

Council Questions

October 24, 2023 - City Council Meeting

ITEM 4.2 Commuter Parking for Safe Parking Program Participants at Shoreline Lot B

1. Can maps be provided of Lot B and the immediate surrounding area to show the current proposed change, as well as the history of changes to the area for safe parking and commuter parking at Lot B?

A map is attached to this document. Under the Shoreline Amphitheatre ground lease, Live Nation has contractual rights to Lot B during concert season for event parking. Over the years, the City has collaborated with LiveNation to keep the safe parking program within the “existing footprint” of contiguous space to assist both the operator programmatically and to align and support concert use.

A high-level summary of changes over time are summarized in the Council Report and below for reference:

- 2019: the City first negotiated with Live Nation to secure portions of Shoreline Lot B for a safe parking pilot program for 29 spaces for overnight parking, and later modified the program to be 24/7 as a pilot and then extended further for the Covid-19 pandemic response.
- 2021: the City further negotiated extension of the program Shoreline Lot B for safe parking through December 2025.
- 2022: the City further negotiated up to 17 additional oversized vehicle spaces (for living) at Shoreline Lot B.
- 2023: the City further negotiated additional space at Shoreline Lot B for up to 23 parking spaces for commuter (for non-living) parking.

ITEM 4.6 Cities Association of Santa Clara County's Request for Approval of Joint Powers Agreement to Establish the Cities Association of Santa Clara County Joint Powers Agency

1. Are there any concerns from staff, or any concerns expressed by other jurisdictions, that the Council should be aware of prior to making this decision?

Staff has no concerns about the Cities Association of Santa Clara County (CASCC) request for approval of a Joint Powers Agreement (JPA). At their September 14 Board of Directors Meeting, member agencies expressed a range of concerns or questions about the proposed JPA agreement that included:

- Clarification about the proposed fee structure for JPA membership.
- Questions about liability risks and access to a risk pool once a JPA was formed.
- The process and timing for bylaw changes or amendments.
- The process for the progression of officers.
- The powers of the Executive Committee.
- Discussion about the process for how and when CASCC takes legislative policy positions.
- Clarification about the administration of the City Selection.
- Clarification about the JPA’s ability to hire employees.
- The appointment of working committees by the Board of Directors to study significant programs or activities.

Most, if not all, of the issues raised have been addressed within the proposed JPA that is before Council for consideration. Other issues raised may be addressed in revised bylaws proposed by the Board of Directors once the JPA is approved and formed. Specifically, the JPA addresses the potential liability risks to each member agency and access to a risk pool upon formation of a JPA, clarifies the administration of the City Selection Committee, includes the Board of Directors ability to appoint a working committee to study significant programs or activities and to have any program proposed over \$10,000 reviewed by that committee, and removes the ability of the JPA to hire employees.

2. Can staff provide information about input provided by City Managers on the proposed JPA?

The Santa Clara County City Manager's Association (SCCCMA) met with the CASCC on two occasions (2022 and 2023) to provide input on the proposed JPA. Input provided by the SCCCMA included:

- Clarification for how the proposed dues structure/formula will be determined by the JPA once it is approved and established.
- Remove the provision that allows the Executive Committee to have the authority to make personnel decisions or actions.
- Remove the provisions authorizing the JPA to issue debt, purchase land, or hire or terminate employees.
- Further define the role and use of working committees to review or pursue substantial programs or activities requiring \$10,000 or more in annual expenditures.
- Clarification about how the JPA determines positions related to legislative advocacy, the role of the Legislative Action Committee (LAC), and how the LAC communicates minority positions.

3. On page 7 of Attachment 1 in Article 7 – In what ways is the Town of Los Gatos restricted in its exercise of powers? Why aren't the restrictions listed in the JPA? How will members know what the restrictions are? Is there a Town of Los Gatos document that lists them?

There is a specific provision, California Government Code section 6509 which restricts the powers to one of the parties and requires the agreement to designate that entity. In reviewing the proposed JPA, it is CASCC's understanding that the city attorneys selected and agreed to Los Gatos, a general law city, as this party. This provision provides a clear reference for the parties – if there is ever a question or an issue is not addressed in the JPA or bylaws, then the parties will look to the manner in which Los Gatos exercises its powers.

4. How is the Executive Committee elected at present?

The Executive Committee as established by the current CASCC Bylaws consists of the President, First Vice President, Second Vice President, and Secretary/Treasurer. The officers are elected by the Board of Directors. The regular term of office for all officers is for a period of one (1) year and no person shall hold the same office for more than two (2) consecutive full terms.

5. What is the rationale for changes when there are just 9 members?

The JPA can be formed once eight cities execute the JPA agreement. When there are nine members in the JPA, then an Executive Committee will be elected.

6. What is an example of a program or project that is limited in scope and only provides benefits to particular member?

Some of the member cities are working collaboratively on a nexus study and will realize an economy of scale for this project. Only those members that are involved in the study would realize the benefits.

7. What is an example of a public agency within Santa Clara County that might want to be an Associate Member?

An example of a public agency within Santa Clara County that might want to be an Associate Member is the County of Santa Clara. However, this is not what is being proposed. This provision has been included in other model JPAs used by CASCC to draft this agreement and provides flexibility if mutual interests arise. It should also be noted that associate membership must be approved by the Board of Directors and associate members would not have any voting rights.

ITEM 6.1 HUD PRO Housing Grant Application

1. Is the City anticipating other federal funding sources to be used for the Evelyn project? Or, is there a reason other than use of federal funding that NEPA analysis would be required for this project?

Besides the HUD PRO Housing Grant, staff worked with Congresswoman Eshoo's office earlier this calendar year to submit a \$1 million request through the Community Project Funding (CPF) request process as part of the Fiscal Year 2024-25 federal budget. This is an annual process whereby federal elected representatives can submit funding requests for noteworthy projects in their district. If approved, the funding requests are incorporated as part of the federal budget (similar to the process whereby under the leadership of Congresswoman Eshoo \$750,000 was requested and approved for the Crestview project).

Affirmed also intends to apply for Section 8 project-based vouchers (PBVs) through the Santa Clara County Housing Authority for the project to support the permanent supportive housing units. NEPA would be required for the project for the PBVs, even without the HUD PRO Housing Grant or CPF grant funding.

2. If no other federal funding source is anticipated, and if there is no other reason why NEPA analysis would be required, then: how substantial is the delay to this project that would be caused by the need to conduct NEPA analysis? Is the value of this grant funding worth any negative impact created by the need for NEPA analysis?

NEPA is anticipated to be required due to Affirmed's intent to apply for PBVs. The project timeline already included environmental clearance as part of the process and the HUD PRO Housing Grant would not impact that timeline.

3. If the ERNA negotiations with Affirmed are not successful, can we use this funding for the Charities project (or for any affordable housing project proposed by an alternative development team)?

Yes, the grant funding would be for the project, not for any particular developer.

ITEM 6.2 918 Rich Avenue Residential Condominium Project

1. Table 3. Is the 28.5 for the proposed with density bonus for the 4th floor a typo?

The proposed front yard setback on the 4th floor is 28-feet, 6-inches, or 28.5-feet, as indicated in Table 3. The 28'6" setback dimension is also shown on sheet A8 of the project plans.

2. Concern about the walkway being moved and incorporated as part of the driveway for emergency vehicles. Wouldn't the walking experience for the residents here be better if the walkway was under the trees? Safer, too?

The pedestrian walkway from Rich Avenue along the 50-foot-wide entry road was relocated from the southern perimeter of the site to the northern perimeter of the site in response to concerns raised during the community outreach efforts by neighbors who live in the two-story single-family residences along Rich Place that back up to the Rich Avenue entryway. Relocation of the walkway satisfied the concerns of neighbors while also accommodating the Fire Department Emergency Vehicle Access (EVA) access requirements, vehicular garage access and garbage bin and toter access. The pedestrian walkway is separated from the regular vehicular entry road/driveway with a 4" curb to provide protected separation. The Fire Department, Public Works Department, garbage company and Planning have worked collaboratively to review the layout and have determined it will meet safety and usage requirements as the pedestrian walkway would only be accessed by vehicle in an emergency.

Additionally, due to relocation of the pedestrian walkway, the southern perimeter of the entry road was able to accommodate a widened landscaped area that will be planted with trees to further screen the entry road from the neighboring properties. However, the space is not wide enough to accommodate the landscape area, utilities, the full width of the emergency access needs, and a completely separated pedestrian pathway.

3. Do we have examples of how other apartment or condo developments have enhanced their emergency vehicle access aisles to make them more attractive and welcoming?

Emergency Vehicle Access (EVA) is typically designed along a roadway or driveway that is wide enough to serve emergency vehicles, trash/utility vehicles, and private vehicles. However, in some cases, usually when a site has a narrow frontage, like 918 Rich Avenue, or is constrained in another way, the width of the driveway needed for emergency vehicle access may not be possible without some creativity in design so other necessities: pedestrian access, landscaping, utilities, and neighbor concerns/requests can be accommodated.

In this case, Planning staff worked collaboratively with the City's Fire Protection Engineers to strike a balance with neighbor concerns while including the necessary requirements for access and utilities, privacy/buffering landscaping, and the 4" protective curb. Another example of an alternative design to a fire lane is located at 1720 West El Camino Real, Montrose Apartments, where the fire lane is constructed along the rear of the property and is designed with paver cups, gravel, and decomposed granite filings in the ladder pad areas only; however, the main access road was paved.

4. It looks like 9 or 49 of the new trees are native trees. What is the rationale for having such a low number of native trees?

The applicant is proposing a Mediterranean plant palette for this project with a mix of California native trees. The palette and plant spacing will allow for a desirable landscape aesthetic that is ideal for the long-term health of the landscaped areas. The Mediterranean landscape pallet features 87% drought-tolerant landscaping.

5. Why isn't the plan for affordable units considered to be two concessions rather than just one concession? They are building one fewer unit, and they are not meeting the city's weighted average of 100% AMI requirement.

The project complies with the City's Affordable Housing Ordinance, meeting the minimum requirement of 15% affordable units, which equates to 4 affordable housing units, based on the maximum base density of 25 units. As a result, there is no need for a concession for the number of units. The applicant has also requested one concession, which they are permitted under the State Density Bonus Law. This concession is required because the applicant is offering 8% of the base density units, equivalent to 2 units, for Very Low Income (VLI) residents to comply with State Density Bonus Law. The other two units are Moderate Income (MI) units at 120% AMI. As a result of this mix, the weighted average of the units is 85% AMI. The purpose of this concession is to allow the applicant to offer a weighted average of 85% AMI, instead of adhering to the City's requirements, which are 100% AMI for condo units and 65% AMI for rental units (should the condo units be rented for a specific period).

6. On pdf page 122 of Attachment 1, it says "The MVPD conducts an active volunteer program (non-officers). "What does this mean and what is its relevancy?"

The description of Police Protection Services on Page 122 of the Initial Study/Mitigated Negative Declaration (IS/MND) indicates that police protection services are provided by the Mountain View Police Department. Additionally, the MVPD is served by an active volunteer program of non-officers, such as volunteer or "reserve" officers, if needed in an emergency. The mention of the volunteer program was included in the IS/MND to thoroughly document all available police services.

7. Are 24 of the parking spaces tandem spaces?

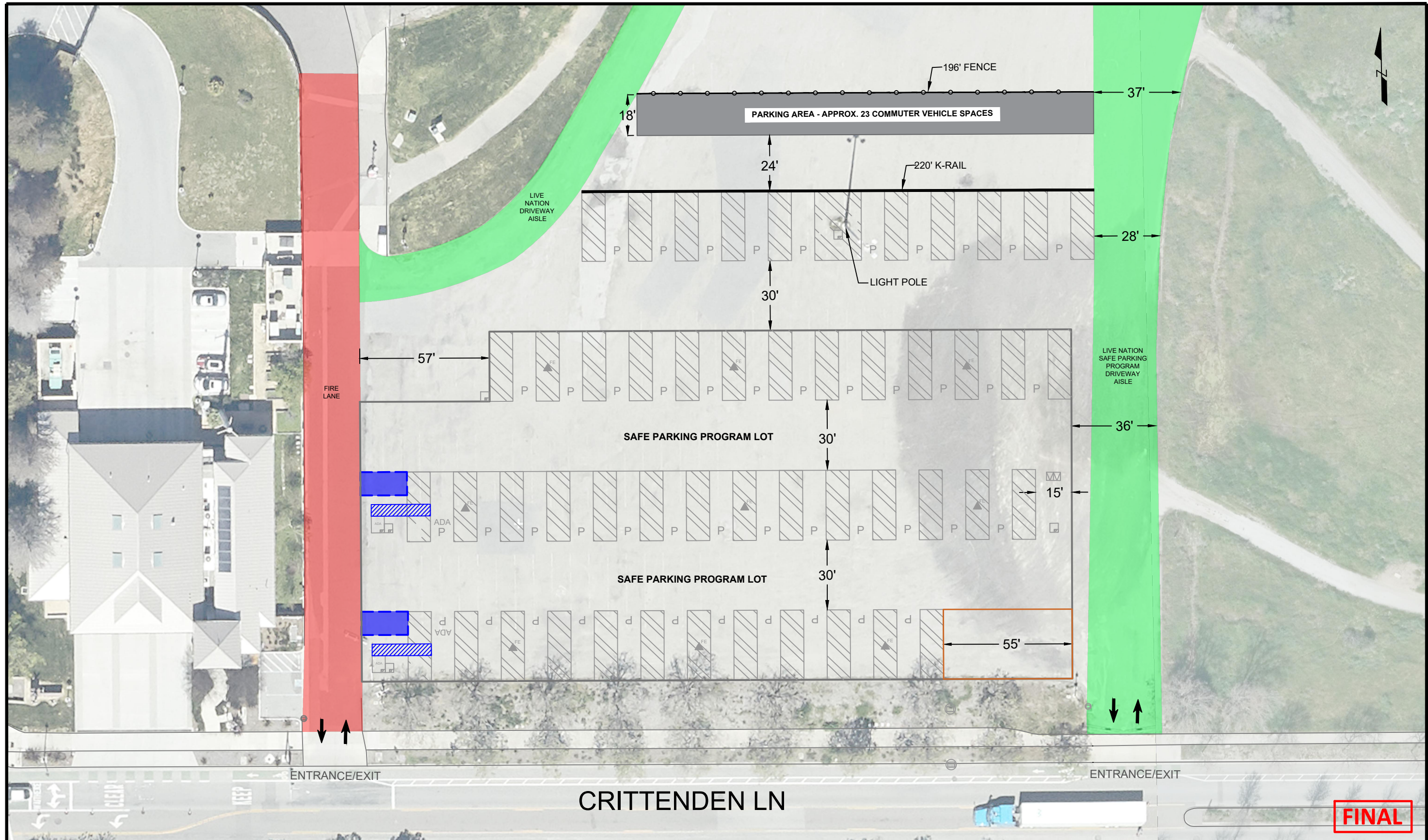
Yes, 24 of the parking spaces are tandem parking spaces. Each of the two-space tandem spots are assigned to the two-bedroom units (2 spaces/unit).

8. Is a key (or something else) required to open the doors to enter the lobby?

The lobby will have a secured entry; however, the applicant has not yet determined the specifics at this time.

9. Is there a secure room for package delivery?

There will be a location in the lobby for package delivery and the specifics will be determined prior to occupancy.



FINAL

LEGEND:

EX. OVERSIZED VEHICLE PARKING	EX. FIRE EXTINGUISHER
EX. BUFFER	EX. ADA PORTA-POTTY
EX. ADA LIVING-IN-VEHICLE PARKING (FOR OVERSIZED VEHICLE OWNERS)	EX. PORTA-POTTY
EX. ADA PATH	EX. STORM DRAIN INLET PROTECTION
EX. SHARED COMMUTER VEHICLE LOADING SPACE AND DIGNITY ON WHEELS TRUCK PARKING AREA	EX. TRASH BIN
	OVERALL SAFE PARKING PROGRAM LOT BOUNDARY

NOTE: IMAGE SHOW VEHICLES/DEBRIS NO LONGER ON SITE.



CITY OF MOUNTAIN VIEW, CALIFORNIA PUBLIC WORKS DEPARTMENT 500 CASTRO STREET, MOUNTAIN VIEW, CA 94041			
SAFE PARKING PROJECT SHORELINE BLVD & CRITTENDEN LN PARKING LOT ADDITIONAL COMMUTER VEHICLE PARKING			
DESIGNED BY:	DG	SCALE:	DATE:
DRAWN BY:	NM	NTS	9/22/2023
SHEET:			01 OF 01