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>> Councilmember Chirco: Okay if we can call the meeting to order. For the afternoon, of November 30th, 2010. I'd like to call on Councilmember Pyle, to introduce the invocator.

>> Councilmember Pyle: Thank you, Vice Mayor. It is indeed a pleasure to have with us this afternoon a very, very special person. This is the month of November, which hosts the national young readers week. And research has proven that children who are ready for reading are much more likely to become proficient readers at an early age as a result and have greater academic success throughout their lives. Story time at the San José public libraries is one of most popular services offered. Last year, for example, over 3,000 story times were presented to over 119,000 parents and children. And today we have with us Ed Koetitz from the Almaden library to lead us in a special story time. Ed is a youth services librarian and has been working in District 10 since 1999. Ed, it's all yours.

>> Thank you, thank you. I want you to be young at hard you are supposed to be three to five years old. Theme is space and the planets. Twinkle twinkle little star, I think it's the one you know. Let's do the motions if you can. Twinkle twinkle little star, how I wonder what you are. Up above the world so high -|| -|| like a diamond in the sky -|| -|| twinkle twinkle little star -|| -|| how I wonder what you are. You did great! Give yourselves a hand. That was really great! Now, a book I just love, it's simple but it gives a kid a little vision even when they're small. I want to be an astronaut. Um huh. I want to be afternoon astronaut. A member of the crew. And to fly on a shuttle! Into outer space. I want to be up there! On a space mission! And have ready to eat meals. I hear they're pretty good. And sleep in zero gravity. And I want to put on a space suit. And walk around in space. And help fix a satellite. And build a factory in space! I want to be up there for a while. Then I want to come back to earth. I just want to be an astronaut. And visit outer space! Let's give a hand. That was Byron Barton. His I want to be an astronaut. I put some words to an old favorite tune, bingo, and we're going to have a rhythm section choir from our library foundation. I think you'll enjoy this. There is a planet bright and blue and earth is its nameO. E-a-r-t-h E-a-r-t-h and earth is its nameO. There is a planet quite unique and earth is its nameo. Snap A-r-t-h, snap A-r-t-h, snap A-r-t-h, and earth is its nameO. There is a planet with oceans deep. And earth is its nameo. Snap snap-r-t-h, Snap snap-r-t-h, Snap snap-r-t-h, and earth is its nameo. There is a planet full of life and earth is its nameO. Snap snap snap-T-h, snap snap snap-t-h, snap snap snap-t-h and earth is its nameo. There is a planet with a

moon and earth is its nameO snap snap snap snap-h snap snap snap snap-h and earth is its nameo. There is a planet bright and blue, and earth is its nameo. Snap and earth is its nameo. Let's give our orchestra a hand here, they did great. Shaggy, shaggy is my sheep dog. We have sheep in Almaden Valley. They're all over the place, and Shaggy rounds them up. You had fun. Shaggy had fun. Thank you very much for the opportunity! [applause]

>> Councilmember Chirco: If we can stand and salute the flag. [pledge of allegiance]

>> Councilmember Chirco: If I can have a motion for the orders of the day? I have a motion and second to approve the orders of the day. All in favor? All opposed, hearing none, that motion is carried. Today's meeting will be adjourned in the memory of Ellen muffie Meier. Muffie's life will forever be defined by her fierce loyalty to the ones she loved. Her incredible professional wisdom and pivotal role she played as an advisor to politicians and political efforts at every level of government. In addition, muffie was known for her relentless and selfless commitment to the Zen hospice project where she served as co-president of the board of directors. Muffie will be missed. Councilmember Herrera.

>> Councilmember Herrera: Thank you, vice mayor. I'm honored today to be able to join with the council in adjourning today's meeting in memory of Ellen Meier. Those who knew her best, she was known, as vice mayor just said, as muffie. She passed away on October 19 at the age of 59. Muffie was a lifelong resident of San Francisco and is survived by her siblings and their families. Her sister, Mary Meier Ryan, her brother-in-law Dan Ryan, and her beloved nephew Alan Ryan. Also her sister, Layan Meier Novelli, her brother-in-law Michael Novelli, and her nephew Alex Novelli. I want to thank muffie's close family and friends that are here with us today. Mary Meier Ryan, Muffie's sister, Dan Ryan, brother-in-law, Alan Ryan, nephew, and Don Cecil her dear friend and business partner. Muffie's life will ever be defined by those she loved and helped over the years. Her incredible professional wisdom and the pivotal role she played as an advisor to politicians and political efforts at every level of government. Everyone who knew muffie knew she was a force to be reckoned with. She was known throughout the Bay Area and made a significant impact in San José. Muffie was a past member of the Concordia club of San Francisco, a member of Congregation Emmanuel, a renowned political consultant, and a San José

Sharks season ticket holder. She was a partner in a consulting firm which helped select myself and other past and present city council members including Nora Campos, Cindy Chavez, Manny Diaz, John Diquisto, Charlotte Powers, Forrest Williams, Alice Woody and Ken Yeager. Muffie had a tireless desire to help those in need. She generously contributed her business expertise, fundraising knowledge and personal resources to Zen hospice project's mission of providing compassionate care to the dying and those touched by loss. She was known for her relentless and selfless commitment to the Zen hospice project and served as co-president of the board of directors. Muffie's legacy of passion and generosity will be remembered in her accomplishments and contributions to the community and by those whose lives she personally touched.

>> Councilmember Chirco: Councilmember Campos.

>> Councilmember Campos: Thank you. I met muffie more than I think almost 16 years ago. And I think the thing that I admired about her the most is that she was bold. And as a woman, to meet another woman that is bold is so rewarding. But is it Allen Ryan who is in the audience? I think one of her most joyous moments in her life was the time she shared with you. She shared those memories with me when you would go to the theater together, and then after you would go have dinner, and she would light up when she shared the moments that she talked about Allen Ryan. And I thought you should know that. Because she spoke of you in a way that I think meant so much to her in private. But also, shared that with her dearest friends. So we will miss her. But she leaves a legacy that I don't think any other woman will be able to meet. And that is, helping to create electeds that really can make an impact in change not only San José but hopefully the state of California. She will be missed. Muffie, you are greatly loved.

>> Councilmember Chirco: The next item is the closed session report.

>> City Attorney Doyle: Madam Vice Mayor, the council met in closed session this morning pursuant to notice. There is no report.

>> Councilmember Chirco: Thank you. I'd like to invite Councilmember Liccardo and Joyce and Pat Milligan to join us at the podium. Today we are commending Joyce and Pat Milligan for their 23 years ago of dedication and contribution to the San José library foundation. And Councilmember Liccardo will have a few more thoughts to add to this. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, Vice Mayor. Although I feel a little inadequate up here without a barking puppet dog, I am thrilled to be able to recognize with the entire council and Vice Mayor the extraordinary contributions of Joyce and Pat. Pat could not be with us today for health reasons, but we are honored to have Joyce here as well as her son Kyle. I actually first met Joyce at the celebration, the 75th anniversary of their business downtown, Milligan News, which started I think as a news distributorship, and then moved on to become a great source of books particularly for teachers, I think they still offer all teachers a 30% discount. Incredible support for all of our educators in this community, and we are so grateful for their longstanding presence in the downtown. But in particular, Joyce and Pat have been extraordinary for their ability to fuel passion in young people for reading and learning. And it's appropriate I think after the presentation earlier today, that we honor Joyce today. She is one of the founding members of the San José public library foundation, board of directors. She has served as a secretary of that board for I think, about, oh, 23 years? That's not bad for commitment. And I think it's tough sitting through these meetings. I can imagine 23 years, that's impressive. So we're of course here, not just of course with Joyce and her son, but also, with Mary McClain who is the executive director, Mary thank you for being here of the board and many board members who are behind me and of course Jane Light, who is director of our libraries. And I just wanted to recognize, in addition to Joyce's work with the public library foundation, her direct generosity has been extraordinary through the Milligan Family Foundation, where she and Pat have become the single largest individual donors to San José Public Library Foundation, most recently sponsoring the Market Place area and the newly rebuilt Rose Garden branch library as well as the children's story time area and the new Dr. Roberto Cruz Alum Rock branch library. And they also made possible that wonderful fall matching campaign which has helped generate thousands of dollars from other donees throughout the city and throughout the valley. I would like to ask the Vice Mayor at this time to present Joyce with this commendation and of course through her son Kyle also a commendation to Pat.

>> I'm losing my voice but this is such an honor. And I wish my husband Pat were with me today. And there have been so many years with the library foundation, I really hated to leave it. And the only way to get me out, I guess, was just to retire. So thank you, again. I don't know what to say. And as I say I'm losing my voice so I'll leave it at that. [applause]

>> Councilmember Chirco: At this time, we have kind of a special occasion. Of course, we have so many, look at 23 years of volunteerism. But I'd like to invite the entire council and Councilmember Campos to come down and join me. We have a -- we have kind of -- this is Nora's last city council meeting, because she will be leaving us to represent this area at the state assembly. And so it is with pride that we send her off. And we know that she will represent us extremely well. So we have -- all the council here.

>> Councilmember Campos: Well, thank you.

>> Councilmember Chirco: We'll let you have the microphone in a bit but first we want to -- this is a gift from all of the council.

>> Councilmember Campos: Thank you.

>> Councilmember Chirco: And if you want to set it over there -- you look very nice holding it. So -- and he had a we also, Sara if you want to give her the flowers, she can hold those. This is a basket of books. We know that Nora has little Jack, and so some may think that books and homes are very common. And I know that what Nora will do with this. She's going to donate to one of her favorite libraries. But for many families, the book a child receives at the San José public library holiday event may be the first book in their home. For more than ten years, San José library branches have held holiday book drives to provide books to children in need. It supports the library mission to foster lifelong learning, and the San José public library holiday giving program formerly received donations through the San José Mercury News gift of reading program which was discontinued two years ago. Now, the library receives books and donations from customers and friends groups to the San José public library foundation. Donations of new and slightly used books for children up to ten years old at various reading

levels and in different languages. Last year, more than 3500 books were collected and distributed to nearly 6,000 families. This year, book drive programs will be held by six San José library branches. Present basket of books to be donated -- yes, this is -- will be donated to the San José public library program holiday giving program in honor of Nora Campos, helping the Dr. Cruz Alum Rock branch that partners with the yes we can read initiative led by the Grail Family Services, who I know Councilmember Campos has been a big supporter of many years. The Mayor Reed and the city council members helped select these books. We were asked what was our favorite children's book and the books will be donated and the flowers are for you. So that you can remember all of your councilmembers here, as we send you off to do the great work of your community. Nora. [applause]

>> Councilmember Campos: Well, first of all, before I say a few words, I'd like to ask my staff to stand. Because you're only as good as your staff is. And I've had a wonderful staff. And this is just a portion of my staff that has worked with me for the past ten years. So thank you for the work that you've done on behalf of the City of San José. [applause]

>> Councilmember Campos: I also want to thank my colleagues that I currently serve with. And the colleagues that I serve with over the past ten years. It has been a privilege and an honor working with you. I also want to give a special thanks to my colleagues who have stood with me on challenging issues that we created and moved forward to make San José a better place for the residents of the City of San José to live. I truly have enjoyed my time as a councilmember here. And it has been one of the highlights of my life next to the birth of my son, Jack. I think the things that I'm the most proud about and will be etched in my mind for many years to come are the revitalization of two business districts, story and king and Alum Rock. Making story and king an economic engine in the City of San José where we were able to create a vibrant business district, where there is so much synergy that community gathers, we brought a target, a jamba juice, a Fansa, a Mi pueblo, a Starbucks and many other entities that enrich the lives of the community. I have to say that taking on economic development and the challenging issues around it really paid off. We increased the tax revenue around this area 105% in the last six years. Which I have to say is quite an employment for myself and my community. Constructing new -- two new libraries, two new community centers and for too long East San José lacked the resources they needed so that families could have the quality of life that they needed. We also constructed many other things which have

brought the quality of life up to the standards that everyone in the City of San José has. We built a Mayfair community center, an Alum Rock youth center which is a wonderful gathering place for the people in the City of San José to enjoy and recreation activities that people can continue to build on their skills. I think one of the issues that I took on was rebuilding fire station 2 which was very challenging. But I have to say that I'm glad that I took that challenge. My community has been blessed by the fact that we were able to get certain things pushed forward in the council. I also think that fire station 2 also improved the quality of life for the firefighters that served the City of San José, making this building earthquake safety. Lastly increasing the Greenprint in district 5 has been a long term goal. In East San José we once were lacking green open space. But now we've increased it, we've added on three new parks, in addition to the parks that we were already -- that existed in our community. We enhanced many other park strips. We created trails that soon will connect to downtown as well as to Cunningham park. The kids will be able to enjoy this. We created a partnership with Alum Rock school district building a sports complex at Shepherd middle school which I think will be an asset to not only Alum Rock but to the City of San José. I've had the privilege of working with many small business owners, corporate partners and hardworking city staff. To the city staff that is out there that is currently not in the council chambers, thank you for all the work that you've done in making sure that I was able to be successful in improving the quality of life for residents of East San José. I will always remember you and I will take your knowledge, as I move forward to the state assembly. I also want to leave with my colleagues a little message. Now that the campaign season is behind us, this council has the opportunity to be inclusive of two new councilmembers that will be joining you shortly. And I know that both councilmember elect Rocha and Campos will serve their communities with the integrity and passion that they so clearly possess. And as this is my last meeting, I just want to urge my colleagues to be bold, and to be forthcoming in making sure that we create policies that will definitely move the City of San José forward, and improve the quality of life of all residents in the City of San José. I look forward to working with all of you, as I move forward to the state assembly, in representing a huge portion of the City of San José, and I will take every, every experience I've learned here in the past ten years to the state assembly and hopefully, be able to take the creative thinking that we have developed here, in thinking outside of the box so that California can be a better play force all Californians to live. Thank you, and it has been an honor to serve you. [applause]

>> Councilmember Chirco: The next item on the agenda is the consent calendar. And I believe rose wants to pull 2.17 and Councilmember Liccardo wants to pull 2.18. I have speaker cards on 2.8 and 2.13. And 2.17. Are there any others that the council would like to pull?

>> Councilmember Pyle: Move to approve.

>> Councilmember Chirco: Councilmember Chu.

>> Councilmember Chu: 2.5, thank you.

>> Councilmember Pyle: Move to approve remainder of the items.

>> Councilmember Chirco: Okay, I have a motion and second to approve the remainder of the items. All those in favor? Those opposed, hearing none that motion carries. Councilmember Chu you wish to speak to 2.5.

>> Councilmember Chu: Thank you, Vice Mayor. I just wanted to report that I have attended the league of California cities board of directors meeting in San Diego from November 17 to 19. We spent most of the time working on the strategic goal for the next years and I have summarized it in a memo that I set out kind of late this morning to just to summarize the result, the league of California cities decided -- have chosen to work on three areas. One is the strong partnership with the stronger golden state, and the second one is sustainable and secure a public pension system. The third one is responsive and accessible LEED services. My favorite one didn't get voted in, is to economic development and creating jobs for the state of California. For the state of California. But however, the league partners, as well as all the regional members, and the board of directors, has voted in these three strategic goals. I just wanted to share with all of you. Thank you.

>> Councilmember Chirco: Would you like to make a motion to approve the council travel, Councilmember Chu?

>> Councilmember Chu: Thank you, Vice Mayor. I move to approve 2.5.

>> Councilmember Chirco: You want to turn your microphone on?

>> Councilmember Pyle: I really appreciated the report, Councilmember Chu. That is absolutely phenomenal. Since I was one of the ones asking for the reports I think it's important to let you know you did a great job. Thank you so much!

>> Councilmember Chirco: Okay we have a motion and second on 2.5. All those in favor, all those opposed, hearing none that motion carries. I have two speakers on 2.8 and, wow, if you think the mayor messed up names wait till I get done! I think there's a Ms. Flynn and Mina, if you could come down you have two minutes. I apologize for any mispronunciations and please correct me.

>> Hi. I'm a student from San José State and I'd like to address section 2.8 that's on the agenda. I feel like overall, it's kind of an unnecessary proposal. Because one, it's very confusing. I don't know whether they're talking about a regular bicycle or a motorcycle. Because it's just confusing because I don't think a regular bike you need a license. You know. And I -- that's it.

>> Councilmember Chirco: Could you give your name, please?

>> Shanique Flynn.

>> Councilmember Chirco: Thank you very much. Sam, would you like to wait until after the second speaker? Okay. The next speaker. Two minutes, please.

>> Hi, my name is Alustra Amina, I'm also a San José State student. I'd like to talk about section 2.8. I'm against it. I think that the new reform would help, like, raise funds because of the new charges and fees. But I think the old requirements were in place to provide safety. Because everyone who had to meet the requirements, there were

people who wouldn't be able to meet them and it was generally to help protect the public. Also, the licensing fees did help revenue also. And since we don't know what the new fees are, we can't determine if it's that much difference. And the new ordinance, just has fees, not safety. Thank you.

>> Councilmember Chirco: Thank you. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you Vice Mayor. I just wanted to briefly explain for those who might be confused. This only applies to bicycles, not to any motorized bikes. Those are all -- have to be licensed through state of California. We're eliminating this follow-up to a recommendation made by our auditor, really we recognize that we're generating virtually no money, I think about \$300 by having a licensing requirement. We didn't have the resources to set up a database. So really, this wasn't being used and it wasn't being implemented, and ultimately just became an encumbrance on everyone. So in an effort to streamline particularly in times of scarcity it made sense for us to eliminate the licensing requirement. And I'd like to make a motion to support that.

>> Councilmember Chirco: I have a motion and a second to approve 2.8. All those in favor all opposed hearing none that motion carries. The next item is 2.13. And we have two speakers, Kelsey Ramirez, you have two minutes. Followed by Casia Holman.

>> Hi, I am Kelsey Ramirez, I am from San José State, and I am from for the homeless project as long as we keep in mind how many more fiscal years we will be paying this exact amount. And that's all I have to say.

>> Councilmember Chirco: Thank you. Ms. Holman.

>> I'm Casia Holman from San José State. So I think -- I'm for the funding of the new director and project manager. I think it's a good goal as long as it's felt that the goal of the destination home project is reachable. And that the project has been effective so far. Thank you.

>> Councilmember Chirco: Thank you. Motion, please? Okay I have a motion and second to approve 2.13. All in favor? All those opposed hearing none that motion carries. Councilmember Herrera you wish to speak to 2.17.

>> Councilmember Herrera: Thank you Vice Mayor. I just wanted to thank staff for all the work in developing this agreement, Hans Larsen and his staff. And just to say how great this is and how much the community eagerly awaits the improvements along the capitol expressway corridor which up until now has been primarily a car centric area. And with this first phase is going to convert capitol expressway to much more pedestrian and bike friendly boulevard. And this will be the beginning of that transformation which is going to take it to a multimodal kind of corridor eventually and ultimately with light rail that will connect our citizens to access BART and connect up Eastridge and a major transit terminal. So this is a very exciting beginning. It's going to enhance the safety for residents in the surrounding neighborhoods, one of the big concerns on capitol expressway has been fatalities that have occurred out there pedestrians crossing and it being so car centric. This I believe is going to help that by letting cars know this is indeed a place where pedestrians are going to walk down. It is going to improve the quality of life it's going to beautify the area and again it's going to prepare us for light rail to come down the pike. BRT first, then light rail. I think it's also important to highlight that this agreement maintains local control of this part of the project and ensures that these improvements will meet San José standards and it takes advantage of the expertise of our very talented city staff in providing street lighting and landscaping services for all these reasons I move approval of this item.

>> Second.

>> Councilmember Chirco: We have two speakers on this item, Alicia is our first speaker and Marian Mercer. If you will come down, two minutes each speaker.

>> Good morning. Good afternoon I mean. I'm Alicia Moore, I'm from San José State also. And on 2.17. I am agreeing with it. I think that it's a good idea, transportation is very important today and a lot of people use it and I feel that it needs to be maintained. Thank you.

>> Councilmember Chirco: Marian, two minutes.

>> I'm Maria Mercer. I'm agreeing with 2.17 I'm for it because I think that landscaping is an important thing, we want to have our roads look nice. And street lights improvement because that's for the safety of the drivers. So yes, I'm for it.

>> Councilmember Chirco: Thank you. And I'd like to take a minute to thank all the San José State students and invite them back. We have lots of community issues of interest and would be pleased to hear you speak on them. We have a motion and second. All those in favor? All those opposed, hearing none, that motion carries. Item 3.1 is the report of the City Manager.

>> City Manager Figone: Thank you, madam Vice Mayor. I do not have a report today.

>> Councilmember Chirco: Okay, item --

>> Councilmember Liccardo: Vice Mayor, I believe 2.18 is not been --

>> Councilmember Chirco: I'm sorry, I was listening to the San José State students. All right, rewind and revisiting 2.18 which Councilmember Liccardo wished to speak to.

>> Councilmember Liccardo: Fabulous, thank you Vice Mayor. So I just wanted to give a shout-out to Jim Ortbal and Janet Kern in our Department of Transportation and our RDA respectively for their work on the PBID board. Want to thank the City Manager and RDA executive Harry Mavrogenes as well for their support in helping to facilitate this tree maintenance system going forward. I think this is a fantastic solution to a very difficult budgetary problem we have which is maintaining our street trees in the downtown, obviously the problems become even more visible and more problematic with all the extraordinary use we have in our streetscape there. But really I also wanted to thank Scott Knies for his extraordinary leadership and showing us that in times of scarcity good leadership can really find a way to accomplish great ambitions and everything that this PBID

accomplishes is remarkable everything from just the streetscape beautification the planting of flowers and murals and public gathering spaces by the rep and graffiti abatement. The ambassadors who just lend a friendly face to the downtown and help us abate a lot of nuisance crimes, this has been an extraordinary enhancement to the downtown. I know when the City Managers visited our convention center a couple of weeks ago we heard a lot of compliments how clean and good-looking our downtown was at a time when a lot of cities, including ours, are really hurting for money. So I just wanted to express my gratitude for members of the PBID and Scott for making this happen. Move to approve.

>> Councilmember Chirco: Okay we have a motion and second to approve 2.18. All those in favor, all opposed, that motion passes. The next is 4.1, amendments to title 20 of the San José Municipal Code to add new chapter 20.75 entitled pedestrian oriented zoning districts and establishing the main street districts. I know that is not the longest title we have but it's close. Joe.

>> Joe Horwedel: Thank you. With me today is Carol Hamilton and Walter Rask. They are the tag team that has worked for several years in pulling this very important project we're talking about Alum Rock today but as you saw on the staff report we do look at this as the future of structure for the city in our zoning code update so I'll turn it over to Carol for the presentation.

>> Thank you. The ordinance before you this afternoon proposes to establish two new pedestrian-oriented zoning districts within the zoning ordinance. These districts are the Main Street Zoning Districts, the MSG and the MSC districts. These districts are -- staff is recommending that these districts initially be limited to the Alum Rock neighborhood business district, we will be conducting some additional citywide outreach and hope to be coming back to you with recommendations regarding making these zoning districts available as options for other main street neighborhood business districts citywide. The purpose of the -- of these main street business districts is to establish a vision for a very vibrant commercial main street, to provide very clear development standards in our zoning code, to achieve that vision, and then to streamline the development review process, so that every mixed use project does not require a planned development zoning. The vision for the main street district seeks to shift the emphasis from auto-oriented development where buildings are setback from the street, behind parking lots, to

a development pattern that emphasizes transit and pedestrian and bicycle movements so that over time, as new development occurs, we achieve a development pattern that encourages people to walk, bike, and take transit and that achieves a pedestrian business district that is an amenity for the surrounding community. The allowed uses within the main street district support that vision. In the MSG district the development standards require ground floor commercial but allow for residential above and in other locations on the site. In the MSC district, the emphasis is on, entirely on commercial with very limited provision for mixed use with residential. The development regulations really emphasize the relationship of new development to the street. And for that reason the development regulations are organized around street type. The main street -- the main street is the primary focus of these regulations and in the Alum Rock study area, the main street would be the Alum Rock -- would be Alum Rock Avenue. The proposed regulations are designed to achieve specific goals. We want to encourage pedestrian movements and vital uses at the front of businesses by providing wide pedestrian sidewalks that can accommodate a variety of activities. We want to promote a continuous pattern of ground floor commercial uses and to that end, the regulations require a certain percentage of the property frontage to be developed with active commercial uses. In order to achieve high quality commercial spaces, we are proposing in this ordinance to establish minimum standards for the floor -- the first floor height, floor to floor height, and for store front windows. We are also proposing to provide minimum depth requirements so that our commercial spaces are flexible and can be used to support a variety of successful businesses, some our early attempts at mixed use development proved to be unsuccessful because the development spaces were too shallow. The proposed height which is five stories or 75 feet is intended to allow an intensity of development that will support transit, provide people and places to support transit, will encourage bicycling and will put people on the street, and provide customers for the retail businesses. We want to ensure that this new development is compatible with the existing surrounding residential development and for that reason we're proposing setbacks and height requirements that require the buildings to be stepped down near the residential development. We are proposing in order to really shift the emphasis from automobiles to transit, bicycle and pedestrian activity we're proposing that buildings not parking lot be located at the street front. And we are providing opportunities for reduced vehicle parking. In many instances based on elements of the development that promote safe pedestrian activity or efficient use of parking. We are attempting to promote bicycling by making it convenient to store your bicycle in your home or at your business or in places where you shop. We are hoping to provide livable housing by establishing

requirements for private and common open space in the zoning district. And the ordinance before you today establishes these two zoning districts in the zoning code. But there are additional steps that are needed to implement those zonings. First we will be coming back to you with an ordinance that establishes the Alum Rock study area. That's the Alum Rock neighborhood business district between King and 680 as an area where the main street districts can be applied and to establish the specific street designations within that area. And then to rezone specific properties to the main street districts. This will require additional public outreach. We will need to do extensive contact for individual property owners and the surrounding community. We will also be conducting citywide outreach regarding the main street districts and hope to be able to come back to you with a recommendation that the main street districts be made available as an option for other neighborhood business districts citywide. We hope to be able to come back to you with these additional ordinances and recommendations in mid-2011, and I would like to call your attention also to the Planning Commission recommendations regarding this ordinance. The Planning Commission made a number of recommendations for revisions to the ordinance, and staff has looked at those carefully and is recommending that some of those changes be incorporated into the ordinance. Other recommendations we are not recommending be included at this time for the reasons that are identified in the staff memorandum of November 19th. And staff is recommending that the council approve the ordinance with staff recommended revisions.

>> Councilmember Chirco: Councilmember Campos.

>> Councilmember Campos: Thank you. Thank you, Vice Mayor. So first of all thank you for the presentation. It has been a long journey. I remember the vision that I had for Alum Rock. And I believe Laurel and Joe, you were sitting there. And I'm thinking Carol you may have not been in there in the first meeting but I know you came in later on. And you come up with an idea and you have a vision, and bringing some of the brightest minds together to be able to create that. And I am intrigued with the title that you've given it. And we didn't actually have a title for it at that time. So a lot has happened. And what's exciting is that I will say that this is something that you'll eventually be able to take citywide. So at this point it's going to be focused on Alum Rock which is very exciting because we still have a lot of work to do out there. And I know from a planning perspective because you've shared this to me that this is pretty exciting because it is pretty -- it's cutting edge. And Carol, thank you for the

work that you've done on this project and creating this policy and for the students out there, this is how policy is made. You come up with an idea, a vision, you bring some of the brightest minds together and you create a policy that will benefit the City of San José, and hopefully, the residents of the City of San José. I do want to move the memo that I have put out, along with staff's recommendation. And Carol Hamilton I wanted to ask you. You mentioned planning, that some of them you wanted to move forward that we're okay moving forward and others you would like to -- I didn't get the last -- where would you like that to go?

>> There were some of the recommendations that we did not feel were appropriate or may be appropriate at a later date. But they required additional work and so we've identified that in detail in our memo.

>> Councilmember Campos: Okay, so those just additional work not saying that we'll do something with them at this point but additional work.

>> That's correct.

>> Councilmember Campos: If I can get a second I just want to say a few more words on that. Thank you, I really appreciate that. The other thing that I think is exciting going this particular policy is that hopefully, eventually, Almaden, west San Carlos and other parts of the city that have business districts will be able to benefit. And Joe and Carol if you could just highlight maybe some of the benefits that residents may be able to see. The presentation was great but maybe in a snapshot, some of the benefits that they may see, that they will -- they will be able to reap the benefits as they enjoy Alum Rock and hopefully the other business districts.

>> Joe Horwedel: I think from the community standpoint one thing we hear loud and clear is that they like to see a mix of uses, not just residential, showing up on the business district streets, and that really, through the work that Walter Rask and his staff, helping understand the dynamics of development, we think we've put together a set of zoning standards that bring certainty to the neighborhood, that really say these are key areas to put commercial at, these are areas that's more flexibility that's appropriate. Because the one thing you hear from the community is they don't have certainty and with the planned development process everything is up for negotiation,

up for grabs with that application. So with this new zoning district it provides that certainty for the community that we're going to be dealing with commercial uses that we're designing space that really works for commercial tenants that it's not an after-thought, that the developer that comes in and looks at that property knows what the expectations for the property. It's not unclear. So we think from that bringing certainty to it is important. One of the comments we did hear from the community was some concerns about the height in relationship to surrounding residential. We've taken really what we have today in our commercial and residential design guidelines and built those into the zoning district, but clearly we need to do some more explanations about how this might apply to areas like West San Carlos Street where the residential is right up behind the commercial on small lots. Versus Alum Rock we have the benefit of larger parcels, so it wasn't as big an issue. We'll work through that to make sure all that really works in all those different circumstances. And it is as you've noted councilmember, it is a new tool. It is a really powerful tool. We want to make sure that we're using it correctly so we're going to roll it out starting here in Alum Rock where we've had the benefit of a couple of years thinking about it and be able to start rolling it out in other parts of the city as we go through work with the community work with the property owners and if we need to make some adjustments we'll come back and make some adjustments for those individual districts.

>> Councilmember Campos: Thank you for that. I think it's important that as we create policies that the community knows how it will benefit them. So there's no question on what policies we're bringing forward. And a lot of times the question I always get, well, how does it benefit my neighborhood and my community. And I think you laid it out very well. I'm excited about passing this. Thank you Joe Carolyn and Walter for work that you've done and your staff that assisted on this and to my neighborhood leaders and business leaders that were very supportive of this and you have worked for I want to say the past eight years on this project give or take the a few years. If my colleagues will approve this, this will be a nice ending on my last day on the council. Thank you.

>> Councilmember Chirco: Councilmember Pyle.

>> Councilmember Pyle: Thank you. I just wanted to double-check on my understanding. Joe, the work that's being done with the main street zoning will become a prototype for others, so as you say we don't have to

reinvent the wheel each time we go into the village concept and then would that be a part of the 2040 general plan update?

>> Joe Horwedel: That's correct, Councilmember Pyle. That part of what took us so long in bringing this forward is we really wanted to understanding because it is a new form of zoning that we're using here, sometimes it's called form based zoning and it was scary so we took that out and he redefined it. But kept the important parts. And we really find it as a foundation part of moving the new general plan forward as it gets adopted next we're we are going to have to come up with some new tools to help encourage the right development in the city and we see this as one that puts forward the policy direction where the city wants to go and puts a more streamlined process that produces more steps but more certainty clarity around how to achieve it.

>> Councilmember Pyle: In a way this could happen to any one of our districts?

>> Joe Horwedel: That's our goal how Carol and Walter worked on this to think of this as something that could ultimately be used in any part of the city that we're trying to create that vertical integrated mixed use community, the villages that we're working on the general plan.

>> Councilmember Pyle: Thank you.

>> Councilmember Chirco: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks Vice Mayor. Carol thank you for your hard work. Thank you Walter and Joe for everything you've done to get this over the goal line. I agree it's very important for our citywide ambitions and certainly congratulations to Councilmember Campos in making this happen in Alum Rock. It's a great place to start. Couple questions. One regarding the timing, of bringing forward these ordinances. We're passing a general plan update in mid 2011 anyway we hope. Why doesn't this just get wrapped up in that and then we can approve it all at once rather than having to go through the additional work of all the ordinances being done separately on parallel tracks? Is there a way that this just gets integrated into the general plan for Alum Rock?

>> Joe Horwedel: I think -- we are going to be wanting to bring a number of things forward with the general plan adoption. This is an item that is foundational to that, but it's -- we're kind of working it long before we really got thinking where we were going ahead with the general plan update, it is more of the trajectory where this city was heading. I think there are pieces of it as we come forward and adopt the general plan how we want to deal with villages. And turn them on or enable them. We will come back and look at the zoning code and say are there things that we need to restructure in the zoning code. So we need to come back to the council with the work plan around that whole effort because we really aren't working on that as a part of the general plan update.

>> Councilmember Liccardo: Okay.

>> Joe Horwedel: So we're getting the plan up to a certain point but the actual implementation tools of that we've been talking about what that would be within staff but we really haven't brought that to council, what it's going to take to do that.

>> City Attorney Doyle: If I could chime in, at the end of the day your zonings must be consistent with your general plan and it's always challenge to make sure we're keeping it up to date. I think we're going to have to sit down and assess workload, getting it there.

>> Councilmember Liccardo: There is not a big pot of money to make all of that happen, but to whatever extent we can streamline it and throw all of it into the same mix certainly makes sense. I don't know any member of the general plan task force that wouldn't support this plan. Second question I have is more of a larger big picture issue around retail because obviously a big focus of this plan, as many of our ambitions for transit-oriented development and smart growth and everything else revolves around ground floor retail. And as an economic matter, I think we are looking at the reality in which certainly ground floor retail involving the sale of goods is going to become more and more scarce over time. We've already seen the impact the Internet has had and to whatever extent, you know, I certain have seen enough developments out there with empty ground floor retail as you all have as well, beautiful ground floor spaces that have been empty for five six seven years or more. Which doesn't

mean we shouldn't build it but I'm wondering if we shouldn't have a plan B where ground floor retail and retail in general are going to be more and more scarce. I think demand will decline relative to the growth of our city, particularly in regards to the demand for other space, residential and industrial and other, you know what does that all become? Does that all become live work space or do we have some alternative?

>> Joe Horwedel: Couple of thoughts on that of how we looked at this. One is that what we have found is that if you don't plan for commercial it's almost impossible to retrofit it. And the picture we showed of the space in Jackson Taylor that was 20 feet deep will never be 40 feet or 60 feet deep. We think putting the structure in place that allows commercial to come in and look at how you fill the space for strategy being more flexible what you allow to occupy space but being very deliberate about how you build the space, allows you to flex what goes on in the ground level. We had a lot of debates about what types of uses should you be allowed to put you know active or inactive uses at the street level. Are there places where commercial is absolute mandatory for you know and how you deal with frontages. So we've really kind of chewed through those. We do know that when you think of streets like West San Carlos street, that is not a street that is -- it is going to be really hard to put ground level retail on the entire length of that street and so that's partly why we think we need to come back with some modifications to this as we bring it on a citywide basis, that recognizing there's going to be nodes on that street, that we really should be insistent about commercial. And then there's going to be the gaps that sit between those nodes that we should be more flexible. But again, we should be very deliberate about what goes at the street level because it is going to be critical about how you create energy, pedestrian activity on that street. Even if you don't put traditional store front on the street. So how we think about that street level is really what our focus is with this ordinance. And not just turning it into kind of a what we've done in the past where we just put residential stoops on the street and it really doesn't you know ever give you flexibility into the future.

>> Councilmember Liccardo: I can certainly appreciate that and we obviously need to plan for it if we have hope of getting it. I suspect we're going to have a lot of conversation about this in the coming years about how to broaden the definition of active street level use. In the projections I see, for instance, VTA had an economist look at our sales tax revenue over the next 20 or 30 years, and as we add I think it was 600, 700,000 people in the county they're looking at sales tax revenue being essentially flat because of really a declining share of retail in our

economic life. At least through the ordinary transaction that occur on the street as opposed through the Internet or other means. So anyway I just think it's going to be an ongoing challenge of ours but thank you.

>> Councilmember Chirco: Councilmember Herrera.

>> Councilmember Herrera: Yeah, I just wanted to thank staff for this and I think that -- and also congratulate Councilmember Campos on this employment. It is a fitting conclusion to your time on the council. And I think it's inspiring, this project is inspiring because just like the one we talked about in the consent calendar we're going to change streets that have been car centric to people centric and so whether there's retail there at every corner or whether there's a library or whether there's, you know, a doctor's office, whatever that turns out to be it needs to be a space where people can walk and see each other and create a livable community. So this, it's going to start in Alum Rock. I look forward to seeing it there. Once we can make this happen, I think then it goes beyond just the planning. It becomes real and we can make it happen throughout the city. I was watching a documentary last night and it showed Oslo, Norway, and the kind of things they're doing in Oslo, Norway creating open spaces for people. And actually I hate to use the word, but they're using tunnels, they're putting everything underground. All the highways, and they're creating open space and very -- of course, it's a social democracy, a little different type of government. But I think that the idea of creating more livable spaces is an idea whose time has come and I hope that the community will embrace it more and more as we begin to roll it out in areas like Alum Rock.

>> Councilmember Chirco: City Manager.

>> City Manager Figone: Joe, question I don't think you've touched on and that would be, what does this mean from the development community perspective and the ability to move forward on this sort of vision?

>> Joe Horwedel: Very good question. That the way this is structured is that you could do a mixed use project with the conditional use permit rather than today having to do a planned development zoning and then a development permit. That is essentially conditional use permit. So our goal is to create a zoning district that

eliminated an entire step out of the process which for most projects takes about six months out of the process time frame.

>> Councilmember Chirco: Councilmember Campos.

>> Councilmember Campos: Thank you, and I appreciate the comments from my colleagues and City Manager, I appreciate the last comment because I think that was one of the main goals that we wanted to accomplish in this. And I think the overarching goal was to make sure that people can walk out of their front door, go down to main street and be able to shop and dine and get all the amenities they need to live. And I think that by moving forward with this policy, we will be able to create that bigger vision and improve the quality of life for the residents that live within a mile radius of alarm. Because it is about creating walkable communities and this little village concept that we see in other cities. And in portions of the City of San José. And I think one of the things that the experts in our city have continued to be able to demonstrate to me is that when we build certain business districts in District 5 our leasing rate, we don't have any vacancies, and I think we're up in the 90s when we talk about vacancy, we have maybe 10% of vacancy and 90% of leasing. Which says that people are using the Internet but they still like that personal touch to be able to walk out their front door and go to their neighboring dry cleaners or their neighboring a small grocery store or to a restaurant where they can dine in and visit with their family as well as their neighbors. So excited, I look forward to being able to see this from afar on as it moves forward and develops. And congratulations to all of you, as well.

>> Councilmember Chirco: We have one public speaker. Woody de mayo. Two minutes.

>> Woody de mayo. I'm a Carl's Jr. franchisee in the Bay Area. I own close to 2 dozen in the county, and I'm in the process of remodeling most of them. I have a -- one store on the corner of Alum Rock and Jackson and rather than remodel I've decided to tear it down and put up a new one hopefully with a drive-through added to it. If I am to meet the requirements of this, I cannot meet the requirements of a drive-through. And if I can't add a drive-through and enjoy the increase in sales that drive-throughs bring I can't afford to put up a new building. Also the

15-foot requirement adds considerable expense to a building. I'm not here to oppose this. I'm just hoping that the city will be flexible, and look at projects on a per-project basis. Thank you.

>> Councilmember Chirco: I'd like to ask Joe, if you would contact the speaker.

>> Joe Horwedel: Yes, I have woody's card working with him on his downtown business so we can follow up whether he moves forward with the drive-through proposal now. The one thing I do acknowledge is that we do have the drive-through policy that does deal with location today and I think is already a challenge with the site because of residential proximity so I haven't had a chance to talk to woody yet.

>> Councilmember Chirco: We have a motion and second to approve this. All those in favor? All opposed, hearing none that motion carries. The next item is 6.1, grant applications to the Metropolitan Transportation Commission for federal congestion mitigation and air quality funds.

>> Hans Larsen: Vice Mayor, members of the council, I'm Hans Larsen, acting director of the department of transportation. Before you are actions that support three grant projects for San José, that total almost \$3 million. But I thought I'd take this opportunity to provide the council with a little bit of a context about MTC's climate initiative grant program. This and I think it really highlights very strong leadership from San José in terms of participating in sustainable transportation solutions for the entire Bay Area as well as being a leader on several projects. In terms of context every year MTC receives federal gas tax moneys. Some of those are required to be used for air quality improvement programs. What MTC has done is consolidated three years worth of funding and put together a very bold climate initiative program that's really targeted towards taking bold steps to reduce greenhouse gas emissions from transportation sources, as well as select a handful of projects that can innovate new solutions. We're very proud to be selected as some of the Bay Area's innovators for some projects which I'll touch upon. In all it is a \$33 million program and we are as a partner in a series of projects that allocates more than half of the money, \$16 million for these projects here. That promote the comment of electric vehicle infrastructure within the Bay Area, helping to achieve one of our goals to have the Bay Area be electric vehicle capital of the United States. So you can see here that we're getting money to put install 50 charging stations in

San José, purchase six electric vehicles, these will be the new Nissan Leafs that are coming out very soon. And then we are also participating in developing a battery-swap technology with the taxi industry in the corridor between San José and San Francisco and that is a partnership project with Better Place. We're also going to be doing outreach within the schools around the Bay Area and there will be allocation of money for schools in San José to provide materials to teachers and students on how to be clean and green in terms of transportation. And so there's materials that are developed that are instructional that we can get out to our schools, Department of Environmental Services is participating in that. And then one very exciting project is the expansion of the bike share program that will be along the CalTrain corridor and along the San José Diridon station, there are there are 15 bike stations that will be located around the downtown San José area with 150 bikes being available in the San José community. Wanted to highlight the projects in which we are going to be the lead on. And there are three of those and those are the topic of this grant application. The first one is to develop an innovative bicycle detection system. San José has a goal, as part of our new San José bike plan 2020 to be really a national leader in terms of bicycle infrastructure. We want to move our mode share from 1% to 5%. And one of the complaints that we get from bicyclists, when they come to a traffic signal they're often not detected. So we want to help develop new technologies that improve detection of bicyclists. And in fact just last year, there was legislation adopted that requires bicycle detection at traffic signals. So there's a lot of interest, and demand, to do bicycle detection. And with this grant from MTC, San José will be leading the entire Bay Area, to evaluate different bike detection technologies, and then we will help select the most effective ones, and then we will be able to deploy advanced bicycle detection at about 50 intersections in San José. So very excited to be doing the research and development work for the entire Bay Area on bicycle detection. The other grant that we're the lead on is really a two-part grant that comes with a catchy title of Walk and Roll San José. And this is an exciting program in which we'll be working with schools in San José to encourage more walking and bicycling for children that go to school. And part of this is encouraging more active participation. Again this also supports our goals to get more people to walk and bike around our community. And we feel if we can start with the children, and train them to get them comfortable walking and biking, they become future teenagers and adults and will take that on and help us create a community where there is much more walking and biking. We were selected to lead the Bay Area in developing the school based encouragement program because of the success of San José Street Smarts program which has really been a national model. And we've had several communities, 25 communities that have adopted

our street smarts program for traffic safety education. And what we're going to do is evolve that street smarts program into a school walking and biking encouragement program. And we have a terrific example of a school in San José, Bagby elementary school. In Councilmember Oliverio's district, where on their own initiative they developed a program to get kids to walk and bike to school primarily because the consume lost their busing. So active parents in the school working with the administrators and the San José D.O.T. put together a program that's now been implemented and they've had amazing results where previously they had about 20 kids walking and biking to school and that has increased up to what they have today, 225. So a tenfold increase in walk and biking. So with this grant program, it's a three-year program, we're going to be able to reach out to about 35 schools over that period of time, and work with the parents and administrators, and try to create exciting walking and biking programs throughout San José. So we're very pleased to be, one, participants as part of the overall Bay Area program and to be selected as leaders on these two particular programs, the bicycle detection and the school walking and bike encouragement. And with that, we'd be happy to take any questions and again we recommend council approval of the grant activities here to help us get going. Thank you.

>> Councilmember Chirco: Councilmember Pyle.

>> Councilmember Pyle: I just wanted to give you lots of accolades with this. This has been a pet peeve of mine for ages. And every year when I got the call from schools, can you come and help us with the traffic problems at our school, my answer was pretty much uniform, get kids to walk. And since we have diabetes as almost an -- well it's almost pandemic because 1 out of 3 suffers from diabetes, that will help, this will help with that solution and it will help with many more being fit issues so thank you for that and I predict it will be a huge success. Thank you.

>> Councilmember Oliverio: Thank you.

>> Councilmember Chirco: We have a motion -- wait a minute. I have one public speaker on this item, Jonathan Young, two minutes.

>> Good afternoon, city council members of San José. My name is Jonathan Young and I just want to extend my support for this motion. I think what we were talking about before about our streets being more people centric I think that has a lot to do with this. This program will also kind of help with our move from car centric streets to people centric streets and yeah, so thank you so much.

>> Councilmember Chirco: Thank you. We have a motion and second. All those in favor? All opposed? Hearing none, that motion carries. Item 7.1, amendments to chapter 9.10 to limit the ability to establish residential solid waste service accounts. I have no speaker cards on this item. All those in favor? All opposed? Hearing none that motion carries. We're now at the open forum. We have one speaker at open forum. Gabriella, hi Gabriella, two minutes.

>> I'm Gabriella antolocich, executive director of voices United. We have been funded by the county Department of Alcohol and drug programs to coordinate a coalition in East San José, and it's the youth call it the youthforia coalition. And we decided to work on getting San José city to pass a social host ordinance. And I wanted to thank Councilmember Nora Campos for studying the process and councilmember Nancy Pyle for continuing the process. And I wanted you to know that we've been working with the youth commission on this, too, and they passed a motion to work with voices United, to coordinate community coalition -- community forums to educate adults and teens about why it's important to stop the underage drinking in the home, which is where most young people get their alcohol. We already lost Sosandra Bari at Leland high school, in September, he died in a driving crash. Just recent at the end of November, we lost Jordan West at Santa Teresa high school. We talked to young people and they said that Jordan West was part of an underage drinking party in the home before five of them drove off and crashed and she died. We are hoping that her mom will be at our very first community forum which is this Friday night. Which is why I'm here. It's at the Mayfair community center. At 6:00. And we've been out in the community getting -- and also in the schools to let people know, to come to it. So we can educate them. And I'm here today, to see if I can get your help if you can do e-mail blocks. I didn't know Nora you were still on board so I will e-mail you immediately so you can pass the flier on.

>> Councilmember Chirco: Your two minutes are up. Thank you. The next speaker is Susan Coe, two minutes.

>> I'm from San José State, my name is Susan Coe. And I don't know if city hall has already considered this in the past, but regarding the improvement of environmental and utilities services in San José, I believe that to ensure everybody has access to recycling, the City of San José should also consider having the recycling bins at every public transportation stop. Having you know having recycling bins at every public transportation stop, light rails or bus stops. Yes, it will cost some money to purchase these bins but in the long run it will prove to be beneficial not just San José ABC but the green movement in San José. Thank you.

>> Councilmember Chirco: Thank you. And if there are no other speakers we are adjourned.