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>> Councilmember Campos: [AUDIO DIFFICULTIES...] ...shortly. So at this point, I guess we'll wait to call order, or can we take things out of sequence?

>> Ed Shikada: I believe there's only two people present, you can hear items but no action.

>> You may want to do the status report items rather than ones that require recommendations. There's a verbal report so there's no action on that one so you might want to just go ahead with that.

>> Councilmember Campos: Here comes the chair, so why don't we start with the verbal report then, and then we can go back up to the top. Verbal report on energy efficiency and renewable energy activities.

>> Ed Shikada: Mr. Chair, we're set up to hear the verbal report on energy activities, we could hear that and come back to the consent calendar.

>> Councilmember Liccardo: Great idea. Start with call to order and roll call. Madam clerk.

>> Chair Liccardo.

>> Councilmember Liccardo: Here.

>> Nora Campos, here, rose Herrera and Judy Chirco.

>> Councilmember Liccardo: Thank you very much. We should go to the oral report before we do the review of the work plan? You already did that?

>> Councilmember Campos: I called the meeting to order. We were just going to review the verbal.

>> Councilmember Liccardo: Excuse me. I didn't realize we had a quorum at all.

>> Councilmember Campos: We were going to go back to the top.

>> Councilmember Liccardo: My apologies.

>> Councilmember Campos: That's all right. Go ahead.

>> Ed Shikada: Well, with that, shall I proceed with a review of work plan? We have a number of items that staff is recommending deferral, or in the case of the pavement maintenance strategy item, dropping, given the item will be going to the full council for study session shortly. With that, request your approval to make those changes.

>> Councilmember Herrera: Motion to approve the work plan.

>> Second.

>> Councilmember Liccardo: All in favor, that passes. Moving on to reports to committee.

>> Ed Shikada: We have nothing on consent, so at your pleasure, we'll proceed with the verbal report on energy activities.

>> Good afternoon, Kerry Romanow, assistant director with environmental services, and I'm joined today by Kevin Spinks, senior engineer at the airport, Mary Tucker, energy program manager with ESD and John Stufflebean director with ESD. So we'll start out, we have our usual topics, and this month we'd like to start with the airport and Kevin will highlight the great energy report that they've been doing.

>> My name is Kevin Spinks, I'm senior engineer with the airport. I just wanted to point out a couple of the good news that we've been doing out at the airport. One of the biggest ones we have is a 1.2, or roughly 1.1, 1.2 megawatt solar system that we put on our consolidated rental facility garage, which is one of the largest single

installations in the city. Been getting a lot of good press that we can tell from Canadian Solar and some of the institutional magazines. This system is going to cover roughly 20% of the energy usage of the building. So it's a very good system. Hopefully, it's successful enough that we can continue on with other systems. In addition to that, we've got a number of LED lighting installations that are going in. We have several indoor and outdoor look for energy savings especially as we try to reduce our costs for the airlines and all our tenants. Inside our terminals, we have done new LED lighting on the first floor of our existing garage. We've done in some of our bag makeup areas on the back of the new bumpout of terminal A. And right now we're hoping that that is about a 56% energy savings over traditional lighting usage. Until we get some actual usage data we won't know exactly. We are also in our new parking facilities. We have three parking lots that are going in. We are using LED lighting for all of those, as well. We have one parking lot that should be opening within about two weeks or so and several others that should be coming on line within the next six months. So --

>> Councilmember Liccardo: Great, thank you. Any questions or comments? Okay, great. Thank you very much.

>> In regards to the municipal energy renewable program, we've been working on developing a partnership agreement with Armageddon Energy. Armageddon Energy is a San José based company. They are part of the San José environmental business cluster, and they were a respondent to the Green Vision RFP asking for who was interested in doing demonstration projects. We've been working closely with them on a solar clover, which is 1 to 2 kilowatts. There is a picture of it in your handouts, and the pilot project will be on the wing here at City Hall. But again, we are still working on the agreement, and we'll beta field-test their modular system installation. So I think that will be an interesting Green Vision project for us to move forward on. The central service yard, we'll commission it at that point, again that's 1.1 megawatts. From a community energy efficiency standpoint We're moving forward with the DOE better building used to be formerly known as retrofit ramp up program. And that is in the Dorsa-Tockna neighborhood. We'll start some outreach next month, or this month on the force. We have some community meetings scheduled to start the process of handing out some of these systems and some of the energy efficiency work. We're working with Work2Future, Hunt Housing as well in trying to do an entire neighborhood approach, so we'll do energy efficiency and renewable work in this neighborhood. We haven't yet

defined how we're going to distribute some of the funds, and how -- who will be eligible but it will be income based in regards to not just first come first served but there will also be some income. The programs may be free, they may be low-cost. So we're still structuring that out with Work2Future and OED as well as housing. We are working with housing to structure that program as well. It is pretty innovative for us to try and do an entire neighborhood. We'll need some help getting the word out once we start to finalize and shore up the program, but we're pretty excited about that. We're also working on the solar America Green Vision demonstration area across from City Hall. There are 16 slots available. We're presently working with 13 companies, and they also responded to some RFPs stating interest in demonstrating their project in that parking lot area. Some of them will be tied to the grid, some won't. And we'll have some ribbon cutting the end of the month, the 28th or 29th. So that's what we have going on.

>> Councilmember Liccardo: Thanks Kerry.

>> That's another side. That's because I was trying to block that one from my mind. So Mary traveled to China last month and did some speaking with the international solar cities Congress and there were more than 3,000 participants so what is the kind of exciting. And I think flattering in recognition of her contribution and leadership to renewable energy and energy leadership not just here in San José and not just in California and the United States. So that was a nice recognition. And then we also have our typical list of upcoming Silicon Valley energy watch classes. The ones that are shaded are the ones that homeowners might be interest in participating in. That's our work for this month.

>> Councilmember Liccardo: Thank you. And I understood Mary gave a presentation as well in China is that right?

>> She did.

>> Councilmember Liccardo: In English, hopefully, we'll be able to catch that online. Any questions or comments about the nature of the presentation? All right, well, thank you all. We'll move often then to D-2, action on green building policy and ordinance.

>> Laurel Prevetti: Good afternoon. I'm Laurel Prevetti, Assistant Director for our Department of Planning, Building, and Code Enforcement. With me this afternoon is Kathryn Sedwick, our division manager in charge of all plan check. This afternoon we would like to review for you a set of proposals in terms of how San José is intending to imply with the new state code called Cal green. We've been to committee twice before to talk about some of the major features, and we've now completed our public outreach process and our analysis, so we're now here with our proposal. So Cal green is a new code that will be effective January 1st, 2011. You should have copies of the slide to follow along. This code will pertain to all residential new construction that is one, two or three stories in height. It does not apply to buildings taller than that. And it applies to all new construction for commercial and industrial buildings. So its scope is fairly wide. It's the first in the nation code to require mandatory green building provisions for all construction in the state of California. It mandates a certain amount of reduced water use, energy system inspections by our building inspections, inspectors, as well as other requirements. So there's quite a bit to this new code. When we looked at this proposed code we were first questioning whether or not it would have any implication for our existing green building ordinance and policy. And staff concluded that our green building regulations already complement what's coming forward in the new Cal green code so we are recommending no change to our green building policy and ordinance. And we're hopeful that that provides some level of comfort to the committee that has been consistent on the record in terms of wanting to maintain San José's leadership with green building. So what we do need to change, though, are several portions of the municipal code. And what we have for you this afternoon are three key proposals for those modifications. The first one pertains to our construction and demolition diversion program. And this is a lot of words, so I apologize to its complexity. But basically, the City of San José already has existing regulations because we are very interested in recycling as much construction demolition debris as possible. With Cal green they are requiring all projects that are subject to Cal green to essentially pay a fee that's associated with certifying that all that debris was handled in compliance with the new code. We are proposing, in terms of modifications to our municipal code, that those projects that pay the new fee would then be exempt from San José's existing deposit program. So that way

people aren't paying twice, and there's clarity in terms of which path to go forward on. The next set of municipal code changes pertain to bicycle parking requirements. This helps San José implement our bicycle master plan which has undergone recent review and adoption by the city council. Our municipal code currently have bicycle plan, bicycle parking requirements but this would increase the amount of bicycle parking. It would expand bicycle parking to most nonresidential uses and we would look at how we would structure bicycle parking requirements based on what we're seeing here in San José, as opposed to Cal green. Cal green looks at potentially a formula for bicycle parking that would be reduced as park -- vehicle parking is reduced and in San José, we play find that we are reducing vehicle parking but we may not want to necessarily reduce bicycle parking as we're trying to encourage people to use a variety of modes to get to and from work. The last set of changes pertain to clean-air vehicle parking. Again this is mandated from the state, Cal green code. And so San José is proposing to modify our park requirements to adopt those mandatory standards for clean air vehicles. So we've been doing a fair amount of outreach as we've mentioned to you. We've been talking to real estate professionals, architects and other design professionals. We've reached out to the nonprofit sector both in terms of environmental groups as well as the leadership group and others as well as working with other cities to make sure that there's consistency between our cities and how we're implementing to go forward. In terms of next steps this committee report we're recommending report-out to city council on October 26th. That way, this report aligns with the code changes, the title 20 changes would need to go to the Planning Commission that would be heard next week at our Planning Commission hearing. Those code changes are limited to the bicycle park and the clean air vehicle parking. All of the code changes then would come tot to the full city council on October 26th. In terms of future green building efforts, we are talking with the industry about perhaps creating a tier San José, there's some interest based on the Cal green provisions that we might want to augment our existing green building policy with LEED standards to also create a choice in terms of a tier San José. We are not prepared to discuss that this afternoon, but we wanted to at least alert you that that is some potential future work for us in 2011. In addition we are expecting that the state will come forward with additional green building features, in the future we don't know exactly what those will be, but given the far reach of this current code, we need to stay ready, and poised, for what might come down in the future. And in conclusion, we just want to reiterate that San José already has high standards for green. In fact, all of our public buildings meet a very high standard of green that goes even beyond what these codes would do. We are finding that green building is generating demand for new services, and businesses, here in our city. As

you know this aligns very well with our Green Vision in terms of bringing clean tech jobs to San José. And finally we are very interested in maintaining San José's leadership in the green building field and we believe this package of proposals does just that. Kathryn and I are available for your questions. Thank you.

>> Councilmember Liccardo: Thanks, Laurel. Okay, questions? Vice Mayor Chirco.

>> Councilmember Chirco: I just wanted some clarification. I know we've got a current debris program and it's fee based and then -- or deposit and then they get their deposit back. In the Cal green it's called a fee. Is that not refundable, if they meet the debris removal requirements?

>> Laurel Prevetti: That's correct. The fee would allow for the administration of the program to certify that the diversion actually happened, so there's some work that's associated with doing that sophistication step.

>> Councilmember Chirco: And is that a more accurate reflection of having more construction debris removed or recycled than our deposit program? Just -- you're only recommending them for the ones that fall under the Cal green not the ones that don't.

>> Laurel Prevetti: And for this we are actually taking a baby step in terms of how to conform and comply with Cal green, as staff is looking at this more we want to make sure that there is overall consistency in terms of how both the fee and the deposit program would work. We have been getting feedback from many of our customers that we need to be doing a better job in terms of refunding the deposit, as it is. So this is forcing some other questions to be asked and hopefully answered. So there may be additional modifications to our deposit program, as well. But this is the first baby-step that we feel we're ready to take. So that way we're in compliance with Cal green.

>> Councilmember Chirco: I'd heard that there were an excessive number of deposits that were not refunded. So I think that we need to be real proactive on that to encourage that diversion that is critical to our green vision. Then they also talked about the clean air vehicle. Is had any definition of a clean air vehicle? I know

there's a variety of vehicles out there and when we start talking about clean air vehicles we were even talking in our office about there seems to be a movement get those into the HOV lanes. So what is the definition of a clean air vehicle?

>> That's a very good question. Unfortunately I don't have a clear answer for you. As defined by the green building code, I'd have to look that up, actually.

>> Laurel Prevetti: I think our understanding is that it's a nonfossil fuel based vehicle. So a car that would run on electricity. It could be a hybrid, et cetera. I know based on correspondence that we've had from other stakeholders that there's a concern that well, at some point that energy is being drawn down somewhere in the grid and has implications for how electricity is generated through the larger system. We can get you the precise definition but it is intended to move us away from fossil fuel vehicles.

>> Councilmember Chirco: I think that's an important conversation if they're putting it into a state requirement. How will that be defined when you have to allow for like bicycles and clean air vehicle parking.

>> Right.

>> Councilmember Chirco: Yeah, that interesting so thank you very much. Thank you.

>> Councilmember Liccardo: Other councilmembers? No. Okay, I just had one question. Just trying understand better the -- what's left of our diversion program. My understanding is, the state standard basically mandates 50% of the materials be diverted. What -- our program as I understood is really incentivizing 100%. Am I mistaken about that?

>> Laurel Prevetti: No, that's correct. Our program also extends to remodels of single-family homes, as well as structures that are beyond three stories in height, which are not caught by the Cal green requirements. So it's a slightly broader class of projects.

>> Councilmember Liccardo: Right, so the program would remain for that broader class. Then I guess my concern is that as to the class that is covered, by the Cal green standards, are we back-sliding at all by eliminating a deposit requirement? Because Cal green's requiring 50% whereas we'd be incentivizing 100, if we were to have the deposit program operating within that class.

>> Laurel Prevetti: That is an excellent question. Well, Cal green does require that 100% of vegetation and trees and that sort of thing be reused and recycled. But you're right, there is a disconnect in terms of what San José's current requirement is. And the 50%. If I may, we could either get back to you separately or we could certainly come back to you when the codes report out to the full council on October 26th.

>> Councilmember Liccardo: If it's all coming to full council that's fine with me. I understand you have a challenge because you've got a couple of plates of spaghetti and you're trying to connect the ends. I'm sorry Joe.

>> Joe Horwedel: I did want to add that the city has adopted a goal of 100% diversion. But our standard for getting your deposit back is 50% or 55% so it's not 100%.

>> Councilmember Liccardo: Oh, I understand.

>> Joe Horwedel: Our long term goal is to get to 100% which is I think where the state's trying to get to also. But right now we spent a lot of time looking at this issue, and was our standard was more stringent than the state. And if it was then we actually would not have to adopt the Cal green standards for this. What we found is because we did a deposit and as Vice Mayor Chirco pointed out a number of people do not get their deposits back is that we couldn't make the findings that they in fact exceeded the state standard. And so that's why there's this split kind of way of dealing with it. And as Laurel says, we're kind of working through the baby steps as we try to figure out how to implement the state standards and not back away from our state standards which we think are push the market further, but you know, the state standard has the certainty of if you don't do it you don't theoretically get an occupancy permit.

>> Councilmember Liccardo: Okay, so the current diversion program basically says you get all your money back 50% diversion of C and D. Thank you very much. Are there any -- Councilmember Herrera.

>> Councilmember Herrera: Thank you. So just one more question along this same line. If one is participating in the City's program, do they then still need to be compliant with the State program? I know you said that yes, okay? So if they were in the deposit program in the city they would still need to pay the fee and be compliant in the other program? I thought I heard a one -- you weren't going to -- you heard the positive thing with the State, if they were to stay -- I think that's in the reverse. You say if they were in the State program you weren't going to require them to pay the deposit to be in the City program.

>> I'm sorry, I thought you meant overall Green. In the deposit if they are regulated by Cal green, they will not be paying a deposit. It will be a fee for the administration of verifying that the waste has been diverted properly. If it's not Cal green I'm supposed to say it's an existing building or doesn't fall under Cal green then it would require a deposit.

>> Councilmember Herrera: And they won't be coming under both, either way if it starts at the city or they --

>> That's correct.

>> Councilmember Liccardo: Hi, John.

>> John Stufflebean: John Stufflebean, Environmental Services Director. I just want to clarify that even though as Joe said, you don't have to -- you only have to recycle 55% to get the deposit back, in reality we are recycling a lot more than that. In fact it's up close to 90% of the construction material because we've set up -- because of our program we've set up an infrastructure, there is a private infrastructure out there that can recycle this material. So even though our -- they only have to do so much they still -- we're still much more effective in temps diversion because of the program.

>> Councilmember Herrera: Well I'm glad to hear the goal is still there that we're going for 100%, it is good to know the numbers are up there. I also wanted to comment on the bicycle parking. I think that's really great that you're not coupling it to the parking spaces because I think we want to see increased bicycle ridership and other forms of transit and transportation and I think that's great. Thank you.

>> Councilmember Liccardo: Great, thank you very much and are there any members of the public who would like to speak on this item? If not then we'll entertain a motion.

>> Councilmember Chirco: Move to approve.

>> Councilmember Herrera: Second.

>> Councilmember Liccardo: All right, all in favor, that passes unanimously. Laurel or Joe, could I ask that either of you hang around for car sharing? I'm happy to take that out of order if that would help, whoever might want to respond, because I was fielding some questions that come up around development. Great, thank you. Ed, do you have any problem if we move on to that, or shall we be -- would Joe be here anyway?

>> Joe Horwedel: Either one.

>> Ed Shikada: Do you have a preference Joe?

>> Councilmember Liccardo: Are you hanging around anyway for other items?

>> Joe Horwedel: Yes.

>> Councilmember Liccardo: We'll keep moving then. Great, on to D-3, report on mitigation monitoring.

>> Thank you, Mr. Chair and committee members. Darryl Boyd, Planning, Building, and Code Enforcement. We're here today to talk to you about mitigation monitoring and reporting. This is -- we want to open a dialogue essentially about this topic. This is something that we haven't really talked much about with the council previously, but we feel the need to talk to you about it more today and hopefully in the future. We want to shine a light on this particular requirement from CEQA. So in essence what we're doing today is we're taking ourselves out to the wood shed so to speak on this particular item. What we have on the screen here is essentially what the California Environmental Quality Act requires. Essentially, CEQA requires that if we have a project, either public or private, for which we've adopted either a mitigated negative declaration or an EIR, we're supposed to adopt a mitigation monitoring or reporting program for that project to make sure that the mitigation measures have been completed as they've been approved by the council. The City's done a good job of requiring the mitigation monitoring programs. We'd like to do a better job in terms of making sure that the mitigation measures have actually been implemented in accordance with the way they're approved. Some typical mitigation categories for which mitigation monitoring or reporting would typically be required are shown on screen here. CEQA does make a distinction between monitoring or reporting but it's not a clear distinction and in essence we typically would do both for most mitigation measures. Essentially reporting is the idea that there would be a written report submitted, whereas monitoring would imply that there's more oversight, field inspections and so forth. So in this particular list of potential impact categories, biology is a particular set of impacts that may very well have mitigation measures that extend beyond the actual completion of the project and would typically require some amount of actual field verification and so forth. Whereas something more like traffic or noise for instance we would just be checking in the case of noise checking the plans to make sure that in fact the noise wall was constructed as required. The mitigation monitoring and reporting requirements can actually span quite a broad spectrum including the short term impacts as well as the long term impacts beyond project construction. We have three slides here. These three slides show three sequential years for an area along the Los Gatos creek trail. Where there was plantings required along the riparian edge. And one of the important aspects that these three slides show is, why it might be important, why it is important to make sure that the mitigation measures have been completed as required. Typically with habitat or vegetation requirements, mitigation measures, we would typically include a requirement of the project, one of the project's conditions would include survivability. Usually there is 70%, 75% survivability of plantings and so we need to make sure three years and beyond that those plantings have

survived. In this particular case you can see that the trees that we planted, these are little oak trees, they have actually continued to grow and flourish over the course of the initial three years of the project. The other important point that these slides indicate is, that we said that mitigation monitoring and reporting is a requirement both for public and private projects, and so we need to make sure that we're communicating adequately with our other city departments to make sure that they're aware that there would be such a reporting program required. So that they can appropriately factor that into budgets and so forth. This is a different type of mitigation measure. This one in particular has to do with water quality. How we came to be more focused on this, is that several years ago, we realized that we had projects that, during construction, where the requirements for making sure that we weren't tracking dust onto the public streets and so forth, we weren't -- those conditions weren't being complied with as much as they really should have been. And so that's when we first really began to realize that we could do a better job with this. In this particular case what you see here is an automated tire washing machine to make sure that as construction vehicles are exiting the site they're washed off in such a way as to not track dust onto the street which then becomes sediment due to runoff and starts to affect the water quality. So this would be an example of those kinds of mitigation measures during construction that we would want to make sure are complied with. In the memo that we provided the committee there's actually a longer list of some ideas that staff has. With regard to long term success of our mitigation monitoring and reporting program. In particular, here we show some next steps. One of the first ones that we want to do is create a common nomenclature. That could be as simple as just making sure that we consistently refer to this as the mitigation and monitoring reporting program, just to make sure that everybody knows what we mean when we say that. Other things would be what do we mean by monitoring, what do we mean by reporting? Definitions, terminology. Another would be to establish mitigation monitoring protocols. Again, it is important that other city departments as well as our private implicates know there is a requirement to actually do this. It is the city that's on the hook by CEQA but oftentimes it would be the private developer, say that we'd be contracting with would be responsibility okay for the biology monitoring in the long run and so forth. So we wanted to make sure that we've got some protocols adopted and readily available to the public to make sure that everybody knows what the ground rules are as we go forward. Again, both for public and private projects. We want to monitor the full complement of mitigation measures. Again the list we provided are some of the more typical ones. But we want to make sure that all of our mitigation measures are being fulfilled as approved and required by the city council. Field verification, we can certainly do a better job of actually going out

and doing some site inspections and making sure that particularly again for biology for instance that plantings are surviving, after initial three years and so forth. Which also brings up a point back to protocols is you know we need to make sure that there's some understanding of how we would enforce the conditions and what measures maybe taken in the event that the mitigation measures are not being fulfilled as required. With regard to quarterly reporting, what we'd like to do is on a quarterly basis bring back a report about this program to this committee so we would -- that one of the things we wanted to ask today is that that be considered for addition to the work plan. And this is how we can staff continue to shine a light on this particular issue and force us to make sure that we're being diligent. One of the challenges that we have on this program is it's on the back end after projects have been approved oftentimes after they've been constructed so that's what really poses a challenge. We want to make the results of our mitigation and reporting program more readily available to the public so that anyone can essentially go say online, see what was required of the project and know whether or not the mitigation measures are being fulfilled. And then lastly we want to improve the enforceability of mitigation as appropriate because it may not necessarily be -- we may not enforce the same way across the board for all mitigation measures but we need to do a better job of that. So with that Mr. Chair we're available for questions.

>> Councilmember Liccardo: Great, thanks Joe. Okay, questions? Councilmember Campos.

>> Councilmember Campos: I'm not -- first of all thank you for the presentation. And Joe, I'm not sure if maybe I should be asking this to the attorney. So the fact that we haven't been able to -- we've had issues with mitigation, would -- would we be liable if -- or any projects that have been completed, be liable from a legal standpoint, so does this put the city in any type of legal situation?

>> Yeah, I don't know that we're aware of any specific projects that we have been asked to take a look at in terms of the mitigation and monitoring or reporting program. The -- there -- the CEQA requirements are probably not as legally well defined as you might think. I think what staff is really talking about more is, once you do have a requirement, you do want to see if it's been implemented and you do want to see if it's successful. I don't know that it's necessarily purely a legal issue.

>> Councilmember Campos: Okay.

>> Joe Horwedel: Yeah, so part of why Darryl and I have been dealing with this and Darryl's predecessors Aconi Danielson had worked on this is the Audubon society had raised issues probably six or seven years ago, the picture of the tire washer was a result of both public and private projects in both Santa Clara County not just San José, were not complying with the requirements for protecting water quality. We had large projects going on in the winter time and not doing protection of the exposed slopes we had street or project. And they had raised the specter of litigation over that. Monterey county went over a major effort related to mitigation monitoring about that same time. I don't know if it ultimately was the result of litigation or threat of litigation, but they went and retooled their programs. We went through and kind of got about halfway there and we want to kind of go all the way. I -- the last piece of it is we've been talking to the city attorney's office of actually enacting some litigation against some private developers who had responsibility to do mitigation and part of challenge is the conditions for what was the mitigation, were not poor -- were poorly crafted. That's one of the things we're debating about, should we go to court over that? We've tried all the paths to try to fix it. Litigation is always part of CEQA. This is one part of CEQA that there's not a lot of case law on and that's partly the challenge we're grappling with. The state statutes are not well crafted other than to say go do this. And from what we've seen other than Santa Barbara county or city, not a lot of agencies in California really have dealt with this. A lot of them do like we do and we do mitigation monitoring plans. You see them in EIRs, I think text, but really have not gone to the true intent of the law. So our concern is that we want to get preemptive before litigation really becomes the problem because it is our concern that it will become that next generation of case law.

>> Councilmember Campos: Thank you for that explanation. You mentioned that you're in discussions right now with the city attorney's office about whether you should file action against maybe some projects that have already been developed or -- they're not in the process right now they're past projects.

>> Joe Horwedel: Right.

>> Councilmember Campos: So when do you know that what will be the action from your conversation, whether we should go forward or not? And I guess the question that I would hope that you would ask is, if we don't, can it come back and hurt us as a city? That would be the one thing that I'd be concerned about. So the pros and cons around that question.

>> Mollie Dent: That's certainly something that our office would be look at with the Planning Department when they're talking about projects that haven't compliant so that's certainly be a conversation they would be having.

>> Joe Horwedel: It's been a couple of months since we circled back to have that conversation. We had done a lot of research, worked with the property owner and their attorneys, and working through it we talked with our litigators about it. We then got busy on a couple of other projects, it went to the back side while we put this together to bring kind of the larger picture. We did mention in the staff report that there's kind of two directions, both backwards-looking and forward-looking. We've taken more of a forward-looking, but we do think that we do need to do some amount of going backwards on some major issues, just to kind of be true to what our original commitments were. And if we prevail or not we think there is some merit to doing that.

>> Councilmember Campos: Thank you, those are all my questions.

>> Councilmember Liccardo: Councilmember Herrera.

>> Councilmember Herrera: Thank you. My question is sort of following along with this, trying to understand the consequences for noncompliance for the projects that aren't complying. And is there anything we can do, I guess forward-looking at other projects to have some consequences built in for noncompliant projects?

>> Joe Horwedel: When we go through and talk about the enforcing -- improving the enforceability, that's really what we're looking at is being real clear about what are the consequences of nonperformance. And in looking at how, what our tools are, we don't think we have good enough tools right now. So we're looking at that question of the role of code enforcement, the role of planning in dealing with that enforcement puzzle. And then we're looking

at what some other cities are doing of how they structure that. Our best form of enforcement is to actually stop people while they're in construction, and we've done more with that. But as Darryl pointed out, the challenges of riparian planting, if the developer stops irrigating it and it all dies at year 2 and they're done building and have gone, how do we really enforce on that? And we haven't collected performance bonds in the past. We don't have agreements that say, you know, who's responsible to that, it just says developer. And you know if you've now sold the project to someone else who's really on the hook? That's where we're going back to look at really who what when where why questions for everything that comes out through the environmental process to make sure the conditions really are specific around that and then we have legally binding agreements with who are the responsible parties. And negotiate those tough questions up front rather than if something goes bad because at that point everybody's gone.

>> Councilmember Herrera: I'll be very interested in seeing how you came out in having the responsible party to take care of it. I was curious, City of Santa Barbara was cited as having good practices. Can you just briefly talk about what they've done?

>> Joe Horwedel: They do a couple of things. One is through the construction process they do a really good job of documenting the progress of conformance with all the mitigation. They actually have staff that that is their job is environmental type enforcement. So they are out there verifying that these things are happening when they're supposed to happen. That they have a separate fee kind of group that that is how they look at it, rather than trying to get a building inspector to look at landscaping for example. They also go through and have -- spend a lot of time going back through their permit conditions so that they really are enforceable. They have a good procedure through the development process so that at every step of the way that they're making sure that what needs to get done at that step is done and it's not deferred to a later stage in the process. So just about how they've approached it? They've systemized that as a normal waive doing business as opposed to San José else that you hope somebody else makes sure they did.

>> If I could just add, one of the things that Santa Barbara does is somewhat of an intrigue notion is the developers are required to actually have someone, they're required to have summing that becomes their

compliance consultant. They've got a name for it that escapes me right now but essentially the developer is on the hook to have a person that is responsible -- that is on their side of the table that's responsible for making sure that the reporting and monitoring is happening and that's the person, there's a person for city staff, Santa Barbara staff to contact. Because sometimes that's what we've run into, is that after projects have been constructed, and there might be even just a question that we want to ask, we'd have to figure out who to track down to even ask the question. So they've made that very clear as a part of their process.

>> Councilmember Herrera: Thank you. I think that's important, because once the project is developed there maybe less incentive to follow up on those things unless we have that specified in part of the process.

>> Councilmember Liccardo: Vice Mayor Chirco.

>> Councilmember Chirco: I heard some of the answers to the questions I have. One was, when there's a -- has there been any thought about when there's a negative declaration, that there might be a fee attached to it, so there can be a monitoring component to it, that can be a performance bond, a fee or as Darryl was talking about if they wanted to have somebody that you could connect with. Because the city does these negative declarations on the CEQAs and we have no way of knowing if they've been done. I know, not far from where I live, that part of it was that they would landscape the -- what was -- one of those park strips and nobody in the development knew they were responsible for maintaining them, because developer planted them, left, and now who do you hold accountable for it? So I think I'd look forward to further conversations and thank you for taking all of us out to the wood shed to have that conversation on how we need to be more aware and let the public know that these negative declarations are being implemented, monitored, and accountable. Thank you.

>> Thank you.

>> Councilmember Liccardo: I really share that sentiment. I want to thank you guys for getting out in front of this problem because I know there are times it comes up in different ways and it's good to think systematically how to avoid it. I know there's a real cost here to compliance and to monitoring and it's not one that can be easily borne

by the city and it's not one that we would like to impose on developers at the same time everyone is complaining about fees. But I wonder if there a simpler approach where we could be requiring them to fill out a checklist after construction and then for how many years afterwards that might be appropriate that they then have to submit to the city, whether it's -- I don't know if we can impose penalty under penalty of perjury or liquidated damages or something that we all agree to that's essentially it's got to be truthful and if it's not they pay something. Has that an approach that's been explored where they are required to certify that the conditions are met and affirmatively send somebody back to the city saying that?

>> Joe Horwedel: We're doing a bit of a hybrid if that right now, in that we do charge a fee when we do a neg dec in the EIR to pay for a basic registry to track that these projects are in, and then we do require that they do especially the biologic types of issues for riparian or other wetland habitat. We require them to give us a yearly report where their consultant documents success or you know if it's not, what needs to be rectified. We don't require that it's under perjury, under penalty, those kinds of things but like the pictures you saw it is photographic as well as narrative. It's documented so when you read through that report, it is pretty evident whether they're passing or failing. What we're looking at is, right now, those reports come in and they went to Aconi and now to Darryl and their staff and go into a box, because there isn't anybody there to look at. You know, it's not part of our business. And that's the part that we're looking account worse yet, you have people that are not even sending them in. And we don't know where is that list of people that should have sent it in. So that's part of what we're wanting to build is, here is the master list of the projects, so at least staff knows, the public knows, the developer knows who's performing and who's not performing and we'll figure out how much of that is third party verification which we are very fortunate that we have reputable consultants who push on those kinds of things as long as they're under contract and part of that is to make sure that that continues.

>> Councilmember Liccardo: Thanks, Joe. Thank you, Darryl. Unless there are any members of the public, Darryl?

>> Just one other request, we would request that this be cross referenced for 10-19, please.

>> Mollie Dent: It is not on this agenda for an action item. I don't think it can be cross referenced, it is on for status report.

>> Councilmember Liccardo: Do you want the item to go on for status report or to be acted on?

>> Joe Horwedel: I would like the rest of the council to be aware of the statutory requirement and we are moving forward to improve our request.

>> Councilmember Herrera: Can I make the motion to cross reference it to council?

>> Mollie Dent: It needs to be cross referenced through rules. They could pull it at that point if they wanted to.

>> Councilmember Liccardo: Okay, is had a the motion?

>> Councilmember Herrera: Yeah, that's the motion.

>> Councilmember Chirco: Second.

>> Councilmember Liccardo: All in favor? That passes unanimously.

>> Joe Horwedel: And I did want to mention Mr. Chair, a lot of this work we do owe to the environmental community is that their perseverance in pushing the organization to do this. It's the right thing to do, but inertia is kind of -- sometimes it takes a while to get it moving, so Craig Brion and a number of folks from the different environmental groups are being patient and being persistent, so we thank them for that.

>> Councilmember Liccardo: Thanks Joe, thanks for recognizing that. Okay, we're moving on. And I know that item number 4, trail network and bikeways update awaits. You know, Laurel and Joe, I should maybe preface

what I said, if anybody from Planning is able to stay, I don't want to be picky, for item number 5, I'm happy to -- okay, thank you. Hi John, hi Yves.

>> Good afternoon, I'm John Brazil, from the Department of Transportation's bicycle and pedestrian program, and I'm joined by Yves Zsutty, from the trails program and parks department, and we're here to give you a brief update status report on implementation of trails and bike ways. So first we'd like to give you a brief update on kind of an overview of the grand vision and where we are in the process of implementing a network of bike ways. Quick reminder. Trails are generally offstreet facilities. Like Coyote creek trail, Los Gatos creek trail, Guadalupe river trail. And other bikeways are primarily on street bikeways. We usually call them bike ways, things like that. So council, as you know, last November, nearly a year ago, approved bike plan 2020, our citywide bike plan that calls for a total of 500 miles of bike ways. And 400 of that will be onstreet network which I'm here to talk about and we have about 200 miles of the 400 miles completed to date. As part of implementing the total 400 mile network we have plans to pilot a few enhanced on-street bike ways. Generally people feel more comfortable on trails separated from traffic, but we know that most destinations are on street, so we want to create an atmosphere where people feel more comfortable on streets. So we have a few primary or enhanced onstreet bike way projects that we're developing now as we speak. One of those is the San Fernando colored bike lane, the other is buffered bike lane up on river oaks in the northern part of the city. So we are excited about those. And as part of the process to build facilities on streets where people feel more comfortable, this upcoming year we will be implementing a couple of bike boulevards which are usually neighborhood streets where there are some very basic levels enhancements to make people feel more comfortable. So we will be implementing two more bike boulevards upcoming. As a side note I wanted to mention that as Laurel Prevetti mentioned earlier, as part of the Cal green process we are updating our existing city bike parking standards. I'm excited about that, I think we're going to make great progress there. We already have a good standard. Briefly, wanted to mention a few of the acknowledgment that the trail program and the bike and pedestrian program have received. One is for the alliance for bicycling and walking which is a national organization that identified the City of San José's youth bicycle program as the number one in the country for large cities. They evaluated I believe 50 cities and San José's program came out on top. That is led by Linda Crabill in DOT and Terry Jones who works with her.

>> We (inaudible) to the federal highway administration transportation excellence award. Which says that San José's doing really some good planning work around the idea of transportation and trails. And it's a big deal for us because the federal highway administration is highways and roadways. And so we're starting to get into that dialogue with those folks about trails being more than just recreation. So this award helps us to document that. And then we continue to have alignments on the national recreational trail. We're part of the Bay Area ridge trail and we're recognized by the league of American bicyclists. We've got a number of trail projects being designed right now. I'm going to cover just a few that are significant. The 6.4 miles of Guadalupe river trail that gets you from downtown to the bay, we've been working on this since August of 2005. It's been a really long project. Last month we got our final documentation from CalTrans, saying we've gotten through the environmental process. Now we're just working through a final permit from the Water District and getting ready to bid that in April-May of 2011. So we're getting really close. Through our working through our environmental studies on the bay trail bridge. In East San José we're -- we've put together some funding and we're completing design work on the Penitencia creek trail to lead people into Alum Rock park. Improvements along the Guadalupe river in south San José and working with the Water District to define a very large pedestrian bridge that will span Almaden expressway, Coyote -- Guadalupe creek and lead you to the Guadalupe river and lake Almaden. A few bike way projects that John is working on include --

>> I did mention those briefly in introduction. The innovative bike ways and the bike boulevard projects, in addition we're currently in the early stages of development of design documents for ten bike lane projects.

>> We just last week completed the silver stone project as part of the Lower Silver Creek alignment. The photograph on the left show some of the benches that got put in. We put in landscaping, we converted what was just a neglected site. It was a PG&E corridor. And Jan Palocec from Public Works were out there checking out the completed work and a woman had approached us with her infants in a stroller and said she had lived in the neighborhood for 25 years and she was so grateful to the city for turning what had been a dumping site into a place she would enjoy. She was out there walking. We saw a few other people already enjoying it. We're working on extending the Guadalupe river trail to Virginia street. Picture in the middle shows the undercrossing that spans

one of the highways that cut through that area. And that project's still on schedule for completion by December. And John has a few bike way projects in the works.

>> We do have eight miles of bike lane projects that are nearly complete. We'd hoped they would have been complete by this point but due to national shortages of pavement supplies that the whole country is experiencing we do have a slight delay but they should be completed this fall. In addition we are constantly obtaining grant funding to install public bike racks and we have a grant right now where we're installing bike racks throughout the city. We're actually coordinating a bit with some of the public schools as well.

>> We've completed design work on our milestone marking project. This is a project I've spoke to you about before where we're tying the precise location of markers to the 911 system so that emergency personnel can be deployed rapidly to sites and know how to get in and out of a trail. We expect a test deployment in December. This project is just for the mileage markers and we'll be putting out some of our new signage graphics when we're doing that work. It doesn't include interpretive signs and a whole lot of other signs deployment. It's really for the emergency services component. We're -- always looking to improve so we're working on a specification for a bike way to trail ramp so that if you're riding alongside a roadway on a bike lane viewed a good way to transition to the trail. There's wheelchair ramps that could be used, there's driveways that could be used but they really don't meet the need of that bicycle travel so John and I are working on a spec to do that. And a couple of years ago we started looking at the use of recycled concrete for shoulders on trails. And we're finding that it just does not -- it doesn't have the adherence or the ability to compact the way we want it to. So we end up having loose gravel on the edges of trails. So we're revisiting that spec to see when we can use recycled materials and how to really specify it for uniform trail system.

>> We're also partnering with VTA as I think you know on a public bike share system. We -- VTA is the lead organization. San José is kind of on as a co-partner. We've obtained a half million dollar grant funding to date to pilot a program of public bike shares where you could walk up for example to City Hall perhaps and swipe a credit card, take a bike, ride it to lunch, drop it off somewhere else or ride it back. We also are working with VTA have an outstanding application for an additional \$2 million we hope to hear later this month that would allow us to

really have a substantial pilot program rather than a very, very small pilot program. On bike friendly traffic signals, this is something that is often yore looked but really key to making bicycling safe and convenient. Bicyclists often are not able to trigger a light to get a green light for them and we have an outstanding grant application for \$1.2 million to begin to remedy that situation citywide. So hopefully later this month we'll get a good word on that. As for public awareness we just wanted to give you a sample of some of the outreach programs projects that I think many of you are familiar with, events. We had a very successful San José Via Velo, thanks to our corporate sponsor Matson Technology. That was a wonderful event. You see the picture there with the community coming out, enjoying the street. We like to say we open the street to people rather than we closed it to cars. It was great to see folks of all backgrounds out there enjoying themselves. That was part of San José cycling classic week of events in May and that involved things such as the king of the mountain ride up Sierra road which I know our chair participated in that I believe this year. And also, bike to work, the activities were successful again. We had increases in bike counts during bike to work day. As for outreach, an example of that is the city's bicycle pedestrian advisory committee. We this summer had a call for applicants to fill some empty seats. We had a pool of applicants that allowed us to successfully fill two seats. One of the new members that's appointed is actually a high schooler in San José. So we're very excited to have some young folks representing these grades, he has these ideas about Facebook pages and other ways to reach out to young people, so that's a great thing.

>> And we continue to maintain trail Websites and the bike way Website with maps for people to access information. I won't bore you with the numbers here really what you need to know here is last fiscal year we submitted 15 grants for almost \$20 million. This year we're a third of the way through and we just submitted five grants this week. And that took a couple months to pull together, but so at our current pace, we'll be putting out as many grants as we did last year if those opportunities keep on coming through the year. That work we did over the past couple of months was \$3.7 million potentially of new grant money coming into San José. Doing a lot of things to increase our funding opportunities. I'll be traveling to Chattanooga in November to speak about trail development in San José and how we're aligning it with our Green Vision efforts and also presenting at the California parks and recreation society about trail development. In the California environment where we've got some of the most stringent environmental rules and how we work on mitigation and issues like that to deliver trails. We completed trail count this past September and found a 5% increase along the trails and that number

was really remarkable considering we had a big closure on the Guadalupe river trail which was near one of our count stations. It didn't deter people from traveling by bike. Again we got this transportation and planning award from the Federal Highway Administration which elevates the view of trails in our community and around the country. And we are collaborating with the Department of Housing on a HUD grant to explain as they start working on the urban village concept that the trails can play an important role for people to get to those villages. I also had a conversation with the retailer who runs the operations of the San José airport. I brought to their attention their trail kiosk in the airport had information about trails but only in a very general sense. So I shared with her the graphics we'd developed for the milestone marker project. She thought a lot of those looked great. They'll be sending us a proposal to see about getting a percentage of sales now if they use our graphics. So it won't be a million dollars a mile in funding but it will be enough to do an increment of something. With that John and I would like to answer any of your questions.

>> Councilmember Liccardo: Okay, thank you gentlemen for the excellent presentation. Questions? Councilmember Campos.

>> Councilmember Campos: So can you put up the slide that had three different trails, and bikes? It was the Lower Silver Creek one. When did you get here, the city? How long have you been here now?

>> In this position, I have been at it for seven years now.

>> Councilmember Campos: So I think when you first got here I was on a committee and we talked about the trails, so that is the last portion we needed to complete so it took us seven years from when we started at the Mayfair center to make sure that trail. And I'm hoping that because the vision was to be able to connect it to Cunningham park. So as Councilmember Herrera sits on VTA, you've got to push them a little harder so that we can connect it and eventually the trail will lead to downtown from Plata Arroyo in District 8. So that was a long journey. We completed and I'm excited about that. I was out there Friday so we must have just missed each other because I saw the two women with their baby strollers. And also, saw kids riding their bikes and families just sitting around. I was there a little later in the evening. So it's something to really cherish because if you look at -- if

you can imagine before you would see mattresses out there and couches and things that people didn't want in their home, but probably didn't have the means to take it to the dump. And would use this as a dumping ground. So this is a really victory for the residents of East San José and for the city, to have completed this trail. I'm real excited about it. So with that, I hope that encourages my colleagues to make sure that the rest of the trail gets moved over to Cunningham so parents and children and families can walk in a safe route to the park.

>> I shared images of the trail, I posted them on the Website and I did include a before picture because it is really so shocking to see how it was.

>> Councilmember Campos: It is shocking.

>> I shared it with the rails to trail conservancy. They're going to be posting that on their Web pages to help other resource agencies to help with.

>> Councilmember Campos: That's fighting. Is the current budget affecting our ability to be able to move forward? Is that why it's so important for us to get the grants, because we need to be able to keep the funding so that we can continue to move forward? And how much is the budget affecting our ability?

>> Trail development is at least since I've been on board has always been led by the grants.

>> Councilmember Campos: Okay.

>> And in a few instances we've gone to council and proposed projects and said they should fully fund -- the council office should fully fund the effort but more often than not the trail is what causes us to go to council and say we need some matching money and some front-dollars. So we just continue, don't aggressively go all the grants that are available, and that's what's reflected in those numbers. The -- where it gets difficult is if there isn't enough resources in the city to meet the match requirement. And we'd have to turn down some grants because we just can't afford to have that money out there. I can't tell you there's an example of that right now but the

budgets are getting smaller and small are and the C & C challenge, and it gets a loll more challenging to find the grant money.

>> Councilmember Campos: I know we use some matching but the majority of it was used through the C&C so that's why I asked the question that not everywhere had -- not that we have the luxury now but at one time District 5 had a healthy C&C fund but we've been using it to make sure that we complete trails and parks and playgrounds and other things that were needed in the community. Thank you.

>> And I'll correct myself that is true in District 5 there was really a large share. And that money really kick-started the master plan too which was really important.

>> Councilmember Campos: Thank you.

>> If I could I would probably give a similar response to Yves for the Department of Transportation's bicycle and pedestrian program, which is that the capital funds usually come primarily from grant fund sources so we are actively and aggressively pursuing everything we can. And it's understood that with current budget situation that you know in a perfect world everyone would like more staff including the bicycle and pedestrian program but we understand in this current fiscal environment that's not feasible but perhaps in the future that's possible.

>> Councilmember Liccardo: Other questions? Councilmember Herrera.

>> Councilmember Herrera: Thank you. Yeah, the Lower Silver Creek trail to Cunningham we had part of that completed correct Yves? It was a million dollars or so because I was out there in a groundbreaking out there for Lower Silver Creek.

>> For Lower Silver Creek.

>> Councilmember Herrera: What's the connection that there's a portion that connects to Lake Cunningham is it Ocala School?

>> So the Silver Stone project goes from Foxdale to Ocala, that's just what opened up recently. We had a portion further to the North at Doburn bridge which is going to be impacted by some flood protection work but be restored, and we do need to make the connection to Lake Cunningham but that would be part of the VTA's efforts to add light rail, and we've talked to them about reserving space for a distinct pedestrian bike corridor to lead to the park.

>> Councilmember Herrera: So how much of that do you think we can get in this phase 1 that I've pushed as I was able to get money reobligated from VTA to the first phase of light rail, and that includes pedestrian improvements and bicycle trails and landscaping along that stretch on Lake Cunningham. Along Capital Expressway bordering Lake Cunningham. Do you think there's a possibility we can use some of that in terms of the trail?

>> I'm not familiar with that action, so if I got that information I'd be glad to provide analysis.

>> I could check with my department. Folks are more familiar with that project than I am and get back to you with more information.

>> Councilmember Herrera: And what other grants do you think or opportunities for money do you think there are to finish up that trail to Lake Cunningham on Lower Silver Creek?

>> We look at about 30 different grants each year. This week we just submitted an HCF habitat conservation fund grant for Thompson creek trail which is in the vicinity. We struggle because in that particular grant program they look for habitat which is kind of hard when you're next to the expressway. So it's an unusual system. It's not a riparian system really.

>> Councilmember Herrera: It's hard for people to be next to the expressway too which is why I'm happy we're doing some development there.

>> Oh I agree completely. So the look through the prioritization process that we do each year to find the highest ranking projects, align them with the available grants and look for the most competitive efforts.

>> Councilmember Herrera: As my colleagues mentioned, we certainly do want to get that trail completed over to Lake Cunningham. Also, I wanted to thank you on the Thompson creek for staff to get that application for the \$200,000 for Thompson creek. It's a very important trail in District 8 and very important in connecting with all the trails that we're trying to connect throughout the city, so I thank you for that.

>> Thank you.

>> Councilmember Liccardo: Vice Mayor Chirco.

>> Councilmember Chirco: I would move to accept the report.

>> Councilmember Herrera: Second.

>> Councilmember Liccardo: If I could, that's moved and seconded, if you will indulge me for just a moment, we've had a lot of experience in the past couple of months looking at different bicycle infrastructure here and abroad. I know Manuel Pineda was on a trip with me also recently. As I reflect on it, I think we've done an exceptional job with the very limited resource that the city has. We'd go to cities like we had for instance in Holland, which is 40%, which is just extraordinary to see all these people out there in their suits and pregnant women you know out there in the rain holding umbrellas riding their bicycle. It's just extraordinary to see that level of participation and activity. But there's really a remarkable cultural difference which is people in our neck of the woods use bicycles for recreation, and there they use them for tools as commuting. And as a result, when we think about cycling all too often we think of trails here. And where the investment is overwhelmingly in many of the

cities is on the street, making people feel safer on their bicycle on the street. And I know that often we need to chase where the money is and that's understandable. If there is trail money out there for natural resources we should be going after trail money, by all means. But as we look at significant way in commuting I'm hopeful that we'll do it more and more how we do it with the street infrastructure. Because that is really what seems to drive mode share in my observation, and certainly from their perspective, as well. The extent of work that's being done for instance in segregated bike ways is really incredible abroad. Obviously, they've got an awful lot more resources in countries like Denmark and Holland where it's simply understood that you invest 5 or 10 million euro a year in a city's bike infrastructure, and we would love to have that kind of money here and we just don't. The fact that they are really focused on making a street comfortable and safe feeling for cyclists often through segregation, physical separation, they're doing it now in New York City, 200 miles there. I know they're doing it in market street San Francisco, I even saw in Washington, D.C, recent trips, they're doing it down the center lanes of Pennsylvania avenue. CalTrans is often the obstacle, there's all kinds of issues getting CalTrans to move, I know you've fought the battles in the past, you're fighting them on San Fernando and elsewhere, but there's a coalition of cities that really want to move CalTrans in a significant way. And I hope we'll participate in those efforts in Davis and San Francisco and so many others to really try to get some of the state standards liberalized or made more flexible so that we can really start to engage in some of this in a more aggressive way. And second thing, in terms of how we deal with our street infrastructure, and I know pedestrians feel strongly about this just like bicyclists do. But I notice the extensive use of speed bumps in other cities and I know we've got big issues with the fire department here and fire truck access and on and on and I ask other folks transportation officials in other cities how they do it and they simply say we do it. And they manage to work with their fire departments and the fire departments understand, and I know we've got variations of speed bumps and lumps and humps and various kinds that they may on less or more to but getting the traffic to slow down seems to be a critical, critical issue to making people feel comfortable on bicycles and of course critical for safety of pedestrians as well. I'm really hopeful that in those areas we'll be able to really marshal our resources and our efforts in this city, as we move forward. I know we've had great success with very limited resources that we have. But given the limited resources I'm hoping that we'll really focus on the key means of moving the mode share beyond the 1.2% we have now which is a significant improvement over what we had a few years ago but we have a ways to go. With that I don't

know if there are any other comments or questions or any members of the public? I see none so we will all in favor? Any opposed? Okay that passes unanimously. Thanks John, thanks Yves. Hi Hans.

>> Hans Larsen: Good afternoon. (inaudible)

>> Councilmember Liccardo: We're on to the car share program.

>> Hans Larsen: Car share program.

>> Councilmember Liccardo: Okay, great. Hi Joe. Joe, you probably know why I asked somebody to hang around, in regards to the memo we sent out in '08 about developers. Thanks.

>> Hans Larsen: Mr. Chair, members of the committee, I'm Hans Larsen acting director of transportation. While we have our presentation, let me give some introductory comments. We're providing this report to you, it is part of committee's work plan and we have just as a reminder what car share is, it's been loosely termed as a library service for cars. So when you need a car you don't necessarily have to own one. But you have easy convenient access to it. You have your car share membership card and one located conveniently to it. It is not required that you somewhere full ownership to the vehicle. This has a lot of benefits, it reduces the cost of transportation. It is easy for people to walk bike take transit and then have a car when they absolutely need a car for their own travel reasons. So it is a good incentive, to help encourage multimodal travel in our city. One of the primary reasons in which this committee has asked that we look at it is in an effort to reduce the cost of high density urban development by making car share vehicles available for -- in high density areas like downtown, it can have the benefit of reducing the cost of providing parking in these buildings. So these are a number of the reasons why we are actively pursuing this. What we have before you is a series of recommendations that help create a set of incentives to help us attract a car share program in San José. As we've talked with other jurisdictions and car share vendors, we have some limits in terms of a natural attraction to San José because we're not as high density as other cities that have these. So in order to attract one we're offering up some incentives to help make this more successful and come to San José in the near term. So I'm going to turn it over to Laura Stuchinsky, and Randy

turner from general services to go through the presentation and Joe Horwedel and I are here in addition to answer any questions you have.

>> Thanks Hans. I'm Randy Turner, Deputy Director of General Services. How are you? The primary question really is around car share. But before we get there I do want to remind the committee that a few months ago, staff was directed to look at car sharing and see how we might be able to leverage such a program in the City of San José. And so since that time staff has been studying car share programs locally and around the country. And the staff report that's in front of you represents our findings to date. And as Hans mentioned we're hoping to garner some feedback on some of the incentives that we want to include in an RFP that we hope to release here in another month or two. So the question is, why car share? Car share for us really looks at supporting our overall Green Vision and is supported by the general plan. I know Joe will speak to that momentarily. When we think about environmental stewardship which is sort of the foundation of the Green Vision, and you look at what car share does, it looks to reduce overall vehicle miles traveled. That is the primary incentive. Related to that is a natural reduction in greenhouse gas reductions. When I think about the Green Vision and goal number 8 which for the city is really trying to move the City's fleet towards 100% alternative fuels, today we're just a little bit north of 40% of that goal and we're making great strides to get to 100%. But intuitive to that overall goal is not only just moving to alternative fuels, but the byproduct of that is a natural reduction in greenhouse gas emissions. So I want to report, since we began measuring tail pipe emissions in our fleet in 2002-2003, we're -- we've reduced our overall tail pipe emissions by about 26%. That's a great accomplishment. We're about a year ahead of our schedule. It's one of the metrics that we use for goal number 8. It directly ties to a car share program. The other interesting fact is just encouragement of transportation mode shift. We all know that there is a whole lot of different transportation modes, but we're all very, very comfortable, generally speaking, driving our own vehicles to and from work and to the mall and back and to the grocery store. We think car sharing really could enhance our green mobility efforts by making those transportation solutions such as car pooling or mass transit a reality. If -- if the user of that program can be assured that when they need that vehicle to make that special trip, to the doctor or to run an errand, that it's available. And that really is the concept of car sharing. From an O&M perspective, thinking of it as a personal driver, if you are able to shed a car in your personal inventory, there is a natural reduction in O&M. If you are driving your vehicle less, there is less fuel cost. There may even in the long run be

some sort of insurance incentive. There are natural reasons for O&M reductions. Think of it in terms of a car share provider being able to bring to the market and to our program the most current technology, electric vehicles, the most efficient hybrid. Those are things that are going to be passed through in terms of a cost that reduces our overall O&M. So why car share? Supports our Green Vision, is backed up by the general plan. Will help us advance Green Vision goal number 8. And is overall good environmental stewardship.

>> As Randy mentioned we spoke to a number of cities in this area and outside, other parts of the country, in Vancouver, Canada, to get a sense about what kinds of elements are essential in creating a successful program. We also spoke to vendors that are providing service or would like to provide service in this area as well as car sharing companies in other parts of the country, again to get a sense about what they need to launch a successful program. And there's quite a variety of models out there and kinds of companies from independent, nonprofit or just independent for profit companies to rental car companies that are now moving into this business. And what we came down to is, some essential components that we would offer in a program in San José. There is a question of whether we have the density yet to support a program in San José but we think that we might be able to do this in the downtown at least in the short term if we include many San José State University. Because the density is essential for a car sharing program you need 24 hour usage of the vehicle, seven days a week in order to make it fly. Again, downtown we think is the place in the city where we have increasing density both residential and commercial that we might be able to make a program work. And what we heard from many of the cities, and from these nonprofit and for-profit companies that launching a new program can be very expensive. So to the extent we can provide ways of supporting the launch, and for given the city's financial condition we were looking for ways to do that nonmonetary support for launching a program We identified different things that we felt the city could be able to do that other cities and programs were looking for to helped support a program.

>> So our initial program our vision here is to launch a scalable program that's focused around downtown but really around City Hall and the San José State campus. We've had great conversation with leadership of San José State and they're interested in partnering with the city to provide car share opportunities after hours for faculty and staff and even the student population. You've heard just a presentation earlier from John Brazil about

the city's bike share program. We can envision as this program builds momentum and it economically is feasible, as it rolls out the different pods around the city that we could have car sharing pods across the city that connect to other forms of transportation including a city bike share program. Very, very interesting concept. For us, we looked at what one of our cities to the north has done, and that concept is spread across the country, in various other cities. And that is trying to include some portion of the city fleet in a car share program. Some of you may know that here at City Hall we do operate and maintain a fleet of pool vehicles in the garage. We have 10 vehicles. They're used constantly by the folks who work out of City Hall. To support their operations and the like. This vehicle pool while it's clean and efficient, it's aged. It's ten to 15 years old and while it's compliant in terms of emission and performance based on the years that they were manufactured by today's standard the vehicles rolling off the assembly line, you know, they could be a whole lot better. We see an opportunity if the economics work right for a car share provider to take a portion of our pool, if not all of it and leverage into it a car share program. So during the work week, we have a segment of that car share population available for our city staff to reserve like they do today, and then after hours, and on the weekends, those vehicles become available to the program participants, that could be members of San José State, it could be anybody who decides to buy into the program and participate. From an O&M perspective, we look at again the aged fleet that we have, while it's functional and clean trying to advance our goal number 8 to the extent that we can modernize the fleet and bring in more fuel efficient and emission sensitive vehicles we think that's a win win for the city. With those new improvements and newer vehicles we have the opportunity and the likelihood to lower overall O&M costs.

>> So these are the incentives that we outlined in the memo that we believe could help support a program in the City of San José that would not require a financial contribution from the city from the General Fund. And as Randy had mentioned the City of Berkeley piloted the idea of including city fleet vehicles in the program, which created a base for the car share provider so they knew a certain number of vehicles would be used on a daily basis for a certain number of hours. The city could make that reserved for the city for those hours, or some other cities just make it part of pool that they use. But either way, it provides a base, a floor for the program that's starting out. Free parking is another very important incentive for these car share programs because many of them have to pay a fee for parking. If that -- that fee is not charged at least in the opening years of the contract, until the program is stabilized that could be a very important asset for the program. On street parking although we could

provide parking in park garages, we have the capacity and we probably would want to park some of the cars in the garages, to the extent that we can put some of the vehicles on the road, it's very helpful because makes the cars very visible. It's a great way to market the program, it's very convenient. So it's another incentive for the program if we can provide onstreet parking. Marketing is another way we could support the launch of a new program that is a very big expense for a new program is getting word out to potential users. The city knows those potential users better than somebody coming in from outside and has relationship with organizations that can get word out to them such as the downtown association. We are in a good position to do the work and also save the funds for the program to get going. The city also provided a maintenance service program for Toyota for folks who own the Rav and other Toyota vehicles. And that was on a cost basis. The city's costs were covered but it was a great service to folks who own the cars in this area to be able to have a convenient location to go to, to maintain their vehicles. And again a new provider may not have a setup maintenance facility in the area. Other mechanisms we could offer would be enforcement. The state has provided legislation that would allow the city to adopt a resolution or an ordinance to restrict parking and to be able to ticket people who park in spaces that are reserved for car sharing individuals. Again that protects that space for the car share companies. It's a very valuable asset. LEED certification we could be encouraging developers who are doing commercial building commercially in the downtown or for residential developments the green building program to encourage them to consider car sharing spots as part of their certification. Reduce parking and requiring car sharing space are two other ideas that the city is already considering in the downtown to require less parking if you have a car sharing, or actually to require developer to provide a car sharing space as a condition of developing in the downtown. These are some of the ideas that we came up with, as I say talking to car sharing companies and to cities that we think could make a program work pencil in the City of San José and we are seeking your concurrence and the council's to be able to incorporate these ideas in an RFP that we would issue in the next month or two.

>> So that concludes our presentation. And we're available to answer questions.

>> Councilmember Liccardo: Great, thank you.

>> Councilmember Campos: I have one.

>> Councilmember Liccardo: Councilmember Campos.

>> Councilmember Campos: Thank you. The question I have in your presentation you were talking about this might work better if we just focus on the greater downtown, for right now. So my question, and I'm sure that Councilmember Liccardo knows this probably a little bit better, but I visually can see that there are a lot of families in the greater downtown, maybe not just the core of downtown. So would cars be able to accommodate maybe larger families or is it just one fleet that -- one style that you'll have? I'm just wondering if there's a mixture or if there's going to be just one particular type of car?

>> I think that we would -- we would -- sorry, in the proposal the RFP that we would issue we would describe the downtown and the various users and ask proposers to suggest to us what mix of vehicles they would think most appropriate. And then we would negotiate with them as we choose our selected provider on the kind of mix that we and they agree would make the most sense and would work financially.

>> Councilmember Campos: That's great, that's what I wanted to hear, thank you.

>> Councilmember Liccardo: Other questions? I appreciate the presentation. Back in the summer of 2008, members of -- I took the time along with members of our team and I know some folks with RDA and planning were involved too. And we reached out and spent some time talking to zip car and reached out to some customers of theirs at San Francisco State and I think Portland State as well on what it would take to get the program on the road or off the ground, pardon the pun, yeah, on the road. And so A memo we put together with Vice Mayor Chirco and Mayor Reed back in October of '08, suggested that we explore partnerships particularly with developers, homeowners associations because in the downtown for instance we probably have a dozen homeowner associations where you've got folks living in condos with you know we often hear complaints about inadequate parking but those same residents would happily give up their second car if they knew they could have access to another one through car share. We often you know we talked to is folks at companies like Adobe and

Deloitte, and PWC where you've got a large number of employees. And I guess the question was, what would anybody be willing to pay for this service? If we were to collectively engage in the downtown community in a significant way, among those potential likely users. And I was hopeful that we would be doing significant amount of outreach in that area. And I'm wondering if we've gotten much feedback at this point as to whether there are price points, there is an amount that someone would be willing to pay, a developer for instance to avoid having to install, you know, to be able to reduce a parking ratio to 1.0 from a 1.5, for instance, just to throw out a number, what's that worth to a developer? And I know right now nobody's developing anything. In a more abstract world where we actually were building things, do we have a sense of whether people would be willing to pay for this right now?

>> Joe Horwedel: Well, at least from the private development side, the A parking that is going in, to the high rises, has been 100% the function of what the developer felt they needed to provide. The city requirements is vastly less than what's going into those buildings. Even on projects that we're doing today, the philosophy we're taking is, you know, zero parking would be okay. That's really a stretch but that's how we're trying to think about it. Balancing that though, of kind of what the developer needs to finance and what the community's willing to tolerate of kind of the fear of being overrun by parking.

>> Councilmember Liccardo: Right.

>> Joe Horwedel: The reality is developers are still putting that parking in even if it may be costing them \$30,000 a space. So I think from planning staff we are trying to put into development standards an acknowledgment that parking or car share type uses are an appropriate use in residential buildings, that just as we provide guest parking, we should be thinking about how car share would be provided in our new high density residential. But we haven't mandated it as a part of you know you have to do it because really our goal has been to push the market as far as we can, as fast as we can and reducing the parking in the buildings as a way just to you know get people using other forms of transit.

>> Councilmember Liccardo: Right, and I understand Joe it is tough to mandate anything right now particularly if nobody is breaking grounds on anything. Where I guess where I was going ultimately was, I'm sorry I lost my train of thought there while I was listening. But the -- to the extent that we were told by zip car and I think there was another provider, I think they went by the name car share if I'm not mistaken, they may have changed their name since, the challenge is in the startup cost, it's sort of a lump sum amount, and I'm wondering if we've sort of carefully defined what that number is and whether an RFP is really the best approach given the fact that there's going to be some negotiation involved here in terms of helping us understand how much they need in order to get this off the ground. Putting out an RFP may not get an awful lot of interest unless people know what -- unless the companies know that we'll be able to bring some resources to the table, obviously for private sources, so I guess my -- where my question is going is the RFP the best approach or would the it be better for us to be asking questions first?

>> It's a really fine line when you're talking to potential service providers that you give -- that you secure too much information that may give one service provider an advantage over the other. So we can definitely look at a request for information approach. To try to garner a sense of what the market will bear based on what kind of program outline we want for the first launch. And if I didn't mention it we're trying to create a scalable program that would then be molded differently as we go to the greater downtown area. But we can certainly investigate an RFI approach with our procurement specialist and see if that's the best mode.

>> Councilmember Liccardo: I know best from talking with these folks, I'm sure you've had more extensive negotiation than I've had. The conversations we were having with these companies which there really wasn't going to be the interest unless there was an up front commitment of capital. So I'm worried that if we put out an RFP we're really not likely to get a lot of interest unless we bring a whole lot to it. And I know having a city fleet certainly helps. I don't know if it completely gets us over that hump. Laurie, you looked like you were going to respond.

>> Well, we did initially start to talk to a lot of companies in the close-in area before we were advised that we shouldn't do it any further, knowing that we would be issuing some kind of a procurement instrument. And that's

when we started to talk to folks outside. And what we tried to explore with them, knowing that the city didn't have funding, what would you need to help start a program? And so they started to enumerate if you could do this, if you provide do this, all the things we were mentioning in the incentives, they seemed to think that we could provide a program, enough support, even though we weren't coming in with the funding, that we were going to subsidize the program, which is what Berkeley did, that it could still help them get the program of a the ground. But it's a partnership that we would need to craft with them which is why we are thinking we're not looking for the lowest cost bidder we're looking for the best program. Cost is a small -- small value in terms of the other things that we're ranking and that we were advised that we could structure it in such a way that the kind of program that they could offer and the partnership that they could craft with us could be accomplished through an RFP. But we're happy to go back and look at an RFI if that's a better way to accomplish it. But we did get indications that providing a financial subsidy wasn't essential. Providing support in some manner would be.

>> Councilmember Liccardo: I see, okay, great. And then I'd just ask that you include the list of potential resources as these HOAs. You know I can tell you as far out as Japantown I've heard from residents who would say if we had car share or Zip car or something like that, I'd pay for it and give up my second car and we'd have more grateful neighbors with more park as a result. Councilmember Herrera.

>> Councilmember Herrera: Yeah, I've often thought how do we get people out of cars and reduce it. I think this is really an interesting concept, that if it took off, I could see -- I could see how this could scale. And how we could have people giving up cars. And I mean that's really incredible if we could get this to work. I guess my question is really simple. How much money and whoever pays for it, how much -- what are the startup costs do you we have any idea at all and how many cars are we looking at getting on the road, it looks like we are talking about five and ten, the pilot numbers there the percentage of our fleet? A few cars?

>> That is an extremely small percentage of our fleet. But the pool that we have here at City Hall we could conceivably commit half of that, you know, somewhere between five and ten we think is a reasonable pilot to get some meaningful data but in terms of the startup costs I think it's really we would be looking to the procurement

process, whether it's the -- an RFI or an RFP to really get a sense of what those front capitol costs would be. Do you have a sense, Laura?

>> No, we didn't actually get a cost figure from them. They talked more about the kinds of things that they would need to pay for in launching a program that the city took on such as marketing they could reduce their cost is. It also depends on whether they are a rental car company in the area or they would have to buy new vehicles to service an area. It's a much higher cost for them to maybe tray off of the programs they could offer.

>> Councilmember Herrera: I guess my question is the minimum we'd try to -- the minimum pilot we would want to look at would be five cars, ten cars?

>> We would think five that would give us a pretty good idea of how the program could scale and whether it would be successful or not.

>> Councilmember Herrera: Okay, thank you.

>> Ed Shikada: Mr. Chair let me suggest that based on the discussion, that there are some options as to how we bring this forward. So while the staff recommendation indicated going forward to the city council to identify the specific incentives, it might be better for us to do a little more homework before this comes forward to the full council.

>> I think so too.

>> Councilmember Liccardo: That would be great and I certainly didn't mean to prejudge whether the RFP or RFI approach was the best. I simply -- hope we can explore that, great. If I could ask the maker of the motion, there's a memorandum dated October 9th, 2008, if anyone would like to look at it, went to rules on October 15th. Incorporates both car sharing and eco-passes and our exploration of what incentives may or may not be

helpful. I just ask that if this does move on to council, if that could be integrated with it so that we could talk about those issues, in some fatality, because I think they are closely linked.

>> Councilmember Herrera: I don't think we have a motion yet but I'll make a motion. I'm sort of hearing though, from Ed that maybe not sending this -- not approving this in the format?

>> Ed Shikada: Correct. I'd suggest that we refer this back to staff to look at both the discussion here as well as if prior Rules Committee memo in order to make some recommendations on how best to take the next step.

>> Councilmember Herrera: That's my motion then.

>> Councilmember Chirco: Second.

>> Councilmember Liccardo: Okay, any comments from member of the public, I don't see any other than our own members of City Hall. Okay, all in favor? And none opposed that passes unanimously, thank you very much. I think. We now have time for open forum. Peter, this is your chance to grab the mic. All right. We are now adjourned. Thank you all.