

City Council Questions

February 4, 2020 Council Meeting

ITEM 8.1 FISCAL YEAR 2019-20/FISCAL YEAR 2020-21 CITY COUNCIL GOALS WORK PLAN SIX-MONTH UPDATE

1. Is Project 3.9 really upcoming? Didn't we already hire a consultant to work on this project?

A consultant agreement for the Comprehensive Modal Plan was executed in July 2019 and the consultant has been working on the initial deliverables for the project. The "Upcoming" noted in Attachment 1 of the Council Report refers to a future Council Study Session as opposed to the project, which is actually "In Progress." Progress on the project has been slower than anticipated due to a combination of both staff's and consultant's heavy workloads. Accordingly, staff believes a more realistic timeframe for coming to Council with a study session is fall of 2020 and will be proposing this modification of the timeline during the Council meeting.

2. If we want to put cameras monitoring the train tracks, isn't that a CIP?

Adding cameras and monitoring the train tracks is a CIP. The Youth Mental Health study session would be focused on topics related to a gap analysis and recommendations of where the City may support or enhance youth mental health services, and would not include potential projects requiring a CIP, such as the installation of cameras along the rail corridor.

3. What specifically is the scope of the proposed e-vaping and flavored tobacco regulations? If it is to prohibit sales, doesn't that mean the Planning Department would need to be involved? If so, wouldn't something need to be removed from the Planning Department's plate?

The proposed e-vaping and flavored tobacco regulations is scoped to include proposing an ordinance prohibiting retailers from selling flavored tobacco products and electronic smoking devices and electronic smoking device paraphernalia. This ordinance is based on the model ordinance passed by the Santa Clara County Board of Supervisors. There could be an impact to resources for the Planning Department if the ordinance requires a permitting process. Most ordinances have a retail licensing requirement that involves a work flow through the Finance Department.

4. Is there a reason that the Community Services Department could not take the lead on the Youth Mental Health Project? Some members of the public have said they would prefer that the City not be seen as defining youth mental health as a law enforcement issue.

This project would likely best fit within the City Manager's Office, however, because of workload and capacity, the Police Department is best able to manage this project should the Council desire to have a study session in the fall of this year. While the Police Department may be thought of as a "law enforcement agency," it is the one Department in the City with the broadest area of public safety responsibility, to include having working relationships with government, non-profit, and community-based organizations that provide mental health services. In addition, the Police Department is responsible for resolving mental health and behavioral health incidents, to include crisis response, and has a significant role in crisis

intervention. The intent would be for the Police Department to take the lead, but work with Community Services, the Youth Advisory Committee, and other stakeholders in the analysis.

5. Could we have a very brief overview of what Project 1.3—Study Session on service gaps related to homelessness—would likely encompass? Are Service Gaps in housing (for example emergency shelters) or services (for example drug and alcohol services) or both?

Staff intends for the Study Session to entail assessment of existing homelessness resources and convening of service providers to present as a forum. Service providers will include local "Emergency Area Network" (EAN) providers and partners - the County OSH and Supportive Office, CSA, Destination Home, HomeFirst, etc. The gaps identified could include both housing gaps and service gaps.

6. I want to clarify, staff is not suggesting that the Displacement project be postponed, but just that the TRAO portion of that project be postponed. Is that correct?

Correct. The existing timeline for the displacement project will remain. Staff proposes to delay modification of the TRAO, which is scheduled for April 2020.

7. How many times has TRAO been used since July 2019? How many times is it projected to be used through July 2020?

In 2019 the following 5 projects have become subject to the TRAO requirements, with a total number of 297 households. All projects moving forward in 2020 will be subject to SB 330 and TRAO however since SB 330 requirements are more restrictive, the City will implement the SB 330 requirements. One project in the planning process, 1555 Middlefield Rd, which proposes to redevelopment 116 rental units to 115 rowhomes, is subject to TRAO but not SB 330 requirements.

Whitney Drive 2483	40
Rengstorff S. 570	70
Middlefield W. 1555	116
Gamel Way 1919	29
E. El Camino Real 870	42
	297

8. What tenant relocation assistance benefits does SB 330 require? In what ways are the tenant relocation benefits in SB 330 stronger than the existing TRAO? In what ways are the relocation benefits NOT as strong as those in the existing TRAO?

Below is a table that shows the City TRAO and SB 330 requirements. The highlighted portions are the proposed TRAO modifications.

	TRAO	SB 330
REQUIREMENT		
Units Covered	Vacating of a rental unit covered by the CSFRA or three (3) or more rental units on a parcel for those rental units that are not covered by the CSFRA by residential households.	Applies to "Protected Units" <ul style="list-style-type: none"> • Deed restricted • Covered by CSFRA • Occupied by LI households • Units withdrawn from Ellis Act within past 10 years

	TRAO	SB 330
Notice of Intent	30 days w/in submittal of planning application	NA
Notice of termination	120 days, 1 year for Sr./disabled	90 days <ul style="list-style-type: none"> SB 330 also has a requirement to allow the tenant to occupy the unit until 6 mos. prior to construction thus effectively giving the tenant 9 months.
Eligible AMI households	<120% AMI	All households living in protected units
Relocation Assistance	<ul style="list-style-type: none"> Full refund of a tenant's security deposit; A 60-day subscription to a rental agency; The cash equivalent of three months median market rate rent for a similar sized apartment; and An additional \$3,000 for special-circumstances tenants, which are households having at least one person that is either over 62 years of age, handicapped, disabled, or a legally dependent child under 18 years of age. Adjusted by CPI annually The proposed TRAO modifications would include an increase the financial assistance by another \$5000 for both households and special circumstance households. Provide enhanced rental service Expediting relocation payment. 	<ul style="list-style-type: none"> Actual and Reasonable moving expenses; and \$5,250 or difference between rent and the additional amount necessary to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, whichever is greater.
Right of first refusal	Yes <ul style="list-style-type: none"> Only for existing units if not redeveloped within five years for existing price plus any AGA. 	Yes <ul style="list-style-type: none"> Tenant would be eligible for a new unit in the new development priced at an affordable cost. Affordable is defined as housing expenses generally not exceeding 30% of household income.
Replacement of units	NA	Must replace demolished "protected units" at a 1:1 ratio <ul style="list-style-type: none"> Must be at the affordability level at the household.

9. Would it be easier for staff to reduce the scope simply to an update of the TRAO to be compliance with SB 330, with the incorporation of the minor modifications requested by the Council over the past year?

SB 330 does not require that the local jurisdiction adopt SB 330 requirements. . Since the scope of SB 330 is further reaching and more restrictive than the City's TRAO response, staff would enforce the SB 330 requirements "as is" and not adopt them.

10. Can staff comment on the workload necessary to make the following modifications, which Council has discussed in the context of specific displacement projects approved last year?

If the Council wishes staff to work on a TRAO with reduced scope, one of the current projects involving Housing staff would have to be delayed for the period of time it would take to complete the project. Depending on the scope of the project (outreach, alternatives, etc.). the project could take between 4-12 months.

While these specific displacements were voluntarily accepted by individual project applicants last year, it will take some review as to how these modifications would affect the program and how it interacts with other state requirements if required by the City. For example, it is unclear if the City can require a landlord to waive the tenant's obligation to provide a 30 day notice when it is required by State law. In addition, it is unknown if other project applicants would be willing to accept the required modifications without public outreach. Please note that SB 330 requirements exceed many of the proposed TRAO modifications as outline below.

Staff has provided some initial comments on some the modifications below:

- a. Move out date extensions

SB 330 move out requirements are more restrictive. Under SB 330, tenants are allowed to occupy their units until six months before construction plus a 90 day termination notice, effectively providing the tenant a nine month termination notice. That is more restrictive than the TRAO requirement of 120 days.

- b. Landlord will waive tenants' obligation to provide 30-day move out notice

Staff will need to review this proposed modification and how it interacts with state law. Staff can return with its findings.

- c. Second 50% TRAO payment upon submittal of documentation securing a replacement rental (not after move out)

This would require a TRAO modification.

- d. Enhanced assistance by AutoTemp to assist in search for housing

This would require a TRAO modification.

- e. AMI eligibility increased by \$5,000

SB 330 requires developers to pay the relocation assistance equal to the difference between the rent and the additional amount necessary to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, **whichever is greater**. This amount could greatly exceed the TRAO requirement of three months' rent and the additional \$5000.

- f. Special circumstances households receive an additional \$5,000

As with the previous response, SB 330 requires developers to pay the relocation assistance equal to the difference between the rent and the additional amount necessary to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, **whichever is greater**. This amount could greatly exceed the TRAO requirement of three month's rent and the additional \$5000 for special circumstance households.

- g. Referral to Landlords with rental housing options in MV and surrounding cities

This would require a TRAO modification.

- 11. Can simple TRAO modifications be incorporated into other scheduled modifications of the Zoning Code? For example: March 24 "Zoning Code ADU, PCP, Childcare Amendments"

Because of the noticing timelines, taking TRAO modifications in March would be difficult. The earliest staff could return with TRAO modifications is sometime in Q2.