



BUILDING BETTER TRANSPORTATION COMMITTEE

Executive Summary September 13, 2004

The meeting was convened at 1:41 p.m.

a. Expansion and Improvement of Transit and Transportation Systems

1. A Report on High Occupancy Toll Lane Study

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Chavez, the Committee accepted the report.

b. Traffic Relief/Safe Streets

1. No items

c. Supporting Smart Growth

- 1 Report and Discussion on the Developer Nexus for Street Resurfacing Funding and Other Funding Options

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Chavez, the Committee accepted the report with direction to staff to bring back to the Committee on the next workplan further analysis, options, and opportunities for the developer nexus for street resurfacing funding and that this item be cross-referenced on a Council Agenda for adoption of a policy.

**2. Report and Discussion on the Transit Oriented Development Policy & Program –
Deferred from August 9, 2004**

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Williams, the Committee accepted the report with direction to staff to work with Chair Cortese and Vice Chair LeZotte to come back with more statistics with regard to use, success, and challenges for moving forward.

d. Regional Relationships/Funding/Policy

1 Discussion and recommendation regarding the proposed VTA Master Agreement for Construction Impact Mitigation

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Williams, the Committee accepted the report and the recommendations in the report.

e. Oral Petitions

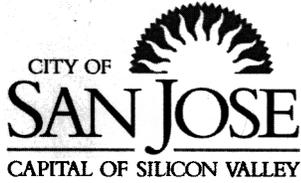
There were none.

f. Adjournment

The Committee was adjourned at 3:37 p.m.



**Councilmember Dave Cortese, Chair,
Building Better Transportation Committee**



BUILDING BETTER TRANSPORTATION COMMITTEE

Meeting Report September 13, 2004

PRESENT: Chair David Cortese, Vice Chair Linda LeZotte, Councilmember Forrest Williams, Councilmember Cindy Chavez, Vice Mayor Dando

STAFF: Ed Shikada, Bill Hughes, Jim Ortbal, Laurel Prevetti, Timm Borden, Ben Tripousis, Bill Ekern, Ray Salvano, Hans Larsen

GUESTS: John Ristow, VTA, Deputy Director, Programming and Highway Administration, and Dennis Ratcliffe, VTA, Engineering Manager, Design Integration

The meeting was convened at 1:41 p.m.

Chair Cortese asked that the record show there was a quorum of three members present. Vice Mayor Dando was excused from the meeting but later arrived at 2:40 p.m. Councilmember Cindy Chavez arrived at 1:50.

a. Expansion and Improvement of Transit and Transportation Systems

1 A Report on High Occupancy Toll Lane Study

Jim Ortbal, Assistant Director, Department of Transportation, introduced Hans Larsen, Deputy Director, Department of Transportation, and John Ristow, Valley Transportation Authority (VTA), Deputy Director, Programming and Highway Administration to provide a presentation on the High Occupancy Toll (HOT) Lane feasibility study.

John Ristow began the presentation with an overview of HOT lanes and how they operate. Ristow also gave examples of HOT lanes implemented or under study. Ristow explained that there is currently a feasibility study underway and reviewed the study's purpose, objectives, timeline, and policy issues.

Vice Chair LeZotte posed question about whether a proposed HOT lane would utilize a current lane and whether this would cause more congestion to those not able to utilize HOT lanes.

Ristow stated that it would not cause any further congestion as it utilizes existing medians and no current reduction in other lanes.

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Chavez, the Committee accepted the report.

b. Traffic Relief/Safe Streets

1. No items

c. Supporting Smart Growth

1. Report and Discussion on the Developer Nexus for Street Resurfacing Funding and Other Funding Options

Jim Ortbal, Hans Larsen, and Timm Borden, Deputy Director, Department of Public Works provided a presentation on this agenda item. Hans Larsen noted that this effort has been coordinated with the Department of Transportation, Public Works, and City Attorney's Office. His presentation included review of developer funding for street maintenance, street maintenance funding and needs, private development funding, and other funding options for street maintenance.

Councilmember Chavez commented on methods to address proper traffic calming areas. Larsen stated that staff saw an opportunity to make significant headway for street maintenance using private development. He added that there are a lot of requests being asked of private development such as: traffic signals, lights, pedestrian improvements, and traffic calming. Larsen followed by expressing concern that if the City added street maintenance to the requests of private developers that it may result in discouraging developers. Councilmember Chavez added that her expectation was that a Committee presentation be made on a strategy for allowing the City to bundle what developers had to do and be able to tie out outcomes to a real policy goal.

Jim Ortbal stated that the Level of Service Policy (LOS) is going to create a nexus and give an opportunity to alternatives. He commented that a report on this matter would be coming back to the Council in December, with comment on some of the concerns described above. Larsen added that the proposed updated LOS policy states that if the City has a development area, with a traffic level of service impact that cannot be mitigated or is not desired to be mitigated because the City favors a transit pedestrian environment, then that the policy will trigger offsetting the improvements that can go towards other things as described above.

Councilmember Williams asked if the development community has been consulted about this approach. Larsen stated that this was really a first attempt and that staff is looking for input from federal, state and regional levels. Ortbal added that staff does not see this as being able to solve problems for street maintenance, if the City is really going to solve its street condition and funding over a long term, that the state would be a small part of the solution. He further stated that the federal/regional and other local funding sources are probably of greater assistance.

Vice Chair LeZotte asked Bill Hughes, Assistant City Attorney, why the nexus was set for only half of the street in front of the development. He answered that they seem to be comfortable with drawing a nexus that that development causes that development impact. He added that he is not sure if there is a bright line that could be drawn where the nexus goes depending on what the particular development is and related impacts, along with what the City is trying to improve.

Vice Chair LeZotte continued to pose questions about where the nexus is drawn, written policy, etc. Bill concluded his comments by stating that a lot has to do with what developers are willing to do in terms of improvements and that the problem with street maintenance is it is very difficult to attribute the particular development as causing the need for the street maintenance.

Vice Chair LeZotte then posed the questions that when we approach developers and say that the standard is to pave up to their line in front of a project, if the City can legally make that nexus, then why can't the City make it for the full length of the street. She continued by asking, why are we limiting ourselves when we have limited dollars? Why not just approach the developers and say full street nexus? Bill Hughes responded that some of it has to do with the cost, developers could create an argument that they are only impacting a certain area and, yet, the City is making the developer pay for this larger solution.

Vice Chair LeZotte added that we make the suggestion to the developer that they pave curb to curb. Timm Borden stated that the City does ask sometimes to do the remainder of grades and sometimes the City pays the developers to do the pavement beyond the street center line. For residential areas, the City has a fund that allows it to pay for work beyond the center line.

Vice Chair LeZotte noted that the report states staff is seeking direction from the Committee on alternate local funding sources, and that she was expecting general discussions about street maintenance. Ortbal stated that staff would prepare a more substantive review of the various options available and integrate them into the next six-month workplan.

Chair Cortese expressed his concerns with the nexus issue constraints. He expressed concern on how staff would deal with a backlog and that while the structural deficit continues, the City is creating an enormous backlog. He added that even if the City gets to the needed \$22 million a year, \$1 million more than needed, it still would not cover how the City would address the backlog. He stated that the City needs a strategy, a best practices plan, and stated that some sort of fund like the maintenance reserve fund would be one approach. He stated that the City needs a policy for dealing with the gap.

Ortbal suggested that staff come back in the next six-month workplan and coordinate around the budget process. Chair Cortese asked how we begin to strategize for the sales tax to make sure the City has staff making sure that this is a clear priority, along with advocating for this matter at the state, federal, and VTA level. He expressed that the Committee would like to see both expansion on the list and how to best position the City with support needed from Council to help on this matter.

Larsen stated that staff is working with VTA on the new Countywide transportation tax idea. Polling is showing that BART is the first priority and pavement maintenance is registering

second highest of interest for Countywide voters. Chair Cortese stated that the City should take a position on the activity to establish a transportation tax. Chair Cortese directed that this item be cross-referenced on the Council Agenda so that a policy could be adopted. Vice Chair LeZotte added that she would like to see more on a policy statement from Council that pavement maintenance is not in any form of a tax, and see more on the external sources and internal development agreements wherever there is voluntary negotiation agreements.

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Chavez, the Committee accepted the report with direction to staff to bring back to the Committee on the next workplan further analysis, options, and opportunities for the developer nexus for street resurfacing funding and that this item be cross-referenced on a Council Agenda for adoption of a policy.

Discussion on the motion consisted of Vice Chair LeZotte inquiring on maintenance districts and whether they are defined by geographical boundaries. Hughes responded that they are defined by geographical boundaries. He added that the CFD Special Tax is different from a Maintenance District Tax, in that you have special benefits to the property owners and general benefit to the engineers, and that there are more legal issues to address in that capacity. Ortbal stated that similar information on the special downtown has come through the Committee and staff does have the information prepared.

Councilmember Williams inquired about the chart reflecting the success of grants in FY 01-02 and wondered what has happened since. Larsen stated that 01-02 is when voters approved 1996 Measure A Transportation Program, which had a commitment of funds for local pavement maintenance.

Chair Cortese reiterated the motion for Vice Mayor Dando who arrived during discussion of this item. He stated that the motion accepted the staff report and that the Committee expressed concern on the nexus possibilities. The Committee asked that additional ideas be brought back to the next work plan and that a policy be brought back to Council to prioritize this area and our external strategies.

2. Report and Discussion on the Transit Oriented Development Policy & Program – Deferred from August 9, 2004

Jim Ortbal, Hans Larsen and Laurel Prevetti, Deputy Director, Planning, Building, and Code Enforcement gave a presentation on the Transit Oriented Development Policy & Program. The presentation included an overview and background about why the program exists, City's experience, and lessons learned and challenges.

Vice Chair LeZotte commented that the City was trying to create places throughout the City where cars were discouraged and encouraging walking and bicycling in areas. She stated that she noticed in Council District 8 where there is referral to Transit Oriented Development (TOD), but that there is no transit development and that the City is trying to get people to live in that neighborhood because of the amenities but not because of transit. She stated that her

interpretation of TOD has to do with building something that encourages people to take light rail, buses, or CalTrain to get to work.

Laurel Prevetti commented that staff did not consider either Santana Row or Evergreen Village a transit village. She added that those two examples do tell us how we can mix our usage and, perhaps, have success in terms of good pedestrian environment. She stated that an example of success is the Rockridge area in north Oakland. There you have a major BART station, restaurants, and grocery stores. Vice Chair LeZotte stated that she would like a more detailed description of what is the City's interpretation of a TOD.

Laurel Prevetti stated that our best case study is Coyote Valley Specific Plan that the task force identifies land use, around critical infrastructure. She stated that upon Council direction staff is looking at how we can create a transit friendly, pedestrian oriented community. We are taking best practices from around the world and trying to integrate into the communities.

Chair Cortese asked for staff to go back to the 17,000 units' chronology and be site specific, and look at how the building process has progressed, and apply lessons learned for the future of Coyote Creek and Evergreen developments. Vice Mayor Dando added that she felt that staff should look more at onsite reconnaissance within that transit stop and find out how many people are riding, where people are going, and why those people that are in close proximity are not riding.

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Williams, the Committee accepted the report with direction to staff to work with Chair Cortese and Vice Chair LeZotte to come back with more statistics with regard to use, success, and challenges for moving forward.

d. Regional Relationships/Funding/Policy

1. Discussion and recommendation regarding the proposed VTA Master Agreement for Construction Impact Mitigation

Jim Ortbal, Hans Larsen, Ray Salvano, Senior Engineer, Department of Transportation, and Dennis Ratcliffe, Valley Transportation Authority (VTA), Engineering Manager, Design Integration, gave a brief presentation on the VTA Master Agreement for Construction Impact Mitigation including some background and specifics on the VTA cooperative agreement.

Chair Cortese asked if the final plan would be brought back to City Council for approval. Ratcliffe stated that it is their intention to have it as complete and thorough at the time staff recommends it to Council for approval. He noted that disruption of street retail business and the difficulty of dealing with that in terms of mitigation is a huge issue, and how difficult it is to find mitigation that fits within the parameters that we can do by law and regulations. He stated that those issues need to be addressed before the project plan gets underway. He added that the CIMP is a tool to make sure regular tasks are completed, i.e., water the dust, detour signs, etc. He added the need to make sure that discussion occur ahead of time about the loss of business and related consequences for the business disruption. The Committee inquired if

there are any programs available from the City or Redevelopment Agency that could help mitigate some of those concerns and need to be addressed as part of the CIMP.

Larsen stated that there is currently in the draft ordinance specific language that talks about analyzing impacts to commercial establishments. The master agreement focuses on taking a look at that but does not have a solution spelled out.

Upon motion by Vice Chair LeZotte, and seconded by Councilmember Williams, the Committee accepted the report and the recommendations in the report.

e. Oral Petitions

There were none.

f. Adjournment

The Committee was adjourned at 3:37 p.m.

A handwritten signature in black ink, appearing to read "Dave Cortese". The signature is fluid and cursive, with the first name "Dave" being more prominent than the last name "Cortese".

Councilmember Dave Cortese, Chair,
Building Better Transportation Committee