

City Council Questions

December 1, 2020 Council Meeting

ITEM 3.1 365 San Antonio Road

1. What is the width of the sidewalk between Safeway and the apartment building in Phase 1?

The sidewalk on the Safeway side of the street is 6' wide and the sidewalk on the apartment side of the street is 4' wide.

2. What is the width between the Safeway building and the apartment building in Phase 1?

The Safeway building is 40' from the apartment building.

3. Will there be a community benefit contribution on the non-LASD TDR portion of the project?

The project has not yet proposed specific community benefits for the gatekeeper request. Staff will work with the applicant on a community benefit package in the coming months taking into consideration any infrastructure projects that may need funding in the vicinity. However, this project proposes a Tier 1 FAR project under the Precise Plan, which requires a public benefit contribution of \$24.01/net new square feet for the difference between the Tier 1 and base intensity.

ITEM 3.2 Potential Ordinances to Address Health and Environmental Impacts Related to Smoking in Multi-Unit Residential Buildings and Operation of Gas-Powered Leaf Blowers

1. Is smoking currently allowed outside in city parks in Mountain View?

Smoking is not prohibited in public parks except in the following areas:

Picnic areas:

- Picnic area means any area in a city park where picnic tables are located and designed, established or regularly used for consuming food or drink.

Playgrounds/tot lot sandbox:

- A playground means any park or recreational area specifically designed to be used by children that has play equipment installed, or any similar facility located on public and private school grounds or on any City, County or State Park grounds.
- A tot lot sandbox means a designated play area within a public park for the use by children under five years of age.
- Smoking is prohibited within 30 feet of playgrounds and tot lot sandbox areas.
- This does not apply to sidewalks that are within 30 feet of these areas.
- This does not apply to parks on private property.

2. Does the current ordinance cover all types of smoking (e.g., cigarettes, e-cigarettes, pipes, cigars, cannabis)?

The definition of smoke in the City Ordinance covers smoke from tobacco products including electric cigarettes and other controlled substances which would include cannabis.

3. Does the CSFRA staff have the information needed to do outreach to multi-unit residences not covered by the CSFRA?

CSFRA staff has information on the multi-family residences that are regulated by CSFRA. The Fire and Environmental Protection Division (FEPD) has information on all properties that have three or more units in Mountain View. This includes apartment complexes, condominiums and some townhomes (only those with a shared attic space). CSFRA staff can also send information to all residents in Mountain View.

4. Is staff intending to do an assessment of the entire Sustainability Program using an equity lens all at one time, or assess each project as it is developed and implemented?

While staff is considering equity implications on an on-going basis, at this time staff intends to evaluate each active project through this lens as the project is developed and implemented. Over time we will also evaluate the Sustainability program more broadly through an equity lens, and as appropriate, may make adjustments to the program at a higher level.

5. The staff report says, “The Sustainability Action Plan 4 (SAP-4) contains a project (P3.2) to evaluate options for a City rebate or trade-in program to encourage adoption of electric landscaping equipment in the community. This is scheduled to be implemented in Fiscal Year 2021-22.” How hard would it be to change this to 2021, just 6 months earlier, which may be important due to pandemic and remote work?

If Council prefers to proceed with a leaf blower incentive program and ban before FY 2021-22, a number of current and upcoming sustainability projects would be delayed as described on page 12 of the staff report. The precise projects and length of delay would depend on the scope and timing of the incentive program in coordination with a leaf blower ordinance. The challenge in managing trade-offs is compounded at the current time since one sustainability analyst position is vacant and the other will be vacant before the end of the year. Recruitment to fill these positions has been fast-tracked, but new staff will not be on board until January. Given the current workload and project impacts, and also because we are in the middle of two position recruitments, staff recommends including leaf blower regulations as part of the FY 2021-22 goal setting process.

6. What potential funding sources for rebate or trade-in programs do you know of? Could they include our small business loan program or BAAQMD grants or anything else?

One available funding source would be the unallocated funds in SAP-4, which total approximately \$300,000. Council could direct use of these funds.

The purpose of the City’s Small Business Resiliency Program is “...[supporting] Mountain View small businesses impacted by COVID-19.” A gas-powered leaf blower rebate program would not be eligible for this funding.

Staff has done preliminary research and has not yet identified any current BAAQMD or other grant programs that would fund a gas-powered leaf blower trade-in or rebate program in Santa Clara County.

7. The staff report says, “The Hazardous Materials and Fire Life Safety inspections conducted by staff working on the ordinance amendment would be delayed, and there may be facilities that are not inspected within the State-mandated time frames.” What would be the implications of this? Would it include fines and if so, approximately how much?

The Hazardous Materials Program requires that all businesses that have a hazardous materials storage permit must be inspected at least once every three years. These inspection times are reviewed by the Santa Clara County Environmental Health Department during their audits which occur once every 3-5 years. There are no penalties issued for violations that they discover during their audit of our program. They will issue corrective orders and then follow up on future audits to ensure that the minimum inspection frequencies are being met.

The Fire and Environmental Protection Division which oversees the Hazardous Materials Program will make every effort to conduct these inspections within the mandated time frames and will prioritize higher risk facilities.

8. The staff report says, “at the State level, in June 2020, CARB proposed a timeline for new regulations, with tightened emissions standards for 2023, zero emission standards adopted in 2025, and a requirement that all new sales of SORE be required to be zero-emissions equipment should be adopted in 2028. After their June workshop, CARB received nearly 2,000 comments, many of which asked CARB to transition to zero-emission equipment as quickly as possible. As a result, CARB is reevaluating their proposal, which they plan to bring to their board in 2021.” It seems like cities around the Bay Area may be fast tracking their schedules for addressing this issue. Where does the list of cities that have banned or limited gas leaf blowers come from? How can we coordinate with cities around us that may be moving forward very soon? Does anyone know if Sunnyvale, our main neighbor without a gas leaf blower ban, is moving forward on this or would like to coordinate with us?

To staff’s knowledge, Bay Area cities have not yet specifically been fast-tracking their schedules; cities that are working on implementing a leaf blower program of some kind have been assessing it for a while and are finding the process to be lengthy. Cities have been sharing information with each other, but staff is not aware of any local cities moving forward soon, or of any multi-jurisdictional coalitions working on banning gas-powered leaf blowers more broadly. Staff could further investigate collaborating with other cities, but doing so would likely lengthen the process. Also, no county-level action in California has been taken as of this time.

The list of cities that have banned or limited gas leaf blowers was sourced from the City of Davis’ Natural Resources Commission report on the efficacy of their own leaf-blower ordinance, and is current as of September 2020.

The City of Sunnyvale Municipal Code includes time-of-day and noise restrictions on the use of leaf blowers in residential areas. In addition, after assessing which policy or program would be most effective at addressing leaf blowers, Sunnyvale implemented a leaf-blower trade-in/exchange program in 2015 with support from BAAQMD. During the first year of operation, only one gas-powered leaf blower was exchanged for an electric one, and so Sunnyvale stopped the program after that first year due to BAAQMD discontinuing it. Sunnyvale is looking into updating its existing policies related to Noise, Air Quality, and Environmental Justice, and is researching what other agencies are doing in this regard, but it does not appear that they have reached a conclusion to recommend a change in their existing code restrictions and/or implementation of a leaf blower ban.

9. What do other city ordinances regarding smoking in multi-residential buildings do about medical marijuana use in those apartments?

The California Health and Safety code allows jurisdictions to prohibit the smoking of medicinal marijuana products (H&SC 11362.79) Based upon staff's review of over 15 city and county Ordinances prohibiting smoking in multi-family residences, the majority of ordinances prohibit smoking medical marijuana. None of the cities in Santa Clara County with smoking ordinances prohibiting smoking in multi-family residences exempt medical marijuana. There are cities, including Richmond and Corte Madera, that do exempt medical marijuana from their ordinances.

ITEM 7.1 City Council Ad Hoc Subcommittee on Race, Equity, Inclusion Update and Recommendations

1. Will Santa Clara County keep the Mobile Crisis Response Team if/when it implements the Community Mobile Response Program, or will the new program replace the existing program?

Staff does not yet have information about the County's plans. While both programs are designed to be respond to mental health crises, they are structured and operate differently. The County Mobile Crisis Response Team (established 2018) is staffed by trained Santa Clara County Behavioral Health Services clinicians who often partner with law enforcement agencies to respond to mental health crises. The proposed Community Mobile Response Program will be staffed by private licensed mental health clinicians as well as community workers, social workers, and emergency medical support. The proposed program seeks to respond to crises with no law enforcement or public sector involvement.

2. What are the results of the City working with the academic cohort from Stanford University and the University of Michigan?

The City worked with the academic cohort to discuss research and data analysis approaches that could be taken to better understand Mountain View policing data and design any necessary interventions. The cohort has done similar work with police departments in Florida and Washington, D.C. As a result of these discussions, the City took the step to hire a doctoral research fellow who was recommended by and will receive mentorship from the academic cohort in addition to working closely with Police Department and City Manager's Office staff. The research fellow was hired in early November. The Research Fellow is using scientific evidence-based processes to analyze MVPD data and help the City to better understand the best ways to collect, analyze, and give context to the data in a way the community we serve understands. The research results and recommendations will be communicated to the City Council. To staff's knowledge, no other cities in our region have hired a Research Fellow to specifically analyze policing data to better understand the story behind the data, recommend potential solutions, and report back to the Council and the community.