



Planning & Transportation Commission Action Agenda: December 14, 2022

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:00 pm

Chair Lauing called the meeting to order.

Ms. Veronica Dao, Administrative Assistant, conducted the roll call and announced all Commissioners were present.

1. Adoption of a Resolution Authorizing Use of Teleconferencing for Planning and Transportation Commission Meetings During Covid-19 State of Emergency

Ms. Amy French, Chief Planning Official, read aloud the protocols and procedures for hybrid meetings.

[The Commission moved to agenda changes, additions and deletions]

MOTION

Commissioner Hechtman moved the adoption of the Resolution authorizing the use of teleconferencing for Planning and Transportation Commission meetings during the COVID-19 State of Emergency.

SECOND

Commissioner Chang seconded.

VOTE

Ms. Veronica Dao, Administrative Assistant, conducted the roll call vote and announced the motion passed 7-0.

MOTION PASSED 7(Chang, Lauing, Hechtman, Reckdahl, Roohparvar, Summa, Templeton) -0

Commission Action: Motion by Hechtman, seconded by Chang. Pass 7-0

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1 [The Commission moved to City official reports]

2 **Oral Communications**

3 The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

4 Ms. Veronica Dao, Administrative Assistant, called for speakers who wished to provide
5 comments to the Commission on items, not on the agenda. She announced there were no
6 speakers.

7 [The Commission moved to Action Item #3]

8 **Agenda Changes, Additions and Deletions**

9 The Chair or Commission majority may modify the agenda order to improve meeting management.

10 Ms. Amy French, Chief Planning Official, announced there were no changes from Staff.

11 [The Commission moved up to Agenda Item #1]

12 **City Official Reports**

13 2. Directors Report, Meeting Schedule and Assignments

14 Mr. Rafael Rius, Senior Transportation Engineer, reported there were no updates on ongoing
15 transportation projects.

16 Mr. Nathan Baird, Transportation Manager, announced City Council recently approved a
17 contract for the On Demand Transit project with Via. Via would provide a turn-key on-demand
18 transit shuttle program within the City. The program included nine vehicles and would operate
19 from 8:00 am to 6:00 pm Monday through Friday. The program would serve inner Palo Alto
20 trips and be funded by Valley Transit Authority (VTA). The standard fare was \$3.50 and a \$1.00
21 fare for seniors and students. The service would start in March 2023 with 18 months of service
22 for the pilot program.

23 Commissioner Templeton asked what the perimeters were for students and how the fare
24 worked for multiple passengers.

25 Mr. Baird explained that Staff was still working out the finer details of the contract.

26 Commissioner Templeton restated if minors could ride the shuttle.

27 Mr. Baird predicted there would be a provision for minors but that was still being discussed.
28 With respect to multi-rider fares, he explained the fare represented a significant subsidy and

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1 predicted there wouldn't be a different fare for multi-riders. He noted the system was designed
2 to have multiple riders in one vehicle.

3 Commissioner Templeton asked if the fare was per person or per ride.

4 Mr. Baird confirmed the fare was per person.

5 Commissioner Reckdahl inquired how the fares would be paid.

6 Mr. Baird shared the main payment process was through an app, but folks could also pay by
7 phone or access the web portal to book trips and provide payment.

8 Vice-Chair Summa mentioned that many older Chinese-American Palo Altans don't speak
9 English. She asked if the information for the shuttle would be provided in Chinese and other
10 languages.

11 Mr. Baird confirmed Staff would be working on a marketing plan with Via.

12 Ms. Amy French, Chief Planning Official, announced City Council at their last meeting adopted
13 the Accessory Dwelling Unit (ADU) Ordinance as well as heard the second reading of Ordinance
14 5517 that had definitions and broadened permitted uses. On Monday, December 19, 2022, City
15 Council would consider the HomeKey project Comprehensive Plan land use change. She noted
16 in the Planning and Transportation Commission's (PTC) Packet, the meeting dates for the 2023
17 PTC's meetings were included and she requested Commissioners share any absences they may
18 have. Once a new Commissioner is appointed to the Commission in 2023, Staff and PTC will
19 revisit the assignments for Council PTC liaison positions.

20 [The Commission moved to oral communications]

21 **Action Items**

22 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
23 All others: Five (5) minutes per speaker.^{1,3}

24 3. LEGISLATIVE: Amendments to Palo Alto Municipal Code Title 18 Zoning, Chapters
25 18.04 (Definitions), 18.10 (Low-Density Residential), 18.12 (R-1 Zones), 18.13
26 (Multiple Family Residential Zones), 18.40 (General Standards and Exceptions), and
27 18.54 (Parking Facilities Design Standards) to Facilitate Implementation of Green
28 Building Standards, Including Noise Standards and Placement of Obstructions Within
29 Garages and Exterior Setback Encroachments for Electrification Equipment Such as
30 Heat Pumps, Energy Storage Systems and Electric Vehicle Charging Stations.

31 Ms. Amy French, Chief Planning Official, introduced Director Jonathan Lait and Christine Tam
32 from the Utilities Department who were available for questions. The draft ordinance before the

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1 Commission proposed changes to Chapters 18.04, 18.10, 18.12, 18.13, 18.40, and 18.54 of the
2 Palo Alto Municipal Code. The proposal was to add a definition for electrification equipment
3 but enable the placement of the equipment within the minimum side and rear yard property
4 setbacks in residential zones. Also, the ordinance enabled the placement of equipment within
5 garages. The purpose of the ordinance was to apply the changes to substantial remodels and
6 new construction. The goal was to loosen restrictions to ensure the success of electrification
7 programs. Though noise was not under the Commission's purview, she explained that all
8 equipment must comply with the City's existing Noise Ordinance. The ordinance allowed
9 equipment to be 6 decibels (dB) above ambient noise and allowed the Planning Director to
10 maintain administrative regulations to promote and acknowledge new equipment. The
11 ordinance proposed to all-electric vehicle supply equipment (EVSA) encroach 2 feet into the
12 front setback. For heat pump water heaters (HPWH), energy storage systems (ESS), and EVSE
13 inside garages, Staff proposed to allow the equipment to encroach 18 inches into the width of
14 the garage and 18 inches at the front which still allowed car access. The proposal also allowed
15 heat pumps for pools, central duct heat pump systems, multiple ESS units, and mini-split pumps
16 to encroach into the street side, side, or rear yard setbacks. She summarized the language
17 proposed for the various Chapters in the Municipal Code. Proposed changes to Chapter
18 18.40.060 allowed equipment to encroach 3 feet into a side yard, a 2-foot maximum
19 encroachment into the front yard, and a 3-foot minimum for the rear and interior side setbacks.
20 Visual screening outline in the Municipal Code would be waived for car charging, storage
21 systems, and bollards. With respect to Chapter 18.54.020 (a), parking facility design, the goal of
22 the proposed changes was a minimum of 18 feet clear at the ground level for the depth and 8
23 feet 6 inches clear at the ground level for the width inside a one-car garage. Equipment may be
24 placed on the front wall of the garage 4 feet off the ground to allow space for the car nose. She
25 concluded that adoption of the ordinance would result in Staff updating the R-1 Technical
26 Manual. She announced that David Chung from the City's Building Department was also
27 available for questions.

28 Chair Lauing invited Commissioners to ask questions of Staff.

29 Commissioner Templeton noticed the ordinance did not address fire safety with respect to the
30 reduced space between structures.

31 Ms. French acknowledged there have been reported instances of ESS malfunction.

32 Mr. David Chung, Assistant Building Official, mentioned all projects and their proposed
33 equipment are reviewed by the Fire Department.

34 Commissioner Templeton summarized the Fire Department review was part of the planning
35 process but not a part of the Code review.

36 Mr. Chung confirmed that is correct.

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1 Commissioner Chang wanted to know if the concerns raised in the public's letters had been
2 addressed.

3 Ms. French concurred those comments were considered.

4 Commissioner Chang suggested for future meetings outline the concerns and then the
5 responses from Staff.

6 Commissioner Hechtman mentioned many homes in Palo Alto had gas-driven radiant heat
7 systems and he asked if a radiant heat system be driven with an electrical water heater.

8 Ms. Christine Tam, Senior Resource Planner, answered Staff had been working with vendors to
9 identify different electrical solutions for single-family homes. Gas radiant heat systems had
10 been a challenge but there were commercial solutions available.

11 Commissioner Reckdahl understood the proposed ordinance was only for remodels and not
12 new construction. He asked if new construction was required to place all electrical equipment
13 within the setbacks.

14 Ms. French restated that the ordinance applied to both substantial remodels and new
15 construction. The ordinance proposals would apply to all properties within the City.

16 Mr. Jonathan Lait, Director of Planning and Development, added that the encroachment into
17 the garage space was an area Staff requested feedback on from the Commission. The other
18 encroachments were to accommodate existing conditions and new construction would be
19 required to comply with 20 feet by 10 feet for enclosed parking.

20 Commissioner Reckdahl agreed relaxing the requirements made sense for existing homes. He
21 felt it would not be burdensome for new construction to place the equipment in the setbacks
22 and it felt unnecessary to allow new construction additional encroachments.

23 Chair Lauing called for public comment.

24 Mr. Hamilton Hitchings thanked Staff for the proposed changes and strongly supported the
25 proposal with additional small changes. He mentioned his letter which outlined an alternative
26 motion to be considered by the PTC. He shared he recently considered installing an electric
27 heat pump/HVAC mini-system at his own home. His home is a corner lot and was subject to
28 special zoning limitation that required a 20-foot setback for what he considered his side yard,
29 but Palo Alto Municipal Code identified as his backyard. This identification, per Municipal Code,
30 did not allow him to place the equipment on the side of his garage or behind the garage. He
31 was forced to pause the installation until changes to the Code were made. He proposed two
32 minor changes to Staff's proposal. Under Section 18.10.040, he suggested an explicit carve out

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1 be drafted for the specific types of electrical equipment that should not be housed or insulated.
2 The other minor change pertained to Chapter 18.54.020, Section 4, #2, and he suggested
3 clarifying the language that ESVE and other electrical equipment can be placed on either side of
4 the car as long as the doors to the car are not blocked.

5 Mr. Bret Andersen mentioned his home is located in the Palo Verde neighborhood where 8-foot
6 required setbacks prevented folks from installing heat pump condensers in the side yard. He
7 shared he was confused by the additional 6 dB and how that related to ambient noise levels.
8 Also, many models are 3 feet square and he wanted to understand how that would fit into the
9 6-foot setback. He recommended having a list of popular models available and how they are
10 being accommodated in the ordinance. He believed the proposed changes would relieve
11 barriers and allow more folks to electrify. He suggested having an incentive for folks who
12 registered their electrification equipment with the City. In knowing where the equipment was
13 that would help the City understand future demand and benefits.

14 Mr. David Coale agreed with the comments made by the previous speakers and he thanked
15 Staff for being proactive. The proposed changes to setbacks were necessary to allow many
16 homes in Palo Alto to electrify. He emphasized that climate change would not wait for the Palo
17 Alto process to catch up.

18 Ms. Dao announced that public comment is concluded.

19 Commissioner Chang understood that EVSE could not be placed anymore than 2 feet in the
20 front yard setback.

21 Ms. French confirmed the proposal was to allow 2-feet into the encroach in the front yard 20-
22 foot setback

23 Commissioner Chang believed the City should be more flexible because of ADUs and reduced
24 parking. She explained that folks may want to place an EVSE to the side of the driveway. She
25 referenced Mr. Hitchings' letter which discussed non-lithium ESS and she asked if certain ESS
26 can be placed in the sun.

27 Ms. French clarified the ordinance did not specify anything about ESS having to be outside of
28 the sun.

29 Commissioner Chang asked if there was sufficient flexibility for all non-conforming scenarios
30 throughout the city. She noted the Planning Director cannot make all the decisions for all non-
31 conforming situations.

32 Mr. Lait believed the side yard setback proposal was driven by life safety interests and so he
33 suggested no further reductions for the side yards. He appreciated Commissioner Chang's

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1 comment about the front yard setback and suggested the Commission consider that during
2 deliberation. The goal of the ordinance was to minimize the zoning barriers to allow
3 electrification to take place and he welcomed any additional suggestions from the Commission.
4 He emphasized the ordinance intended to minimize discretionary review and have a more
5 automated ministerial process.

6 Vice-Chair Summa agreed one problem of the orientation of where the front of the house was a
7 problem for houses that are sideways. She exemplified there was a multi-family unit with 4-units
8 in her neighborhood that was building two ADUs. In that situation, there was no backyard, no
9 side setbacks and the entire front width was a parking apron. In that scenario, that multi-family
10 unit would not be able to place a charging unit on the site. She recommended more flexibility
11 for those non-conforming situations and corner lots. She shared that her house did not have a
12 garage and was sideways on a private alley which made it difficult to find a space for electrical
13 equipment.

14 Chair Lauing said the goal was to encourage electrification and if an older home needed a
15 Variance or an Exception to reach that goal then that should be allowed. He shared his home is
16 on a corner lot and agreed those situations are different. The ordinance should have the
17 flexibility to allow folks room to electrify in irregular situations. He referenced Packet Page 17
18 and mentioned the language had a lot of ambiguity around noise standards. He asked if the
19 ambiguity had been addressed in the ordinance to cover most cases. He appreciated the
20 comment in the Staff Report that neighborhood noise would be considered instead of
21 individual home noise.

22 Ms. French restated that Staff was not prepared with materials for suggested Noise Ordinance
23 changes and would be exploring it further in 2023.

24 Mr. Lait shared that Staff was working with a consultant to understand noise and electrification
25 equipment. The concept Staff was exploring was to establish a threshold that specific systems
26 were presumed to be compliant with the existing Noise Ordinance and any equipment below
27 the noise threshold would not be subject to a Noise Analysis to verify compliance. The goal was
28 to place quieter, more advanced technology in the home's yards while maintaining noise levels.

29 Chair Lauing asked if other exceptions should be considered either by Variance or other means.

30 Mr. Lait did not support using a Variance and suggested the ordinance include a standard the
31 PTC was comfortable with. He mentioned the Utilities Department was exploring a pilot
32 program about placing chargers in the public right of way.

33 Commissioner Templeton inquired what percent of applications did the City predict would be
34 approved versus rejected based on the proposed ordinance.

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1 Ms. French answered she did not know.

2 Commissioner Templeton was concerned about how rejected applications would be handled
3 and how that would impact the City's goals. Also, she was concerned about specific edge cases
4 where in no scenario could the home electrify.

5 Mr. Lait explained the proposed ordinance did not have this but he suggested there be some
6 discretion for edge cases. He suggested drafting standards by which Staff could evaluate edge
7 cases, Staff would make a decision and then allow that decision to be appealed. He encouraged
8 that type of process to be embedded into the ordinance to move forward.

9 Commissioner Templeton agreed the ordinance should continue forward for regular cases but
10 was concerned there was no information on if the ordinance was properly describing the
11 regular case. She suggested Staff consider a timeframe in which the ordinance would return to
12 the PTC for a follow-up discussion.

13 Commissioner Hechtman was concerned that a person doing a remodel could be hindered by
14 not having the right technology available to them or the equipment was only being used for
15 commercial uses. He recommended that Staff consider the ordinance in that light and make
16 sure it would not hinder a homeowner's ability to electrify because they had to use a specific
17 type of equipment. He referenced Mr. Hitchings' letter and found the inequity issue interesting
18 with respect to the 6 dB over the ambient noise level. He asked if Staff had discussed having a
19 numeric noise increase that applied across the board rather than relying on everyone being
20 entitled to 60dB and a 6 dB increment for electrification equipment.

21 Ms. French stated Staff had not had time to discuss Mr. Hitchings' letter.

22 Commissioner Hechtman invited other Commissioners to weigh in on the topic during their
23 comments. He referenced Packet Page 23, Development Standards Chapter 18.10.040, and
24 suggested Staff determine whether electrical equipment's acronym should be EE or ee and
25 standardize that throughout the ordinance. He referenced Chapters 18.10.040 and 18.12.040
26 and believed (3) addressed Mr. Hitchings' suggestion to have a list of equipment folks could
27 install that would not require further City analysis. He supported having that list outside of the
28 ordinance because it allowed the list to expand without an ordinance amendment. He
29 suggested the criteria for how equipment is added to the list be included in the ordinance by
30 adding after installation the words "due to noise generation below applicable maximums". That
31 same language should be added to Subpart H (3) on Packet Page 24, Subpart L (3) on Packet
32 Page 25, and Section 18.13.040 B (1) (d) on Packet Page 26.

33 Chair Lauing referenced Packet Page 24 and asked why Subpart (3) should be in the ordinance.

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1 Commissioner Hechtman explained that without Subpart (3) the Planning Director would have
2 to analyze every piece of equipment. The list is intended to identify equipment that the
3 Planning Director already approved.

4 Commissioner Reckdahl agreed that noise is a trick subject and supported Staff approach of
5 having a list of approved equipment. He asked how the City currently enforced the Noise
6 Ordinance.

7 Ms. French explained in the plan set the equipment must be shown as meeting the locational
8 requirement. Currently, the Noise Ordinance was enforced based on complaints.

9 Mr. Lait confirmed for all equipment a specification sheet is required that shows the equipment
10 meets the current Noise Ordinance. After installation, the equipment would only be visited by
11 City Staff if there are noise complaints and if found out of compliance, then noise mitigation
12 measures would be implemented.

13 Commissioner Reckdahl said if there was a constant ambient noise over the entire city then it
14 would be easy to measure noise. He agreed that ambient noise varied from neighborhood to
15 neighborhood and asked during the Building Permit process how does the City determine the
16 equipment would not exceed noise thresholds.

17 Mr. Lait explained the Comprehensive Plan identified ambient noise levels across the City.

18 Ms. French highlighted Table N-1 was included in the Packet that showed the different ambient
19 noise levels in the City.

20 Mr. Lait mentioned Staff was not receiving many noise complaints from new technology but
21 rather from older technology.

22 Commissioner Reckdahl asked as part of the Building Permit process if was noise always
23 evaluated or was it complaint based.

24 Mr. Lait restated Staff reviewed the specification sheet during the Building Permit process to
25 ensure the equipment met the current Noise Ordinance requirements. If complaints are
26 received, Staff investigates and determines the equipment exceeded the noise thresholds. Then
27 the property owner is required to rectify the issue.

28 Ms. French confirmed Staff checks each permit for noise-producing equipment and checks the
29 specification sheets against the Comprehensive Plan

30 Commissioner Reckdahl ask if the Fire Department had best practices or guidelines for installing
31 electrification equipment in homes.

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1 Mr. Lait restated Staff worked with the Fire Department and the City followed the established
2 State standards that allowed for the placement and siting of the equipment. The ordinance was
3 not proposing to change any State standards and all existing State standards applied to all
4 projects.

5 Commissioner Templeton left the meeting at 7:29 pm.

6 Commissioner Chang suggested the Commission discuss front yard setbacks and homes that
7 have irregular placement on their parcels.

8 Ms. French explained per the Municipal Code, the front yard is often a short side of a
9 rectangular lot and has a 20-foot minimum setback with occasionally a low fence along the side
10 separating it from the next parcel.

11 Commissioner Chang confessed she was not familiar with all the available types of equipment.
12 She asked if the proposed relaxation of encroachment into the front yard applied to ESVE only.

13 Ms. French answered encroachment into the setback would be allowed for EVSE, ESS, and
14 bollards.

15 Commissioner Chang supported Staff's proposal of a 2-foot encroachment into the front yard
16 setback for electrification equipment but suggested allowing more encroachment for EVSEs.

17 Vice-Chair Summa agreed that some electrical equipment cannot be housed or insulated and
18 she suggested specifying that in the change proposed on Packet Pages 24 and 25 as well as
19 clarifying that equipment could go on the side walls of a garage. She recalled the City had a
20 standard for side-facing homes in Palo Alto that the front yard was the short side of the lot.

21 Ms. French confirmed that was correct.

22 Vice-Chair Summa suggested changing that rule, for the purposes of electrical equipment, to
23 allow homeowners to determine what side of their house was the front.

24 Chair Lauing supported Vice-Chair Summa's suggestion and stated that exceptions must be
25 made for the purpose of electrification.

26 Vice-Chair Summa recommended allowing equipment to encroach 2 feet from where the
27 building ended. She referenced Packet Pages 24 and 25 and noticed that air conditioners and
28 pool equipment had been crossed off.

29 Mr. Albert Yang, City Attorney, mentioned that some air conditioners and pool equipment may
30 be electric and Staff was trying to eliminate any confusion about whether that equipment could
31 be in the side yard or not.

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1 Commissioner Hechtman understood Vice-Chair Summa was recommending that Staff craft
2 language that addressed situations where the orientation of the front of the house did not
3 match the City's definition of the front. He asked if Vice-Chair Summa was suggesting allowing
4 the equipment to be on the side with the front door.

5 Vice-Chair Summa believed in allowing a different orientation for homes with front doors on
6 the long side of the house. That would allow many folks to electrify their home without further
7 City approval.

8 Commissioner Hechtman wanted to know where Vice-Chair Summa was suggesting the
9 equipment go.

10 Chair Lauing restated if Vice-Chair Summa was suggesting that the equipment is on the side
11 with the front door, the side yard identified by the City's definition.

12 Commissioner Hechtman clarified the short side, the City's definition of a front yard, was facing
13 the street and the long side contained the front door, which by definition was the side yard in
14 the Municipal Code. He re-asked where should the equipment be placed and where by the
15 proposed ordinance it wouldn't be allowed.

16 Vice-Chair Summa understood the equipment would not be allowed behind the garage because
17 the garage was considered the rear yard per Municipal Code definitions.

18 Chair Lauing believed the equipment would most likely be placed on the two shorter sides of
19 the rectangle.

20 Commissioner Hechtman asked if that was the result the Commission wanted, to only have the
21 equipment on the shorter two sides.

22 Vice-Chair Summa clarified that corner lots were different and some side-facing houses were
23 not corner lots. She believed allowing the homeowner to determine the orientation of their
24 home would provide more flexibility for electrification.

25 Commissioner Hechtman confessed he did not understand Vice-Chair Summa's concept.

26 Commissioner Chang suggested allowing encroachment of 2 feet into the side yards for EVSE
27 and 2 feet in front of the house if the house was within the front yard setback.

28 Ms. French reminded the Commission the proposal was to allow 10 feet of encroachment into
29 the street side setback which on a corner lot is the long property line. She mentioned the City
30 also had contextual setback homes that at 30-foot setbacks.

31 Commissioner Chang restated 2 feet from the front of the house or whichever was closer.

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1 Ms. French explained the draft ordinance reduced the side and rear yard setbacks from 16 feet
2 to 10 feet.

3 Commissioner Chang wanted the ordinance to be as lenient as possible.

4 Vice-Chair Summa wanted to see more general language such as allowing homeowners to
5 switch the orientation of their home for a corner lot if it better served both the neighbors and
6 the owner for electrification purposes only.

7 Mr. Lait emphasized that Code language was not drafted for specific parcels within the City. He
8 confessed he did not understand Vice-Chair Summa's proposal and did not support using
9 subjective statements in an ordinance. He asked if there was a threshold from a front or corner
10 street property line that the Commission would be comfortable measuring from for EVSE. With
11 that approach then it did not matter where a house was located.

12 Vice-Chair Summa restated she was concerned about all of the non-conforming lots that might
13 be confused by the ordinance language.

14 Commissioner Chang supported Mr. Lait's approach and invited the Commission to consider 10
15 feet for the front yard and closer for the side yard.

16 Commissioner Reckdahl understood there were two problems, corner lots and the other was
17 having the EVSE in the front yard. He referenced Slide 18 of the PowerPoint and said it may be
18 sufficient to have an EVSE in the front of the house to allow two cars to charge if there was an
19 ADU conversion. He supported Commissioner Chang's suggestion of having 2 feet into the
20 setback or 2 feet further from the house for EVSE or allowing 2 feet within a legal parking
21 space. At a minimum folks should be allowed 2 feet in front of the house and along the sides of
22 the house.

23 Commissioner Hechtman understood for an interior lot, folks were allowed a 2-foot
24 encroachment into the front yard, 3 feet into the side yard, 3 feet from the rear property line,
25 and 3 feet encroachment from the other side yard property line. He understood the
26 Commission was in consensus about the side and rear yard. He asked if ADUs are allowed to be
27 built in the 20-foot front setback.

28 Ms. French explained an 800-square-foot State mandated ADU could be built in the front yard
29 setback if there were no other feasible locations.

30 Commissioner Hechtman was comfortable supporting a bigger encroachment into the front
31 yard setback. He confessed that freestanding EVSEs are not attractive looking and are
32 noticeable. He wanted to see those structures closer to the house to eliminate a sculpture
33 appearance in the middle of a driveway. He moved to corner lots and understood the ordinance

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1 was proposing a 3-foot encroachment on the interior side yard, a 3-foot encroachment from
2 the rear property line, a 6-foot encroachment into the street side yard, and a 2-foot
3 encroachment into the front yard. He noted if the front yard encroachment was changed to 4
4 feet, that would allow corner lots to place equipment on the short side of their home away
5 from their front door. In conclusion, he recommended having the front yard setback
6 encroachment changed to 4 feet instead of 2 feet.

7 Commissioner Chang mentioned if a legal parking space was within the first 10 feet of a
8 sidewalk, the City should allow for an EVSE to be placed there. She believed having an EVSE
9 along a side fence would be less noticeable. She agreed with Commissioner Hechtman's
10 proposal but to add additional encroachment for the side yard.

11 Commissioner Hechtman did not understand how a legal parking space would be located 10
12 feet from the street. He explained structures cannot be closer than 20 feet to the street. If a
13 garage is converted to an ADU then the parcel should have a 20-foot driveway. He believed a
14 homeowner should not be allowed to place an EVSE closer to the street because they took out
15 a portion of their driveway and added landscaping.

16 Vice-Chair Summa reiterated she was talking about non-conforming buildings.

17 Commissioner Hechtman suggested that non-conforming buildings that are 10 feet from the
18 street should only be allowed a 2-foot encroachment. He summarized the concept for a 20-foot
19 front yard setback was to have an EVSE 16 feet from the property line or 2 feet from the edge
20 of the building, whichever was less.

21 Ms. French suggested from a street frontage property line, the EVSE must be at least 10 feet
22 from that property line, unless the building was 10 feet or closer from that street line. In that
23 case, the property could have 2 feet in front of the building.

24 Vice-Chair Summa agreed EVSEs do not have aesthetically pleasing appearances, but the City
25 must find a solution to grandfather situations that do not have a 20-foot setback.

26 Commissioner Hechtman supported Ms. French's concept.

27 Vice-Chair Summa pressed she was still interested in allowing homeowners to determine their
28 home's orientation for the purposes of electrification.

29 Commissioner Chang believed that folks would try to place their EVSE in the least noticeable
30 place and allowing it did not mean that folks would do it. She understood Vice-Chair Summa
31 wanted to allow folks with corner lots to determine the front yard of their home only for the
32 purpose of electrification equipment placement.

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1 Vice-Chair Summa confirmed that was correct.

2 Commissioner Chang said that made sense.

3 Chair Lauing noted that Mr. Lait was concerned that was a subjective standard.

4 Commissioner Chang rephrased that every single corner house would be able to decide which
5 was the front and which was the side yard.

6 Chair Lauing understood the setbacks would be applied.

7 Commissioner Chang answered yes.

8 Mr. Lait confessed he was confused by the discussion.

9 Commissioner Chang stated for EVSE specifically, the equipment could be placed 10 feet from
10 the front yard property line except for non-conforming houses where the structure was in the
11 10 feet. They would be allowed to encroach 2 feet into the setback. With respect to all over
12 electrification equipment, she explained the street side definition versus the front definition
13 may have an impact on the owner of a corner house.

14 Mr. Lait understood Commissioner Chang and Vice-Chair Summa wanted those parcels to have
15 the ability to encroach into the corner street yard more.

16 Commissioner Chang answered yes.

17 Mr. Lait clarified Commissioner Chang and Vice-Chair Summa wanted a heat pump water
18 heater or pool equipment visible from the street corner.

19 Commissioner Chang answered no, the equipment would be hidden by a fence.

20 Mr. Lait noted that the current Code did not allow equipment into the front yard setback.

21 Commissioner Chang understood the City allowed equipment in the sideyard.

22 Ms. French clarified currently the City did not allow equipment to be located within the
23 sideyard. The new draft ordinance was proposing to allow equipment into the street side
24 setback.

25 Commissioner Chang restated that for some corner houses the street side setback was not their
26 side yard but rather the front of their house. She supported allowing a corner lot owner to
27 decide which was the street side and which was the front side of their home but only for
28 electrification equipment.

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1 Chair Lauing asked what the City's front yard definition was.

2 Ms. French explained the front yard was the shortest frontage of a corner lot.

3 Chair Lauing concurred that was the City's definition but for the homeowner of a corner lot
4 their front was on the street side yard.

5 Ms. French restated that per the ordinance, a corner lot could place the electrification
6 equipment 6 feet into the street side setback, in most cases where the homeowner would
7 consider as the front of their home, and 2 feet into the City defined front yard setback. She
8 suggested having the ordinance read electrification equipment could not be within 10 feet of
9 the front property unless there was a building at 10 feet. If a 20-foot front setback is present
10 then the electrification equipment should be placed closer to the interior side property line.

11 Chair Lauing asked Vice-Chair Summa if she wanted to allow corner lot homeowners to place
12 electrification equipment in the City's definition of front yard setback.

13 Vice-Chair Summa explained that they may want to place the equipment behind their garage
14 and the ordinance did not allow that.

15 Chair Lauing asked where Vice-Chair Summa wanted corner lots to be allowed to place their
16 electrification equipment.

17 Vice-Chair Summa restated folks may want to put it behind their garage which in older homes
18 may be very close to the property line. That property line defined by the City's Code was the
19 rear yard but in the homeowner's mind, it is their side yard.

20 Commissioner Reckdahl understood the proposal was to allow electrification equipment up to
21 10 feet from the street-side property for corner lots. If the City allowed encroachment of 4 feet
22 from the house and up to 10 feet from the street, which either was closer to the street.

23 Mr. Lait acknowledged that there are challenges with zoning and how to apply the standards.
24 He mentioned the Code had a provision called a Home Improvement Exemption which was a
25 low-level discretionary view that contained a lot of restrictions on how it could be applied. If
26 the Commission agreed, that exemption could be amended to add a provision that allowed the
27 Planning Director to approve the placement of electrification equipment on a lot based on
28 various criteria. That would allow Staff to consider the edge cases. With respect to EVSE, he
29 suggested going with Commissioner Hechtman's recommendation to allow chargers to
30 encroach 4 feet into the front and corner street side yards or a 2-foot projection from the face
31 of the building if the building encroached into the setback.

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1 Commissioner Hechtman agreed with Commissioner Templeton’s comment to revisit the
2 proposed ordinance in a year to see how it was working. He wanted the ordinance to legislate
3 for the rule rather than the exception. He asked if amending the Home Improvement Exception
4 would slow down the process. He mentioned he was not suggesting changing the 6-foot
5 encroachment into the street side setback for corner lots, then allow 4 feet on the City’s
6 definition of the front yard setback. That provided corner lot owners with a reasonable set of
7 choices that they could use without having to determine which side of their home was the front
8 yard.

9 Chair Laung appreciated Mr. Lait’s comments.

10 Mr. Lait clarified that for the Home Improvement Exception, Staff would modify the purpose
11 section to speak to electrification and replace the existing (15) with a new number, and move
12 the existing (15) language to new (16).

13 Mr. Yang did not believe that PTC’s motion had to be specific about the changes to the Home
14 Improvement Exception.

15 Commissioner Hechtman asked if the concept was to expand the Home Improvement Exception
16 to cover all electrification equipment or just EVSE.

17 Mr. Yang answered it could cover all electrification equipment.

18 Commissioner Hechtman announced he was ready to make a motion but the motion would not
19 include any language about the 6dB above ambient noise levels and the acronym for
20 electrification equipment.

21 MOTION

22 Commissioner Hechtman moved PTC's recommendation to City Council the Staff
23 recommendation with the following modifications. First, specifically for EVSE, the setback be a
24 4-foot encroachment into the front yard setback for lots with a conforming front yard setback
25 and 2 feet into the front yard setback for lots with a non-conforming front yard setback. In
26 other words, 2 feet from the structure for non-conforming situations. Next, that the City modify
27 the Home Improvement Exception, Section 18.12.120, to include electrification equipment.
28 Third, for clarification in the ordinance, that language be added to the following clause at the
29 end of 18.10.040 H (3), 18.10.040 L (3), and 18.13.040 B (1)(d) and that language after the word
30 insulation be “, due to noise generation below applicable maximums”.

31 SECOND

32 Commissioner Roohparvar seconded the motion.

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1 Ms. French mentioned two Chapters apply to low-density residential.

2 MOTION AMENDED

3 Commissioner Hechtman amended the motion to reference that modification should be made
4 to both 18.12.120 and 18.10.110.

5 Commissioner Reckdahl asked if other equipment is required to be screened when equipment
6 is located outside of the yards.

7 Ms. French explained the draft ordinance exempted residential used EVSE, ESS, and bollards
8 from the screening requirement.

9 Commissioner Reckdahl understood screening would be needed and he asked what obscured
10 from public view meant.

11 Ms. French answered any element that interrupted the view from the abutting opposite
12 sidewalk.

13 Commissioner Reckdahl asked if Staff had experience reviewing screening.

14 Ms. French answered yes.

15 Commissioner Reckdahl asked what type of landscape regulations are there for screening.

16 Ms. French mentioned there are no specific regulations with respect to the density of the plants
17 and height.

18 Commissioner Reckdahl asked if this was the first time residential lots were required to have
19 screening.

20 Ms. French explained screening was reviewed during the Individual Review Process for two-
21 story homes.

22 Commissioner Reckdahl supported the proposed screening regulations.

23 Commissioner Chang asked if the motion addressed any concerns raised by the public.

24 Commissioner Hechtman believed the motion gave corner homeowners more flexibility to
25 place an EVSE.

26 Commissioner Chang recalled there was a comment about having an explicit list of electrical
27 equipment that should not be housed or insulated.

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1 Commissioner Hechtman believed that was covered in the provision where the Planning
2 Director would draft a list of approved equipment that would not need further City analysis.

3 Commissioner Chang understood the ordinance allowed EVSE to be located on either side of
4 the car.

5 Ms. French answered the ordinance was not specific but suggested a reduction of 18 inches.

6 VOTE

7 Ms. Dao conducted a roll call vote and announced the motion passed 6-0 with Commissioner
8 Templeton absent.

9 MOTION PASS 6(Chang, Hechtman, Lauing, Reckdahl, Roohparvar, Summa) -0 -1 (Templeton
10 absent)

11 **Commission Action:** Motion by Hechtman, seconded by Roohparvar. Pass 6-0

12 **Approval of Minutes**

13 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

14 4. October 26, 2022, Draft Verbatim Meeting Minutes

15 MOTION

16 Commissioner Hechtman moved approval as revised.

17 SECOND

18 Vice-Chair Summa seconded.

19 VOTE

20 Ms. Veronica Dao, Administrative Assistant, conducted a roll call vote and announced the
21 motion passed 6-0 with Commissioner Templeton absent.

22 **Commission Action:** Motion by Hechtman, seconded by Summa. Pass 6-0-1 (Templeton Absent)

23 5. November 16, 2022, Draft Verbatim Meeting Minutes

24 MOTION

25 Commissioner Hechtman moved approval as revised.

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1 SECOND

2 Vice-Chair Summa seconded.

3 VOTE

4 Ms. Veronica Dao, Administrative Assistant, conducted a roll call vote and announced the
5 motion passed 6-0 with Commissioner Templeton absent.

6 **Commission Action:** Motion by Hechtman, seconded by Summa. Pass 5-0-1-1 (Roothparvar
7 abstain) (Templeton Absent)

8 **Committee Items**

9 None

10 **Commissioner Questions, Comments or Announcements**

11 Commissioner Hechtman announced he would be absent from the meetings scheduled on April
12 26, 2023, June 14, 2023, and July 12, 2023.

13 Vice-Chair Summa announced this was the last meeting for Chair Lauing for he was moving up
14 to take his place on City Council. She expressed her admiration and congratulated him on his
15 achievements for how much he had done for the City.

16 Chair Lauing appreciated the comradery and work ethic of the Commission.

17 Commissioner Hechtman echoed Vice-Chair Summa's comment. He asked if Vice-Chair Summa
18 would perform the role of Acting-Chair until elections or would a special election of officers be
19 held.

20 Mr. Albert Yang, City Attorney, confirmed the Vice-Chair would become Chair, and the new
21 Chair was allowed to choose a Vice-Chair. Staff would confirm that process and share their
22 findings with the Commission at the first meeting in 2023.

23 Chair Lauing mentioned the Commission changed the Bylaws to have a January election of
24 officers to allow new Commissioners to have the opportunity to participate in the election. He
25 suggested that date be changed to March or April to accommodate new Commissioners.

26 **Adjournment**

27 8:56 pm

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Palo Alto Planning & Transportation Commission

Commissioner Biographies, Present and Archived Agendas and Reports are available online: <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

Chair Ed Lauing
Vice-Chair Doria Summa
Commissioner Bryna Chang
Commissioner Bart Hechtman
Commissioner Keith Reckdahl
Commissioner Giselle Roohparvar
Commissioner Carolyn Templeton

Get Informed and Be Engaged!

View online: <http://midpenmedia.org/category/government/city-of-palo-alto> or on Channel 26.

Show up and speak. Public comment is encouraged. Please complete a speaker request card located on the table at the entrance to the Council Chambers and deliver it to the Commission Secretary prior to discussion of the item.

Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding the meeting date will be included in the agenda packet. Comments received afterward through 2:00 PM the day of the meeting will be presented to the Commission at the dais.

Material related to an item on this agenda submitted to the PTC after distribution of the agenda packet is available for public inspection at the address above.

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