

City Council Questions

September 10, 2019 Council Meeting

ITEM 4.1 APPROVAL OF COUNCIL ADVISORY BODY WORK PLANS

1. Approximately how much staff time is spent supporting each Advisory Body separately? For example, how much staff time is spent supporting the HRC and the projects the HRC is working on? And, how much time is spent supporting the Senior Advisory Committee and all of the programs initiated by this body?

Staff spends time supporting advisory bodies both through general administrative tasks and work on the items in the advisory body work plans. General administrative tasks include: preparing agendas and meeting minutes, drafting staff memorandums/presentations, coordinating staff updates/presentations, public posting of agendas, Chair/Vice Chair agenda briefings, onboarding new members, following up on Commission inquiries/emails, attending regular Advisory Board meetings, and assisting the groups in development of their annual work plans. Based on rough estimates from advisory body staff liaisons, time spent on these administrative tasks range across the advisory bodies from 100-500 hours annually. The range depends on the number of meetings and the volume and complexity of reports prepared for the meetings.

The time on projects/work plan items also varies significantly depending on the number and type of projects, events and other items that the advisory body is engaged in. For example, the Parks and Recreation Commission (PRC) does not organize Committee-driven events but they participate in almost all events held by the Community Services Department. The Visual Arts Committee staff liaison spends a significant amount of time implementing approximately six public art projects annually (~40 hours per public art project which includes developing requirements, administering "call for artists," and presenting options to VAC and City Council to finalize). The Human Relations Commission typically plans and conducts two Civility Roundtables or other community forums and, for the past couple of years, has undertaken assessments to help identify needs and opportunities related to the HRC's purpose to promote inclusion, involvement and respect for diversity. And while the EPC doesn't generally do "special projects," staff probably spends about 1000 hours a year on preparing their staff reports and other material.

Averaged across all advisory bodies, these "non-administrative" duties are about 160 hours.

2. What are outreach events held by the Performing Arts Committee?

In the last couple of years, PAC outreach has been related to producing the High School One-Act Play Festival. This has included outreach to area high schools and college theatre programs for participation as Directors (during the summer), participation in auditions (during the fall), and to sell tickets (in February). They have also participated in the downtown parade for the last several years and occasionally at Thursday Night Live.

ITEM 4.3 AUTHORIZATION TO EXECUTE AN AGREEMENT AND APPROPRIATION OF FUNDS DESIGNATED FOR THE 2018 HOMELAND SECURITY GRANT PROGRAM TO PURCHASE VEHICLE INCURSION BARRIERS

1. If the County can terminate the agreement at any time, if the barricade system is already purchased, is there any financial impact? Or is the potential financial impact just between now and the purchase of the barricade system?

The agreement with the County covering the purchase of the barricade system has a provision that the agreement may be delayed, reduced or terminated as a result of any delay, reduction, or change in allocation or allotment in funding to the County from the federal, State or other regional funding source. Staff does not anticipate that this will occur, however, in a measure of transparency, staff wanted Council to be aware of this unlikely impact.

ITEM 4.4 INCREASE APPROPRIATIONS IN THE POLICE DEPARTMENT FOR ASSET FORFEITURE FUNDS

1. Have the funds been earmarked for a particular purchase?

The funds have not been earmarked. Asset forfeiture funds have historically been used sparingly and can be restricted for certain use, based on the type of seizure and legal requirements. Based on this, careful consideration is given before a request is made to use asset forfeiture funds as part of the budget process or specific appropriation.

ITEM 7.1 LOT 12 REQUEST FOR QUALIFICATIONS SELECTION AND FINAL REQUEST FOR PROPOSALS COMPONENTS

1. Can staff provide details about parking use in non-special needs affordable housing like Franklin Street Apartments and 779 Evelyn Street? Are their allocated parking spaces used and are residents parking on surrounding streets?

A formal parking study has not been conducted at either Franklin St Apartments or 779 Evelyn Street. Regarding Franklin St Apartments, staff has received anecdotal information in the past from the property manager that many of the development's parking garage spaces are vacant. Regarding 779 Evelyn Street, the project has only recently received its certificate of occupancy and tenants are in the process of moving in, so it is too early to know how well the parking plan is working. 779 Evelyn provides bike improvements including lockers, bike racks, a bike fix-it area, and bike lane improvements. The project also includes a shuttle service plan to local elementary schools.

2. Does staff know the income range of households that have been displaced from recent housing undergoing redevelopment and have generally been unable to find housing in Mountain View that they can afford?

Staff is researching this information and hopes to have additional information for the Council meeting.

3. The staff report states that moderate rents at 100 percent AMI are similar to average rents Citywide, including older, rent-stabilized units, but significantly lower than market rents at newer apartment complexes. Moreover, 120 percent AMI rents could actually be higher than typical rents for older properties and the city would have to subsidize them. How and how significantly have these ratios changed in past recessions?

Staff does not have readily available historical data to determine how the ratios may have changed. However, in general, both the average rents and the rents of new(er) market rate rents have increased at a faster rate than income growth over the past several years. As a result, it is likely that, in the past, the rents of older apartments were even more “naturally affordable” than they are now (i.e., lower than 100% AMI), and the rents of newer units were closer to or even less than 120% AMI. The fact that market rents were at or potentially less than 120% AMI was one reason why affordable housing programs did not subsidize moderate-income units.

ITEM 7.2 1255 PEAR AVENUE-AMEND GATEWAY CAPACITY CONDITION

1. The MVWSD seems to indicate that the conditions of approval say that building permits cannot be issued until a legally binding agreement on a school strategy is in place. Is this correct? Is a legally binding agreement in place?

The analysis and recommendation regarding the vehicle trip condition of approval is included in the staff report. For the voluntary school strategy, staff has been aware that Sobrato and the school district have been in ongoing discussions to finalize this agreement soon based on the Council’s approval of the project.

2. Why are SOV trips being subtracted in the analysis on pages 6-7 of the staff report?

The volume in the table is current volume measured during the spring 2019 trip cap monitoring. The calculation is looking ahead in time to when the developments listed in the table are occupied. The SOV rate at the time of the spring 2019 counts was 56%, whereas the North Bayshore Precise Plan target for SOVs is 45%. The calculation adjusts the volume based on the assumption that the SOV percentage will continue to make some progress during that time towards the goal. The table assumes that the SOV percentage will drop to 50%. This assumption was also used in modeling performed for the Charleston East development.

3. What is the probability that the Plymouth/Space Park realignment will be completed by December 2021?

Staff sees no major impediment to the realignment being complete by December 2021. Design is underway, and Google plans to vacate the buildings in the first half of 2020.

4. What is the probability that the 101 off-ramp realignment will be completed by July 2022?

Staff considers it likely that the off-ramp realignment will be completed by July 2022. The delays to date have been associated with Caltrans approval of the preferred concept for the design. The issues have been resolved with the concept, and we are very near approval. Final design is underway, and staff does not see any major impediments that shouldn’t be able to be resolved within the current schedule.

5. Why is staff not recommending a more flexible date for occupancy of the office building, meaning the condition could say occupancy can occur after the completion of the off-ramp realignment?

Staff is trying to strike a balance between giving the applicant enough certainty to move forward with the project and minimizing risk to the City. The recommendation allows an occupancy date that is beyond when the applicant anticipates being ready for occupancy, and allows for some delays from when the City anticipates completion of the off-ramp. There is some risk that the off-ramp would still not be complete on this date (staff does not consider this a large risk). Even if that is the case, the gap between the gateway capacity and volumes is low. Considering all of these factors, staff considers this to be a fair and reasonable condition.

6. What additional capacity is expected to be created by the reversible transit lane? Wasn't the reversible transit lane expected to just move traffic more quickly, not necessarily reduce the # of SOV's unless more transit is added? Are we expecting additional transit to come on line, and if so when?

The additional capacity added by the bus lane is estimated to be 33 vehicles in the peak hour. The added capacity is primarily from the fact that a lane is added in the peak direction so that some buses will no longer occupy the existing lanes. A secondary benefit (not really included in the estimate) is that the bus lane will accommodate more buses than are currently using the corridor. Staff has estimated up to 60 buses using the corridor in the peak hour (compared with 30-40 today) after Caltrain service is increased.

7. The residential piece of the project is not expected to be built until 2 years after the office building. Could we require the applicant to speed up the residential development to help with the trip cap? Wasn't that the original intention, that the residential piece would decrease the # of SOV's?

The residential component is scheduled to be completed in two phases. One phase (220 units) is scheduled for March 2022, three months before the office component and the other (415 units) in June 2023 (one year after the office component). Yes, internalization of trips (people both living and working in North Bayshore) is expected to decrease the number of SOVs through the gateways.

Staff has had a number of conversations with the applicant about re-phasing the project so that the residential is constructed first. That applicant has responded that, due to the layout of the various site components and existing uses (one office building is complete), such phasing is not feasible.

8. Could we allow the buildings to be developed, but not allow occupancy until the transportation improvements are completed and we conduct a trip cap study?

Council could require completion of the off-ramp before occupancy is allowed. However, staff is trying to strike a balance between giving the applicant enough certainty to move forward with the project and minimizing risk to the City as noted in Question 5.

9. In the statement "The applicant has been unable to secure an agreement to include the development under the Charleston East head count regime", from who is the applicant unable to secure an agreement?

Google is the anticipated tenant and also the developer/occupant of the Charleston East.

10. The Mountain View Whisman School District sent a letter stating that they are opposed to council allowing building permits to be issued until Sobrato and the District execute a final development agreement. Is there a way council can move forward at the Sept 10 council meeting contingent on a Sobrato/District development agreement? Or is there some other way to satisfy the District concerns?

See Question 1.

The change to condition #190 doesn't have any relation to the school strategy condition of approval or other conditions of approval of the entitlement. They would still need to fulfill this condition prior to issuance of a building permit. There are many conditions of approval which have to be fulfilled prior to issuance of a building permit and staff is not requesting that this one be changed to allow them to be issued building permits before it is completed.

11. How will the Council's decision last week about purchase of property from Google for realignment of Plymouth Street affect the realignment of Plymouth and Space Park?

Council's discussion last week on the purchase of the Google property for the Plymouth Street realignment should not affect the schedule for the realignment. The existing Purchase and Sale Agreement allows the City to purchase the property needed for the project, and Google expects to vacate the buildings in time for the current construction schedule.

12. How did staff come up with the percent of trips on Shoreline caused by each project?

The percentage of trips at each gateway are assumptions made in the traffic analysis for each of those projects.

13. How is the voluntary school strategy agreement related to the Sobrato transportation condition, and how do these conditions affect Sobrato's building permit application?

See Questions 1 and 10.

ITEM 7.3 REGIONAL HOUSING NEEDS ALLOCATION SUBREGION

Update: On Friday, September 6, 2019, ABAG contacted the subregional representatives to say that the statutes regarding RHNA subregions have changed and the timeline for independent subregions and the Councils of Government (COGs) are slightly different for the upcoming cycle.

- a. The deadline for independent subregions to adopt a final methodology and allocations is December 2020.
- b. The deadline for ABAG/MTC for the above is January 2021.

ABAG has also indicated that they will not be able to speed up their timeline, given the statutory constraints on their schedule. Therefore, the Cities Association plan to adopt ABAG's allocations as a starting point and to create a re-allocation process will not work because ABAG's numbers will not be complete. Given this issue, the Santa Clara County subregion has the following options:

- a. Create a methodology separate from ABAG: It may be a significant burden for the subregion to take on the traditional role of ABAG/MTC staff to develop a distribution methodology, which can require considerable technical expertise as well as measures to guarantee equity. This comes with significant time and cost implications for jurisdictions that are part of the sub-region.
- b. Use ABAG's methodology to inform the subregion process: While this is better than the first option, it will still require significant time and cost on the part of the Policy Committee as well as the staff who are providing technical support to take ABAG's draft methodology, get approval from the state and create allocations based on the methodology.

Any methodology will have to meet the requirements of state law and will need approval by HCD.

Staff is asking the Council to approve the resolution as planned, which gives the City flexibility to pull out at any time if the MOU is not consistent with the principles based on which the Council authorized joining the subregion. However, it is possible this process will not proceed. If the Cities Association decides not to move forward with a subregion, the MOU process will not move forward and cities will get their allocations from ABAG. The Cities Association Board will be taking up this issue at its meeting on September 12 to decide on next steps and we will keep the Council apprised of the outcome.

- 1. Has the Cities Association determined the formula that will be used to allocate the RHNA numbers to each city in Santa Clara County? If so, what is it? If not, when will this be determined?

Cities Association has not determined the formula at this time but the MOU includes hiring consultant services to help with creating a methodology and also a process for approving a methodology and allocations.

2. Have the questions in the 2018 staff report been answered? If not, when will they be answered?
- a. Should cities be allowed to trade their housing allocations with each other? If so, how would this be structured to prevent “dumping” allocations from one jurisdiction onto another?

There are several checks built into the subregion MOU as well as in state law. The MOU states that the starting point will be the ABAG allocations for each jurisdiction. The RHNA subregion Policy Committee (PC) will vote with a 2/3 majority on a methodology and the allocations. The PC will consist of one representative from each Agency who is an elected official appointed by his/her respective elected body to serve on the PC. The re-allocation methodology also will have to be approved by HCD (California Housing and Community Development Department), which also approves ABAG’s methodology per state law. Additionally, the MOU has a process whereby jurisdictions can appeal their allocation. As noted in the report, a city must approve a reallocation of its housing numbers.

- b. How would Jurisdiction A be meeting “its” housing needs if its allocations are shifted to another jurisdiction?

State law allows the consideration of a subregion where it can be viewed as a whole. ABAG will give the total for the subregion and typically also gives numbers for each jurisdiction so that it can serve as a starting point. The subregion can use the methodology described above to allocate units. However, there has to be a methodology and it needs to be reviewed by the state as described above. It should be noted that none of the subregions have created a separate methodology to date or done any significant re-allocations. So, there is no comparison that we can point to at this time.

- c. If there are existing inequities in the spatial distribution of housing production/supply, would trading allocations reverse or reinforce those inequities?

The methodology is required to meet state law. It is not our understanding at this time that state law reviews spatial distribution of housing production/supply, although that can be considered in the subregional allocation methodology. However, it should be noted that the Cities Association does not contemplate large scale revisions from ABAG allocations.

- d. Would jurisdictions with greater financial resources have more power than jurisdictions with fewer financial resources in determining the types of trades that are made?

As noted above, the methodology has to be consistent with state law and cannot be made purely on financial transactions. We do not have enough information at this time to know if state law allows financial transactions between jurisdictions after the allocation process.

- e. What should the “sending” jurisdiction give to the “receiving” jurisdiction in exchange for taking on additional housing allocation? Should it include ongoing costs for services?

MOU does not specifically discuss this component. This would be an item for the subregion, if formed, to address.

- f. Which jurisdiction – the sending or the receiving – should receive credit towards meeting its housing obligation?

The subregion will be viewed as a whole by ABAG and the state. At the end of the re-allocation process, each jurisdiction will be responsible for the units that are allocated to it as part of the RHNA subregion methodology and allocation process.

3. What are some of the main remaining MOU details to be worked out?

Items that need to be worked out in the draft MOU include the following:

- If decisions can be made with a 2/3 voting majority, there is concern that a jurisdiction will not have a say in their final allocation.
- What would the process be to appeal the ABAG allocation? Would it be done by individual cities or the subregion take on the role?

Other issues not specifically related to the MOU but could be issues down the line include:

- In the event that an agency withdraws from the subregion due to disagreement over the allocation process, how will it change to the allocations for the remaining agencies?
- Does the RHNA process timeline impact when an agency cannot feasibly withdraw from the subregion?
- Uncertainty of ongoing consultant time and cost, although the initial cost has been determined.

4. How well are subregions working in Solano, Marin, Napa, and San Mateo Counties? Does anyone know? How old are they?

The San Mateo subregion was formed in 2006 and Napa in 2011. The subregions, for the most part, have focused on increased collaboration to address county-wide housing challenges and creating a forum for sharing information and solutions and accepting the ABAG allocation methodology.

Regarding local adjustments of allocations within a subregion, the following is an excerpt from an article by Richard Napier, Executive Director of City/County Association of Governments of San Mateo County (C/CAG) and Duane Bay, Housing Director for the County of San Mateo, which describes the process utilized in the 2007 RHNA process for the San Mateo subregion. It should be noted that the current process requires a methodology to be reviewed by HCD, which could change the way re-allocations are made.

“Once the basic allocation formula had been determined (the subregion decided to use the same formula as ABAG) it had to be applied to underlying projection data (again, the subregion decided to use the same base data as ABAG). Under the first local customization, if any jurisdiction could demonstrate errors in the base data to the satisfaction of the subregional group, those errors could be corrected before the allocation formula was applied. Several technical adjustments were proposed and agreed to, but subsequently became unnecessary when ABAG corrected its near-transit projections for the whole Bay Area.

Under the second local customization, jurisdictions could negotiate zero-sum adjustments between themselves (bi-lateral trades) and among themselves (give or take from a pool). Both

types of negotiated adjustments were made. Two “between” adjustments, involving five separate jurisdictions, were proposed where housing complexes under development sat on city boundaries. One of these adjustments, involving three jurisdictions, was included in the proposed Final Allocation. The other trade was approved in concept, contingent on certain triggering events which eventually occurred. Also, seven jurisdictions participated in “among” adjustments. In Redwood City, San Mateo and County of San Mateo, land use plans already in place or anticipated could accommodate more housing units than their formula-generated draft allocation, so they “gave” this capacity to the pool (i.e., took on extra units). Consequently, four other jurisdictions that were facing substantial increases in their allocation were able to “take” from this pool (i.e., reduce their allocation). By law, the percentage of the allocation at each level of housing affordability remained the same regardless of trades.”

5. Has homeless and RV resident housing been on any of the subregion agendas? Do you think the subregion might provide some advantages in addressing these issues?

The subregion could provide a forum for discussing and implementing collaborative solutions for issues that cannot be resolved at a jurisdictional level. The Cities Association Board has briefly discussed including this issue in the subregion process as well. However, it should also be noted that this can also be done outside of a subregional process.