

City Council Questions

May 25, 2021 Council Meeting

ITEM 3.1 Recommended Fiscal Year 2021-22 through Fiscal Year 2025-26 Capital Improvement Program

1. Page 2 of the staff report says that one of the criteria used to prioritize projects is to maintain the city's current PCI. On page 8 of the staff report it also cites maintaining the PCI estimate of 72. But, on page 7 of the staff report it says the council has the goal to increase the PCI. Are the CPI plans going to increase the PCI?

Although it is a City Council goal to increase the City's PCI, due to limited funding and competing priority projects, it is not likely the City will be able to increase the PCI beyond 72 over the next 5 years. Staff has maximized the investment of applicable transportation funds into pavement-focused projects in an attempt to maintain current PCI. The five-year investment does not account for additional possible federal funding opportunities for pavement rehabilitation projects and the potential rebound of gas tax revenues as pandemic-related restrictions lift. In addition, the recommended five-year investment on pavement-focused projects does not include additional investments contributing towards maintaining the City's pavement condition, including active and recommended capital projects and privately funded development projects. Once the Pavement Management Program report is finalized, staff will be re-evaluating the program by applying these projected revenues and investments from other pavement projects. It is unknown if these investments would be sufficient to maintain the PCI and staff is not discounting the possibility of a slight decline in PCI by 1 or 2 points over the next 5 years.

2. Roughly how much of the expenses to be covered by the Master Plan rate increase and debt would be for maintenance projects and how much would be for capacity increases. Can you parse that out roughly?

The majority of any rate increase would be used for local maintenance and repair as well as the Palo Alto Sewage improvements. Capacity projects are mostly funded with Sewer Capacity Charges.

3. The staff report says, "Taking Council's discussion into consideration, staff is recommending a hybrid approach that splits the funding evenly between replacing natural gas appliances at City facilities and local tree planting. This will achieve both of the following objectives: (1) for the City to be a leader in replacing end-of-life natural gas appliances with electric or solar options outside of new construction/major remodel projects; and (2) to invest some of the funding as offsets in or near Mountain View. The recommended project is called City Hall HVAC GHG Offsets and is funded in two phases as follows:
 - Fiscal Year 2021-22 (\$200,000)—Plant 100 trees (\$50,000) and install a solar water heating system for the Senior Center (\$150,000). The Community Services Department has identified locations in City parks and right-of-way for these 100 trees to be planted by staff and contractors. These trees will be the larger 24" box trees to establish increased canopy more quickly.
 - Fiscal Year 2023-24 (\$250,000)—Plant more trees in the City with locations to be identified in the City Tree Master Plan (\$175,000) and replace City smaller natural gas appliances with electric or solar-powered options (\$75,000)"

I only see the Senior Center and City smaller gas appliances listed here. Wasn't there also a larger City HVAC system that could not be done with renewables and whose update was to be offset with a large

amount of tree planting? If so, what’s happening with that? How many trees will be planted? Will Canopy or the public have any say in tree planting? The tree planting listed above is not very large. Was there more envisioned to offset other City HVAC systems and if so how many trees approximately?

Staff has recommended that \$450,000 be invested to offset the greenhouse gas (GHG) generation from the new City Hall/CPA HVAC system. The recommended CIP project would allocate half of this funding or \$225,000 to local tree planting. The current average cost to purchase and install a 24” box tree is \$500; therefore, the total number of trees for Phases 1 and 2 of the project is estimated to be approximately 450 trees. There may be economies of scale and/or other opportunities to reduce the cost per tree, increasing the total number of trees. The locations for the tree planting will be identified in the City Tree Master Plan, which will include public and stakeholder input, including from Canopy.

ITEM 6.1 2020 Urban Water Management Plan and Water Shortage Contingency Plan

1. Why is the assumption that 100% of the demand increases will be met using SFPUC water a conservative assumption?

Although the UWMP assumes all demand increases will be met using SFPUC water, the City may choose to meet future demands using its other supply sources, such as recycled water or groundwater. The actual percentage of future demand met by each supply will result in different outcomes to dry year supplies and the timeline for reaching the City’s Minimum Purchase, among other things. These outcomes may affect the City’s supply reliability, and staff felt using SFPUC water presented the best balance for these competing considerations.

2. Can staff provide the demand projections from the previous UWMP? How close (or far) from the projections is the actual demand for water?

The 2015 UWMP included two scenarios of future growth at build-out (1) General Plan growth, and (2) a high-growth alternative. The 2020 UWMP analysis is based on the current General Plan. Projections from the 2015 and 2020 UWMPs are shown in the table below. Although projections are presented linearly, actual growth can occur at any point within the 25-year planning horizon.

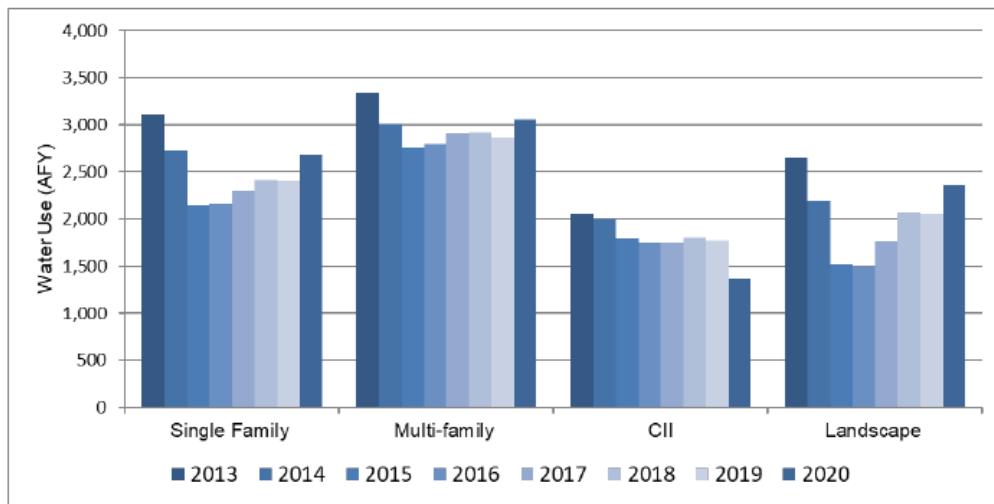
	2020	2025	2030	2035	2040	2045
Population						
2015 General Plan	79,010	82,590	86,170	89,750	93,330	NA
2015 High-Growth	87,360	99,290	111,220	123,150	135,080	NA
2020 General Plan	79,772*	91,810	98,080	104,350	110,630	116,900
Jobs						
2015 General Plan	84,585	88,352	92,120	95,888	99,655	NA
2015 High-Growth	86,918	93,019	99,120	105,221	111,322	NA
2020 General Plan	98,270*	104,830	110,150	115,460	120,780	126,100
Water Demand (acre-feet per year)						
2015 General Plan	12,307	12,578	12,845	13,161	13,510	NA
2015 High-Growth	13,563	14,516	15,448	16,430	17,443	NA
2020 General Plan	10,456*	12,058	12,548	13,064	13,607	14,163

* 2020 actual

Actual water use in 2020 was lower than the projected 2020 water use from the 2015 UWMP (10,456 vs. 12,307 AFY). This is not surprising given that California experienced the worst drought in recorded history from 2012-2017, followed by the COVID-19 global pandemic. Both events have influenced customer water use. Figure 4-3 from the UWMP shows year-by-year water use by customer category

between 2013 (the pre-drought baseline) and 2020. Many customer groups show a steady “rebound” from the highest levels of drought conservation in 2016 – which also includes new customer use.

Figure 4-3: Customer Sector Water Use Trends



- Can staff provide a breakdown of average water demand based on land use? Specifically: single family residential, multifamily residential, non-office commercial, office.

Please see response to question 11, including Figure 4-2.

- What are the "increased water conservation measures" considered in Scenario C?

The largest conservation measure included in Scenario C is Advanced Metering Infrastructure (AMI), which allows for remote meter reading and improved customer leak detection. Other conservation measures in Scenario C include irrigation programs (surveys, budgets, rebates), educational programs, device giveaways, surveys and assistance with leak repair. AMI accounts for 70 percent of the costs and 60 percent of the water savings included in Scenario C.

- What are the requirements/assumptions that the SFPUC is using to assess the dry year shortfall? How do they differ from the ones that are used by Valleywater?

San Francisco uses the Hetch Hetchy and Local Simulation Model to evaluate water supply availability and dry years. Key inputs to the model include supply, demand, and water shortage duration (referred to as the “design drought”). Staff understands the following key assumptions were used by SFPUC:

- Supply volumes were based on hydrology, infrastructure, and operations (including implementation of the adopted Bay Delta Plan starting in 2022).
- System demand projections were based on forecasts provided by each of the 26 wholesale customers, combined with San Francisco’s retail demand forecasts.
- Water shortage duration is based on an 8.5-year design drought, modeled as a repeat of the 1986-1992 drought followed by the 1976-77 drought.

Shortfalls (and the associated drought rationing levels) are assigned as needed to maintain sufficient water in storage to last through the end of the design drought.

Valley Water approaches dry year planning in a different manner than San Francisco due to the different nature of its supply sources. Valley Water's shortage plan uses groundwater level as an indicator of supply availability. Valley Water's analysis assumes groundwater levels will be drawn down during dry years, and responds with a combination of requested demand reduction and groundwater recharge.

Staff understands that Valley Water projects future dry year supply availability using demand forecasts, expectations of future regulations, projections of capital investments, and historical hydrology. During any given year Valley Water may implement one or more dry year supply options, such as withdrawing water from its water bank in Kern County or pursuing transfers with other State or Federal contractors, if available. The information provided by Valley Water for Mountain View to use in our 2020 UWMP was characterized as an optimistic view of supply availability, and includes capital projects that have not yet been constructed (such as potable reuse facilities).

6. How much water are we expecting from the Advanced Recycled Water Plant?

The advanced treatment system will provide 1.125 MGD of purified water, which will be blended with an equal volume of recycled water to create a higher-quality "enhanced" recycled water. The new treatment does not increase the City's available recycled water supply, but will increase recycled water use by improving its quality.

7. Why was 20% chosen as the reduction amount? Is that based on the SFPUC's decision, State guidelines or our experience?

Staff considered multiple reduction amounts during dry years and selected 20 percent for two main reasons: (1) it is consistent with San Francisco's level of service goal; (2) it seems reasonably achievable given our recent experience during the 2012-2017 drought when customers reduced water use by 29 percent.

8. The expected water use increase figure used..... is 35%, yet the amount shown in scenario B & C are 17 and 13% respectively. Why the difference? is it that the start date for the Scenarios is 2025?

Scenarios B and C show an increase of 17% and 13%, respectively, when compared to the projected 2025 water demand. When compared to actual 2020 water production the projected increases are 35% for Scenario B and 28% for Scenario C.

9. Why does the projection (Fig 1) indicate we'll have more jobs than residents, even until 2045, despite the fact that that has not been the case historically in Mountain View?

The population and jobs projections presented in the UWMP come from the General Plan and Precise Plans. The General Plan projections start from the existing jobs total, then apply additional jobs based on office and commercial development studied as part of the General Plan and Precise Plans. In effect, this is the approximate jobs capacity of these plans, because the City was at or near full employment in the last several years. It is likely that there will be periods of fewer jobs than this over the next several decades based on economic cycles, and actual employment may dip below population.

10. What is the potential for recycled water to play a role in this, or a reasonable guess regarding the potential?

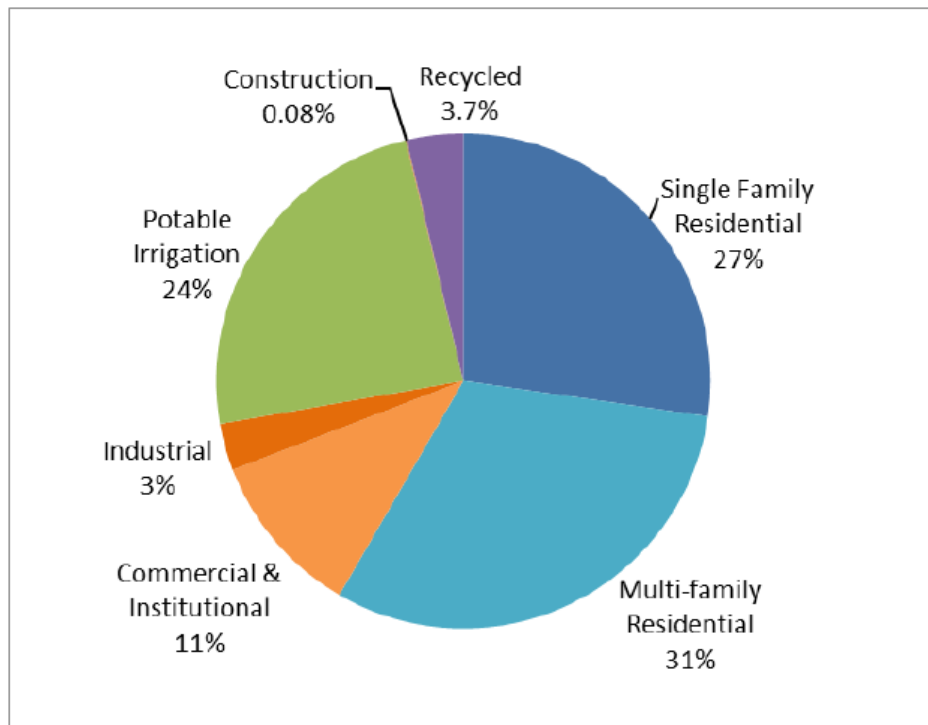
The City can increase recycled water use in the North Bayshore area, and beyond, if the recycled water distribution system is expanded. Recycled water use could decrease the City's use of San Francisco water. The City's previous recycled water feasibility study estimated 1.5 MGD (1,680 AFY) of potential recycled water use from the North Bayshore and East Whisman areas. This study is currently being revised and will be completed later this year and presented to Council.

11. What percent of the water use is commercial and what percent being residential? Do residential and commercial users pay the same or different amounts?

In 2020, Mountain View's water use was 58 percent residential and 14 non-residential (see Figure 4-2 from the UWMP, shown below). Irrigation use from large landscaped areas across all customer types (residential and non-residential) is included in the Large Landscape category. This category accounts for 24 percent of the City's potable use (or 28 percent if recycled water irrigation is included).

Residential water rates are tiered and commercial rates are not tiered; both customers are billed based on the volume of water used. Residents receive a discount on the first three units of water used each month (Tier 1 rate), and pay extra for use water use that exceeds 15 units per month (Tier 3 rate). Residential usage between three and 15 units are charged at the Tier 2 rate, which is also the commercial rate.

Figure 4-2: 2020 Water Use by Customer Sector



ITEM 6.2 Four-Unit Residential Project at 773 Cuesta Drive

1. Where will visitors who arrive by vehicle park their cars?

Guests will be able park in the homes' driveways. The R1 zoning standards require each single-family home to provide one covered and one uncovered parking space. This development proposes two covered and two uncovered parking spaces for each home.

2. Why does the City Council review projects like this? Could approval of tentative maps be delegated to the ZA for projects like this? Or is there a good reason for the Council to review and approve tentative maps?

Please see response to question 4.

3. Does the driveway have permeable paving?

Yes, the driveway will be paved with permeable pavers.

4. What triggered Council review of this relatively small project?

The project requires a Tentative Map because it proposes to subdivide the property into five lots; four residential lots and one common lot to be used as a shared driveway. The City's Subdivision Ordinance (Chapter 28) requires the Subdivision Committee make a recommendation on Tentative Map applications to the City Council for a final decision.

ITEM 7.1 Prohibition of Smoking in Multi-Unit Residences

1. Would a property with two or more duplexes (i.e., four or more total units) on the same parcel be excluded from this ordinance?

The definition for multi-unit residence is a property that contains three or more attached units. In the example above, the duplexes are separated from each other, and therefore would not be regulated under the proposed smoking ordinance amendment.

2. Are rowhouses the same as townhouses in this ordinance?

The definition of a townhome in the California Building Code (CBC) is "A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides." There is no definition for rowhouses in the CBC, but it is another term typically used to describe townhomes. Townhomes are included in the definition of multi-unit residences and would be regulated under the proposed smoking ordinance amendment.

3. What does option 3 on the alternatives mean? Isn't this the draft ordinance?

Option 3 was meant to be an option for City Council to direct staff to not proceed with proposed smoking ordinance amendments.

4. Many HOAs are self-managed and do not have a property manager. Is it the expectation that the HOA's board enforce this ordinance?

Yes. HOAs implement Covenants, Conditions, and Restrictions (CC&Rs) for their multi-unit residences which usually gives the HOA board enforcement authority over violations of the CC&Rs.

5. In Attachment 1, Section 21.56, it references “within a reasonable distance”. What is the definition of reasonable distance?

Reasonable distance is defined in Section 21.47 in the current smoking ordinance as “a distance of twenty-five (25) feet in any direction from an area in which smoking is prohibited.” No changes were made to this definition.

6. Are the survey results in Attachment 5 from the same online survey as Attachments 3 and 4?

Yes, they are based on the results from the surveys in attachments 3 and 4 but are further extrapolated to determine overall responses to medicinal marijuana versus recreational marijuana as the answer options in the survey were not a simple yes or no.

7. Has staff reviewed the recommendations from Breathe California? If staff does not recommend them, why not?

1) We believe that the ordinance should extend protection to those living in duplexes, as smoke can come through one shared wall as much as through more shared walls.

Duplexes are not included in the ordinance amendment because they are more akin to single family homes, which are exempt from the ordinance. The Fire Code treats duplexes as single family homes. Townhomes are included and distinguishable from duplexes, because they contain which multiple shared walls leading to increased risk of exposure to secondhand smoke.

2) We are confused by SEC. 21.56 –f, g, h, and i. They appear to take away accountability and liability from both the landlord and tenant, diluting the effectiveness of the ordinance and leaving it unclear how to seek remedy.

One of the goals of the ordinance amendment is to prevent property owners, property managers and HOAs from being penalized for the actions of tenants. If property owners, property managers and HOAs meet all the requirements of Section 21.56 then they cannot be liable for violation of the ordinance by tenants.

Section 21.56(f) describes terms that must be incorporated in to new, renewed, or continuous month-to-month lease agreements, including:

- A complete copy of the smoking ordinance or abridged copy created by the City
- The location of any designated smoking areas
- Third party beneficiary status to all occupants of a multi-unit residence. This allows tenants to take civil action against other tenants that violate the smoking ordinance.

Section 21.56(g) incorporates the terms in to new lease agreements even if they are not expressly included.

Section 21.56(h) was included to maintain consistency with the Community Stabilization and Fair Rent Act (CSFRA). The CSFRA prohibits landlords from amending leases for existing tenancies without the tenant’s consent. The ordinance amendment does not require incorporation of the section 21.56(f) terms for existing CSFRA tenants unless they voluntarily accept the terms in writing. Only once a tenant accepts the terms, can a violation of the ordinance be considered a material breach or provide a just cause for eviction based on violation of rental agreement terms. In these cases, tenants may still be

subject to enforcement action by the City for violation the ordinance even if eviction is not a remedy. Landlords can still comply with the ordinance if CSFRA tenants decline to incorporate the new terms in their leases, so long as they provide notice to of the ordinance to tenants.

Finally, Section 21.56(i) limits landlord liability for tenants' conduct. Landlords may only be subject to enforcement if they failing to comply with the owner and operator obligations provided in the ordinance, such as posting signage.

8. Where is it legal to smoke marijuana outside currently, particularly in an apartment setting?

The current smoking ordinance prohibits smoking in the following outdoor areas:

- Places of employment
- Common areas in retirement facilities, and nursing homes
- Outdoor amphitheater seating areas, including both fixed and informal seating areas, with a view of the stage
- Picnic areas
- Dining areas

The current ordinance also prohibits smoking in unenclosed areas within 25 feet of the enclosed areas listed above.

State law also prohibits smoking marijuana in public, except in a licensed cannabis consumption cafe or lounge. "Public" has been interpreted broadly to include the common areas inside apartment complexes.

9. Is it legal in a single family home backyard?

Yes. The current ordinance specifically exempts smoking, including marijuana, in private residences except when it is being used as a business for child or elderly care. The proposed ordinance amendments would not prohibit smoking in single family residences, including those with a detached or attached in-law or second unit.

10. Isn't it standard for large apartment complexes to ban smoking? I understand that is the case at all the Avalon properties and at the Americana Apts.

Generally speaking, many of the newer complexes prohibit smoking in all units and common areas. Some companies such as Prometheus have a blanket policy to prohibit smoking in their properties.

Many of the older properties in Mountain View do not have policies to prohibit smoking even some of the larger ones. The community engagement survey showed that 32% of respondents lived in units that didn't prohibit smoking and 28% didn't know what their housing complexes policy was regarding smoking.

11. Is smoking, in a complex that prohibits it, a legitimate reason for eviction? Is this a common reason for eviction?

If a lease contains terms specifically prohibiting smoking, then smoking may constitute breach of the lease terms and be cause for eviction. Rent Stabilization Program staff confirmed that the City does not track specific causes for eviction, but did indicate that violations of smoking rules is not a common reason for eviction from CSFRA units. However, the property owners and managers that attended the public meeting indicated that secondhand smoke exposure was the most common tenant complaint received.

12. How are other cities handling smoking and vaping medical marijuana?

The majority of other California cities with multi-unit smoking ordinances do not exempt medical marijuana from the smoking prohibition. Staff surveyed all cities within Santa Clara and San Mateo counties with multi-unit smoking ordinances and found none include an exemption for medical marijuana. The Santa Clara County Public Health Department advises against allowing an exemption for medical marijuana in multi-unit smoking ordinances. Based on recent information provided by the Public Health Department, staff has concluded cities may not exempt marijuana (medical or recreational) from prohibitions of smoking in multi-unit residences, but may allow cannabis to be consumed there by means other than smoking, including absorption and ingestion. Staff is no longer recommending this exemption as an alternative.

13. Does vaping create less smoke than smoking?

Vaping is a different mechanism for inhaling tobacco and marijuana products. Generally, a liquid containing nicotine or THC is heated to a high temperature which releases vapors that are then inhaled. Different vaporizers generate different amounts of smoke depending on the products and temperatures.

Staff has reviewed studies that show the smoke from vaping of tobacco products contains formaldehyde, heavy metals and small particles that can penetrate deep into the lungs. However, as City staff do not have expertise on vaping health concerns, a representative from the Santa Clara County Public Health Department will attend the May 25 Council meeting to help answer questions regarding the health concerns associated with smoking and vaping.