

City Council Questions

November 9, 2021 Council Meeting

ITEM 6.1 Food Service Ware Ordinance

1. Are private events, or events that a neighborhood association or groups along those lines hold, where food is available at no charge subject to this ordinance?

Any entity that qualifies as a food provider as defined in the ordinance would be required to comply with the food service ware requirements, regardless of whether there is a charge for the food being served. A food provider is generally any entity required to obtain a county health permit to serve prepared food to the public. For events, this would include event rental spaces with a county permit to serve food to the public, catering companies, food trucks and restaurants providing takeout food for private events. Individual persons who do not qualify as a food provider would not be subject to this ordinance. For example, if a private party is catered, any food service ware supplied by the catering company or restaurant would need to be natural fiber-based and certified PFAS-free or made entirely of aluminum as required by the ordinance. However, if a party organizer or attendee purchases food service ware to supplement items provided by the caterer, those items would not need to meet the same requirements.

The ordinance also includes a general prohibition on the sale of polystyrene foam food service ware and coolers or ice chests, which is a continuation of the City’s existing ban established by the Polystyrene Foam Food Service Ware Ordinance. These items should not currently be available for purchase anywhere within the City, and will continue to be banned. Additionally, the State’s ban on the sale of disposable food service ware containing PFAS goes into effect on January 1, 2023, meaning those items should not be available for purchase anywhere in California.

2. Please add the proposed ordinance for Mountain View to Attachment 5.

A revised Attachment 5 adding Mountain View’s recommended ordinance is attached. Between AB 1276 and the recommended ordinance, all Phase 1 measures will be in effect in Mountain View. Mountain View is the first city in the Bay Area to adopt a foodware ordinance after AB 1276 was signed into law, which is why this recommended ordinance does not include restrictions that overlap with the new State regulations. Many jurisdictions that had already adopted ordinances with “accessories-on-request” requirements are planning to amend their ordinances to avoid conflicts with State law. The Phase 2 measures listed in Attachment 5 will be included in a future recommended ordinance as part of the Zero Waste Plan’s Foodware Packaging Reduction Phase 2.

ITEM 6.2 Mandatory Organic Waste Disposal Reduction Ordinance

1. Will multi-family properties with under 80 complexes be eligible for organics collections at some point?

All multi-family properties, regardless of number of units, are eligible to participate in the City’s organics collection program. There are currently over 80 multi-family properties already participating.

ITEM 6.3 Minor East Whisman Precise Plan (P-41) and Zoning Code Amendments

1. Are office projects outside of the TDR projects able to partner with TDR residential projects, and vice versa are TDR office projects able to partner with residential projects outside of the TDR residential projects? I had thought that the TDR projects were limited to partnering with only other TDR projects.

Office projects outside TDR will be required to partner with residential projects, and may partner with residential TDR projects if no net new office is created—the new floor area at the office site can be no more than the amount demolished at the residential site. This was necessary to keep the residential projects still engaged in the TDR program without creating any net new office. TDR office projects are not required to partner with residential projects outside the TDR program, and they would have no reason to want to because it would be an additional requirement for them. The TDR projects are not specifically partnering with each other, since the City cannot force such an agreement. However, they are “cancelling each other out” by building a roughly comparable amount of residential and office at the same time.

ITEM 6.4 Declaration of a Stage 1 Water Shortage Emergency Condition

1. Water users have already been asked to reduce usage by 15%. Is that a 15% reduction vs 2020 per the Governor?

In early July the Governor requested that all Californians voluntarily conserve 15% (compared to 2020). The City supports the Governor’s goal for conservation, but has not specifically asked our customers to reduce by 15% because Mountain View’s local supply conditions differ from other parts of the State (and even County).

2. If the stage 1 is asking for a 10% reduction, isn’t that a smaller reduction than previously requested?

Although Governor Newsom and Valley Water both requested 15% conservation, the City has not yet established an official conservation goal for our customers. Since San Francisco provides the vast majority of Mountain View’s drinking water, staff recommends basing our water shortage declaration on their expected supply reduction, which is 10%. The City has already conserved 7% compared to the Governor’s baseline, 21% compared to Valley Water’s baseline, and 4% compared to San Francisco’s expected baseline. The additional savings needed to meet all three goals is less than 10%.

3. Are we working to move more of the large landscape customers into the recycled water customer category?

The City continues to work toward reducing the salinity of our recycled water so that more irrigation customers can be converted to recycled water without damaging salt-sensitive plantings, such as redwood trees. Construction of the salt removal facility in Palo Alto is expected to be completed in 2024, at which time staff will work with additional large landscape sites in North Bayshore to convert them over to recycled water.

ITEM 7.1 Downtown Parking Strategy Adoption

1. How many of the 255 businesses are restaurants?

There are 66 restaurants according to the business license tax information for Downtown.

2. On page 4 of the staff report it says that Council wanted the strategy area to include the North side of Central Expressway in the Willowgate area to be included in the strategy area. I don't see where it is included in the strategy. Where can I find it?

The Willowgate area is not within the scope of the Downtown area (within the Downtown parking district, Downtown Precise Plan or in the General Plan). Therefore, it was not specifically included in the Downtown Parking Strategy. However, one of the strategies in the Downtown Parking Strategy includes revamping the Residential Permit Parking program, which is currently being implemented by the Public Works Department. This is expected to be available not only for Downtown residents but for other neighborhoods as well. The RPP can more immediately address the parking concerns related to the Willowgate neighborhood. Another option to develop strategies for the Willowgate neighborhood would be through specific strategies in the Moffett Precise Plan since it is located adjacent to the Moffett Precise Plan area. The project is currently on the Council work plan.

3. In the list of stakeholders on page 4 of the staff report, I don't see residents who live outside of the Old Mountain View neighborhood, or visitors to downtown? Were they not considered to be stakeholders when they are likely the groups most challenged to find parking downtown? If not, why not?

The Moffett Boulevard and Shoreline West Association of Neighbors was included in the noticing of the residential stakeholder outreach. Pertaining to visitors, the businesses conveyed their customers' needs through the stakeholder process. In addition, staff collected visitor input through the Castro Street Pedestrian Mall Survey.

4. On page 9 of the staff report it says that parking requirements are high compared with other communities and industry best practices. At a previous Council meeting, industry best practices from ITE were shared. The ITE parking standards are higher for restaurants than the requirements in the Downtown Precise Plan. If we update the parking requirements, will we consider increasing the requirements for restaurants?

Institute of Transportation Engineers (ITE) parking standards are based primarily on data from suburban areas with minimal shared parking and few non-driving travel options. Although ITE can provide one potential point of comparison for evaluating parking standards, best practices include consideration of other factors such as:

- The surrounding mix of uses and activities
- The local pattern of parking demand throughout the day and week
- The availability of on-street parking spaces
- Access to a network of bicycle and pedestrian facilities and transit services

The goal of the Downtown Parking Strategy is to reduce the demand for parking through implementation of TDM measures for office and other uses and encouraging other modes of transit to reduce vehicular trips. Additionally, the strategy focuses on making more parking publicly available as opposed to keeping it private and single-use. This will result in making existing and any new spaces more accessible for uses that need it, such as restaurants and other ground floor uses. In addition, this approach can help address commercial vacancy concerns expressed by the Council and the public through reduction of parking requirements for these uses.

5. What is remote pick up and drop off mean as it pertains to the valet program? Does it mean the valet is at your destination and then drives your car to another location for parking?

Remote pick up and drop off for a valet parking operation is where the pick-up and drop off locations are separate from the location where cars are parked. A valet user will drive their car to the designated pick-up/drop off location. The valet attendant will then park the car at another location. When the valet user is ready to pick up their car, they pick it up at the designated location.

6. Again, what is the enforcement that is expected for this; particularly the timed parking places? It is my understanding that the timed parking is largely ignored.

To be effective timed parking would need to be enforced on a regular and consistent basis. During COVID 19, timed parking enforcement was suspended when the state of emergency was declared by the City. Police Department staff, who does the enforcement are currently evaluating a return to regular, pre-pandemic, enforcement of timed parking spaces. The use of technology and connected meters can enhance and support enforcement efforts more easily.

7. What incentives can we provide to downtown workers to NOT take the most advantageous parking spots?

There is no single solution. The Parking Strategy identifies several strategies that should work together to disincentivize long-term parkers—including office workers—from using the most central and conveniently-located parking spaces:

- **Transportation Demand Management (TDM):** Reduce parking demand from the start. Formal TDM requirements and programs would encourage more people who work downtown to bike, walk, or use transit rather than drive, which would reduce the overall parking demand in downtown—including in the most convenient on-street spaces.
- **Demand-Based Pricing:** Implementing demand-based pricing in the most convenient and centrally-located public parking spaces would encourage turnover and discourage long-term parkers. The Strategy recommends a tiered pricing structure, which includes a higher “premium” rate for the most convenient, centrally-located spaces and a lower “value” rate for spaces further away from Castro Street where demand is lower. Providing a lower cost option to on-street rates (such as a discounted off-street permit) can also incentivize use of off-street parking.
- **Downtown Parking Permit Management:** Through investments in new permit systems and technologies, the City could also better target use of prime public spaces to key groups. For example, restrictions on employee parking permits available to office employees who already have private off-street parking may be another option.
- **Residential Parking Permits (RPP):** An updated RPP program could help manage access to on-street parking spaces in downtown which aren’t subject to demand-based pricing.
- **Improved Enforcement:** An expanded, customer-friendly, and non-punitive enforcement framework that focuses on education and communication would encourage turnover and ensure that motorists adhere to posted parking regulations in public lots and on-street spaces. Priced parking could provide a source of dedicated revenue to ensure fair and consistent enforcement in downtown.

8. We have talked about shared public/private parking for a long time. What is the history of those discussion and what is the current status?

Staff has been exploring shared parking opportunities with property owners but it has not been possible after projects are approved because they cannot be enforced but depend on property owners wishing to share parking. The most common reasons why these have been difficult to achieve are due to lease agreements with current tenants having access to the parking 24 hours a day and security concerns.

The best approach to shared parking is to create policies that are implemented through project review and not after a project has been approved. These include focusing on public instead of private parking in the parking district and incentivizing public parking in areas outside the district.

The Hope Street Development Project at Parking Lot 8 (Hope Street between Evelyn and Villa) has a shared parking agreement where the office building underground parking structure (160 parking spaces) will be available to the public during evenings and weekends. Another example is the Marwood project which will share parking and provide a total of 81 spaces (of which 25 spaces would be for the public).

The Parking Strategy includes shared parking under the Supply category – S1 with a goal of defining city priorities and guidelines to support the creation of public-private parking partnerships.

9. Roughly how many on-street parking places are there in the Downtown Parking Strategy Study Area?

There are 3,328 public on-street parking spaces.

10. What department would the new parking division be housed under? Would it be the Police Department or some other? Would police officers do the enforcement or some other staff?

The organizational details for a new parking division will be determined should Council support this strategy. One possibility with the least impact on requiring additional staff resources includes adding a parking administrator position to the Transportation Section in the Public Works Department to manage the parking program and promote TDM measures. Enforcement would be conducted by the Police Department either through officers or multiservice officers.

11. How would demand-based pricing work?

Demand-based pricing sets the lowest price needed to achieve a target utilization rate – typically 85% for on-street parking and 90-95% for off-street – so that a motorist can find an available space with minimal circling. After setting an initial hourly rate, the rate could be adjusted 1-2 times per year (at most). Adjustments would be informed by utilization and enforcement data.

The Strategy recommends a tiered pricing structure. The most central and conveniently-located parking spaces where demand is highest would charge a higher “premium” rate. Parking spaces with lower demand that are located further away from Castro Street would have a lower “value” rate. This tiered structure is similar to other bay area communities who have used demand-based pricing to manage parking, including [Redwood City](#) and [San Mateo](#) (hyperlinked – please click for more information)

12. Prior to COVID, how much was the valet program is used and what was its cost per car parked?

The Valet Parking Pilot Program is currently on hold due to the COVID-19 Pandemic. Prior to the pandemic, the program was in operation at Parking Lot 11 (Villa and Franklin Streets) Thursday through Saturday from 11:00 am to 10:00 pm. From July to December 2019, an average of 41 cars were parked per week. However, in January and February 2020, the program saw a significant drop due to the pandemic – an average of six cars were parked per week. The program cost \$90,000 a year (\$7,500 per month). Based on the July to December 2019 weekly average and the assumption an estimated 164 cars are parked per month, the estimated cost per car parked is \$182.

13. What is a curb management strategy?

A curb management strategy is a comprehensive plan for managing and regulating access to the curb, going beyond just parking. This includes on-street parking spaces, but also focus on freight loading zones, passenger pick-up/drop-off zones, electric vehicle charging, transit stops and stations, “active” spaces for retail and restaurants, and bicycle and pedestrian infrastructure. Curb management strategies can involve collecting detailed data about curb usage (up to the minute) and sharing that information in a publicly-accessible format to help educate and inform city decision makers and community members. [Here is an example](#) (hyperlinked) of a curb management strategy developed by San Francisco.

Comparison of Adopted Food Service Ware Ordinances in Bay Area Jurisdictions

Food Service Ware Ordinance Provisions			Mountain View	Recommended	Ordinance																																
			Alameda (City)	Atherton	Belmont	Berkeley	Brisbane	Burlingame	Cloverdale	Colma	County of San Mateo	County of Santa Cruz	Emeryville	Fairfax	Half Moon Bay	Hayward	Healdsburg	Millbrae	Oakland	Palo Alto	Richmond	San Anselmo	San Francisco	San Mateo (City)	San Pablo	Santa Cruz (City)	Santa Rosa	Sausalito	Sebastopol	Sonoma (City)	South San Francisco	Union City	Watsonville	Windsor			
ZWP Phase 1	Food Service Ware	Accessories on request or in a self-serve area	S		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
	Ware	Ordering platforms must provide accessory request option	S		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		
	Accessories	Prohibits single-use plastic food ware accessories*	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
	Non-Reusable	Prohibits polystyrene foam food service ware	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
	Food Service Ware	All disposable food service ware must be compostable	x	x	x	x	x	x	C/R	x	x	C/R	x	x	x	C/R	x	x	x	x	C/R	x	C/R	x	C/R	C/R	x	NP	C/R	C/R	x	C/R	x	C/R	x	C/R	
		Requires disposable items to be PFAS-free	x		x	x	x	x		x	x	x	x	x		x	x				x	x	x		x	x			x	x							
ZWP Phase 2	Beverage Cups	Requires businesses to accept customer-provided cup									x																								x		
		Requires a charge for disposable beverage cups									x		x									x				x									x		
	Reusable Food Service Ware	Require reusable food ware for dine-in											x									x				x											
		Requires foodware vendors to have dishwashing capacity																																			
		Requires events to make reusable beverage cups available																																			

*May be limited to certain accessory items

- S Recent State legislation
- C/R Ordinance allows items to be compostable *or* recyclable in the city's program
- NP Ordinance bans single-use plastics