



DATE: April 3, 2018

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **Pilot Human Rights Analysis**

RECOMMENDATION

Approve the recommended pilot to include human rights analysis in the review of selected projects scheduled for Council's consideration in Fiscal Year 2018-19.

BACKGROUND

On December 13, 2016, the City Council approved a resolution to adopt the Universal Declaration of Human Rights as guiding principles and declared the City of Mountain View to be a Human Rights City (Attachments 1 and 2 to the Council Report). The Council also considered a recommendation from the Human Relations Commission (HRC) to implement a human rights policy analytical framework to analyze policy decisions through a human rights lens. The Council deferred the discussion and adoption of an analytical framework to the two-year goal-setting process for Fiscal Years 2017-18 and 2018-19.

In February 2017, during the goal-setting process, the City Council directed staff to propose a pilot program that would assess the impacts on the HRC's recommended priority areas of: (1) housing displacement; (2) housing affordability; (3) social equity; and (4) economic prosperity, as part of the Council's consideration of two or three selected projects.

The purpose of this report is to suggest which projects could be used for the pilot human rights impacts analysis.

ANALYSIS

The purpose of conducting a human rights analysis is to assess the impact of policy and legislative decisions in Mountain View, with the goal of promoting, and not negatively affecting, the enjoyment of fundamental human rights. Staff has identified three items

that are scheduled to come before the Council for consideration and policy direction in Fiscal Year 2018-19 to apply the framework to. A list of all of the current Council Major Goals is in Attachment 3. The proposed policies that staff recommends applying to the Human Rights Analytical Framework on a pilot basis are the following:

Short-Term Rental Regulations—Short-term rentals are residential properties that have either a portion or the entire dwelling rented for a short period of time, typically 30 days or less, typically through online platforms such as Airbnb and VRBO. Council provided initial direction on this issue on March 20 and staff anticipates that this policy will return to the Council for final action before the end of 2018.

East Whisman Precise Plan—The East Whisman Precise Plan will be the regulating plan for new development and public improvements for a 368-acre area. The Precise Plan will implement other General Plan goals and policies identified for the plan area, such as improved connectivity and pedestrian/bicycle amenities, incentivizing sustainable and transit-oriented development, and encouraging use of alternative transportation through public transit and incorporation of transportation demand management (TDM) strategies. Staff anticipates that this policy will return to the City Council in early 2019.

Vision Zero—A strategy pioneered in Sweden during the 1990s, Vision Zero is a commitment to make local streets, sidewalks, and bike lanes safer by setting a goal of eliminating car-related fatalities and injuries. Staff anticipates that this policy will be brought to the City Council for consideration in early 2019.

The recommended policies were selected because they provide a mix of policy issues in housing, land use, and transportation, and could help the City assess the feasibility and meaningfulness of including human rights analysis in a range of potential policy decisions. The pilot policies relate to one or more of the human rights priority areas identified within the human rights analytical framework proposed by the HRC. The proposed policies are shown in Table 1 below with an indication of which priority areas may be relevant to include in staff's analysis.

Table 1: Proposed Policies or Legislative Actions for the Evaluation of Human Rights Impacts

	Housing Displacement	Housing Affordability	Social Equity	Economic Prosperity
Short Term Rental Regulations	✓	✓	✓	✓
East Whisman Precise Plan	✓	✓	✓	✓
Vision Zero			✓	✓

Staff proposes that the human rights analytical framework be applied during the analysis and development of these policies to examine how the priorities of housing displacement and affordability, social equity, and economic prosperity are either furthered or diminished and how different groups or communities in Mountain View might be affected (either positively or negatively). As part of this analysis, staff would also identify options for City Council consideration to remedy any identified inequities or unintended consequences as a result of a proposed policy, action, or decision.

Human Rights Analytical Framework

As stated above, the human rights analytical framework can be used to examine the human rights impacts of a proposed policy, action, or decision on different groups or communities in the City of Mountain View. The analysis can also be used to identify positive impacts or minimize unanticipated, adverse consequences of proposed policies, practices, programs, and projects.

The HRC reviewed examples of human rights analyses in different jurisdictions, ranging in scope and formality, and complexity. The HRC recognized the potential challenges associated with implementing an analysis process and expressed its belief that any process that provides an opportunity for the consideration of human rights impacts would be of benefit.

The framework, as proposed by the HRC, provides a set of guiding policy questions based on the identified human rights priority areas, for reviewing proposed policies, programs, and practices to determine if they are likely to improve, sustain, or diminish achievement of specific human rights priority areas in the City of Mountain View.

Based on HRC input, the following guiding questions will be used during the human rights analysis to determine if the policy or action has a positive, neutral, or negative impact in one or more of the human rights priority areas.

1. Who are the populations that this policy/program/practice will affect? Does the policy/program/practice have any impact on the displacement of children and seniors? Does it provide tenant relocation? Does it result in a net increase or net decrease in available housing units?
2. Does the policy/program/practice have a positive, negative, or neutral impact on the current jobs-housing imbalance? Does the project or policy increase or decrease access to affordable units?
3. Does the policy/program/practice have any disparate impacts on racial/ethnic or economic groups in Mountain View? For this policy/program/practice, how will different groups be affected?
4. Does this policy/program/practice have a fiscal impact on businesses or displace small business? Does it provide economic opportunity to small businesses or different racial/ethnic or economic groups in Mountain View?

Once the human rights analysis is conducted, the information can be used to inform policy and legislative decisions considered by the City Council, much like environmental and fiscal impact statements are used during the decision-making process.

Implementation and Assessment of the Human Rights Analysis Pilot

If the City Council provides direction to apply the human rights analysis to some or all of the issues recommended for the pilot, staff will work with the departmental leads to determine the appropriate next steps for integrating the human rights analysis into the policy development timeline.

During the pilot, staff will evaluate the application of the human rights analysis to determine the following:

- What data is available and how easily can it be accessed?
- How objective and quantifiable is the data?

- How will the human rights analytical framework change the timeline and process of conducting analysis or developing recommendations?
- What are the staff impacts of utilizing the human rights analysis?
- What are the other resource impacts?
- How does the human rights analysis inform decision-making?
- Which type of policies could the human rights analysis be applied to in the future?

With the insights gained from exploration of these questions, staff will return to Council following the completion of all of the selected pilot projects with a summary of the experience to seek direction from Council on how, or whether or not, to further implement the human rights analysis.

FISCAL IMPACT

The fiscal impacts of these recommendations are unknown at this time.

ALTERNATIVES

1. Do not accept staff's recommendation for the development of a pilot human rights analysis.
2. Provide direction on other policies to apply to the human rights analysis.
3. Provide direction on other human rights policy priority areas to consider.
4. Provide direction on other guiding human rights policy questions to consider.
5. Provide other direction.

PUBLIC NOTICING – Agenda posting and a copy to the HRC.

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- Attachments:
1. [December 13, 2016 – Human Rights City Designation](#)
 2. [Resolution Adopting the Universal Declaration of Human Rights](#)
 3. Council Major Goals List