

City Council Questions II

March 26, 2019 Council Meeting

ITEM 4.2 AGE-FRIENDLY CITY UPDATE

1. Will the Council approve the Age-Friendly City Task Force workplan before the Task Force and City staff start working on items on the workplan?

The Age Friendly City Task Force (AFCTF) is not technically part of the City and they do not complete an annual workplan. As part of the City of Mountain View's designation as an Age Friendly City, the City committed to establishing a Task Force and developing an action plan based on a community assessment and identifying indicators so progress can be documented against the action plan. The initial term of the AFCTF is five years; July 2017 through June 2022. The focus in years one and two has been planning and implementation. Years three through five will focus on assessment, and a progress evaluation will be completed in year five. The Task Force anticipates bringing the action plan to the Department Head Team later this year for review. It was not the intent to bring the workplan as a whole to the Council for approval. Items added to departments' work plans will be included in future budgets and are subject to Council approval as part of that process. In addition, staff will provide annual updates to City Council on the work of the AFCTF.

ITEM 6.1 ROWHOUSE DEVELOPMENT AT 1950 MONTECITO AVENUE

1. What is the required process for communicating with tenants? From the staff report, here's what is known:
 - A Notice of Intent is provided - What is the purpose of this notice? Does it provide any timeline, or deadlines? If so, what are they for? Is there any penalty for late notices?
 - A 12 month Notice to Vacate is provided to tenants with special circumstances. How does the applicant know which tenants have special circumstances?
 - A 120 day Notice to Vacate is provided to other tenants.

The purpose of the Notice of Intent is to inform the tenants of the proposed redevelopment as well as an estimated timeline for termination dates. See attached notices as provided for the 1950 Montecito tenants. It also provides information on the TRAO process, eligibility criteria for tenant relocation assistance, and contact information of the TRAO agency in case of questions or concerns.

2. Who selects the relocation assistance agency?

City contracts directly with the TRAO agency to administer the TRAO program and provide services to the Tenants. The City separately enters into a contract with the developer to pay for such services. The developer provides rent roll and other tenant information to the TRAO agency in order for the TRAO agency to properly oversee the TRAO process.

3. What are the expectations of what the agency will do?

The TRAO agency works closely with the developer and the City to comply with the requirements of the TRAO. The developer is required to set up an escrow fund for TRAO

payments to the tenants. The TRAO agency provides draft Notices of Intent to the developer and distributes the Notices to all tenants with proof of service. The TRAO agency is the first point of contact for tenants with questions or concerns. The TRAO agency organizes a community meeting, preferably on the rental premises, to inform the tenants of the TRAO process, to hand out application forms, and discuss any questions tenants may have (Spanish speaking staff present). They process the TRAO applications and verify income eligibility and special circumstance eligibility.

4. How is the agency's work monitored?

The City, the TRAO agency and the developer communicate on a regular basis on the progress of the project and receipt and approval of the applications and payment to the Tenants in compliance with the TRAO requirements.

5. What is the penalty for filing the Notice of Intent late?

The Tenant Relocation Assistance Ordinance does not specifically identify a penalty in case of a late filing of Notice of Intent. Filing a late Notice of Intent pushes back the timelines for the notice to vacate.

6. How many units remain occupied? How many of the remaining households are eligible for tenant relocation assistance?

Of a total of 34 rental units (with two units being reported vacant at the permit request date), eight households have applied for tenant relocation and two of these eight households have vacated the property. Per the landlord a total of five units have been vacated with two more units vacating at the end of this month. That leaves 27 units still being occupied. The TRAO agency cannot determine eligibility of households until applications are being received. To date, eight households have applied and been approved.

7. Under the TRAO, displaced tenants are required to be provided a rental agency subscription. Since the TRAO has been in effect, how many times has a rental agency successfully relocated displaced tenants?

A subscription to a Rental Agency provides information to tenants of availability of rental units in the tenant's preferred areas. The rental agency is different from the TRAO agency, who administers the process between City, developer and tenants regarding tenant relocation assistance payments.

8. What is the process for identifying Special-Circumstance Households? Do all households receive a letter asking tenants to reply if they have special circumstances?

All tenants receive an application form for tenant relocation assistance. On the form, the households indicate if any special circumstances apply to them. The TRAO agency verifies both income and special circumstance eligibility.

9. I don't understand the 12-month notice to vacate for Special-Circumstance Households. If the project is delayed for whatever reason, would the households that receive the 12-month notice

to vacate be required to leave, while other tenants (who receive the 120-day notice to vacate) have the opportunity to remain?

If a project is delayed prior to Council approval for the project and the delay exceeds the 120 day or 12 month notices, the landlord cannot force tenants to leave because the TRAO requires the actual termination of tenancy to fall after the date City Council has given final approval. The 120 day and one year termination notices are often being served before a formal City Council meeting in an attempt to time the actual termination date with just after the anticipated City Council hearing date. If City Council approval is not received before the actual termination date, new termination notices need to be served.

If the project is delayed after approval of City Council, a landlord could legally hold tenants to the termination date. In case the project is approved but delayed, developers have permitted tenants to remain in the rental units while the developers complete the building permit process.

10. Could you spell out the noticing requirements (those required for the TRAO as well as any others related to the development process)?

Noticing requirements under the TRAO:

1. Within 30 days of filing a formal application, the developer is obligated to send a Notice of Intent to all tenants, with copy to the City within 45 days of filing the application with proof of service.
2. Termination Notices need to be provided for actual eviction of tenants:
 - Landlord is required to provide a 120 day written notice of termination to all tenants.
 - A one year termination notice is required for special circumstance tenants (seniors 62 and up and disabled persons).
 - It is at the developer's discretion to determine when to serve termination notices.
 - Within three days of providing these notices to tenants, a copy needs to be provided to the City.

Development Process Noticing:

- Development Review Committee: Meeting agenda is posted on the City's website the Friday before the meeting.
- Administrative Zoning: All property owners and tenants within a 750' radius, and all the interested parties are notified of this type of meeting 14 days prior to the hearing date.
- Council Meeting: All property owners and tenants within a 750' radius, and all the interested parties are notified of this type of meeting 14 days prior to the hearing date.

11. On p 5, how many trees are being eliminated for health reasons and how many for buildings conflict reasons?

Seven Heritage trees are being removed because of declining health. Fifteen Heritage Trees are being removed because of conflict with the proposed development.

12. On p 6, on approximately what year will trees reach full maturity?

Maturity will be at 20-25 years.

13. On p 7, why is this considered an “Infill Development Project?” I thought infill projects were construction on vacant or underused property in a city or like Wikipedia defines them, “rededication of land in an urban environment, usually open space, to new construction.” This property is not vacant or underused and not even being converted to a more intense use so I’m not sure why it’s an infill project. Maybe CEQA defines infill differently?

The project is found to be categorically exempt from CEQA review as per Section 15332 In-Fill Development Projects. As per Sec 15332, In-Fill Development Projects consist of projects characterized as in-fill development meeting the conditions described in this section.

- a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**
- b) **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**
- c) **The project site has no value as habitat for endangered, rare or threatened species.**
- d) **Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**
- e) **The site can be adequately served by all required utilities and public services.**

Note: This section is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements.

14. If a tenant has a one lease, how does that affect the time line of the developer? I noticed that two units were given a 12-month notice to vacate; does that mean the rest of the tenants were on a month to month?

After the expiration of a fixed term lease, developers in general allow tenants to stay month to month. Termination notices are often being served before a formal City Council meeting in an attempt to time the actual termination date with just after the anticipated City Council hearing date. If the actual termination date in the Notices precedes the end of a fixed lease and Council approval, the developer has to honor the expiration date of the lease. The two units that were given a 12 month notice to vacate (instead of a 120 day notice) result from an Ellis Act requirement, that seniors and disabled persons need to receive a 12 month termination notice when rental properties are taken off the rental market.

Notice of Intent
City of Mountain View
Community Stabilization and Fair Rent Act
Tenant Relocation Assistance Ordinance No. 11.4

Tenant Name: _____ Unit: ()

Name of Rental Development: Woodgate Apartments
Property Address: 1950 Montecito Avenue, Mountain View CA
Date of Delivery: June 6, 2018

Notice of Development Application. A development application has been filed with the City of Mountain View (City) related to the property located at in Mountain View, impacting the apartment community known as Woodgate Apartments. If the development application is approved by the City, it would result in the demolition and removal of the existing rental units on the property. The City's Community Stabilization and Fair Rent Act (CSFRA) requires a landlord who proposes a project that will result in the termination of tenancy due to the demolition and removal of rental units (see CSFRA 1705 (a) Just Cause 8 -*Withdrawal of the Unit Permanently from Rental Market* and 9 - *Demolition*) to offer tenant relocation assistance to certain eligible, displaced households, as outlined under the City's Tenant Relocation Assistance Ordinance (Relocation Assistance Ordinance). Furthermore, a Notice of Intent must be provided to all tenants on the property within 30 days of filing a development application with the City.

Property Owner: The Rif Family Partnership , LP
Project Developer: Sierra Montecito Investors LLC
Developer Address: 385 Woodview Avenue, Suite 100, Morgan Hill, CA 95037
Proposed Project: PUD Permit to construct a new residential development of 33 Row homes

Timeline and Development Application. This letter is not a termination notice or notice to vacate your unit at this time. If the project proceeds, displaced tenants will be provided a separate written notice to vacate from the landlord in compliance with the CSFRA, which includes a minimum of 120-days' notice. No landlord shall displace an eligible tenant without providing relocation assistance. A displaced tenant that is defined as a senior (over the age of 62) or disabled under Government Code Section 12955.3 is entitled to an extended length of notice of up to one (1) year of the date they must move. Displaced tenants who believe they may be eligible to receive the extended length of notice, must self-identify themselves to the City's Relocation Consultant within 30 days of the date of this NOI (see page 3).

The developer's estimated timeline for the project is as follows:

- The developer filed an application for a development permit with the City of Mountain View on March 23, 2018.
- The developer estimates that the City will take final action on the development application by September/October 2018.
- If the proposed project is approved, the developer estimates you would need to move from your unit by April/May 2019 and that demolition of the existing apartment buildings would begin in June 2019.
- Residents will receive written notification of public hearings that are required for the project, and have the right to appear and be heard at these hearings.

Eligible Residential Households. An eligible residential household must have a valid lease or rental agreement with the landlord and the household's annual income cannot exceed One Hundred and Twenty (120%) percent of the median household income for Santa Clara County¹. One Hundred and Twenty percent of the annual median household income for 2018 based on household size is the following:

<u>Household Size</u>	<u>Income</u>
1 Person	\$105,200
2 Person	\$120,200
3 Person	\$135,250
4 Person	\$150,250
5 Person	\$162,250

Relocation Assistance. Each eligible residential household shall be entitled to the following relocation assistance:

1. Full refund of the tenant's security deposit, except for funds that may be necessary to repair tenant's damage to units that will be reoccupied prior to demolition.
2. A sixty-day subscription to a pre-paid rental listing service.
3. The cash equivalent of three (3) months' rent, based on the median monthly rent for a similar-sized unit with the same number of bedrooms and bathrooms as determined by a survey taken at least once a year of apartment rents in Mountain View.
4. An additional Three Thousand Two Hundred Sixty Two dollars (\$3,262)² per rental unit for special circumstances households, which are households with at least one of the following characteristics:
 - ✓ At least one household member is sixty-two (62) years of age or older;
 - ✓ At least one household member qualifies as disabled; or
 - ✓ The household has at least one legally dependent child under 18 years of age.

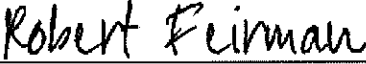
¹ These income limits are updated annually and released by the California Department of Housing and Community Development.


² The special circumstances payment amount is adjusted annually based on CPI for the San Francisco Bay Area.

Eligible tenants in legal occupancy that move in to the property after the date that the developer sends out a Notice of Intent of having filed an application for a development permit with the City of Mountain View, and receive proper notice of the development plans prior to entering in to a lease, are only entitled to a sixty-day subscription to a pre-paid rental listing service.

Relocation Assistance Information. Associated Right of Way Services, Inc. (AR/WS) has been hired to provide information to tenants, take applications for assistance, determine eligibility, process relocation assistance payments to eligible households and they will be in contact with you soon.

Signed,

DocuSigned by:

 Robert Feirman
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 <small>ASSOCIATED RIGHT OF WAY SERVICES, INC.</small>	Para asistencia en español
Ms. Emily Plurkowski Associated Right of Way Services, Inc. 2300 Contra Costa Blvd., Suite 525 Pleasant Hill, CA 94523 1(800) 558-5151 • (925) 691-6505 fax eplurkowski@arws.com	Ms. Maureen Loza Associated Right of Way Services, Inc. 1 (800) 558-5151 mloza@arws.com

If you believe you (or a household member) qualify, and would like to receive, the extended one-year written notice of the date you must vacate the property please notify Emily Plurkowski of AR/WS (see above) and provide the qualifying person's name, home address and mailing address (if it is different). This can be done via email or by returning the completed bottom portion of this notice to AR/WS within 30 days of the date of NOI.

I, _____, wish to self-identify as eligible to receive the extended length of notice, one (1) year, of the date that I may be required to move from the property at 1950 Montecito Ave. , Mountain View CA.

Over the age of 62

Disabled

Current Unit: _____

Mailing Address (if P.O. BOX): _____

Signature: _____ Date: _____

**12 MONTH NOTICE OF TERMINATION OF TENANCY DUE TO WITHDRAWAL
FROM THE RENTAL MARKET (AMENDED)**

(MV Charter 1705(a)(8) & (9))

To: _____ and all tenants
or occupants in possession of the premises at:

1950 Montecito Avenue, Unit #, _____
Mountain View, CA 94043

YOU ARE HEREBY NOTIFIED THAT YOUR TENANCY IS TERMINATED, and you are required to vacate and deliver to the undersigned possession of the above-described premises, in particular 1950 Montecito Avenue, Unit # _____, City of Mountain View, Santa Clara County, California 94043, no later than 12 o'clock midnight on **July 10th, 2019**(the "Effective Date"), which date is at least twelve (12) months from the date of service of this Notice.

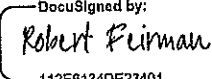
This notice is being given pursuant to Mountain View City Charter Sections 1705(a)(8) & (9) and Municipal Code Section 36.38.25, in order to withdraw your unit and all other residential rental units on the property from the rental housing market as of the Effective Date. You were previously given notice on or about June 6th, 2018, that a development application for the property was on file with the City of Mountain View and that all rental units would be withdrawn from the rental market and demolished in the course of redevelopment of the property.

In accordance with the requirements of Mountain View City Charter Section 1705(b)(1), you are hereby notified that you may be eligible for certain relocation assistance under Mountain View Charter Section 1705(b) and Municipal Code Section 36.38.15(f). Under Municipal Code Section 36.38.15 (b), your right to relocation assistance assumes your compliance with the terms and conditions of the rental agreement, written lease, and/or this Notice.

Please contact the City's consultant, Alesia Strauch at Associated Right of Way Services, Inc., with questions regarding Tenant Relocation Assistance eligibility and payment process by phone 1(800) 558-5151 or via email at astrauch@arws.com.

Please direct all tenancy related questions or concerns to:

Robert Feirman- rfire42@pacbell.net

By: 
112E8134DE23401...
Date: 7/6/2018