the Antioch General Plan. Within that General Plan is the City of Antioch Housing Element 2015-2023.

Key Components of a Housing Element

The Housing Element typically includes:

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 ensure there is enough land zoned for housing to meet the future need at all income levels.
4. *Community Engagement*: Implement a robust community engagement program, reaching out to all economic segments of the community plus traditionally 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.

The City of Antioch Housing Element 2015-2023 established the following Housing Goals:

1. Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for existing Antioch residents.
2. Facilitate the development of a broad array of housing types to accommodate new and current Antioch residents of diverse ages and socioeconomic backgrounds.
3. Facilitate the development of special purpose housing to meet the needs of the elderly, persons with disabilities, large families, and the homeless.
4. Reduce residential energy and water use to conserve energy/water and reduce the cost of housing.
5. Remove governmental constraints inhibiting the development of housing required to meet identified needs in Antioch.
6. Provide equal housing opportunities for all existing and future Antioch residents.
7. The 6th Cycle update will evaluate the City's progress in reaching these goals and will consider whether new goals are needed to address Antioch's current and projected housing needs.

RHNA

By law, the RHNA Plan is required to be consistent with the development pattern from Plan Bay Area 2050. The statutory objectives for RHNA are contained in Government Code Section §65584(d). These two planning processes seek to address the Bay Area's housing needs over different time horizons: Plan Bay Area 2050 has a planning horizon of 2050, while the 6th cycle of RHNA addresses shorter-term housing needs, from 2023 to 2031. To achieve the required consistency, both the overall housing growth for the region, as well as housing growth for each jurisdiction, must be greater in the long-range plan than over the eight-year RHNA cycle.

HCD identifies the total number of homes for which each region in California must plan in order to meet the housing needs of people at all income levels. Listed below are the four income categories included in the Regional Housing Needs Determination (RHND) along with Antioch's household income numbers for that category:

Income Level	Definition	Income Limit in Contra Costa County for Family of Four
Very-low-income	0-50 percent of Area Median Income	\$68,500
Low-income	50-80 percent of Area Median Income	\$109,600
Moderate-income	80-120 percent of Area Median Income	\$150,700
Above moderate-income	120 percent or more of Area Median Income	Above \$150,700

Source: HCD, 2021. State Income Limits for 2021.

On May 20, 2021 HCD provided the following RHNA for the City of Antioch which will cover the period from 2023 to 2031 (RHNA 6).

Income Level	Amount
Very-low-income	792
Low-income	456
Moderate-income	493
Above moderate-income	1,275
Total	3,016

Compared to the previous RHNA cycle, the numbers have more than doubled for this cycle. During the previous housing cycle, Antioch was allocated 1,448 units. The current allocation of 3,016 represents a 108 percent increase. The increase in allocations for this period is one of the key challenges for the 6th cycle (which will be discussed in the next section).

Like the rest of the Bay Area, Antioch's allocation is driven by several factors, including existing and projected jobs, access to high opportunity areas, potential constraints to development (e.g., sewer and water capacity), market demand for housing, and the existing conditions of affordable housing in Antioch. Lack of affordable housing typically results in the displacement of households who cannot afford to stay in the area.

Typically, households that pay more than 30 percent of their income to housing are considered "cost burdened." According to Census Data (American Community Survey, 2013-2017) roughly 40 percent of residents in Antioch are paying more than 30 percent of their income to housing, and roughly 20 percent are paying over half of their income on housing.

Key Challenges of the 6th Cycle

Several new requirements for the 6th Cycle Housing Elements will make it challenging for cities to identify sites to accommodate their required RHNA allocations. The key changes are:

- *Higher allocations* - There is a higher total regional housing need. HCD's identification of the region's total housing needs has changed to account for unmet existing need, rather than only projected housing need. HCD now must consider overcrowded households, cost burdened households (those paying more than 30 percent of their income for housing), and a target vacancy rate for a healthy housing market (with a minimum of 5 percent).
- *Affirmatively Furthering Fair Housing (AFFH)* - Local Housing Elements must affirmatively further fair housing. AFFH means taking 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. According to HCD, achieving this objective includes preventing segregation and poverty concentration as well as increasing access to areas of opportunity. HCD has mapped Opportunity Areas and has developed guidance for jurisdictions about how to address affirmatively furthering fair housing in Housing Elements.
- *Limits on Sites* - Identifying Housing Element sites for affordable units will be more challenging. There are new limits on the extent to which jurisdictions can reuse sites included in previous Housing Elements and increased scrutiny of small, large, and non-vacant sites when these sites are proposed to accommodate units for very low- and low-income households.
- *Safety and Environmental Justice Element* - State law requires that the Safety Element of the General Plan be updated concurrently with the Housing Element. The Safety Element must address new requirements related to wildfire risk, evacuation routes, and climate adaptation and resilience in an integrated manner. When two or more General Plan elements are updated, jurisdictions with disadvantaged communities must address EJ, either in a stand-alone element or as a cross-cutting topic across multiple elements.

Penalties for Noncompliance

Jurisdictions face a number of 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 sued – 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 housing 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, SB 1 Planning Grants, CalHOME Program Grants, Infill

Infrastructure Grants, Pro-Housing Design funding, Local Housing Trust Funds, and Regional Transportation Funds (such as MTC's OneBayArea Grants).

Environmental Hazards Element

The goal of the Environmental Hazards Element is to reduce the negative impacts caused by natural phenomena such as fires, floods, droughts, earthquakes and landslides. This goal is achieved by identifying policies and programs that reduce the risks faced by residents. Since 2012, there have been several updates to Environmental Hazards Element (previously known as Safety Element) requirements to include climate change vulnerability and adaptation and greater attention to wildfire and evacuation routes. Jurisdictions are required to complete a vulnerability assessment, develop adaptation and resilience goals, policies and objectives, and develop a set of feasible implementation measures addressing climate change adaptation and resiliency (SB 379, 2015). Jurisdictions must review and update these portions of the Environmental Hazards Element upon each revision of the housing element or local hazard mitigation plan (LHMP), but not less than once every eight years. (SB 1035, 2018).

Environmental Justice

In 2016, SB 1000 passed which required cities and counties that have disadvantaged communities to incorporate EJ policies into their General Plan. City of Antioch meets both criteria for an EJ update as it is home to disadvantaged communities and is currently adopting or revising two or more elements concurrently. Local jurisdictions may choose to create a stand along EJ element or integrate policies within the General Plan. The term "disadvantaged communities" is defined as 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. Additionally, within this context "low-income area" is defined as an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by HCD's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code. (Gov. Code, § 65302, subd. (h)(4)(C)). The requirements for the EJ policies are:

- Gov. Code § 65302(h)(1): Identify disadvantaged communities within the area covered by the general plan.
- Gov. Code § 65302(h)(1)(A): Identify objectives and policies to reduce exposure to pollution including improving air quality in disadvantaged communities.
- Gov. Code § 65302 (h)(1)(A): Identify objectives and policies to promote public facilities in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A): Identify objectives and policies to promote food access in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A): Identify objectives and policies to promote safe and sanitary homes in disadvantaged communities.
- Gov. Code § 65302(h)(1)(A): Identify objectives and policies to promote physical activity in disadvantaged communities.

- Gov. Code § 65302(h)(1)(A): Identify objectives and policies to reduce any unique or compounded health risks in disadvantaged communities not otherwise addressed above.
- Gov. Code § 65302(h)(1)(B): Identify objectives and policies to promote civic engagement in the public decision-making process in disadvantaged communities.
- Gov. Code § 65302(h)(1)(C): Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

One of the first steps within the EJ update process will be to review existing policies and programs pertinent to EJ in the City. This is done through a policy review process where the outcomes of those policies and programs are measured to determine if they were effective in achieving their goal. Additionally, community partners will be engaged to help identify existing gaps within the existing policy framework.

Community Engagement

Community engagement will be a key part of the process for the Housing and Environmental Hazards Element updates and associated EJ policies. The community engagement strategy includes activities to engage with the residents of Antioch, especially those that have been historically excluded from the planning process. The engagement process will occur in three phases:

- Phase I – Introduce Project
 - We will introduce to the community what Housing and Environmental Elements (the Elements) and EJ requirement entail and what they seek to accomplish. Members of the public will understand the role of the Elements and EJ requirements in the context of the State’s housing goals and laws, the Bay Area’s RHNA, and housing policy history.
- Phase II – Understand Existing Conditions
 - We will solicit community and stakeholder input on housing constraints, resources, and opportunities, and housing needs, including needs for special populations. By establishing a strong on-the-ground understanding of Antioch’s existing conditions, we will be able to pragmatically propose solutions that we feel are feasible. This on-the-ground understanding will be informed by talking to City staff, community leaders, community-based organizations (CBOs), and residents.
- Phase III – Explore and Refine Solutions
 - This phase will be used to formulate realistic and community-supported solutions to address housing challenges in the community. We will ask the community for feedback on draft products and potential solutions using interactive activities.

If our engagement process is successful, we will achieve the following three outcomes:

1. Community engagement activities reached and included the voices of those in protected classes and those who have been historically excluded, including:
 - People who have not previously participated in planning processes
 - Low-income households and the unhoused
 - Latino community
 - Filipino community
 - Residents in low-income neighborhoods disproportionately impacted by environmental hazards
2. The City sees a greater level of engagement from the community that goes beyond the usual suspects and development/real estate professionals to include those who may not feel as connected to Antioch.
3. The community sees their input in the final Elements and EJ policies.

Timeline

An updated Housing Element is required to be reviewed by HCD and adopted by the City Council by January 2023. It is preferable to complete any required rezonings before or concurrent with the Housing Element update.

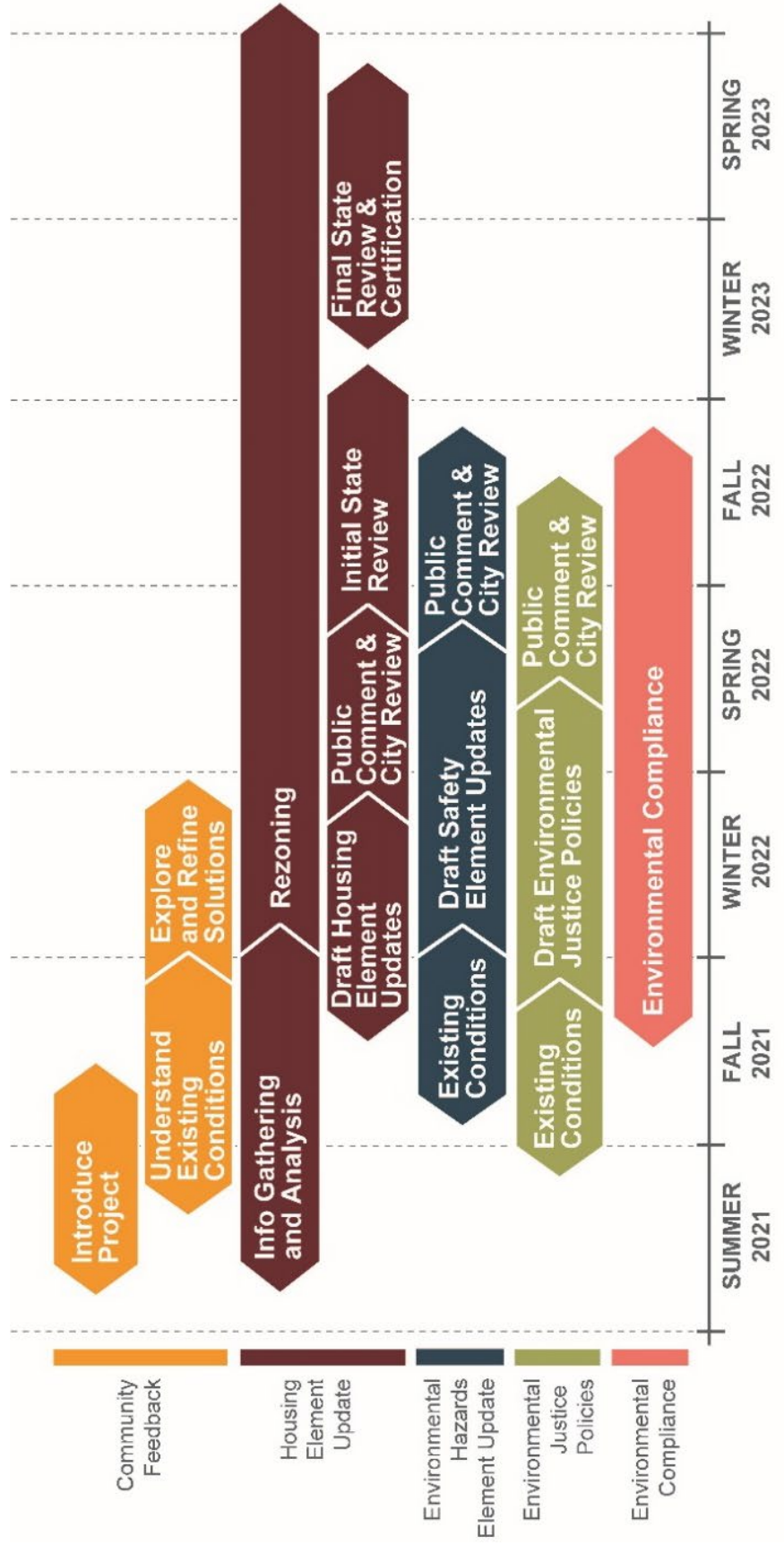
The attached timeline lays out the process for updating the Housing and Environmental Hazards Elements and incorporating new EJ policies into the General Plan.

ATTACHMENTS

- A. Timeline
- B. PowerPoint Presentation

ATTACHMENT A

Timeline



ATTACHMENT B

PowerPoint Presentation

Housing Element 2023-2021 Update

City of Antioch | October 6, 2021



Meeting Purpose and Outcomes

- **Purpose:** Introduce and share background information on the 2023-2031 Housing Element update and associated Environmental Hazards and Environmental Justice requirements
- **Outcomes:**
 1. Commissioners and public are **familiar with basic Housing Element requirements and the update process**, including the community engagement plan
 2. City staff and consultant **receive preliminary feedback** and reactions

Meeting Overview



Housing Element Background



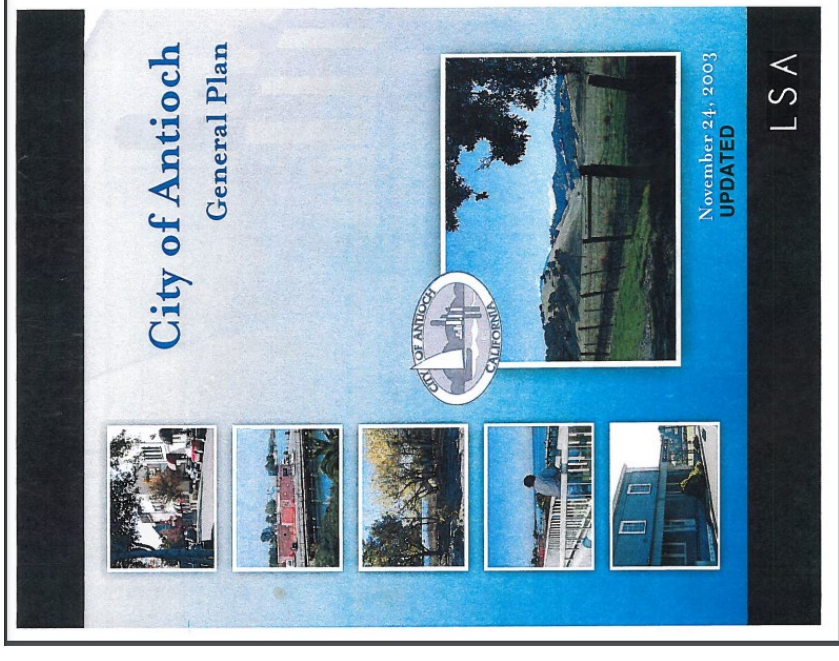
Environmental Hazards and Environmental Justice Background



Community Engagement Strategy and Next Steps

What is a Housing Element?

- A plan to meet the community's housing needs and goals over the next 8 years
- Required Element of the General Plan
- Reviewed by California Department of Housing and Community Development (HCD)
- The City of Antioch does not build homes. It creates rules about where housing goes and how much



Housing Element Components

- Housing Needs Assessment
- Evaluation of Past Performance
- Housing Sites Inventory
- Constraints Analysis
- Policies and Programs
- Community Outreach & Engagement



Regional Housing Needs Allocation (RHNA)

- One of the main drivers of the Housing Element
- State looks at data (e.g., population projections, overcrowding) and gives 9-county Bay Area an allocation
 - Allocation is provided in four affordability tranches
- Association of Bay Area Governments (ABAG) allocates each jurisdiction their “fair share” based on factors like existing and projected jobs, access to high opportunity areas, opportunities and constraints to development

Antioch

Income Category	RHNA 5: 2014-2022 Units	RHNA 6 (draft): 2023-2031
Very Low Income	349 (24%)	792 (26%)
Low Income	205 (14%)	456 (15%)
Moderate Income	214 (15%)	494 (17%)
Above Moderate Income	680 (47%)	1,275 (42%)
Total	1,448	3,016

Legislative Changes Since Last Update

- AB 686, 2018: Responsibility to affirmatively further **fair housing** (AFFH)
- AB 1397, 2017: Revisions to the **site inventory analysis**
 - Stronger justifications for nonvacant sites
 - Greater analysis for sites less than 0.5 acres or greater than 10 acres
- SB 166, 2017: **No Net Loss** Law, which means maintaining adequate sites to accommodate unmet RHNA at all times throughout the planning period

Antioch's Previous Housing Element Goals

1. Conserve and improve the existing housing supply to provide adequate, safe, and decent housing for existing Antioch residents.
2. Facilitate the development of a broad array of housing types to accommodate new and current Antioch residents of diverse ages and socioeconomic backgrounds.
3. Facilitate the development of special purpose housing to meet the needs of the elderly, persons with disabilities, large families, and the homeless.
4. Reduce residential energy and water use to conserve energy/water and reduce the cost of housing.
5. Remove governmental constraints inhibiting the development of housing required to meet identified needs in Antioch.
6. Provide equal housing opportunities for all existing and future Antioch residents.

Environmental Hazards Element and Environmental Justice

Triggered by the Housing Element Update

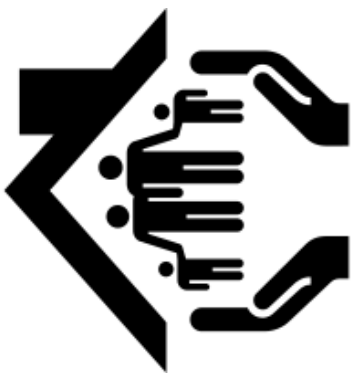
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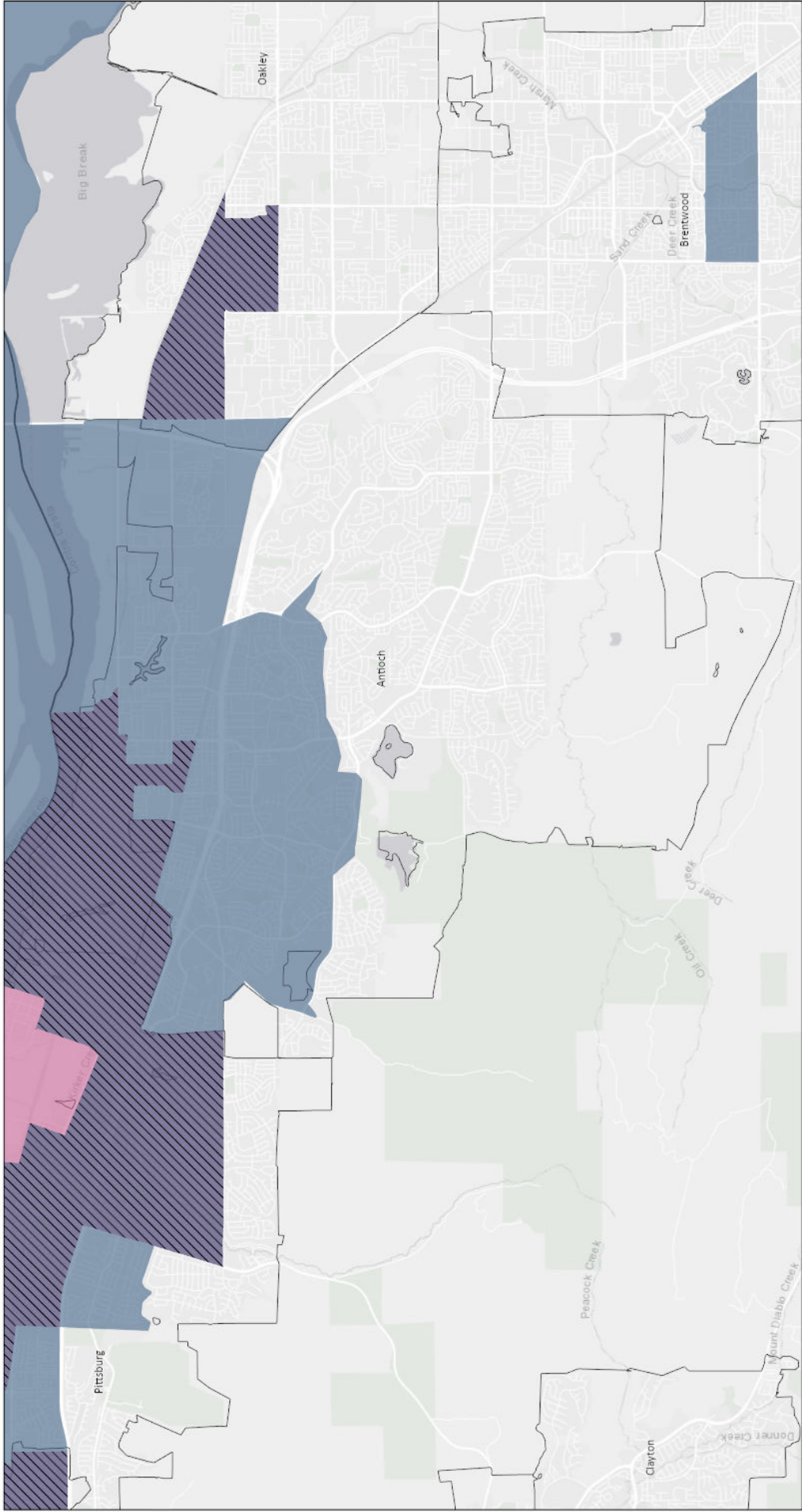
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Environmental Justice

- In 2016, SB 1000 passed which required cities and counties that have disadvantaged communities to incorporate environmental justice policies into their General Plan.



Disadvantaged Communities



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- Disadvantaged Communities + Low Income
- AB 1550 Low Income (80% below State median)
- SB 535 Disadvantaged Communities (CES top 25%)
- Incorporated Places 2018
- Bay Area Counties

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City of Antioch, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA

City of Antioch, Bureau of Land Management, Esri, HERE, Garmin, INCREMENT P, USGS, EPA | Web AppBuilder for ArcGIS

Community Engagement Strategy

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Community Engagement

Three-phased approach

1. **Introduce Project**

- Website
- Interviews with community organizations

2. **Understand Existing Conditions**

- Focus groups and interviews with developers, service providers, CBOs, and other stakeholders

3. **Explore and Refine Solutions**

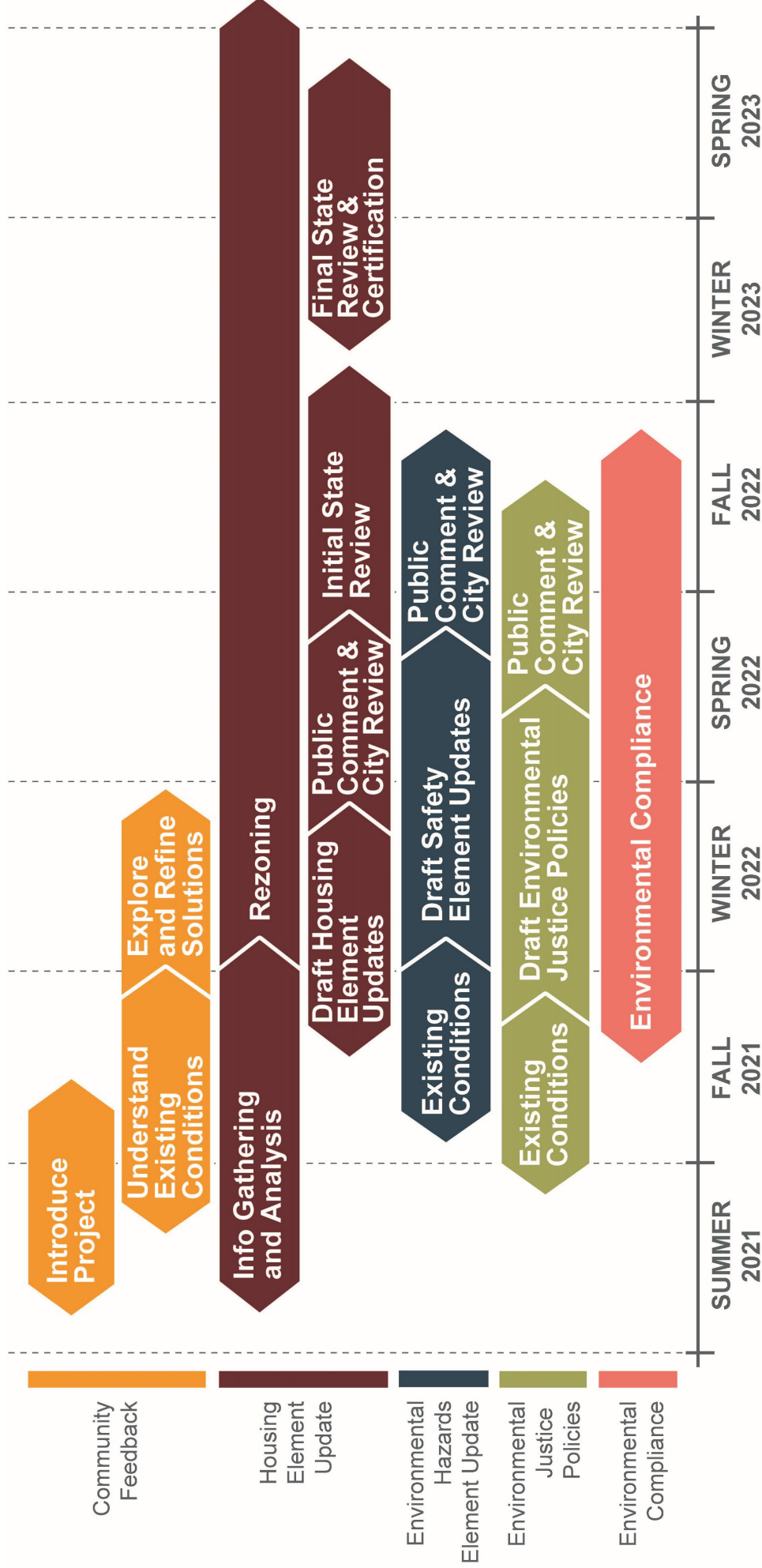
- Community meetings
- Online survey

Audience Segments

- Latino residents
- Filipino residents
- Deed-restricted affordable housing residents
- Unhoused people
- Those in protected classes (e.g., people with a disability)
- Residents in low-income neighborhoods disproportionately impacted by environmental hazards

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Project Timeline



Questions? Comments?

