

## EPC Questions – February 16, 2022

### Item 5.1 – SB 9 Amendments

1. The ABAG information states that no more than 25% of the exterior walls can be demolished. This is not mentioned in the staff report. Please provide feedback on why or how it is incorporated.

The proposed City regulations align with the provisions of SB 9 regarding affecting protected units by including in the eligibility criteria the prohibition of demolition or structural modification to protected units. “Structural modifications” encapsulates the prohibition of the removal of no more than 25% of the exterior walls.

2. It is not clear if the new versions require recording of the split and that no further split is permitted with the county.

Multiple urban lot splits on the same property are not allowed by SB 9 and the City’s proposed regulations. The County does not verify or review lot split applications and conformance with zoning and subdivision regulations, this is done by the City. With each urban lot split application, staff would review past property and application history and if an urban lot split was done previously, the application for a further lot split would not be allowed.

3. Does the 3 year rental restriction post change also apply to Lot Split?

Yes, upon submittal of an application for an urban lot split, the property owner shall sign an affidavit stating they intend to occupy one (1) of the units as their primary residence for at least three (3) years, unless the owner is a community land trust, as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a qualified nonprofit corporation as described in Section 214.15 of the Revenue and Taxation Code.

4. Can the residence requirement be recorded to ensure it transfers if the property is sold?

The residence requirement runs with the land and not the property owner. If the property were to be sold within the 3 year period, the new owner would be subject to the owner occupancy requirement as well.

5. What enforcement methods are available for the 3 year residence restriction?

This could be enforced by Code Enforcement upon verification of non-compliance with the requirement.

6. Does the 3 years rental history also apply to DUO?

Yes.

7. Does the 15 year Ellis Act apply to DUO?

Yes.

8. How is the 15 year Ellis history certified?

Upon submittal of an application for a DUO, the property owner will sign an affidavit stating their conformance with this requirement which will be verified by staff prior to issuance of permits.

#### Item 6.1 – Housing Element

1. Is it possible to share the total number of deed-restricted BMR units in MV as of the latest count, and if possible, a breakdown by income category? I'd also be interested in staff's general sense of where the largest cluster of BMR units currently is -- my hunch is along ECR and distributed across 94043, not 94040 or 94041.

[Here's](#)<sup>1</sup> the list of all affordable units in the City as of September 2021, showing 137 inclusionary BMR rentals and 1358 affordable rentals in 100% affordable housing sites as of 9/21. More projects have entered the pipeline since this time, and 950 W. El Camino has opened its doors. Approximately 53% of deed-restricted affordable units are in 94043, 36% are in 94040, and 11% are in 94041.

2. In table 2, is it possible to comment on when the pipeline projects are anticipated to be completed?

Since Pipeline Projects includes those that are nearing completion or those that recently submitted an application, the timeline of completion will vary widely (e.g. construction scheduling, approval timelines, etc.). The table below separates out the units by status. In general, approved projects are likely to be complete within about four years and under review projects are likely to be complete within about five to

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<sup>1</sup> <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=33029>

six years. However, “under review” also includes the Google Master Plans, some of which may start construction near the end of the RHNA cycle.

	Low and Moderate	Above Moderate
Approved	455	1831
Under Review	1299	3988
Under Review (Informal)	88	575

For RHNA purposes, these projects are all very likely to start construction during the 6th Cycle planning period (2023-2031), so they satisfy the requirements for the Sites Inventory.

3. If MV were to somehow build all of the units included in the site inventory for the next RHNA cycle, what kind of dent would that make on the city's current BMR housing waitlist?

Our current waitlist for BMR units has been closed for several years and is not a good indicator of need - it has over 300 households on it, but households that aren't on the waitlist are also free to, and do, apply for affordable units. There are also over 300 households on the County's "Community Queue" that are affiliated with the City of Mountain View, most of whom are experiencing homelessness. Additionally, 100% affordable housing sites occasionally open their waitlists when units become available.

Needless to say, building the units would make a big difference for these lists. With just Pipeline Projects alone, about 2,000 units for Low and Moderate Incomes would be available.

4. There is at least 1 Precise Plan P(7) is zoned for all residential but is currently all office (existing use). Are there others? Might it make sense to include looking at incentives to encourage these transitions as part of the Back Pockets List.

To qualify for the Draft Sites Inventory and the Back-Pocket Areas, Precise Plan areas and other sites were analyzed based on the likelihood of generating units to accommodate RHNA, including the size of buildings, the age of buildings and the types of existing uses. Specifically for P(7) (Mayfield Precise Plan), it is hard to imagine redevelopment of a large, viable office building with recent improvements. The Back-Pocket Sites could incorporate additional legislative actions, including redevelopment incentives, within their rezonings. With that said, there may be a level of incentive to encourage redevelopment of Mayfield by 2031, but there are many sites where it is likely easier to encourage redevelopment.

5. Could the San Antonio Precise Plan area be expanded to Del Medio St to the west or anywhere to the east without triggering a new EIR? (Back Pocket option)

The "Back-pocket" options will be included and evaluated under the Housing Element Update Environmental Impact Report (EIR) for impacts at a programmatic level. Any subsequent changes to Precise Plans may require a new or supplemental environmental assessment as part of the specific rezoning action. In general, programmatic upzonings, as would happen by incorporating the area into the San Antonio Precise Plan, usually require an EIR.

6. The ECR Precise plan includes 1st floor retail requirements in some of the Back Pocket areas. This would seem likely to impact viability of mixed use transition. If this had to be changed, would this affect the ability to use these as Back Pocket?

No. As part of the rezoning, the City can address other standards that affect development feasibility.