



**DATE:** December 10, 2019

**CATEGORY:** Unfinished Business

**DEPT.:** City Manager's Office

**TITLE:** **Pilot Human Rights Analysis Update**

### **RECOMMENDATION**

Accept this Council report on the pilot human rights analytical framework included in the review of three selected projects in Fiscal Year 2018-19, and take no further action.

### **BACKGROUND**

On December 13, 2016, the City Council approved a resolution to adopt the Universal Declaration of Human Rights as guiding principles and declared the City of Mountain View to be a Human Rights City (Attachment 1 to the Council report). The Council also considered a recommendation from the Human Relations Commission (HRC) to implement a human rights policy analytical framework to analyze policy decisions through a human rights lens. The Council deferred the discussion and adoption of an analytical framework to the two-year goal-setting process for Fiscal Years 2017-18 and 2018-19.

In February 2017, during the goal-setting process, the City Council directed staff to propose a pilot program that would include analysis of the impacts on the HRC's recommended priority areas of housing displacement, housing affordability, social equity, and economic prosperity as part of the Council's consideration of two or three selected projects. Staff reviewed upcoming Council items and identified a range of topics that might be appropriate.

On April 3, 2018, the City Council approved staff's recommendation to apply the pilot human rights analytical framework to Short-Term Rental Regulations, the East Whisman Precise Plan, and Vision Zero (Attachment 2 to the Council report).

The purpose of this report is to provide Council with an assessment of the application of the pilot human rights analytical framework to the three selected policies and to seek direction on any further steps.

## ANALYSIS

### Human Rights Analytical Framework

The human rights analytical framework was developed by the HRC to examine the human rights impacts of a proposed policy, action, or decision on different groups or communities in the City of Mountain View. The framework provides the following guiding policy questions, based on the identified human rights priority areas, for reviewing proposed policies, programs, and practices to determine if they are likely to improve, sustain, or diminish the achievement of specific human rights priority areas in the City of Mountain View.

1. Who are the populations that this policy/program/practice will affect? Does the policy/program/practice have any impact on the displacement of children and seniors? Does it provide tenant relocation? Does it result in a net increase or net decrease in available housing units?
2. Does the policy/program/practice have a positive, negative, or neutral impact on the current jobs-housing imbalance? Does the project or policy increase or decrease access to affordable units?
3. Does the policy/program/practice have any disparate impacts on racial/ethnic or economic groups in Mountain View? For this policy/program/practice, how will different groups be affected?
4. Does this policy/program/practice have a fiscal impact on businesses or displace small business? Does it provide economic opportunity to small businesses or different racial/ethnic or economic groups in Mountain View?

### Application of the Pilot Human Rights Analysis on Selected Policies

The three items included in the pilot were selected because they provided a mix of policy issues in housing, land use, and transportation, and could potentially help staff assess the feasibility and meaningfulness of including human rights analysis in a range of potential policy decisions. As shown in Table 1, each of the selected policies related to one or more of the human rights priority areas identified within the pilot human rights analytical framework.

**Table 1: Selected Policies or Legislative Actions for the Evaluation of Human Rights Impacts**

	Housing Displacement	Housing Affordability	Social Equity	Economic Prosperity
<b>Short-Term Rental Regulations</b>	✓	✓	✓	✓
<b>East Whisman Precise Plan</b>	✓	✓	✓	✓
<b>Vision Zero</b>			✓	✓

Below is a summary of the pilot human rights analysis that was included in each of the policy recommendations presented to the City Council.

*Short-Term Rental Ordinance*

On November 13, 2018, the City Council adopted an ordinance regulating the short-term rental (STR) of residential properties (Attachment 3 to the Council report). As part of the Council’s direction, an ordinance was drafted that would allow STRs and establish regulations to mitigate potential negative impacts of STRs on housing affordability and neighborhood character. In addition to adopting requirements that required STR operators to register properties and pay a registration fee, pay transient occupancy tax (TOT) and Business License Tax, and provide a local contact person to adjacent properties for complaints and concerns, the ordinance included an annual limit on the number of days that properties can be rented as STRs where the host is not present.

In the application of the human rights analytical framework to the STR ordinance, staff determined that the ordinance had no known impact on the jobs-housing imbalance, housing displacement, affordability, and social equity. The ordinance was written to limit the impact that STRs have on the overall affordability and availability of housing units by decreasing the appeal of housing stock being taken off the rental market and restricting unhosted STRs to 90 days. Staff was unable to determine the impacts the ordinance would potentially have on racial/ethnic groups in Mountain View. The data available to staff indicated that STRs are located throughout the City and are not concentrated in any particular neighborhood.

### *Vision Zero*

On January 15, 2019, the City Council adopted the Vision Zero Policy (Attachment 4 to the Council report). Vision Zero is an integrated set of policies, plans, programs, and approaches based on the philosophy that loss of life from traffic collisions is unacceptable and preventable. By adopting the policy, the City set a goal of moving toward zero fatal collisions along City streets by 2030.

In the application of the human rights analytical framework to the Vision Zero policy, staff determined that the adoption of Vision Zero was directly aligned with the human rights goals of the City, especially in its affirmation of the inherent dignity and worth of human life. Most significantly, the analysis indicated that the adoption of a Vision Zero policy and its implementation were likely to improve conditions for all road users, specifically pedestrians and bicyclists, and in particular women and older adults.

Finally, staff determined that the implementation of a Vision Zero policy in Mountain View could be expected to provide health and longevity benefits by reducing collisions among existing riders, increasing participation in active transportation by the entire population, and improving the quality of affordable transportation options in the City, helping to reduce the total burden of household costs, which relieves financial pressures facing low-income communities.

### *Draft East Whisman Precise Plan*

On June 25, 2019, the City Council reviewed the draft of the East Whisman Precise Plan, which provides policies, standards, and guidelines for new development and public improvements for the 368-acre East Whisman Area (Attachment 5 to the Council report). The Precise Plan implements other General Plan goals and policies identified for the plan area, such as improved connectivity and pedestrian/bicycle amenities, incentivizing sustainable and transit-oriented development, and encouraging use of alternative transportation through public transit and incorporation of transportation demand management strategies.

In the application of the human rights analytical framework to the East Whisman Precise Plan, staff determined that the implementation of the Precise Plan would have minimal effects on housing displacement, would more or less maintain the jobs-housing status quo, and would not likely have impacts of any significant level on the racial/ethnic and economic makeup on the nearby neighborhoods.

### Assessment of the Human Rights Analysis Pilot

After the pilot program concluded, staff evaluated the impact the pilot human rights analysis had on the development and adoption of each of the selected policies. The evaluation included the following questions:

- What data was available, and how easily was it accessed?
- How objective and quantifiable was the data?
- Did the human rights analytical framework change the timeline and process of conducting analysis or developing recommendations?
- Were there staff or other resource impacts associated with conducting the human rights analysis?
- How did the human rights analysis inform decision-making?
- Which type of policies could the human rights analysis be applied to in the future?

For each of the selected policies, staff agreed that collecting meaningful data that directly related to the defined impact areas in the human rights analysis was challenging.

As an example, staff did not have access to quantifiable data about the number of units used for short-term rentals in Mountain View because the primary way to ascertain that information was to conduct an online search through third-party websites whose listings could not be depended upon to be accurate or up to date. For the Vision Zero analysis, while there was abundant collision data available to draw from, the nature of the data did not allow staff to conclude about human rights impacts related to race, ethnicity, or income because the data available did not explicitly provide that information. Similarly, for the East Whisman analysis, the availability of business ownership data as it related to the human rights impact area of mitigating small business displacement was limited as staff did not have access to data that identified the number and type of small businesses located in the area. Staff concluded that a significant amount of additional staff time to research, conduct community outreach, and gather and analyze data would have been required for each of the policies to conduct a thorough analysis as established by the human rights impact areas.

Staff believes the human rights analytical framework did not significantly change the process of conducting analysis or in developing recommendations for each of the three

policies. Staff viewed the guiding policy questions included in the analytical framework as adding limited value to the existing policy analysis and development conducted. Many of the human rights issues related to housing, transportation, land use, and displacement are identified as City Council Major Goals with Council providing direction to staff to implement policies that affirm and support the objectives of the human rights analysis framework.

Because of the limited value gained, the potential subjectivity of defining human rights impacts, and the increase in time and resources that would be necessary to continue the program in a meaningful way, staff recommends concluding the pilot of including an explicit human rights analysis to Council reports.

### **FISCAL IMPACT**

There is no fiscal impact as a result of these recommendations.

### **ALTERNATIVES**

1. Direct staff to continue the pilot and select new pilot policies or projects for which to include an analysis of human rights impacts.
2. Direct staff to include human rights impact analysis in the evaluation of all policies or projects or to all those deemed relevant to the defined human rights impact areas.
3. Provide other direction.

**PUBLIC NOTICING** – Agenda posting and a copy to the HRC.

Prepared by:

Christina Gilmore  
Assistant to the City Manager

Approved by:

Daniel H. Rich  
City Manager

Reviewed by:

Audrey Seymour Ramberg  
Chief Operating Officer/ Assistant  
City Manager

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- Attachments: 1. [Resolution Adopting the Universal Declaration of Human Rights](#)  
2. Pilot Human Rights Analysis Council Report  
3. Short-Term Rental Ordinance Council Report  
4. Vision Zero Policy Study Session Memo  
5. Draft East Whisman Precise Plan Study Session Memo