

City Council Questions
November 12, 2019 Council Meeting

ITEM 3.1 CONDUCT ENVIRONMENTAL PLANNING COMMISSION APPLICANT INTERVIEWS AND PROVIDE DIRECTION ON UPCOMING ABSENCES FOR A CURRENT COMMISSIONER

1. What is the attendance record not just for regular meetings, but all meetings?

This question will be answered this afternoon or at the meeting to the extent possible.

ITEM 4.1 AMENDMENT TO CONTRACTS FOR OUTSIDE PLAN CHECKING, INSPECTION, AND ADMINISTRATIVE SERVICES

1. How would the time line be affected if the money was not approved?

We currently have one staff plan checker who reviews all our one stop projects and handles questions and concerns at the counter. Due to the fluctuation of construction, the City has historically relied on contract plan checkers to allow the City to manage the workload in a cost-effective manner. These plan checkers are also experienced in reviewing the complex projects that are currently being built.

If there was no funding to hire contract plan checkers, the City would not be able to review projects other than the one-stop types that can be reviewed over the counter. The City would instead have to hire plan checkers, which would take up to a year. Until that time, the City would not be able to review projects.

2. What is the City Manager approved plan check turnaround time?

Currently, the timeline for responding to an initial submittal is four to eight weeks for new construction, depending on the scope of work (with larger projects such as Charleston East or San Antonio Center requiring about eight weeks).

ITEM 4.2 AMEND CHAPTERS 8, 14, AND 24 OF THE CITY CODE TO ADOPT THE 2019 CALIFORNIA AND 2018 INTERNATIONAL CODES, INCORPORATING BY REFERENCE OTHER UNIFORM CODES, AND ADOPT REACH CODES (SECOND READING)

1. I received some inquiries re: what happens if an individual homeowner/landowner is nearing completion of their plans for a new home but they don't think they can submit in December. Does staff have a sense for how much work those people would need to do to revise their plans at this stage to exclude gas?

The new 2019 code series will be in effect as of January 1, 2020. If an applicant submits their project after this date, they are required by State law to comply with the new codes. If an applicant cannot submit his/her plans until next year, they would have to change their appliances from gas to electric and revise their energy calculations. Typically, it takes about three to four weeks to make the change in addition to the consultant costs.

2. If it's reasonable to expect it would take more than a few weeks and billable hours, could we proceed with passing the ordinance on 2nd reading but also direct staff at this council meeting to delay the implementation of the portion of the ordinance banning gas in new single family homes for 3-6 months (sort of like we did with the RV narrow streets ordinance)? That might give this handful of people a little extra time to either get their current applications in or redo them without delaying the ordinance itself.

In order to ensure that the City's revisions are incorporated and take effect as part of the new code, the second reading would need to be approved today. Otherwise, the State code will take effect on January 1, 2020.

The revision of the effective date from January 1, 2020 to another date would be a material change and would require reintroduction, which would result in the State code taking effect instead of the City's revisions.

Council has the option of not adopting the revisions to Chapter 8, which contain the all-electric, EV and PV revisions. However, Chapter 8 also contains the current wood-burning restrictions, code enforcement requirements, etc., which are stricter than the State and need to be adopted before State code takes effect in order to supersede State requirements. Therefore, staff recommends that the Council adopt Chapter 8 and provide specific direction on which items they would like revised. Staff can then bring back the revision in January 2020. The second reading would be in February and the code would take effect in March 2020. Applicants could wait until March 2020 before submitting plans.

3. I thought that this item was coming back for further review by council?

This item was intended to be a second reading incorporating specific Council direction given at the first reading. In order to ensure that the City's revisions are incorporated and take effect as part of the new code, the second reading would need to occur today. Otherwise, the State code would take effect instead on January 1, 2020.

4. If we need to make modifications to the EV charging standard, we can we go back and make amendments without having to adhere to the 3 year cycle for the State's California Building Standards Codes (CBSC) since EV charging requirements are in the MV specific Green Building Code? Could we potentially address the concern raised through other measures such as modifying our parking ratio requirements?

This question will be answered this afternoon or at the meeting to the extent possible.

ITEM 4.4 FISCAL YEAR 2018-19 ANNUAL COMPLIANCE REPORT FOR DEVELOPMENT IMPACT FEES AND CAPACITY CHARGES; AND INFORMATIONAL REPORTING OF PARK LAND DEDICATION FEE

1. Am I reading the citywide transportation impact fees at \$ 28,203 correctly? Why hasn't any fees been spent?

That is the correct current balance for the citywide fee, which became effective in November 2018. These funds were collected too late to be allocated in the last Capital Improvement Program cycle.

2. Housing impact fund, is the balance of \$ 18.1 million unencumbered?

This question will be answered this afternoon or at the meeting to the extent possible.

3. On page 23 of staff report, there is a long list of CIP, none of them have been completed, why is that? Sewer has a similar list on page 27.

These projects are underway and are in various phases of design or construction.

ITEM 7.1 POTENTIAL 2020 COMMUNITY STABILIZATION AND FAIR RENT ACT AMENDMENTS

1. Could we have up until Dec 10 to submit arguments as stipulated by the ROV? I'm told that if it's a consolidated election we may have more than 14 days. Assembly Bill 1574 (Reg. Sess. 2009-2010) notes, "in that case, the deadline for submitting arguments for or against a city ballot measure will depend on the county's timeline for preparation of election materials."

This question will be answered this afternoon or at the meeting to the extent possible.

2. Aren't all capital improvements eligible for the petition process under the CSFRA? It's just that they may not be approved for pass through if the housing provider is deemed to be earning a fair rate of return, correct?

Only capital improvements that are required to meet code or address health and safety issues would be eligible for the current CSFRA petition process. Even then, under the current process, the improvements may not be approved if the Landlord is deemed to be earning a fair return.

3. Do we have any data on how frequently "banking" has been used?

Landlords are obligated to send the CSFRA a copy of any banked rent increases they send to tenants. In FY18-19, the City received notification that 110 banked rent increases were issued by Landlords (out of the 13,500 rent stabilized units).

4. Is it just rental property owners who do not live in Mountain View who would be eligible to be on the RHA? What about others in that category (e.g., property managers, etc.)?

The Subcommittee discussed the inclusion of non-Mountain View resident rental property owners to be eligible to serve on the RHC if there are not adequate qualifying applications from residents. Property managers or other real estate professionals were not specifically identified for consideration regarding non-resident eligibility during this process.

5. The staff report and resolution say that ballot arguments are due on November 25. That is different from the County where the Registrar of Voters says ballot arguments are due on December 10. What is the reason for setting a deadline before what the County is requiring? Is there any flexibility on the due date?

Please see Question 1 above. This question will be answered this afternoon or at the meeting to the extent possible.

6. The staff report says the subcommittee recommended that “if no adequate qualifying applications from Mountain View residents have been received, Council may appoint a non-Mountain View resident for a vacant position (Section 1709(b)).” How many positions could this apply to? Was any limit discussed? What is the definition of “adequate qualifying applications?” Could it be interpreted in any way one wants? Have there been problems finding housing provider reps? What did the RHC recommend on this one?

This question will be answered this afternoon or at the meeting to the extent possible.

7. Who came up with the recommended ballot language? This part of the ballot language seems unclear or inaccurate: clarify the Rental Housing Committee (RHC) independently implements the Community Stabilization and Fair Rent Act and other duties delegated by the City Council. My understanding is that the measure doesn’t clarify the existing Council/RHC relationship, it changes the existing Council/RHC relationship so that to give the Council more power over the RHC. Is that right?

This question will be answered this afternoon or at the meeting to the extent possible.

8. Has there been established a base line rent for when there is a recession /depression?

The concept of a base line in case of a recession/depressing does not currently exist in the CSFRA.

The CSFRA does establish a Base Rent, as the reference point from which the lawful rent shall be determined and adjusted:

1. **The Base Rent for tenancies commencing on or before October 19, 2015, shall be the rent in effect on October 19, 2015 and annual rent increases are allowed in accordance with the AGA.**
2. **The Base Rent for tenancies commencing after October 19, 2015, shall be the rate set at the initial occupancy and annual rent increases are allowed in accordance with the AGA.**

The AGA is set according to the CPI. The CPI may reflect the fluctuations of a recession/depression.

9. Can the two potential ballot measures be combined if the voter initiated group wants too?

The voter-initiated measure can be withdrawn and a new “combined” measure could be submitted to voters. But no changes can be made to the current voter-initiated measure. If a “combined” measure were desired, there would not be sufficient time to develop a single ballot measure for March 2020.

10. Page 6 of staff report mentions improving the life of the build, would that also apply if you were doing one unit?

Yes, it could. But the improvement of the one unit must benefit the majority of the tenants (i.e. the seismic retrofit of one unit may shore up the entire building). The Subcommittee proposed that the RHC develop the separate petition process and its requirements and that is one item it could consider during the design of the process.

ITEM 8.1 R3 ZONING CODE UPDATE: SCOPE OF WORK

1. Who outlined the general scope of work on page 1 of the staff report?

This general scope of work was written based on Council direction and input. The language was included under Project 2.5 in Attachment 1 of the Council Work Plan Proposed and Recommended Projects List. This item was approved by reviewed and approved by Council on May 21, 2019.

2. What is meant by add unit size requirements to the rowhouse guidelines?

Studying options for unit sizes would allow higher densities within the same FAR as well as a variety of unit sizes and price points.

3. How does a form-based code help specify the City’s desired housing types if a form-based code focuses on mass and the relationship to the street?

Form-based codes can clarify different housing types by focusing on mass, height, relationship to the street, and other building elements like transitions to other land uses, etc. Form-based codes can also be developed to achieve different housing types such as duplexes, triplexes, courtyard housing, small condos, etc., which allow more flexibility on small and irregular lots.

4. What individuals, organizations, etc. are considered stakeholders for outreach efforts?

Stakeholders will include community organizations, neighborhood organizations, non-profits, developers, and architects. Staff will continue to build a list of stakeholders and develop a robust outreach approach.

5. For the Study Session with the Council to review Phase A, is that supposed to be Phase 1 and not Phase A?

Yes, Phase A referenced in the Consultant Scope of Work is meant to be Phase 1.

6. Is the multi-family design handbook going to be reviewed by Council before it is finalized?

Yes, the handbook would be reviewed by the Environmental Planning Commission and Council in a study session format before being finalized.

7. The staff report says that R3 zoning “can include a variety of housing types and densities such as duplexes, triplexes, fourplexes, courtyard housing, and smaller condominium/apartment... these less common housing types can also be more naturally affordable.” Why would they be more naturally affordable? Does this just mean that they would be more naturally affordable than single-family homes?

Yes, these housing types are generally more affordable than single-family housing. Often, these housing types create smaller unit sizes that are likely to be more naturally affordable. Also, some of these are more naturally affordable because these housing types may not have all the amenities as new apartments.

8. Under the heading “Existing Conditions and Outreach Strategy” the staff report says this phase will include stakeholder outreach. Who do you foresee as stakeholders?

See Question 4 above.

9. If minimum density is required and makes the project less attractive, is there any way for exemptions?

Form-based code can be specifically developed to achieve our community design preference. There may be instances where state law may provide exemptions to objective standards. However, the majority of projects would still be subject to the code.

10. Can staff provide the timeline for the Displacement Strategy work item and how staff sees the R3 effort integrate with that?

Based on Council’s input at the October 20, 2019 Study Session, staff is developing a more detailed timeline for the displacement response strategy process. Broadly, staff anticipates returning to Council in Q2 2020 for consideration of an overall strategy. Certain items could return to the Council sooner (such as a narrower set of modifications for TRA0 per Council direction). Staff working on displacement response and R3 will have ongoing internal coordination to ensure that there is appropriate alignment regarding process, analysis, and program design considerations for the two work items.

11. Are we exploring discretionary processes (like a Bonus FAR) as part of the scope for the R3 project?

The project has not yet explored this level of detail but these options could be included.

ITEM 9.1 RESIDENTIAL PARKING PERMIT PROGRAM

1. What land use in the area might be creating spill over parking in the Cuesta/Miramonte area? And, in the Sunset Estates and New Frontier Mobile Home Parks area?

There are dental offices near Cuesta/Miramonte that are creating daytime spillover parking in the nearby neighborhoods. The parking issues near mobile home parks are generally spillover parking in the evening when more residents are home.

2. Is it possible to have the same days and hours for the RPPP no matter where the RPP zone is located in the City?

It is possible, but the intent of the program is to tailor the hours to the parking concern within each area.

3. If a RPP zone is supported does anything prevent it from being on the Consent Calendar?

A RPP Zone can be created by adoption of a resolution, which can be on the Consent Calendar.

4. What would staff propose to address the business parking spill over in the Willowgate area?

The RPPP, if supported by local residents, is a good method to address business parking spillover in neighborhoods. The City can help reduce the parking spillover by requiring the businesses to implement Transportation Demand Management (TDM) programs when they apply for new building permits. TDM Programs that include financial incentives for both employees and customers/visitors to use travel alternatives and which are properly monitored and enforced can be an effective way to reduce the parking demand.

5. The staff report says that the City undertakes “parking surveys to determine if a minimum of 75 percent of all the on-street parking spaces within each block of the proposed RPP Zone are occupied.” What time frame do those surveys apply to? For example, near MV High School more than 75 percent of on-street parking spaces are certainly occupied during community events like graduation, etc., but maybe not at other times. How are occasional events accounted for?

The parking survey is performed during the regular, peak parking period. For instance, near the Transit Center the timeframe would coincide with commute parking, and near a mobile home park would likely be at night. The intent is not to take counts during occasional events, though each case would be considered individually.

6. What about areas that already have time-restricted parking? Are there more steps than are really needed for them?

If an area already has time-restricted parking, that parking may be reconsidered as part of the RPPP process and revised if appropriate, or they could simply stick with the current restrictions and not apply for RPP.

7. How will ADUs and JADUs be counted? Will they be counted as separate dwelling units with separate votes?

ADUs with separate mailing addresses (e.g., unit numbers) are each sent a postcard and counted in the responses. In cases where the single family residence and ADU share the same official mailing address, only one postcard would be sent.

8. Several residents have asked how RPPP Guidelines apply to apartments. They have concerns that apartment owners can overrule or outvote them. That idea may come from P. 5, Step 4 of the RPPP Guidelines that says if an owner and a tenant vote differently, then only the owner's vote counts. Please clarify.

The RPPP applies to all housing units within the proposed RPPP zone, including apartments. By State law, the City cannot exclude any type of residential housing from the RPPP. It is correct that according to the RPPP Guidelines, the owner's vote is given preference over the renter's vote when they vote differently.

9. One of the areas that petitioned for an RPPP is adjacent to the train station on the Moffett side and highly impacted by train commute parkers, several residents adjacent to the train station on the Castro side have also asked about the RPPP. What are plans to ensure that there is adequate parking for people who need to use the train as it electrifies and carries more people?

According to parking surveys conducted when the Transit Center Master Plan was developed, approximately 200 Caltrain/VTA light rail users are parking on the surrounding streets when the Transit Center's parking lot is full. The Master Plan includes working with Caltrain to redevelop the parking lot area to address this unmet parking need. The development would include an underground parking structure that would include enough parking to replace all existing parking lot spaces, add approximately 200 spaces for transit users, and meet the development's parking needs. The Master Plan also includes reconfiguring the bus/shuttle transfer areas as part of the redevelopment to support increased shuttle services to avoid increasing the parking demand as Caltrain services are expanded.

10. If we raised the permit parking fees, could they cover the cost for local residents parking permit programs?

Yes, the Residential Parking Permit fees could be set to fully recover the cost of the program. If you are referring to the Downtown permit parking fees, the response is no. These fees can only be used within the Downtown Parking District.