

City Council Questions

October 9, 2018 Council Meeting

ITEM 3.1 DIRECTION ON DEVELOPMENT PRIORITIES FOR LOT 12

1. Any way to move ground-breaking sooner with a temporary parking solution? 2022 is a long way away?

It is possible, but direction to date was to time Lot 12 after Lot 4 and 8 were developed. Council could direct staff to explore other temporary parking solutions during construction on Lots 4 and 8, such as expanded valet parking services, restriping Lot 11 to yield more parking spaces, but it is unlikely to be enough to replace Lots 4, 8 and 12.

2. If city holds on to the land, can part of the property be a community land trust, in which the residents buy their units but not the land? What would the revenue and financing implications of a community land trust be?

Public ownership of land is one way to facilitate a community land trust for homeownership. Additional research would be needed to assess how this could work for ownership units instead of rental units for Lot 12.

3. Can downtown parking district money be used to construct the parking? If so, how much money is/will be available?

Lot 12 is outside of the parking district and is unable to use funds from the downtown parking district.

4. If we reduce the parking for residents, do we have tools beyond the Residential Permit Parking program to limit off-site parking by residents?

Besides the Residential Permit Parking program, there could be time limit restrictions for on-street parking. Longer term, congestion pricing of public parking could be another strategy to manage parking demand downtown. Staff is currently undertaking a paid parking study to assess the potential for pricing public parking.

5. Can any financing come from Measure A or SB1?

Affordable units could qualify for Measure A if it meets the program requirements.

A Lot 12 project could seek other funding sources for affordable housing, such as SB 2 (Building Homes and Jobs Act) and SB 3 (Veterans and Affordable Housing Bond Act of 2018), if it meets the program requirements.

6. How about a scenario that has more of a % of market housing to help narrow the \$ gap and pay for parking, and over time transition market units to subsidize units?

Conceptually, a project that starts with a greater percentage of market rate housing and transitions to more affordable housing over time could potentially increase project feasibility. However, such a project would be more complex and could raise other issues. Staff would need time to assess the feasibility of this option and potential funding, legal, and asset management considerations.

7. What is the schedule for the redo of the Downtown Precise Plan? Seems like it might be done in time to incorporate changes for this lot.

The Council is scheduled to hold an initial Study Session at the end of the year regarding the Downtown Precise Plan to provide direction on which, if any, elements of the Precise Plan should be studied for possible amendments. Potential amendments to the Precise Plan, if any, would likely occur after the currently anticipated RFQ/RFP timeline.

8. What about including any of the lots that front on Franklin St.? When was the last time that was investigated?

The surface parking lot that fronts Franklin Street is Lot 11. There is an opportunity to re-stripe Lot 11 to yield more public parking spaces. That is the plan during construction of Lots 4 and 8. If Council directs staff to re-stripe Lot 11 sooner, appropriate funding sources will be required. Council did not prioritize Lot 11 for redevelopment when this was discussed in 2015.

9. What about the possibilities of setting up agreements for parking with some of the parking structures that are currently under construction or expected? For instance there will be some parking available in the Sobrato building.

Staff is currently having discussions with Kaiser Representatives regarding a shared parking agreement that may result in valet services on evenings and weekends. Staff has reached out to other downtown property owners in the past without success. Staff has not discussed shared parking opportunities with Sobrato but can explore it.

10. If we unbundle parking, can we require residents with cars to pay for a space?

Unbundled parking could be a potential TDM strategy for Lot 12, in particular for the market rate units. Unbundled parking for the affordable units might be possible but it would need to comply with any affordable housing funding requirements if any are used to subsidize the units.

ITEM 4.2 PARKING AND TOW CODE AMENDMENTS

1. Throughout Attachment 1 can the word citizen be changed to person? The word person is already used in some sections of Attachment 1 so it seems like it is reasonable to use it throughout the document.

Staff will recommend that this change be made to be consistent with terminology used in the Code. A revised ordinance will be proposed to the Council for introduction.

2. What does the change from the appeal going from municipal to superior court mean? This is a higher, more serious court. Why do we care which court it goes to?

The municipal courthouse located in Sunnyvale had served as the trial court for parking citation appeals before the courthouse was merged with the Santa Clara Superior Court. The language as proposed in the ordinance updates the reference to the local court where parking citation appeals would be heard after an alleged violator has exhausted their appeal through the City's administrative process.

ITEM 7.1 UPDATE ON SAFE PARKING

1. What is the definition of Mountain View affiliated households? How are the households affiliated with the City? Why are we now using the term Mountain View affiliated households?

The clients referenced are part of the County's Continuum of Care and data management systems. The Council may recall it was used in prior reports, most recently in the March 2018 Council report. The County determines Mountain View affiliation through the following criteria:

- **Mountain View address**
- **Works in Mountain View**
- **Goes to school in Mountain View**
- **Spends most of time in Mountain View**
- **Lived in Mountain View prior to homelessness**
- **Zip code of last address is in Mountain view**

For clients served by Community Services Agency, nearly all are Mountain View residents (95%-98%). For the clients who are homeless CSA asks that they sign a self-disclosure that they spend at least 50% of their time in Mountain View, but we do not know if they were originally from Mountain View or not. CSA is limited to information it obtains from outreach efforts.

2. In cities with safe parking programs, where do the RVs typically go during the day?

The LoL safe parking program requires vehicles must park at least ½ mile away from the lot during non-operating hours. This is to avoid concerns in the neighborhood where the safe parking evening lot is located. A guideline of three-blocks away is used for most programs.

Many clients will go to work, school, use local public facilities such as libraries or parks, or visit and park at other commercial business, etc. Others may have services or other appointments. Many will also park in other places in the community, if no other parking restriction is enacted.

3. Why do the current safe parking programs in Mountain View tend to serve people living in cars rather than RVs?

During the initial phase, the faith organization hosts have wished to serve people living in cars. Over time, they may volunteer to host RVs as well. As noted in the Council report, roughly half of the residents living in vehicles in Mountain View are in passenger cars.

4. What does being enrolled in Permanent Supportive Housing mean? Are they housed or not?

The County and service providers track both enrolled and housed. Enrolled means being registered in the program and pending placement in housing, but not yet housed.

5. Of the 362 people who were contacted by Mobile Outreach, how many did not answer the door (e.g., were not home or were home but did not open the door) when the Mobile Outreach team tried to engage with them?

For the Fiscal Year 2017-18 data, CSA Mobile Outreach reached out to 148 individual vehicles total, and of this total 69 individuals received case management, completed full homeless assessments, or were housed. 362 vehicles total have been reached out to since the mobile outreach program began in early 2017. (Note this a correction to Attachment 4). As reported in March 2018, between April 2017 and January 2018, 225 vehicles were reached out to ten or more times: of those, 85 were engaged on an ongoing basis.

6. How many RVs are no longer on the streets in Mountain View because the people living in the RVs are now more stably housed? Is it 58?

Tracking the quantitative data and outcomes is a requirement for all of the short-term programs, but there are challenges with overlapping systems and the main goal is to get clients assessed and into coordinated care for tracking outcomes. The data is imprecise and tracked through different programs and systems (County, City, and CSA).

In Fiscal Year 2017-18, 48 Mountain-View affiliated households were reported as housed through the County Permanent Supportive Housing Program. Of these 48, ten were Mountain-View affiliated households reported as housed through the Peninsula Healthcare Connections Case Manager. Individuals are enrolled in these programs through different criteria and calculating the exact unduplicated number of Mountain-View affiliated households in these programs or housed through these programs can be difficult. Staff continues to work with collaborators to refine data.

These programs resulted in 48 Mountain View affiliated homeless households being housed. We cannot confirm an exact correlation to RVs off the streets.

7. What is the definition of interacted with police?

Homeless or unstably housed individuals that have had incidents or contact by Police.

8. What is the breakout of the reasons that the 178 homeless subjects were arrested for (e.g., narcotics, warrants, public intoxication, weapons, etc.)?

PD has available data on the total arrests of 278 and within this data set:

- 124 Narcotics Related Arrests (drug or drug paraphernalia and under the influence)
- 29 City Code Related Arrests (littering, leaking sewage, encroachment)
- 27 Public Intoxication Related Arrests
- 24 Warrant Arrests
- 5 Weapons Related Arrests (firearms)
- 69 Other Penal Code Related Arrests (Larceny, resisting arrest, identity theft, trespassing, etc.)

9. Is it likely that we have more RVs on the street now than a year ago?

It is difficult for staff to provide any new census without a new hard count. Staff's informal assessment is the number is similar to a year ago. The biannual (2017) count by the County was at 416 for all homeless in Mountain View. 291 inhabited vehicles were counted Citywide by the Police Department in December 2017, and we will do another count around the end of this year.

10. What are the obstacles to allowing vehicle-dwellers to remain in Safe Parking lots during the day?

Safe parking is considered to be a temporary option with the main objective to assist families and individuals in having a safe place to sleep and provide services to help find stable housing alternatives. A full-time option may be counter-productive to the goal of finding more stable housing. The safe parking lots are not RV parks, which would be available 24-hours a day and would require substantial investment beyond a temporary

parking facility that is discussed in this Council report. Creation of an RV park would require additional planning and design and coordination. In addition, while the extension of safe parking lot hours does not necessarily create an RV park, if an RV park were created, tenancy issues would need to be considered.

11. Can we charge lot users a token fee for the services we provide?

While it is possible, fees are not typically charged in other safe parking programs. The New Beginning program in Santa Barbara tried a fee and found it unsuccessful (staff does not know if the fee was for use of the property or other use). Staff does know from their safe parking guide, the majority of the clients received a hardship deferment, and from a process perspective, it was logistically challenging to collect the funds.

12. What are the criteria that Lots of Love uses to qualify a household?

Clients are reviewed by CSA in accordance with federal, state, and county guidelines related to the provision of assistance and families who are homeless. All clients must meet minimum eligibility requirements, which include current license, vehicle registration, and vehicle insurance. The individual must be a CSA client or register to become one. The client is required to have case management meetings with a CSA case manager.

LoL Program Rules are as follows:

1. No drugs, marijuana, or alcohol may be contained in the vehicle or consumed on the property.
2. No violence or threats of violence are permitted.
3. No firearms or weapons of any kind are permitted.
4. No cooking or food preparation may be performed outside of Client's vehicle.
5. No music may be played that can be heard on surrounding sidewalks and properties.
6. Parking is limited to the program hours and days as determined by each site.
7. The Client must possess a current driver's license, vehicle registration and insurance for the vehicle that will be parked in the Designated Space. Only authorized vehicles are permitted on the lots. LOL will keep a copy of all three documents in its records.
8. Vehicle may only be occupied by designated clients and approved registered household members. Guests are not allowed in vehicles or on property.
9. Clients may not sleep outside vehicles.
10. Vehicles must park at least 1/2 mile away from the lot during non-operating hours.
11. A parent or guardian must supervise children at all times.
12. Failure to follow all rules will result in termination from the program and expulsion from church property.
13. Users and household members waive any relocation benefits and rights to tenancy.

13. Where did 10 x 30 and 10 x 29 come from? My SUV measure 6' by 15'.

Traffic used the dimensions of 10'x30' for RV's and 10'x20' for passenger vehicles with 10 feet of clearance all around as recommended by Fire. This offered a number of options for the site:

All passenger vehicles only	10 to 11 spaces
All RVs only	7 to 8 spaces
Mixed	6 RVs and 4 Passenger vehicles
Mixed	4 RVs and 6 Passenger vehicles

14. Why would someone be in a safe parking lot, if they need to move each night?

A safe parking program offers stability, case management, safety and links to services with options for more permanent housing.

15. How much in private donations has been raised?

MOVE is a new non-profit and has not raised funds as yet. The City and County are funding the pilot program at this time. Often more established non-profits do, solicit and take in donations.

The City of East Palo has recently partnered with Project We Hope and a portion of their safe parking pilot will be funded by the non-profit, but staff is not aware at this time if any of the funding comes from donations.

16. What is a reasonable amount of time to find permanent housing?

It can typically take up to 18 months or more to find housing. Even for established re-housing programs it can take up to several years to transition to stable housing. The reasons vary from external barriers such as a multi-year waiting list for Section 8 housing, lack of employment eligibility, or internal barriers like behavioral or health issues. As discussed in prior Council reports, the client also needs time to develop trust and be able to move forward on their goals toward housing and personal sufficiency, which take time.

ITEM 7.2 SHORT-TERM RENTAL ORDINANCE

1. Of the current listings for STR, what percent are unhosted?

According to Host Compliance, a STR compliance vendor, 56 percent of rentals in Mountain View are unhosted.

2. Does the number of days STRs can be unhosted have an impact on the ability to enforce the ordinance? For example, if there was a maximum of 30 days for unhosted STRs, would that be easier or harder to enforce than a maximum of 90 days for unhosted STRs?

The number of days STRs can be unhosted does not have a direct impact on the ability to enforce the ordinance. To enforce the requirement limiting the number of days STRs may be unhosted, the City will need to work with a compliance vendor to determine the number of days a particular property has been booked as a STR. Such a requirement would be necessary regardless of the number of days unhosted rentals are limited to. Presumably, though, it might take somewhat less time/effort to research a shorter timeframe.

3. Why does the ordinance define a lessee as a host?

This language allows both an owner of a residential property, and a long term lessee with a written lease, to benefit from income generated by a short-term rental as a host. The particular lease between these private parties would control, and may contain provisions that allow for, or prohibit, short term rentals on the leased property.

4. Why does the ordinance use the definition of person in Section 33.1?

As a short-term rental is subject to transient occupancy tax pursuant to Chapter 33 of the Mountain View City Code, the definition of person under Chapter 33 was used for consistency.

5. If a unhosted unit has a 90 day limit, what happens with unit the rest of the year?

If property is used as an unhosted STR for the maximum number of days allowed, the host may no longer use the property for unhosted STRs for the remainder of the calendar year. Presumably, the unit would be used by the owner/tenant the rest of the year. If the host exceeds the number of allowed days for unhosted rentals, the City may take a number of actions to get the host to cease renting their property as an unhosted STR for the remainder of the year. The City will use existing remedies in the City Code, and may revoke the STR registration for the property.

6. In SEC. 44.4 c.1., unit owner needs to respond in 60 minutes to a complaint. How was this determined and is it realistic?

The local contact person requirement, and the ability for that local contact person to respond to a complaint or concern within a reasonable time, is considered a best-practice in regulating short-term rentals. Responsive local contact persons will reduce the volume of calls to police and code enforcement. Staff determined that 60 minutes is a reasonable timeframe for a host or their representative to respond to a complaint

regarding the condition or operation of the short term rental or conduct of the short-term renters.

7. Under the proposed Short-Term Rental ordinance, could an entity other than one or more human individuals be considered a host?

Yes. The Short-term rental ordinance defines a host as “Any person, as defined in Chapter 33 of the Mountain View City Code, Transient Occupancy Tax,” who is the owner of residential real property, or is the lessee of such property with a written lease. The definition of “person” in Chapter 33 is not limited to individuals, and includes “any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.” Individuals or any business entity or trust which is the owner of record of residential real property (or the lessee) may be a host.

PLEASE NOTE:

Chapter 44 Ordinance possible modifications:

Staff believes Council’s intention with Accessory Dwelling Units was to provide additional affordable housing; not to allow residents to construct ADUs for the purpose of income generation through short-term rentals.

Therefore, staff is recommending the following clarification to the proposed short-term rental ordinance:

Section 44.4 – Operating standards of a short-term rental.

ADD:

44.4(b)3.

“All accessory dwelling units shall be considered unhosted, and may be occupied as a short-term rental no more than ninety (90) days per calendar year.”