

City Council Questions

August 25, 2020 Council Meeting

ITEM 4.3 Mountain View Community Shuttle Agreements

1. Can staff remind us if modifications to the Community Shuttle service, including route and frequency, are subject to Title VI analysis?

Title VI is a Federal requirement triggered by the use of Federal funds. No Federal funds are being used for the Community Shuttle; therefore, Title VI does not apply.

2. The Shuttle was supposed to go before the CTC for any reconsideration. Why didn't it?

At the City Council Study Session on February 25, 2020, Council supported the following four recommendations:

1. Develop a two-year agreement with the Mountain View Transportation Management Association (TMA) to take over management and operations of the Community Shuttle.
2. Do not make any changes to the shuttle route and hours during the transition of Community Shuttle operations to new management.
3. Give priority to expanding service hours before increasing frequency or changing the route alignment. Depending on actual cost and funding, expand the service hours in 2021.
4. Work with the TMA to explore options for integrating the Community Shuttle and MVgo shuttle in 2022 or later.

The Mountain View Community Shuttle item on tonight's agenda meeting is implementing the first two recommendations involving transitioning the shuttle operations to new management. While Council did not direct staff to bring the shuttle service to CTC before implementing the recommendations above, staff can work through the Council Transportation Committee as part of implementing the 3rd and 4th recommendations dealing with expanding, modifying, and integrating the shuttle service.

3. Has staff had a chance to talk to BAAQMD staff about TFCA funds for the shuttle program?

No, staff has not talked to BAAQMD staff yet. We initially reached out to the BAAQMD staff in early March 2020, but were not able to set up a time to talk prior to the COVID-19 shelter-in-place order being issued on March 17. Now that the Community Shuttle is funded through the City, it may be eligible for TFCA funds and staff will follow up on this prior to the next grant application cycle.

ITEM 4.7 Project HomeKey

1. What organization determines who will live in this development?

As the operator, LifeMoves would select the residents according to a to-be-developed operations plan which would include tenant selection procedures.

2. What is the criteria for determining who will live in this development?

This would be determined as part of next steps if the project is funded.

3. Why don't we just buy existing apartments instead of going through a process with a lot of unknowns?

When Project HomeKey was released mid-July, staff quickly evaluated the program and reached out to various non-profit developers to inquire about potential opportunities to partner on an application and which could include the acquisition of existing apartments. No project was identified and staff does not have or maintain a readily available list of acquisition opportunities. The City's current approach for acquisition projects is for developers to apply for City funding through the NOFA process, and not for the City to directly acquire and/or operate the apartments itself.

Staff has been evaluating an acquisition/preservation program as part of the overall Displacement Response Strategy and an update is scheduled to be provided to Council on September 22. Council may wish to provide additional input at that time on acquisition/preservation program considerations.

4. How many modular units would be bought?

The primary modular unit is the Connect Home product, which is three beds/doors for each unit. The application includes 112 beds, for a total of 34 modular units. As mentioned in the staff report, detailed site plan analysis still needs to be conducted by staff, which means the final number of units could potentially change as a result of that analysis.

5. If the city doesn't have the money for operations now, how do you expect to have in the future?

Should HCD award the application, the intent is that the City and LifeMoves would quickly work on a funding strategy and incorporate that as part of the project. The application does not include nor does it identify current or future funding by the City or LifeMoves. The intent is that other funding sources will be identified/sought after. If those funding sources are not identified and the project moves forward, the City and LifeMoves would be responsible for coming up with the funding. Conversely, the City and LifeMoves could choose to discontinue the process if funding sources are not identified and if both the City and LifeMoves do not contribute sufficient funding to operate the project.

6. If the city could find existing apartments for sale and it has comparable number of beds room, could the money be used for that?

This would substantially change the project scope. If the submitted project is funded, HCD would need to approve that change of scope and also LifeMoves would need to agree to that change as well since they are the co-applicant. Even if this were possible, it would need to be determined if an entirely new project/scope could be delivered within the Project HomeKey timeline requirements.

7. If time is of the essence, wouldn't buying an apartment be quicker?

It is difficult to say. It would depend on if there were an apartment building for sale, who would conduct the acquisition, including due diligence, negotiations, etc. There has not been an identified opportunity to acquire an apartment as part of and within the timeline of this Project HomeKey process.

If and when there is a formal City acquisition/preservation program setup in the future, having a program and structure in place could enable a quicker process.

8. Would LifeMoves be willing to manage an apartment complex if the City bought one?

LifeMoves provides services primarily focused on emergency interim shelter, case management, and basic needs. If there were an apartment building that the City seeks to partner on with LifeMoves, it would depend in part if the project were aligned with LifeMoves' mission.

However, the City currently does not have funding to purchase an apartment complex. If the City had funding, the current process is that a developer would apply for funding through the NOFA process (instead of the City directly acquiring the apartment complex). The developer could partner with an organization such as LifeMoves (whose focus is on providing housing options for homeless persons and households) if the project required their services for homeless persons.

9. What happens to the Modular units after 10 years?

This is an item to be determined, should the project be funded. Conceptually, there could be a few potential options as provided by HCD, such as continuing the use of the site for interim housing with the modular units, moving the units elsewhere in the City and returning the site to an industrial use if combined with an exit strategy for tenants to move to permanent housing, or converting the site to permanent housing. Any of these options could potentially satisfy Project HomeKey requirements.

10. It looks like this project is planned with one story units. Is there any chance it could be stacked or semi-stacked units?

The modular units are stackable but the proposal includes only one story units due to less intensive site work needed, thereby reducing costs and therefore lowering the subsidy gap and the funding request to the State. One story units may also facilitate more efficient operations and management of the units. Finally, a detailed site analysis still needs to be conducted by staff, which would determine the final number of modular units for the site (the application includes 112 beds). It is unclear at this time whether stacking the units would be needed or provide net benefits.

ITEM 6.1 Gatekeeper for 1020-1040 Terra Bella Avenue

1. Can staff summarize the transportation improvements that are being provided (or studied) through the 1001 N Shoreline residential project?

See response to question 10.

2. Is there a requirement for private open space for affordable units? If so what is it?

Minimum private open space standards are typically prescribed by the zoning designation (e.g. precise plan, R3 development standards, etc.) Since this site would be zoned P (Planned Community) there are no stated open space standards. However, in P zones where there are not definitive standards, staff typically benchmarks development standards from an appropriate analogous district, such as the R3 district, and work to achieve the best site design and mix of amenities within this flexibility.

3. Will a parking study be done of affordable complexes in Mountain View to assess the adequacy of the proposed number of parking spaces? When studies are done do they include assessing the overflow parking on the streets?

Both the Public Storage and affordable housing projects are requesting a reduction of parking requirements. If the Gatekeeper is authorized, staff would hire a transportation consultant to complete a

parking study as part of the project review which would include the proposal by Public Storage as well as appropriate comparisons of other similar completed affordable housing projects. Projects are expected to completely park themselves within their project boundaries on private property and on-street parking is not allowed to be included in their parking supply. Since the housing project is 100% affordable, they may request additional flexibility under Density Bonus law. This issue will be reviewed in detail, if the Council authorizes the Gatekeeper.

4. Are there any park fees coming out of this project?

Affordable units are exempted from the park land requirement and in-lieu fees under Chapter 41 of the City Code, so the City would not require any park land in-lieu fees from this project.

5. On the Development agreement, how much are we asking for?

Details of the Development Agreement have not been submitted by the applicant. Details of the proposed Development Agreement would be considered and reviewed as part of project review if the Gatekeeper is authorized.

6. When will the safe lot be operational and how would that interact with the timing of this project?

Safe Parking will be operational on the site this week and would terminate upon the end of the site lease or commencement of construction for an approved project on the site.

7. Can we arrange the sites for more trees and screening from freeway pollutants?

The site design presented in the plans have only undergone a cursory review for the purpose of bringing the Gatekeeper request forward to Council. If authorized, staff would begin review of the applicant's development application including compliance with General Plan goals, policies, site and architectural design, and other City policies, regulations, and guidelines and can include tree screening along the freeway as a consideration in the site design.

8. How can we get a park in the area as this area becomes more densely populated? Could we move the Recology site? Are there any rough idea for alternative sites?

A park in this area could be developed through three paths:

- i. Park dedication – by a developer proposing a residential project. Due to the small size of the sites, the opportunities are limited.
- ii. City purchase of parkland in the area for a future park. The challenge would finding parkland in a location that is best suited for current and future residents.
- iii. A Precise Plan or Master Plan that identifies specific areas for parks in the area and sets up a process for park dedication or City purchase of these sites. This would allow a more coordinated and cohesive approach but will take additional time.

A park development feasibility study will be needed to determine whether the City's property currently used by Recology for the City's recycling center would be a good location for a park. Finding an alternate site for a recycling center could be challenging and should Council decide to convert the property to a park, the Council may need to consider increased Recology contract costs for an alternate site and/or foregoing a recycling center in Mountain View. Because a park development feasibility study cannot be completed before the new Recology collection agreement would be executed, staff will

be recommending that the new collection agreement include language that allows the City the flexibility to terminate the lease of the property to Recology and require moving or closing the recycling center at any time during the term of the collection agreement.

9. Could community benefits include traffic mitigations that supplement the mitigations Saris Regis committed to in their Gatekeeper project nearby?

Community benefit funds can be allocated by Council to transportation improvements.

10. Will we require sidewalk/street improvements such as the continuation of bike lanes from the 1001 Shoreline Project?

During the review of this project, staff would evaluate the sidewalk/street improvements and may recommend conditions of approval to have the project's Terra Bella frontage be improved consistent with those existing improvements along the Terra Bella frontage of 1001 N Shoreline (i.e. sidewalk, parkstrip, curb/gutter). Currently there are no bike lanes on Terra Bella. As part of the 1001 N Shoreline residential development project approved by Council on June 30, 2020, Council directed staff to include allocating a portion of the 1001 N Shoreline's community benefits contributions towards active transportation improvements in the Terra Bella area through the proposed 5 year Capital Improvement Program (CIP), to be considered by Council in early 2021. Staff would evaluate bikes lanes along Terra Bella as part of the CIP project established for those active transportation improvements.

11. How much funding do we have in our park in lieu fee fund for this Planning Area?

The Stierlin Planning Area currently has \$4.39M committed for land acquisition for open space in this planning area. There is also \$24,000 available which has not been committed for a specific purpose to date.

12. What is the status of the residential parking permit program?

Council provided direction for revisions to the residential parking permit program at a study session in late 2019. Staff had planned to bring the proposed revised program guidelines to Council for approval in spring 2020. However, this has been delayed due to staff's increased workload in response to COVID-19 conditions. Staff will return to Council in early 2021 with the recommended revisions to the RPP program for Council's action.

ITEM 7.1 Amendment to CalPERS Contract for All Unrepresented Miscellaneous PEPRAs Employees-Adopt a Resolution of Intention and Introduce an Ordinance

1. When do we have the ability to increase employee contribution rates?

CalPERS dictates the employee member contribution rates based on their valuation reports. But the City can seek to establish agreements with the employee groups on changes to the cost-share amounts that employees pay toward the employer's contribution. For represented groups, changes to the cost-share amounts would need to be made through amendments to the MOU's, which would typically be pursued during negotiation of successor agreements. The term of current agreements is through June 30, 2021. If the City wanted to make changes to cost-share amounts for represented employees outside of the MOU, this would be accomplished through a negotiated side letter being submitted to CalPERS. Cost-share amounts for unrepresented employees could be made at any time, but would need to go through a CalPERS contract amendment.

2. Can the employee contribution rates be automatically adjusted if CalPERS requirements for employee contributions go up?

CalPERS does not do automatic adjustments for cost-share rates if the employee contributions go up; the City would need to either submit MOU's to CalPERS or start another contract amendment. CalPERS accepts MOU's and side letters for represented groups to make updates to the contract. The City would need to send the MOU or side letter language regarding cost-shares to CalPERS, and CalPERS would work on the implementation date with the City. For unrepresented employees, a CalPERS contract amendment must be done each time a change to the cost-share rates is made.

ITEM 7.2 Extension of Urgency Ordinance Temporarily Suspending Evictions for Nonpayment of Rent by Residential Tenants Impacted by COVID-19 and Related Actions

1. What is the criteria the city will use to end the local emergency?

The City will evaluate the conditions impacting the health, safety, and welfare safety of persons and property which were caused by COVID-19. With regard to residential tenants, specific impacts included significant income loss caused by layoffs and business closures or curtailment of operations. However, the declaration of emergency extends to cover additional impacts and allows for emergency actions such as requesting mutual aid, obtaining vital supplies and equipment, and deploying City employees for work related to the emergency, etc.

There is no set criteria to evaluate if emergency conditions still exist, but a review of the primary impacts of COVID-19 would be undertaken to see if conditions have improved significantly resulting in a return to normalcy and safe operations for a majority of residents, businesses, schools, health-care providers, and other institutions in the City.

Examples of criteria which could lead to a determination to end the emergency include: a significant drop in community transmission rates and active cases of the coronavirus; changes in State and County Orders which allow a majority of personal and business activities to resume normal operations; data which shows a majority of people unemployed during the pandemic have returned to work, etc.

2. Who will decide this?

Chapter 11 of the City Code vests power in the Emergency Services Director (City Manager) to declare and ultimately terminate a state of emergency in the City. A termination decision would be carefully considered and would likely include informational updates to Council prior to any formal action. Declaration and termination of an emergency must also be ratified by the Council via resolution, so the formal termination would be presented to Council by the Emergency Services Director with a request for Council to adopt a resolution terminating the local emergency.

3. In AB 1436 and SB 1410, does the definition of property owners mean any property owners? If not, which ones are included?

The definition of property owners in AB 1436 is complicated, but is distilled down to mortgagors and trustors of property currently occupied by residential tenants, including mobilehome owners. The full definition is as follows: "a mortgagor, trustor, or confirmed successor in interest. . .; an entity other than a natural person provided that the secured property is currently occupied by one or more residential tenants; a mobilehome owner who is the borrower on a security agreement relating to a loan or conditional sale contract which, according to its terms, gives the secured party the right to foreclose its security interest in a manufactured home or mobile home. . ." and "a mobile home owner who is the

borrower on any security agreement relating to a loan or conditional sale contract which, according to its terms, gives the secured party the right to foreclose its security interest in a manufactured home or mobilehome.”

SB 1410, as currently drafted, defines owners of property as “an owner of residential real property, an owner of a residential rental unit, an owner of a mobilehome park, or an owner of a mobilehome park space or lot.”

4. In AB 1436, does tenant include both residential and commercial tenants?

As currently drafted, AB 1436 only includes residential tenants.

5. Does the County’s eviction moratorium still include commercial tenants?

Yes

6. Can you add a column to the chart on pages 4-5 that says if the moratorium covers residential and commercial or just residential?

Jurisdiction	Date Eviction Moratorium Adopted	Rent Payback Period	Eviction Moratorium Extension	Residential, Commercial or Both
Santa Clara County	3/24/2020	Full repayment within 12 months with at least 50% due at 6 months	Board to consider extension on 8/25	Both
Mountain View	3/27/2020	180 days after expiration of moratorium	Council to consider on 8/25	Residential
Cupertino	No City ordinance; relies on County ordinance	Will follow County Moratorium	No	Both (County)
Los Altos	No City ordinance; relies on County ordinance	Will follow County Moratorium	No	Both (County)
Los Gatos	3/24/2020	After end of local emergency declaration	Expired on June 22, 2020; follows County Moratorium	Both (County)
Palo Alto	3/23/3030	120 days after County proclaims termination of emergency	Effective until 121st day after County’s termination of emergency	Residential
San Jose	3/17/2020	Full repayment within 12 months	Council to consider	Residential

		with at least 50% due at 6 months	extension to 9/30 on 8/25	
Santa Clara (City)	3/24/2020	120 days after expiration of moratorium	Extended to 9/30/2020	Residential
Sunnyvale	3/31/2020	180 days after termination of local emergency	Effective until 180 days after City's termination of emergency	Residential

7. How many and what types of communications (e.g., email, direct mail, etc.) were sent to landlords regarding the loan program?

- Direct mail
 - i. Informational packet with application mailed to all 655 CSFRA landlords
- Email
 - ii. Two targeted Small Landlord Relief emails to CSFRA landlord interest list with application packet
 - iii. MyMV to approximately 400 contacts
 - iv. Targeted email sent to Josh Howard at California Apartment Association with program information
- Website
 - v. Program information available at:
 - a. mountainview.gov/evictionrelief
 - b. mountainview.gov/evictionrelief/landlordinfo
 - c. mountainview.gov/sbrp
 - d. mountainview.gov/moratoria_desalojo
 - e. mountainview.gov/depts/manager/communityinfo/covid19communityresources/default.asp
- Program information provided at
 - vi. Approximately 20 Eviction Moratorium Workshops
 - vii. 2 Landlord-Focused Rent Stabilization Program Workshops
 - viii. 4 Rental Housing Committee Workshops

8. How many and what types of communications (e.g., email, direct mail, etc.) were sent to landlords regarding the eviction moratorium?

- Direct mail
 - i. 2 informational postcards mailed to all 655 CSFRA landlords and 36,082 households
 - ii. Informational packet with eviction moratorium fact sheet mailed to all 655 CSFRA landlords
- Email
 - iii. 26 emails sent to the CSFRA landlord interest list (including to the contacts at the California Apartment Association and the Mobilehome landlords)
 - 1. Eviction Moratorium Information – 3
 - 2. Eviction Moratorium Webinar – 23

- iv. 12 myMV to approximately 400 contacts
 - 1. Eviction Moratorium Information – 3
 - 2. Eviction Moratorium Webinar - 9
- Mountain View Voice Advertisements
- Website
 - v. Program information available at:
 - 1. mountainview.gov/evictionrelief
 - 2. mountainview.gov/evictionrelief/landlordinfo
 - 3. mountainview.gov/moratoria_desalojo
 - 4. mountainview.gov/depts/manager/communityinfo/covid19communityresources/default.asp
- Program information provided at
 - vi. 22 Eviction Moratorium Workshops
 - vii. 2 Landlord-Focused Rent Stabilization Program Workshops
 - viii. 4 Rental Housing Committee Workshops

9. What is the source of the statement that the labor force in Mountain View declined by approximately 3,000 people?

The Bureau of Labor Statistics. According to the BLS, in February 2020, there were 52,997 in the labor force. In June 2020, there were 49,970.

10. What is the downside of not having an ordinance in Mountain View and just relying on the County’s ordinance?

The primary downside is lack of local control over administering the ordinance and responding to priorities within the City’s framework of relief efforts. The City’s ordinance is one part of a coordinated approach designed to protect residential tenants affected by COVID-19. CSA reports the existence of the City Ordinance has been beneficial as it demonstrates a City commitment to addressing the issue of residential eviction protection. Mountain View’s ordinance contains notice, proof of hardship requirements, mediation assistance and City enforcement mechanisms which differ slightly from the County Ordinance but are designed to address local priorities.

Legally, however, the City could allow its ordinance to expire and rely on the County’s. This likely would require some changes in procedures in how rent relief efforts are administered and communicated to stakeholders because City staff, tenants, landlords, and relief agencies such as CSA have all been operating under the parameters of the City Ordinance. Stakeholders would therefore need to be notified of the different requirements of the County’s Ordinance, and City Housing staff would need to refer tenants and landlords to the County for assistance related to the ordinance.

11. What form of outreach was there for small apartment owners and was it comparable to the outreach about tenant’s protections?

The City attempts to outreach to both landlords and tenant in a balanced manner. Please see above for details regarding the Small Landlord Relief outreach efforts. Additionally, all rent stabilized landlords received two informational postcards on the eviction moratorium (655 landlords reached). Weekly emails and regular myMV posts were sent to the Rent Stabilization Program’s landlord interest list with information about the Eviction Moratorium webinars. A letter with the information about the Eviction Moratorium and the Small Landlord Relief Program was mailed as well to 655 landlords. This is comparable to the methods used for tenant outreach.

12. Is there a need to transfer the \$100,000 small landlord funds, while there are still a lot of unknown variables out there concerning the status of tenant's ability to pay back rent in the future?

This is a policy decision for Council to make. Currently, no funding has been dispersed from the Small Landlord Assistance Program and there remains a need for rental assistance. Any assistance provided would decrease the amount of back rent owed, and therefore increase the tenant's ability to pay back the remaining back rent during the payback period.

13. How did the city determine that the labor force decreased by 3000?

The data is from the Bureau of Labor Statistics. According to the BLS, in February 2020, there were 52,997 in the labor force. In June 2020, there were 49,970.

14. What is the status of the Small Business Resiliency program, how much was distributed, how much left, and is there a possible need in the future?

The Small Business Resiliency Program (SBRP) included \$902,000 in funds from the City, Google, LinkedIn and donations from the #TogetherMV campaign. Main Street Launch (MSL) administered the program where 85-percent of the \$902,000 was designated for small business loans and the remaining 15-percent was designated for MSL administrative fees. MSL received 135 loan inquiry forms from businesses interested in the SBRP. The City screened inquiry forms to ensure that inquiring businesses met the eligibility requirements (physical storefront, good permit standing, and active business license), and determined that 135 businesses that submitted inquiry forms were eligible. MSL provided loan applications to the 135 eligible businesses. Ultimately, 71 businesses who completed the loan application and met all of the lending requirements were provided \$7,000 zero-interest loans. The SBRP currently has \$330,000 remaining for loans (\$281,000 and \$49,000 for administrative fees). Staff will be recommending a phase two to the Small Business Loan Program through the Small Business Action Plan.

15. Why is there staff overtime?

The education and outreach to tenants and landlords is a significant workload on top of the regular workload of CSFRA staff (currently three staff and one vacancy). As noted in the responses above, staff have implemented a comprehensive outreach strategy to share information in multiple ways, such as email, mailers, creation and maintenance of website, webinars, etc. At times, this has required overtime hours due to the overall increase in workload primarily due to COVID-19 response efforts including the eviction moratorium, rent relief program, and Small Landlord Assistance Program.