

City Council Questions

June 28, 2022 Council Meeting

ITEM 4.6 Recommended Fiscal Year 2022-23 Capital Improvement Program

1. When is the re-building of the Stevens Creek Bridge over Evelyn, Central Expressway and the RR expected to happen?

The Stevens Creek Trail Bridge Over Central Expressway and Evelyn Avenue Deck Replacement and Painting, Project 22-35, is currently on hold pending staffing resources. The Public Work's Civil Infrastructure section is working on several high priority transportation projects including paving, grade separation, and grant-funded active transportation projects. The section has a Senior Engineer vacancy, which we hope to fill in the next few months to aid in addressing the backlog of active capital improvement projects, including this one.

ITEM 4.12 North Bayshore Trip Cap Reports and Fiscal Year 2022-23 Professional Services Agreement

1. Is it only TNC drivers with no passengers that are excluded from the mode-share summary?

TNC drivers are excluded from the mode share summary in Table 1 of the Council Report regardless of the number of passengers they carry. They are like bus drivers in that they are transporting people with destinations in North Bayshore, but they themselves are not using the gateways to travel to work or other destinations. TNCs do not contribute to reducing SOVs unless they are carrying at least 2 passengers and, therefore, are taking at least one car off of the road after subtracting the TNC vehicle.

2. What is a TNC driver with one passenger considered?

A TNC with one passenger is considered a SOV in Table 1 of the Council Report.

3. What is a TNC driver with more than one passenger considered?

A TNC with more than one passenger is considered a HOV in Table 1 of the Council Report.

4. I am particularly interested in increasing the use of bikes to get into the NBS. When are the infrastructure programs that are expected to make this easier going to be available?

The following capital improvement projects will improve bicycle access into the North Bayshore:

Please see the table on Page 2

Project	Timeline
Transit Center Grade Separation and Access Project, Project 21-35 [Bike connection from Transit Center to Stierlin Road]	Final design complete Summer 2024
Stierlin Road Bicycle and Pedestrian Improvements, Project 17-41 [Bike connection from Stierlin Road to Shoreline Blvd/Middlefield Rd]	Construction start: early 2023
Shoreline Boulevard Transit Lane and Utility Improvements, Projects 16-58 and 18-43 [Protected Bikeways from Middlefield Rd to Hwy 101 Bicycle/Pedestrian Bridge]	Construction start: Spring 2023
Shoreline Boulevard at Highway 101 Bicycle/Pedestrian Bridge, Projects 16-60 and 20-38 [Bike connection between protected bikeways on Shoreline Blvd south and north of Hwy 101]	Preliminary design complete in early 2023
Rengstorff Grade Separation, Projects 17-37 and 22-27	Final design completed by end of 2024

In addition, the Santa Clara Valley Transportation Authority (VTA) will soon be initiating a Caltrans' Preliminary Approval/Environmental Document (PA/ED) study for the US 101/Rengstorff and US 101/San Antonio interchanges, which will include improvements for bicyclists entering North Bayshore using Rengstorff Avenue and San Antonio Road.

ITEM 4.16 Sylvan Park Trellis Replacement and Sand Volleyball Court, Projects 21-47 and 21-46-Various Actions

1. What art already exists at Sylvan Park?

Sylvan Park does not have any public art. It was constructed prior to the public art policy being applied to parks projects.

ITEM 4.19 Increase Appropriations in the Golf Course/Restaurant Fund

1. What's happening with the renovation of the Lakeside Café? Is that scheduled for this coming winter?

The Shoreline Boathouse Expansion Project (20-39) will expand and reorganize the existing undersized kitchen, provide new food service equipment eliminating use of natural gas fueled kitchen equipment, reconfigure interior dining space, provide new ADA-accessible single-sex restrooms, and install a new roof cover over the trash enclosure. The project has experienced some delays due to staff workloads; however, the Schematic Design phase is now underway and is anticipated to be completed in spring 2023. Final Design is estimated to be completed in spring 2024, with construction starting in fall 2024.

ITEM 7.1 Mobile Home Rent Stabilization Ordinance-Amendment Related to Accord or Memorandum of Understanding Exemption

1. If Sunset Estates is exempted from the MHRSO and also does not have to pay the cost-recovery fees, how much will the fees have to go up for the other parks correspondingly?

There are a total of 1,130 mobile home spaces throughout six mobile home parks in the City. Sunset Estates (SE) has 144 spaces. The adopted per space fee for FY 2022-23 is \$300.60. If SE is exempted from the MHRSO and the other five parks remain under the MHRSO, the per space fee in the remaining parks would be \$344.53, assuming all other factors remain the same. Staff notes in the Council report that if a park is exempted from the MHRSO due to an approved accord, an accord fee should be incorporated for that park to cover administrative and monitoring/compliance costs, as well as legal resources for mobile home residents in a park with an accord. An accord fee level would need to be determined as part of the accord development/approval process.

2. If the Council decides to allow Sunset Estates to pursue an MOU, who will determine the voting rules and requirements, and who will administer the vote? Does staff have any recommendations for a potential voting process?

Staff recommends using a third party to administer the voting process. This will help ensure a fair process and also address the concern voiced by some residents regarding retaliation. For example, in staff's research, homeowners associations may use a third party to administer a voting process to help conduct HOA business with residents. The third party would undertake various tasks, such as producing, mailing, and counting the ballots. If an accord is put to a vote of the residents in a park, staff recommends that a similar third-party process be required, and the City would oversee the process. The cost to administer the voting process should be paid for by the park owner.

Staff additionally notes that preparation of an MOU for Council's review prior to the voting process will be a considerable workload item requiring staff and consultant resources and will delay other projects that staff is currently working on. If Council wishes to prioritize this work, staff estimates that preparation of the MOU will likely take approximately 9 months including a Council study session prior to bringing back an MOU for a Council decision. Additionally, staff time and consultant costs will have to be compensated by the mobile home park owner.

3. What are Vega adjustments?

A Vega adjustment in rent stabilization jurisdictions is a process that grants property owners a rent increase to achieve a fair return. In most rent stabilization programs, including the City's, "fair return" is based on the ability of landlords to maintain their net operating income (NOI). The determination if NOI is maintained over time is based on comparing "base year" NOI (typically the year before rent stabilization went into effect) to current year NOI to determine if a property owner is maintaining their net operation income. The assumption is that the Base Year provides a reasonable standard for fair return on investment since the property was unregulated in the Base Year, i.e., the NOI that was being achieved before rent stabilization was implemented provides the benchmark for determining fair return under rent stabilization.

In some instances, property owners may have rents that are artificially low or expenses that are unusually high in the base year that result in a low net operating income for the base year. A Vega adjustment accounts for those factors that may make the Base Year anomalous by allowing for adjustments in rents or expenses in the base year calculation of net operating income. These are called Vega adjustments based on Vega vs. West Hollywood. In the Vega case, the court found that in order to ensure property owners receive a fair rate of return, there must be a mechanism allowing for base year adjustment where rents are unusually low or expenses are unusually high. The regulations adopted by the RHC implementing the MHRSO allow hearing officers to grant a Vega adjustment on fair return petitions if the hearing officer finds that the base year rents were disproportionately low or that expenses in the base year were unusually high. Typically, a Vega adjustment will result in a rent increase as part of the fair return petition.

Please see below Council Question that was asked in the June 14 Council Meeting. The response below is the follow-up for the Agenda Item 3.1: Draft 2023-2031 Housing Element.

1. **With respect to understanding the demographics of the City, do we have a map of the percent of English-language learners at each elementary school?**

Please refer to Page 141 in the Draft Housing Element for the elementary school locations with the percentage of English-language learners at each of those schools in the chart below.

	ELs
Bubb	15%
Castro	70%
Landels	19%
Imai	13%
Mistral	43%
Monta Loma	23%
Stevenson	9%
Theuerkauf	31%
Vargas	25%
Crittenden	10%
Graham	13%