

Council Questions

March 26, 2024 - City Council Meeting

ITEM 4.2 Modifications to Council Policy A-10, Authorization to Execute City Contracts and Agreements

1. Please give some examples of things the CC has recently approved that would not come to us in the future?

The Purchasing Division looked at the past few months and found the following examples:

- On 11/7/23 – the City Council approved an amendment with Gallagher Benefit Services for a compensation study for a cumulative total not-to-exceed amount of \$125,000.
- On 11/14/23 – the City Council approved an agreement with Stearns, Conrad, and Schmidt Consulting Engineers, for on-call landfill services for Shoreline Landfill, in a not-to-exceed amount of \$160,000.
- On 12/12/23 – the City Council approved an amendment to the professional services agreement with Community Attributes, Inc. for consultant services on the Economic Vitality Strategy to increase the maximum compensation by \$35,000 for a total not-to-exceed amount of \$212,700.

Please keep in mind that the Council will be informed of these types of agreements via the quarterly report that staff is proposing to provide as an information item.

2. The Plan-check contracts would still come to the CC for approval wouldn't they because they are often over \$250K, correct? In a case like plan-checking that sometimes comes to the CC multiple times in a year, would the sum of the contract amount be what determines whether it needs CC approval?

Yes, the main professional service contracts for building and fire plan check and inspection services would continue to come to City Council for authorization since they are over \$250,000 annually. And, yes, the contract sum total (no matter the number of amendments) with any particular consultant in a given fiscal year must abide by the thresholds set in Council Policy A-10.

ITEM 4.3 Adopt a Resolution Acknowledging Receipt of the 2023 SB 1205 Mandatory Fire Inspection Report

1. Who pays for these inspections? What does it typically cost per inspection?

There are no inspection fees for R2 inspections in most R2 facilities. Some facilities fall under being a hazmat facility; these R2 facilities that are hazmat permitted sites are billed based on the quantity of hazmat as well as the square footage of the facility per our city council approved master fee schedule. For example, a facility with hazmat storage up to 5000 square foot pays \$41.00 per square foot. Between 5001 to 25,000 square foot pays \$241.00 per square foot.

ITEM 4.4 2023 Annual Progress Report: 2030 General Plan

1. What, if any, is the significance of some items being in red font in Table 1? Could it be what has changed since the last annual progress report? If not, how do I know what has changed since the last annual progress report?

Yes, the red text in table 1 highlights items which have been updated and changed since the last annual progress report (2022-2023). These changes include updates to the status, current timelines, and staff comments or additional information.

2. What, if any, is the significance of some items having the cell highlighted in yellow in Table 2? Could it be what has changed since the last annual progress report? If not, how do I know what has changed since the last annual progress report?

The yellow highlighted cells in table 2 indicate the items that were completed in the past year.

ITEM 4.7 City Hall Remodel (Community Development Department Reception Area Phase), Project 16-64-Various Actions

1. What incidents have triggered the need for better security for areas where City employees work?

While the two entryways behind the public CDD counter have always been restricted to employees only for access to staff work areas, they are currently just openings with no doors and only have signage that indicates “staff only.” At times, members of the public have not paid attention to the signs and inadvertently tried to enter through these entryways to staff-only office areas where there is no public reception function available to greet them and answer their questions. This project will provide equivalent employee security access as other public reception areas at City Hall that have been completed in past years, including Public Works, Finance, City Clerk, and Human Resources. All areas that have been open to members of the public when they come to the Community Development Department reception area/counter will remain open to the public.

ITEM 4.8 Application to the United States Environmental Protection Agency’s Climate Pollution Reduction Grant

1. What GHG reduction is expected from the Reusable Foodware System Project?

The grant application requires an estimate of the GHG reductions, identified in metric tons of carbon dioxide equivalent (MtCO₂e). From 2025 – 2030, the project is expected to result in a reduction of 7,447 MtCO₂. Disposables generate GHGs through the extraction of raw materials, product manufacturing, distribution, and end-of-life. Reusables can result in 2 to 10 times less lifecycle GHG emissions than disposables even with washing and transportation emissions. Actual GHG emission reductions will be measured by the number of cumulative uses and those net GHG emission reductions, to determine emissions savings. The table below provides the expected yearly estimate of GHG reductions.

2. Even though Mountain View wouldn't directly receive funding from the Foodware Grant, the pilot of the system would be set up in Mountain View, correct?

The system will serve the entire coalition area, including the Mountain View community. The exact locations of participating institutions (e.g., schools and restaurants) and where the pilot version of the system is launched will depend on interest and the results of the engagement and system design process. The plan is to launch an initial pilot around spring 2026 and the full system early 2027.

3. Please explain what the Reusable Foodware System actually is.

The reusable foodware system is a turn-key fee service provided to foodservice establishments (FSEs), where a vendor provides reusable dishware (e.g., cups and takeout containers), collection and washing of dishes, and redistribution of clean dishware for take-out and delivery of prepared food. In practice, FSEs would serve food and drinks to their customers in reusable items and customers then return the reusable products to conveniently placed collection bins when they are finished using them. The vendor then collects, cleans, inspects, and repackages the reusable items and redistributes them back to FSEs.

ITEM 6.1 Housing Element Annual Report and Emergency Shelters Amendment

1. Has the city ever sent new or revised annual progress reports to HCD for previous reporting years? (Page 3 of staff report)

Yes, the City has submitted revised reports to HCD. One revision occurred last year to the 2022 Annual Progress Report for a minor correction to the title of the excel sheet.

2. On page 2 of the staff report, it says that all new units, and not just net new units, will be reported for RHNA. On page 5 of staff report, it says Table 2 is net new housing units. Is it really net new units, or is it just new units in Table 2?

Page 5 of the staff report is a typo and should say new units and not net new. The numbers in Table 2, consistent with State Law, show new units and not net new.

3. On page 23 of the staff report regarding consultation with HCD, are these questions to be posed to HCD unrelated (approach to comply with AB 2339, enforcement action)?

Some members of the public have commented that the Housing Element program is not complete unless the entire Precise Plan is rezoned to allow emergency shelters by right. In order for that to occur, more time would be needed to complete the environmental review and the City would not meet the March 31, 2024 deadline.

Staff recently had a discussion with HCD on this item, and raised the question of what happens if deadlines are missed but significant work is underway on the program. While the HCD staff we spoke to suggested we speak to a different HCD division on this topic and did not provide specific input on what kinds of delays may be acceptable, they did state that other jurisdictions are raising similar concerns.

4. On what page is Table A2 in Attachment 1?

Table A2 begins on page 8 of Attachment 1.

5. In Attachment 3, b, and e, why is the resolution referring to property as if it is one parcel and not properties since the proposed amendment covers many parcels? In Attachment 3, c and d, why does it not say Precise Plan amendment, rather than just Precise Plan?

The first part of each finding is direct verbiage from the City Code. This language does not affect the substance of the findings. For example, the City Code includes the language “The proposed Precise Plan promotes the development of desirable character, harmonious with existing and proposed development in the surrounding area”, while the substance of the finding is “because allowing emergency shelters by-right supports housing goals of creating an inclusive and equitable community by permitting housing intended for the unhoused populations of the community”.

6. Housing Element law requires cities to allow by-right/ministerial approval of housing developments with a certain amount of affordable housing on prior-cycle Housing Element Sites Inventory sites that are reused in the Sixth Cycle Sites Inventory. Are any of these three sites reused from prior-cycle Housing Elements? If the three opportunity sites do in fact have historic resources, is there an additional risk that the historic resources could be impacted by future by-right development because they have been included in the Housing Element Sites Inventory?

There are no sites in the approved Housing Element that are subject to by-right approval because they were used in a previous cycle.

If any of these three sites do in fact have historic resources and they are included in future cycles, they may be subject to the by-right approval requirement if that continues to be required in future cycles. The City has discretion to select housing element sites in future cycles, and if any of these sites are reused, to rezone them as necessary to allow housing developments by right. If the City does this on a site with a historic resource, the City will need to conduct environmental review prior to the rezoning.

7. Two of the sites analyzed for AB 2339 compliance, 1098 West El Camino Real (APN: 158-07-028) and 1065 West El Camino Real (APN: 189-01-146), are single-family residences. Are either of these homes occupied? If yes, are they rented by low-income individuals or families? If they are rented out, would this mean that any redevelopment proposal must comply with the SB 330/AB 1218 replacement requirements (and relocation assistance)? Would these replacement requirements be significant constraints that would limit the viability of emergency shelter at these sites?

1065 West El Camino Real is currently rented. The tenant’s income is unknown. The replacement requirement pursuant to AB 1218 (which would not have applied under SB 330) may be a significant constraint. However, this site is too small to address the City’s statutory requirement of 6,400 square feet. It is also not located in the Castro-Miramonte Sub-Area 1, where the City is meeting its statutory requirement to identify sites.

1098 West El Camino Real is currently for sale. According to the broker, it was previously owner-occupied. It is unknown whether the site was occupied by lower-income tenants over the last 5 years. If it had been occupied by lower-income tenants in the last 5 years, the replacement requirement pursuant to AB 1218 may be a significant constraint. However, there is another site in the Castro-Miramonte Sub-Area 1 (836 West El Camino Real) which would meet the requirements of AB 2339.

8. Can staff explain what AB 101 (Low Barrier Navigation Center) does and what it requires cities to do?

AB 101 requires that low barrier navigation centers be a permitted by-right use in areas zoned for mixed-use and nonresidential zones permitting multifamily uses and includes timelines for these types of facilities. These requirements sunset on January 1, 2027. As this is a permitted by-right use, the City does not need to take further action in identifying these zoning districts. However, a Housing Element program committed the City to include provisions of AB 101 in the Zoning Ordinance, which was completed late last year. Technically, this was not necessary as the areas in which low-barrier navigation centers are allowed is mandated by the state.

9. In the draft Ordinance (Attachment 2), SEC. 36.28.70(b) (Low-barrier navigation centers) states, “These centers shall be permitted or conditionally permitted in accordance with the land use regulations in the designated zoning districts and precise plans as specified in the applicable land use tables...” – in which Precise Plans are low-barrier navigation centers permitted, and in which Precise Plans are they conditionally permitted?

Pursuant to AB 101, low barrier navigation centers are permitted by right in zoning districts allowing mixed-use and nonresidential zones permitting multifamily uses. This would include North Bayshore, East Whisman, Downtown, El Camino Real, San Antonio, and several mixed-use Planned Community districts (P zones without a Precise Plan).

10. Which Precise Plans explicitly include or reference “low-barrier navigation centers” as by-right uses in the land use tables?

The Precise Plans have not been updated to reference “low-barrier navigation centers” as by-right uses since State Law takes precedence. If a low-barrier navigation center were to be proposed in a Precise Plan, it would be processed consistent with State Law.

11. For El Camino Real Precise Plan specifically, where exactly are “low-barrier navigation centers” permitted by-right? Are they permitted by-right in every sub-area/sub-zone?

Low-barrier navigation centers are permitted by-right in every sub-area, except for the Residential-Only Sub-Area as this sub-area is not a mixed-use or non-residential zone.

12. Can staff list all requirements, including application costs, discretionary hearings, and findings that must be made, in order for an emergency shelter applicant to secure a Provisional Use Permit (or conditional use permit)? Please attach the application form that an emergency shelter provider would need to complete for their PUP/CUP. Are these requirements the same also for low-barrier navigation centers, and is the application form the same as well?

Use permits, including those for emergency shelters and low-barrier navigation centers that are not permitted by-right, are reviewed by staff. Then once complete, property owners and tenants within 750' are noticed and the project is scheduled for a hearing with the Zoning Administrator who makes a final decision on the project based on the following findings according to City Code:

- A. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this Chapter [the Mountain View Zoning Ordinance, Chapter 36 of the City Code];
- B. The proposed use is consistent with the general plan;
- C. The approval of the conditional use permit for the proposed use complies with the California Environmental Quality Act (CEQA); [Note: A use permit for an emergency shelter would typically be categorically exempt under CEQA if there are no historic resources on-site.]
- D. The location, size, design and operating characteristics of the proposed use are compatible with the site and building character and environmental conditions of existing and future land uses in the vicinity; and [Note: This finding would be inapplicable to Emergency Shelters under Government Code Section 65583]
- E. Any special structure or building modifications necessary to contain the proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located. [Note: This finding would be inapplicable to Emergency Shelters under Government Code Section 65583]

Typical requirements for a Use Permit include submittal of the following items:

- **Application Form**
- Fee: PUP - \$3,622 or CUP - \$5,704
- Project Description with business/operational information (note: this item would also be required if the project was allowed by-right to determine the project meets the objective criteria).
- Plan Sets, including site plan, floor plans and elevations (note: these items would also be required if the project was allowed by-right to determine the project meets the objective criteria).

13. In the Annual progress report for the housing element, there several items (in table D) that we still have plans to work on (for example, program 1.10, 1.3, and 4.1). Some of these programs were met with disagreements on how they are interpreted in the housing element. Why are those specific details not included?

Per the State’s Department of Housing, Community and Development’s Annual Progress Report [instructions](#), Table D requires listing the status/progress of each housing element program. Table D is a high-level review of program status and is not intended to document the detailed discussion of each item. As these programs move forward, policy direction related to program interpretation is discussed and documented as part of the local public record during program implementation.

14. What's the history of shelters in Mountain View? Doesn't a shelter for women operate here during the winter?

Mountain View currently has one cold weather shelter for families and single women that is in operation between November to March at 754 Mercy Street. No other application requests for this type of use have been submitted to the City in the last five years.

15. If we need to do CEQA for historical sites related to shelters, could it be done as part of the CEQA work done for the Historical Ordinance that we will be doing shortly?

The scope of work for the Historic Preservation Ordinance does not currently include or require environmental review. Typically, updates to historic preservation ordinances and procedures serve to protect historic resources, rather than creating impacts. Environmental review occurs on a project-by-project basis.

16. Do the statistics regarding housing units completed or on their way to completion on page 6 include the Builders’ Remedy housing units?

Yes, the builder’s remedy projects are included in the under-review statistics.

17. Can you explain the “provisional inventory” process?

The provisional inventory is a separate inventory from the official inventory. Unlike the official inventory, it includes projects on sites that are currently under review.

The City cannot allow its sites inventory to fall below the Regional Housing Needs Assessment (RHNA) which could happen if the City approves a project in the sites inventory with fewer units at any income level than prescribed by the sites inventory. If such a project is approved and the City does not have enough buffer remaining to account for the lower than planned units, the City only has six months to update the inventory. Since the provisional inventory calculates and discloses the number of units in developments under review, it gives the City advance warning if the sites inventory will fall below RHNA if a particular project is approved. The City can use this extra time to start the rezoning process to update the inventory if required.

18. What are reasonable accommodation applications? Is this disability law?

The City is required to approve modifications to units to address needs of persons with disabilities. These modifications are called “reasonable accommodations”.

19. How does HCD take our winter shelter on Hope Street, our youth shelter on View Street and the violence against women shelter into the city’s shelter requirements/provisions?

These shelters are not considered when determining the City’s shelter requirements. The statute requires the City to start with the latest census of unhoused people (point in time count) and deduct from that number the future pipeline of housing developments that can serve that population. Any shelters that existed at the time of the latest point in time count would not be considered adequate to serve the City’s unhoused need.

20. Do emergency shelters, transitional housing and safe parking serve a somewhat overlapping clientele? If a city provides more of one, does the city need to provide less of another?

Emergency shelters, transitional housing, and safe parking can serve a somewhat overlapping clientele. The needs of the unhoused population are diverse, and different types of housing can address different needs within the same clientele. In terms of the City’s requirements to meet the projected demand of unhoused populations for emergency shelters, only transitional housing decreases the minimum bed requirement for the City.

21. What is the difference between rapid rehousing and transitional housing? Do they serve a somewhat overlapping clientele?

Rapid rehousing typically refers to permanent housing with no restrictions on the length of stay in the unit. The units are geared for the formerly unsheltered or preventing homelessness, with the clientele having lower service level needs than those deemed to be “chronically” homeless. It is typical for rapid rehousing developments to come with short term operational subsidies (e.g., subsidies for three years) for supportive services.

Transitional housing is typically geared for individuals/households for shorter-term stays but longer than for emergency shelters, for example for 6 to 18 months (duration varies). Transitional housing may not come with funding for supportive services. As the name suggests, transitional housing is intended to be a steppingstone for the clientele to move onto permanent housing after they are stabilized.

22. The staff report says, “In the previous Housing Element cycle, the City reported net new units (proposed units minus demolished units) for RHNA but, per changes made through AB 2653, all new units will be reported for RHNA.” How much does staff think this will change the number of new units we report, for example by 10%, 20%, more, less? How many demolished units did we have in the last RHNA cycle and what percent of units produced were they?

This data is not readily available from the 5th cycle annual progress reports and would require significant staff time to develop. The City cannot predict how many units may be demolished during the 6th Cycle and, therefore, cannot estimate how this will affect the number of new units reported.

23. The staff report says we must, “meet the City’s projected demand for emergency shelters...” How do we project demand?

As specified in AB 2339, projected demand is determined based on the latest census of unhoused individuals, minus the projected future pipeline of housing developments that can serve that population.

24. The staff report says that emergency housing is “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.” How is the 6 months enforced? Is it actually enforced?

For the existing cold weather shelter operated by the County of Santa Clara, the shelter operator is responsible for enforcement. However, the shelter operator is allowed to recommend an extension for individuals in need who are progressing in the program and on a pathway to housing.

25. “Emergency shelters are typically coordinated and run by the County of Santa Clara.” would like to know more. How can the city play a role in how they might be operated within the city?

The City has a role in the approval and permit processes for the site, but not a role in the day-to-day operations. For example, the emergency cold weather shelter at Trinity United Church is solely funded and operated by the County of Santa Clara, which hires a qualified operator for the day-to-day operations. Staff would need to do more research to determine whether and how the City could have more of a role in emergency shelter operations. Council could explore this further as part of the Homelessness Response Strategy.

26. Have any of our recent market rate units trickled down to become affordable to median-income households? How long does that take?

Trickle down typically refers to the concept that there is enough housing supply to meet housing needs across affordability levels. The premise is that higher-income households rent or buy new higher-cost housing, freeing up existing, older housing which “trickle down” for lower-income households to attain at affordable levels. How long this takes and if it works are debated topics. There is insufficient data or evidence that trickle down is happening in Mountain View.

27. Roughly speaking, every 8 years of this Housing Element cycle, we should complete 12.5% of our requirements. On page 6 the staff report notes that the City has 1,262 units deemed complete, 1,357 under construction, 1,448 approved but not under construction, and 4,358 under entitlement review. If all those are completed, we'll have 8,425 units complete or over 75% of our RHNA allocation. We would also have 1,649 affordable, or 37% of our affordable requirement completed. Given these statistics, does staff feel we're well on our way to completing our RHNA requirements?

While it is encouraging to see such significant numbers in the pipeline, staff is concerned that, like other cities, Mountain View will be challenged to meet its lower and moderate-income RHNA targets without additional funding for affordable housing projects and improvements in economic conditions for market-rate projects with below-market-rate units.