

**Council Questions**  
**December 9, 2025 - City Council Meeting**

**ITEM 4.3 Appoint Environmental Planning Commission Members**

1. What happened to the appointments to the Parks and Rec Commission and the Senior Advisory Board?

Environmental Planning Commission appointments were scheduled to come back to the Council on December 9, while appointments recommended by the Council Appointments Review Committee were scheduled to come back to the Council on December 16.

**ITEM 4.4 Code Amendment to Chapter 36 (Zoning)-Tenant Relocation Assistance Ordinance (First Reading)**

2. What is meant by Objectives and Metrics – 'partially mitigate'?

The TRAO does not prevent displacement, but by providing relocation assistance to eligible tenants, the impacts can be less severe.

3. Is the landlord responsible for the moving out and moving back in costs?

If the displacement is a temporary relocation, the Landlord is responsible for moving costs, both for the tenant's move out of the original rental unit and for the moving costs associated with the tenant's return. If the displacement is permanent, the landlord is only responsible for covering the moving costs of the tenants to vacate the rental unit.

4. What tenant is income ineligible? (Page 4, second paragraph down)

In accordance with the TRAO, tenants with incomes up to 120% of the area median income, adjusted for household size, plus \$5,000, are eligible for permanent relocation assistance payments.

5. Page 5/41 Attachment 1, provide the tenant "Reasonable Period". What is a reasonable period? Should that not be defined? Are we not trying to be objective and to be clearer?

Note that this question is related to the Mobile Home Rent Stabilization Ordinance, which is not part of this TRAO amendment process. As noted in the October 28 Council memo, staff recommends moving the TRAO from Chapter 36 (where it currently resides) to Chapter 46, including the following discussion:

"As part of this process, Chapter 46 is expected to consolidate various housing-related ordinances, including the TRAO. Currently, Chapter 46 only contains the Mobile Home Rent Stabilization Ordinance (MHRSO). The cleanup process would add TRAO to Chapter 46, resulting in the MHRSO and TRAO as distinct articles under the Chapter. Therefore, the draft TRAO amendments are written as Chapter 46, Article 2."

The MHRSO is included in Attachment 1 only because Chapter 46 needs to be edited to accommodate the relocation of the TRAO from Chapter 36 to 46. However, the MHRSO is separate from the TRAO, and none of Article 1 (i.e., the MHRSO) is related to this TRAO amendment process.

6. Same for “Reasonable Accommodation”.

As with Question 4, Question 5 is related to the MHRSO, which is not part of the TRAO Amendments. That said, reasonable Accommodation is a requirement of both Federal and State Fair Housing Laws, which require that housing providers make reasonable modifications to residential units or reasonable accommodations to rules, policies, and procedures to allow persons with disabilities to enjoy the full benefits of the housing.

7. Sec 46.1.35 – who makes up the “committee”?

As with Questions 4 and 5, Question 6 is related to the MHRSO, which is not part of the TRAO Amendments. That said, the Committee is the Rental Housing Committee, which, pursuant to the CSFRA, located at the Mountain View Charter Section 1709, is composed of five members and one alternate. The members of the Rental Housing Committee are appointed by the City Council and oversee the MHRSO.

8. Sec 46.2-1.15I – Moving cost- what is the maximum amount? Wasn’t this amount recommended by the staff? Is the amount in the administrative guidelines issued by the Housing Director?

As noted on page 7 of the staff report, on October 28, Council provided the following:

“Directed staff to amend the TRAO to include minor modifications, as necessary, to the ordinance to add a reference to a moving cost cap as set forth in the administrative guidelines, and to bring back to the Council a proposed moving cost cap for approval before adding it to the administrative guidelines.”

Per Council’s direction, staff is bringing back the proposed one-way maximum moving cost cap, which is provided on page 10 of the memo:

- Studio/1-bedroom: \$1,670
- 2 bedrooms: \$2,250
- 3 bedrooms or more: \$2,880

If Council approves these caps, with annual adjustments, they will be included in the forthcoming administrative guidelines, which are adopted by the Housing Director (see Section 46.2-3.15)

9. Article 1 talks about mobile homes. Article 2 then discusses tenant relocation assistance. Does Article 2 cover mobile homes and rental properties?

As noted above, Article 1 of Chapter 46 is the Mobile Home Rent Stabilization Ordinance, which is not related to the TRAO Amendments.

However, the definition of “Rental Unit” in Article 2 Section 46.2-1.15 does include rented mobile homes and other rental properties. (The definition of rental unit in Section 46.2-1.15 excludes mobile home spaces except to the extent that such space is included as part of the rental of the mobile home.)

10. On page 7, it states that with respect to moving cost, "Staff recommends no changes to the TRAO". This seems contradicted by the maximum moving costs per type of apartment shown in Table 1 on page 10. Is this because the Table 1 limits are part of the Administrative Guidelines?

The reference on page 7 of the staff memo regarding no recommended changes pertains to the prior section of the memo, which addresses tenants who hold tenant-based rental vouchers. At the previous Council meeting, a question arose about whether tenants who hold rental vouchers should receive relocation benefits, as a portion of their rent may be paid by the Housing Authority or otherwise subsidized. After consulting with the Santa Clara Housing Authority, staff determined that no changes to the TRAO were necessary regarding the relocation benefits provided to voucher holders.

Separately, staff is recommending moving cost maximums, which is the section following the discussion regarding vouchers.

#### **ITEM 4.5 Intersection Traffic Signal System-Major Replacements and Upgrades (Rengstorff Avenue and Latham Street), Projects 18-27 and 22-15-Construction Acceptance**

11. What is an eight-phase traffic signal?

This is an intersection with 4 approaches. Providing 8 phases allows each through movement and each left turn movement to have its own phase. A phase is the specific sequence of green, yellow, and red intervals assigned to each particular movement. With the previous traffic signal system, there were no separate left-turn phases in the eastbound and westbound directions, and as a result, pedestrians crossing Rengstorff at the same time as left-turning vehicles created a conflicting movement. The new signal has removed these conflicts, and pedestrians and left-turning vehicles each have their separate phases.

12. Why is only the southbound Rengstorff getting green lane bike markings?

North of this intersection, the existing roadway narrows in the northbound direction, resulting in not enough space to continue the bike lane markings north of the intersection. Instead, shared lane markings were installed as part of the project to indicate where cyclists should ride and make their presence known to drivers.

13. How is this complex traffic signal working- as expected, better or worse? Will you be recommending it for other locations? Please explain a little about the AI component.

This was a signal replacement/reconstruction project, so a before-and-after study on the signal's operation was not part of the project. However, no issues have been reported since the equipment was installed.

The technology being deployed is a camera-based fusion of video and radar sensors that is more reliable than standard detector loops under inclement weather conditions; has high accuracy; can identify and classify the vehicle type being detected; and conduct vehicle classification turning movement counts. This differs from standard video detection in that it has integrated communications, allowing City staff to view the camera feed remotely. This equipment will be installed in conjunction with future traffic signal projects and is already in use at six other intersections in Mountain View.

## ITEM 6.1 Historic Preservation Ordinance and Historic Register Update

14. What qualifies as a church or site of religious assembly? Do religious-affiliated mortuaries qualify as sites of religious assembly?

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) defines religious exercise broadly: “The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.” The City is conducting additional research on the applicability of this language to religiously affiliated commercial uses, such as mortuaries and event halls, and will make a final determination prior to adoption of the Register.

15. Can staff identify each of the properties/sites in the draft list that are protected by The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)?

The following seven sites are currently not on the MV Register but are included in the draft list of historic properties in Attachment 5 (Draft Intensive Survey Report) of the agenda report for this item and appear to be protected by RLUIPA:

- 1281 W. Dana Street/360 S. Shoreline Boulevard– Mountain View Academy
- 2094 Grant Road – St Timothy’s Episcopal Church
- 582 Hope Street – St Joseph’s Catholic Church
- 596 Mercy Street – First Church of Christ Scientist, currently occupied by Peninsula Church in Christ
- 1250 W. Middlefield Road – Spectra-Physics Inc building, currently occupied by New Community Baptist Church
- 195 N. Rengstorff Avenue – Mountain View Japanese Seventh-day Adventist Church
- 575 N. Shoreline Boulevard– Mountain View Buddhist Temple

Additionally, 1855 Miramonte Avenue, currently listed on the MV Register, is also a site that appears to be protected by RLUIPA. Because it is already listed in the MV Register, staff is determining the best approach to resolve the situation for this property prior to final action on the MV Register update.

There are three additional properties that require additional review before staff can determine the applicability of RLUIPA for purposes of the MV Register update:

- 799 Castro Street (Spangler Mortuary)
- 361 Villa Street (SFV Hall), and
- 432 Stierlin Road (IFES Hall)

16. If any churches or sites of religious assembly are included in the list of historic properties, can staff respond to each of the arguments/points raised in the letter from the Mountain View Buddhist Temple?

After further evaluation of state and federal law (California Government Code 37361 and RLUIPA), staff have concluded that the City should not continue to pursue listing of religious sites as part of this project unless requested by the property owner(s). As such, staff suggests modifying the draft list to remove the seven properties listed above from those the Council should consider and may include additional recommendations for removal after further analysis is conducted on the four sites listed in the question above.

17. When the City is required to evaluate a property as a historic resource under CEQA, are there standardized or objective criteria that the City must use to determine whether a property is a historic resource? If so, what are those criteria?

City Code Section 36.54.45 (Designation and Preservation of Historic Resources) outlines the criteria used to evaluate potential historic resources. The criteria adopted by the City are the same as those in the California Register of Historical Resources, which are the standardized criteria used for evaluations throughout the state. The criteria also closely align with the National Register of Historic Places criteria, which are used nationwide for evaluating properties. While the criteria are standardized, the evaluation based on these criteria is not entirely objective. Each evaluation involves a degree of subjectivity in assessing the known facts related to the significance of a property relative to local and state contexts.

Modifications to resources are reviewed in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the national standard for evaluating such modifications. To avoid an impact determination under CEQA, the project must be consistent with these standards.

18. How do accessibility-related retrofits work in the current Ordinance? How would accessibility/ADA-improvements work under the new/revised Ordinance?

There are two primary considerations for permitting accessible projects for people with disabilities: the City's Historic Preservation Ordinance (HPO) and the California Building Standards Code. For HPO purposes, the current ordinance does not specifically identify accessibility-related retrofits as either exempt alterations or significant alterations, as these actions can involve a range of approaches that may or may not impact a historic property's character-defining features. The updated ordinance will provide more specificity regarding exempt alterations, which can include defining accessibility upgrades that do not alter or obscure character-defining features and/or are reversible without impacting character-defining features as exempt.

For California Building Standards Code purposes (i.e., building permit issuance), historic sites are allowed to use the Historic Building Code. The accessibility features associated with structures recognized as historic are not exempt from accessibility requirements, although the Historic Building Code can provide additional flexibility to achieve accessibility while preserving historical features.

The City must also remain mindful of its obligation to consider reasonable accommodations, which require the City to provide reasonable flexibility in its regulations to accommodate persons with disabilities.

19. In the draft intensive surveys, how many properties were included based on each criteria area (Events/Persons/Design/Information Potential)?

Of all eligible properties (both National Register/California Register and Mountain View Register-only), the current breakdown is as follows:

- Persons: 2
- Persons and Events: 5
- Persons, Events, and Design: 1
- Persons and Design: 8
- Events: 11
- Events and Design: 14
- Design: 67

20. Given the experience with the draft intensive survey, approximately how many properties would be likely to be included in the Registry if every building over 50 years old in Mountain View were evaluated?

Because the City Council previously directed the project to refrain from analyzing single-family homes and duplexes that had not previously been identified, staff have not assessed how many of these property types may be eligible for listing. Staff estimates there are approximately 7,500 single-family residences and duplexes built before 1980 in Mountain View. This figure should serve as a maximum, although staff do not have immediately available information about the significance and integrity of these properties.

21. Can staff clarify if interior modifications/work would be regulated under the new/revised Ordinance? If historic properties had interior regulations, what is the rationale for regulating the interior?

None of the properties on the draft list includes interior features as character-defining features, and interior modifications/alterations would only be reviewed for listed properties that are designated, in whole or in part, based on interior features and for which interior features are listed as character-defining in the designation documentation. Therefore, the City would not review interior modifications to properties on the MV Register. Staff does not recommend any changes to this policy.

The EPC recommendation included interest in exploring how the reconfiguration of interior floor areas in historic properties in the Downtown could be considered a significant alteration. For the reasons stated above, staff need to further assess the potential to implement this recommendation, provided it is supported by the City Council.

22. Can staff calculate or estimate the annual property tax revenue lost because of the Mills Act contracts with the ineligible properties? If the Mills Act contracts are canceled, how much additional property tax revenue would be generated?

Based on publicly available property sales and tax data, staff estimates that 336 Mariposa Avenue's property tax payment would increase by approximately \$45,000-\$50,000 per year if the Mills Act contract were removed. This is consistent with information they provided in their letter (Attachment 8 to the staff report).

The City does not have comparable information for 142-148 Castro Street; however, that property's tax basis under Proposition 13 is low, since it is owned by a long-time property owner. Mills Act contracts tend to confer fewer benefits to long-term property owners whose tax basis is significantly lower than the actual property value.

23. When a property is sold/transferred, is historic status and/or eligibility for listing on a local, state, or national register required to be disclosed to the buyer?

Historic status and Mills Act contracts must be disclosed because they are considered material facts under California law. The required disclosures occur in three places:

- a. Transfer Disclosure Statement (TDS): Sellers must disclose any known conditions or restrictions that affect the property, which includes local, state, or national historic designation or known eligibility.
- b. Seller's Supplemental Disclosures: Most transactions include additional questionnaires where the seller must disclose regulatory restrictions, preservation requirements, or participation in programs such as the Mills Act.
- c. Recorded Documents Provided Through Escrow: A Mills Act contract is a recorded agreement. Because it runs with the land, the seller must provide a copy to the buyer, and it will appear in the preliminary title report as part of the disclosure package.

24. If one of the ineligible properties is sold or transferred, and in particular one of the properties with a Mills Act contract, what is the seller required to disclose to the buyer?

If one of the ineligible properties is sold, including those with a Mills Act contract, the seller must disclose both the historic status or eligibility and the Mills Act contract, since both are material facts under California law. These disclosures occur through the same mechanisms noted above: the Transfer Disclosure Statement, the seller's supplemental disclosures, and by providing the buyer with the recorded Mills Act contract through the escrow process.

25. Can staff briefly explain the 2024 Sixth Appellate District decision in Sainte Claire Historic Preservation Foundation v. City of San José? Does this apply to Mountain View and our new/revised Ordinance?

The 2024 appellate court decision for Sainte Claire Historic Preservation Foundation v. City of San Jose is not certified for publication and cannot be cited or relied upon. The decision only affects the rights of the parties in that case and otherwise has no precedential effect.

In that case, the Foundation challenged the City's issuance of a Historical Preservation permit for the project. San Jose City Code does not include provisions to allow for the detrimental impact to historic resources, except under hardship conditions. Therefore, by approving modifications to a listed site that would have a detrimental impact on the site, San Jose did not follow its own code. Contrary to San Jose, the staff recommendation in the report recommends that the updated Ordinance include provisions to allow the Council to delist properties if there are overriding considerations.

26. What areas in Mountain View are actually eligible for historic district designation?

The project team has not evaluated any historic districts. To determine eligibility, the ordinance would need to identify criteria and thresholds, such as the percentage of contributing properties. The staff recommendation includes the development of such criteria.

27. Can staff provide more information about how non-historic buildings in historic districts would be regulated?

New construction and alteration projects at non-contributing properties (including non-historic buildings and vacant lots) within historic districts would be subject to review for compatibility with the district as a whole. These compatibility standards would be developed by the City with the Council's approval.

However, whether or not a property is in a historic district, non-historic properties adjacent to historic properties may be required to maintain the historic resource's integrity of context, as well as important views of the historic resource. Sometimes this means upper-floor step-downs and other transition requirements common in historic structures.

28. Why is 134 Castro being considered for historical ID?

The evaluation of 134 Castro Street found that the property "is representative of the 1960s trend of Mountain View's Chinese community moving into Castro Street and opening new businesses and restaurants, like the original Qui Hing Low restaurant (156 Castro Street; extant, altered) and Andy's Chinese Restaurant (174 Castro Street; extant, altered)." (Quote is from the draft DPR form in Attachment 5 – "extant" means existing.)

29. Will the ten-year period not to be removed stay?

Staff recommends removing this provision from the City Code, as it would not be necessary if property owners are not allowed to opt off the Register (this approach is also recommended by staff).

30. What is the difference between a historical district and a heritage one?

The accurate term for a grouping identified or designated at the local, state, or national level is "historic district." Jurisdictions may use "heritage" terminology in establishing zoning districts with requirements/restrictions based on building styles and types, but which are not technically historic districts. Additionally, the term "cultural heritage district" is not limited to the building stock. It is a specific geographic area recognized for its unique cultural and historic assets, living traditions, and the presence of communities that have shaped the area's identity.

31. Where is the discussion about SB 79?

Staff will provide information to the City Council about the overlap between the City's Historic Preservation Ordinance and SB 79 at an upcoming Council meeting, tentatively scheduled for January 27, 2026.

32. Briefly explain the tax benefit that listed property owners derive from the Mills Act.

Enacted in 1972, the Mills Act legislation grants participating local governments (cities and counties) the authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief.

Mills Act participants may realize substantial property tax savings each year for their properties because valuations of properties under a Mills Act contract are determined by the Income Approach to Value rather than by the standard Market Approach to Value. The income approach, divided by a capitalization rate, determines the assessed value of the property. Generally, the income of a residential property is based on comparable rents for similar properties in the area, whereas the income amount for a commercial property is based on the actual rent received. Because rental values vary from one area to another, actual property savings vary across the state. It is essential to note that, as County Assessors are required to assess all properties annually, Mills Act properties may experience a slight fluctuation in property taxes each year.

33. Is the delisting application really only allowed on a specific date? Not a week or two before or after.

Section 36.54.75.b of the City Code reads:

b. **Removal from Register.** Properties remaining on the Register pursuant to Section 36.54.70.a and following the six (6) month removal period, and properties entered on the Register pursuant to Section 36.54.70 "b.," "c." and "d.," shall remain on the Register and cannot be removed for ten (10) years from the initial designation. **Every five (5) years thereafter, on the anniversary of the designation, properties may apply for removal.** The application shall be submitted and reviewed consistent with subsection "a." above.

Pursuant to this language, a property owner may only apply for removal on a specific date. Otherwise, a property owner could apply at any time subsequent to the initial five-year period.

34. Can we direct staff to start the Historic District for Downtown at this Council Meeting? When is the soonest we can do it? Seems like we may miss the deadline for SB79.

The City Code currently does not include a historic district designation process. Therefore, the updated Ordinance would need to be in place prior to starting the district designation process, because the criteria for establishing a historic district must be known in order for supporting analysis to be conducted. Based on this, staff estimates that the soonest a Downtown District can be designated would be early 2027.

35. Can the Council designate a historic district without seeking approval from owners?

The City Council can establish the procedures it deems fit for the establishment of a historic district. However, the establishment of a historic district should be based on substantial evidence of the presence of buildings generally accepted as historic resources. One of the topics for Council consideration relates to whether owner consent should be required for both individual properties and historic districts.

36. Does the City's Historic Preservation program have any statement of mission or purpose beyond this statement of findings at the beginning of the ordinance?

"The City council finds and declares that the recognition, preservation, protection, and use of historical resources is in the best interest of the health, prosperity, social and cultural enrichment, and general welfare of the City and furthers general plan Goal G, which is to preserve and protect Mountain View's historic resources and encourage their restoration."

The quoted language in the City Code was adopted prior to the City’s current General Plan (which does not include a “Goal G”). The current General Plan includes Goal LUD-11: “Preserved and protected important historic and cultural resources.” It also includes several policies, such as:

- LUD 11.1: Historical preservation. Support the preservation and restoration of structures and cultural resources listed in the Mountain View Register of Historic Resources, the California Register of Historic Places, or the National Register of Historic Places.
- LUD 11.2: Adaptive re-use. Encourage the adaptive re-use of historic buildings in ways that retain their historical materials and character-defining features.
- LUD 11.3: Incentives. Encourage historical preservation through incentives and opportunities.

There are no other statements of mission or purpose for the existing program.

37. Has there been any attempt to quantify potential positive fiscal impacts of a historic district and increased sense of place in our downtown commercial area or anywhere else in the City?

The scope of work for the ordinance update does not currently include an analysis of this type.

38. Can we create any kind of advance notice for the City Council and EPC when development is considered for buildings on one of our historic registers?

The City regularly updates a list of active major development projects. This list includes permit requests, such as requests for permits to remove or modify properties on the MV Register of Historic Resources associated with large, non-single-family development projects. It would include major developments that could impact historic resources, but does not include minor permits. Additionally, the City Council may receive “Council Connection” updates on major projects within the City.

39. What kind of role might a community group, such as the Mountain View Historic Association or a subgroup of the Downtown Committee, play in nominating potential historic structures and publicizing the benefits of the City's historic programming? What role do community groups play in our neighboring cities like Sunnyvale, Palo Alto, and Redwood City?

The Mountain View Historic Association or other citizen groups may influence the City Council through normal policy processes, such as speaking at Council meetings or submitting letters. Typical ordinances (such as the City of Sunnyvale’s) limit the formal nomination process to owners, commissions, and the City Council. Citizen groups may nominate individual properties or historic districts for the National Register or California Register (which requires review by the California Office of Historic Preservation), though under National procedures, they will not be designated over owner objection (however, the State does list National-eligible properties over owner objection). The staff’s recommendation would include provisions to automatically list properties with an eligibility determination through the State and National processes, regardless of whether the property owner concurs.

Since the designation process requires staff workload, staff recommend that only the City Council or affected property owners be able to nominate a property.

40. How might the history of various racial and ethnic minorities (for example, Chinese, Japanese, Jewish, Hispanic, etc.), LGBTQ communities (for example, the Odd Fellows club's evolving history as inclusive alternative families), etc., play a part in our historic preservation program and in particular in our downtown?

The histories of various racial and ethnic communities in Mountain View, along with their contributions (as represented in the built environment), are woven throughout the Historic Context Statement and reflected in historic resource survey evaluations.

In downtown, an area referred to as “Chinatown,” centered around Villa and View streets, was established as early as 1879 but burned down in 1946 and was not rebuilt. By the 1960s and 1970s, this area was home to numerous Japanese businesses. In the 1970s, many Asian business owners, particularly those of Chinese and Vietnamese descent, took advantage of the lower rents along Castro Street, opening new retail stores and restaurants that helped keep Castro Street alive as many businesses moved to suburban shopping centers. (Historic Context Statement, Attachment 3 to the Council Report, pages 119-120).

The HCS and survey only considered historic context and physical development up to the year 1980, and LGBTQ+ historical contributions and those of other groups may have occurred more recently. Best practice in historic evaluation takes into account a certain amount of historical distance and perspective (typically around 50 years from the present). However, those communities and topics may certainly be considered at some point in the future.