



CITY OF  
**PALO  
ALTO**

# Planning & Transportation Commission Action Agenda: December 14, 2022

Council Chambers & Virtual  
6:00 PM

## Call to Order / Roll Call

6:00 pm

Chair Lauing: [video started mid-sentence] the December 14<sup>th</sup> Planning and Transportation Commission and would you please call the roll?

Ms. Veronica Dao, Administrative Associate: Yes, Chair Lauing?

Chair Lauing: Present.

Ms. Dao: Vice-Chair Summa?

Vice-Chair Summa: Present.

Ms. Dao: Commissioner Chang?

Commissioner Chang: Here.

- 
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  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ms. Dao: Commissioner Hechtman?

2

3 Commissioner Hechtman: Here.

4

5 Ms. Dao: Commissioner Reckdahl?

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7 Commissioner Reckdahl: Here.

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9 Ms. Dao: Commissioner Roohparvar?

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11 Commissioner Roohparvar: Present.

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13 Ms. Dao: Commissioner Templeton?

14

15 Commissioner Templeton: Here.

16

17 Ms. Dao: We have a quorum.

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19 Chair Lauing: All Commissioners present, one online and how we'd like to read the resolution

20 relative to call in comments for the public. Amy French?

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

3

4   Ms. Amy French, Chief Planning Official: Yes, good evening, Amy French, Chief Planning Official.

5   Pursuant to AB-361, this meeting will be held (Interrupted)

6

7   [Note - Unknown speaker:] Closer to the mic.

8

9   Chair Lauing: Closer to the mic.

10

11   Ms. French: Amy French, Chief Planning Official. Pursuant to AB-361, this meeting will be held  
12   with the option to attend by teleconference or in person. Members of the public may provide  
13   live public comment by submitting a speaker card prior to the start of public comment on that  
14   item. Speakers may address items that are not on the Agenda during the oral communications  
15   portion of the meeting. Spoken comments via a computer or a smart phone will be accepted  
16   through the Zoom App. To address the Commission, go to [zoom.us/join](https://zoom.us/join) meeting, the Meeting  
17   ID is 916 4155 9499. When you wish to speak, click on raise hand. To offer comments using a  
18   regular phone call 1-669-900-6833 and enter the Meeting ID 916 4155 9499. When you wish to  
19   speak on an item hit star (\*) 9 on your phone so we know that you wish to speak, thank you.

20

21   Chair Lauing: Thank you very much. Are there any agenda changes, additions or deletions?

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[The Commission moved to Agenda changes]

Chair Lauing: Thank you, put that to a vote.

MOTION

Commissioner Hechtman: I will move adoption of Resolution authorizing use of teleconferencing for Planning and Transportation Commission meetings during COVID-19 State of Emergency.

SECOND

Commissioner Chang: Second.

VOTE

Ms. Veronica Dao, Administrative Assistant: Commissioner Hechtman?

Commissioner Hechtman: Yes.

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1

2 Ms. Dao: Chair Lauing?

3

4 Chair Lauing: Yes.

5

6 Ms. Dao: Commissioner Chang?

7

8 Commissioner Chang: Yes.

9

10 Ms. Dao: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Yes.

13

14 Ms. Dao: Commissioner Roohparvar?

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16 Commissioner Roohparvar: Yes.

17

18 Ms. Dao: Vice-Chair Summa?

19

20 Vice-Chair Summa: Yes.

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Ms. Dao: Commissioner Templeton?

Commissioner Templeton: [unintelligible – no audio]

Ms. Dao: Motion carries 7-0.

Commissioner Templeton: [unintelligible] there we go, user error.

Chair Lauing: That passed unanimously.

[The Commission moved to City official report]

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

**Oral Communications**

The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

Chair Lauing: Let's ask if there are any but I didn't see anybody online and I don't see anybody here so.

Ms. Amy French, Chief Planning Official: Okay, just (interrupted)

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1 Ms. Veronica Dao, Administrative Assistant: No, I didn't receive any speaker cards or raise  
2 hands for oral communications.

3

4 Chair Lauing: Great, thank you.

5

6 Ms. French: Thank you.

7

8 [The Commission moved to Action Item Number Three]

### 9 **Agenda Changes, Additions and Deletions**

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

11 Ms. Amy French, Chief Planning Official: No changes.

12

13 Chair Lauing: See none from Staff or Commissioners, let's go to City official report. Ms. Chang, I  
14 mean sorry, Amy.

15

16 [The Commission moved to City official reports]

### 17 **City Official Reports**

18 2. Directors Report, Meeting Schedule and Assignments

19 Ms. Amy French, Chief Planning Official: Hello (interrupted)

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21 [Note - several Commissioners started talking at once off mic]

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Commissioner Templeton: [off mic] Do we need a vote on (interrupted)

Chair Lauing: On what?

Commissioner Hechtman: Agenda Item Number One, the resolution.

Chair Lauing: I guess we're early in the month again, yes.

[The Commission moved up to Agenda Item Number One]

Ms. French: Yes, good evening. I believe we have Nathan here on the... is that true for transportation and so he'll give the report tonight regarding transportation items. And then we can talk a little bit (interrupted)

Commissioner Templeton: Amy, when you don't speak close to the mic I can't hear anything you say.

Ms. French: So sorry, thank you. We have from the Office of Transportation we have Nathan Baird. He will be giving a brief update on all things transportation in his purview and then I'll

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1 switch over after that to talk about the upcoming January meetings and a little bit about the  
2 Council meetings upcoming... well, the one that's left in December. Thank you.

3

4 Mr. Nathan Baird, Transportation Manager: Amy actually, I'll let Rafael take the lead. I have a  
5 short bit about the transit project, but I'll let Rafael kick it off.

6

7 Mr. Rafael Rius, Senior Transportation Engineer: Sure, thank you, Nate. Well, Rafael Rius, Senior  
8 Engineer with the Office of Transportation and I typically give updates on transportation  
9 projects. We don't have any real updates or any real significant updates on our ongoing  
10 transportation projects from the last meeting. But with that, Nate... Nathan is here to follow up  
11 on a request last meeting from the Commission on some information related to our On-  
12 Demand Transit Program so and Nate's here so I'm going to hand it over to Nate.

13

14 Mr. Baird: Oh okay, thanks for that, Rafael. Alright, so I am here to talk a little bit about our On  
15 Demand Transit Project we just had Council approval to sign the contract with our selected  
16 vendor Via. And so, Via will be providing a turn-key, on-demand transit shuttle program within  
17 the City. We'll have nine vehicles for that program, it will operate from 8:00 am to 6:00 pm  
18 Monday through Friday and unlike the previous shuttle program. This will be on demand and  
19 serve kind of intra-Palo Alto trips. So, you know, this is a pilot program that VTA is providing  
20 funding for to several cities throughout the region, including Palo Alto, so we will be learning

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1 quite a bit. We're really excited about Via as our partner. They've got an established program in  
2 Cupertino that is broadening out to Santa Clara, but we'll have own fleet in Palo Alto and we  
3 really do expect it to help folks that were reliant upon the previous shuttle. But also, it  
4 represents a different strategy and potential to be of more use than the previous shuttles were.  
5 So again, 8:00 am to 6:00 pm, Monday through Friday. The standard fare will \$2.50 but we also  
6 have a \$1.00 fare for seniors and students and others that need that discount so. Yeah, we're  
7 looking forward... we expect the service to start in March and because we just finished up the  
8 contract. There's still some... a number of details that are still being worked out but we,  
9 according to terms from VTA, we'll be launched by March 2023 and we'll have at least 18  
10 months of service. And we'll be working hard with Via potentially to try to find some additional  
11 funding to extend that service, but we have 18 months of service to start.

12

13 Chair Lauing: Okay, thank you. We'll go to Commissioner questions for... Commissioner  
14 Templeton?

15

16 Commissioner Templeton: Thank you for that report, Mr. Baird. Can you expand on the student  
17 fares, that sounds very interesting. What are the parameters for students and also, if there's  
18 more than one person catching a ride how does the fare work? Thank you.

19

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1 Mr. Baird: Some of that will still be worked out. The VTA agreement we just said that we would  
2 establish a \$1.00 amount for students, so we... I actually don't have many more details on that.  
3 I can try to figure out some more in the future but yeah so (interrupted)

4

5 Commissioner Templeton: Particularly, I'm wondering if minors can ride.

6

7 Mr. Baird: Oh, if minors can ride, I think there's a provision... there will be provisions for that  
8 but yeah, I'll have to do a bit more research to figure out how that will work out.

9

10 Commissioner Templeton: And can you speak to multi-rider fares?

11

12 Mr. Baird: Multi-rider fares, I believe the fare is already represents a pretty significant subsidy.  
13 So, I don't think there'll be a different fair if more there's more than one person in the vehicle,  
14 but the system is... the shuttle system is designed for multiple riders to be in one vehicle. So,  
15 the fares kind of are what they are.

16

17 Commissioner Templeton: Thanks, I just wanted you to clarify if it was per person or per ride.

18

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1 Mr. Baird: Per person but there is... Via's vehicles utilize an algorithm to help kind of trip chain  
2 or kind of consolidate some trips together. Especially when going toward transit trips or  
3 connecting to other transit trips.

4

5 Commissioner Templeton: Thank you.

6

7 Chair Lauing: Commissioner Reckdahl.

8

9 Commissioner Reckdahl: I'm curious how will the fares be paid. Do you use cash? I mean you're  
10 looking at two segments. You have seniors are generally less technological and then you have  
11 youngsters who are more and so are we going to be paying on the web? Are we going to be  
12 using Clipper cards? Cash? What's the plan?

13

14 Mr. Baird: So, we've provided a number of different ways to pay. The main route will be  
15 through an app that they'll be developing with Palo Alto branding involved but there'll be  
16 numerous ways to pay via the app, but also over the phone as well. Over the phone will be the  
17 key way to reach folks that don't have access to an app. There will also be a web portal or a  
18 web page that can also be utilized to book trips and to provide payment. But yeah, there will be  
19 means to pay via the app, the writers app, web portal, and then also via phone.

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1 Commissioner Reckdahl: Thank you.

2

3 Chair Lauing: Commissioner... Vice-Chair Summa.

4

5 Vice-Chair Summa: Thank you, I just had one additional question. That is, I recently attended a  
6 La Comida lunch and noticed a huge number of elderly Chinese- American Palo Altans that  
7 really really don't speak English. And they were very much missing the shuttle before, so will  
8 there be information provided in Chinese also so that they can use it?

9

10 Mr. Baird: Yeah, we'll be working on a marketing plan with Via, and yeah, I can look into making  
11 sure that that is available for those folks as well.

12

13 Vice-Chair Summa: There's just a real need there so thank you.

14

15 Mr. Baird: Thank you.

16

17 Chair Lauing: No other Commissioner comments? Then I'll go back to Ms. French.

18

19 Ms. French: Yes, can you hear me? Okay. Just a quick update, Council last week did adopt the  
20 ADU Ordinance which was focuses primarily on the State legislation from 2022, and then they

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1 also did the second reading of the Ordinance 5517 which had the definitions and broadening  
2 permitted use. The Planning and Transportation Commission saw both of those or forwarded  
3 both of those to Council.

4  
5 The next Monday is the HomeKey project the Comprehensive Plan land use change and that is  
6 the item that... I'm trying to remember if Planning and Transportation Commission weighed in  
7 on that project but anyways, I know you have interest. So, there it is, that's the end of the year  
8 for Council.

9  
10 If you notice in your Packet, we do have all the dates populated for the coming year 2023 and  
11 so check that please, and let us know your availability or lack thereof as the case may be. And of  
12 course, in the new year, after we have our... the recruitment for a new Commissioner, we'll  
13 revisit the assignments to represent Planning Commissions as Council following the month of  
14 April or so. That's the report, nothing further from me.

15  
16 Chair Lauing: Any questions of Ms. French? Okay, I see none, so we'll go to our first Action Item.

17

18 **Action Items**

19 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.  
20 All others: Five (5) minutes per speaker.<sup>1,3</sup>

21  
22 3. LEGISLATIVE: Amendments to Palo Alto Municipal Code Title 18 Zoning, Chapters  
23 18.04 (Definitions), 18.10 (Low-Density Residential), 18.12 (R-1 Zones), 18.13  
24 (Multiple Family Residential Zones),18.40 (General Standards and Exceptions), and

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1 18.54 (Parking Facilities Design Standards) to Facilitate Implementation of Green  
2 Building Standards, Including Noise Standards and Placement of Obstructions Within  
3 Garages and Exterior Setback Encroachments for Electrification Equipment Such as  
4 Heat Pumps, Energy Storage Systems and Electric Vehicle Charging Stations.

5 Chair Lauing: Our only Action Item as it turns out for tonight which is Zoning Code changes to  
6 facilitate residential electrification. A number of amendments to the Palo Alto Code Title 18.

7

8 Ms. Amy French, Chief Planning Official: Sorry, did we skip over oral communication or not?

9

10 Chair Lauing: Yeah, we did.

11

12 Ms. French: Okay.

13

14 [The Commission moved up to Oral Communications]

15

16 Chair Lauing: So, you have the presentation for us, please?

17

18 Ms. French: Hello, tonight we're here to present on Zoning Code changes for residential  
19 electrification equipment. I have with me virtually Director Lait and... Jon Lait and we have  
20 Jonathan Abendschein from Utilities as well as Christine Tam from Utilities here in the  
21 Chambers.

22

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1 So, you have in your Packet a draft ordinance which covers changes these six chapters on the  
2 screen covering Definitions, Low-Density Residential, R-1 Zones, Multi-Family Residential,  
3 General Standards and Exceptions, and Parking Facilities Design Standards. The aim of the  
4 ordinance is to not only add a definition for electrification equipment but enable the placement  
5 of such equipment within minimum side and rear yard property setbacks in residential zones. It  
6 also is to enable placement of such equipment within garages where there are required clear  
7 spaces for the parking of cars. And we get a little bit into noise but that is not the fully purview  
8 of the Planning and Transportation Commission so it's tangential. We do plan to visit the City  
9 Council in the new year. Again, the focus and the purpose of this is to require electrification  
10 equipment for substantial remodels. That term being coined and defined in the Green Building  
11 Code that was adopt by Council earlier this fall and this is for substantial remodels and new  
12 construction.

13

14 We're looking at barrier reductions strategies and as a part of that, for sustainability and  
15 climate action, we're trying to loosen restrictions to ensure the success of programs such as the  
16 heat pump water heater program and this will be helpful, especially for existing situations.  
17 Existing garages, existing homes that might not have the perfect setup with the existing code as  
18 far as setbacks and clearances.

19

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1 The ordinance modified the standards for noise producing and other equipment placement and  
2 we say in this ordinance that the equipment must still comply with the Noise Ordinance in  
3 Chapter 9.10 of the Municipal Code. The Council may at some point decide to revisit the  
4 standard which is 6 decibels above ambient, it's a conversation, and we also have an approach  
5 that would enable the Planning Director to maintain administrative regulations to promote and  
6 acknowledge the arrival of new equipment on the market that may be quieter than equipment  
7 we've seen to date.

8

9 Let's see, next, so here I have a little bit of pinterest approach to sharing with you the types of  
10 charging fixtures or devices that we see. So, I'm showing here in the center what we call an  
11 interior lot with the setbacks; front, rear, interior side setbacks. And then a corner lot which has  
12 all of that plus what we call a street side setback that's 16-feet the standard. And so, we have  
13 examples of people desiring to park their car in their driveway if they have one and have access  
14 to a charging station.

15

16 We have an interest in allowing folks to replace their non-heat pump water heaters with heat  
17 pump water heaters. So, to that end, we acknowledge that often these are placed in garages  
18 and again we have a clearance. One car garage, modern-day current Code, it's required to have  
19 a 10-foot wide clearance and a 20-foot deep clearance and there's no provision in the Code  
20 current to allow encroachments into that space with waters heaters and batteries and chargers.

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1 So, we have written a draft that attempts to allow some amount of encroachment with  
2 maintaining operations such as opening car doors.

3  
4 Next and then setbacks, we have the need to place various types of electrification equipment  
5 next to buildings. Sometimes these buildings are not meeting the 6-foot setback or what have  
6 you in the district that they're in. And so, there are instances where again people want to  
7 replace equipment and we want them to replace with electrification equipment and remove  
8 impediments to that so. Next, we have just a cavalcade of popular styles of such energy storage  
9 systems. Not all of these have been vetted. Just a little image from the internet, but often these  
10 are slim pieces of equipment that can be stacked vertically or side by side. And so, you can  
11 imagine a situation where they could be placed inside a garage vertically or layered. And so, this  
12 discusses the... and we'll get to this, but the Packet discusses a certain width and depth of a  
13 garage related to these obstructions that might be caused; next.

14  
15 So, we start off just now going through the changes. First is providing a definition for  
16 electrification equipment and we have the upper definition there is what was in the Packet. We  
17 have some additional improvements or refinements shown in yellow here. Some ways of  
18 wording and items there that were near and dear to Utilities, Building, and vetted with our  
19 attorney. Again, if there's questions about this we do have Utilities here.

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1 Then we have two chapters, Low-Density Residential and R-1 known as single-family residential,  
2 so they're very similar or exactly the same language adding this... what's shown in underline  
3 and there's some strike out as well. So, the focus again is to enable placement of equipment  
4 within setbacks but still providing a 3-foot... you know, basically emergency access between the  
5 rear and side property lines. And then providing a minimum 10-foot side yard setback on a  
6 corner lot from such equipment.

7

8 And there's further... this is just all of the changes from the ordinance so we can go back to any  
9 of these any time, but the ideas that sometimes there's not going to need to be housing or  
10 insulation, and sometimes there would be in order to meet the Noise Ordinance so. We tried to  
11 refine that with statements about the storage systems and charging stations and equipment  
12 that goes with that such as safety bollards. That you can put those in the required on-site  
13 parking spaces as long as we're getting that clearance that we need to open doors and such.  
14 And then this concept of the Planning Director having sort of maintaining a list of equipment  
15 and as new equipment comes on board with hopefully lower and lower decibels. We'll get a  
16 chance to update as time goes on.

17

18 We have the Multi-family chapter and this has something similar but it's... this section talks  
19 about again the 3-foot clearance on the side and rear and the front as well... sorry street side,

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1 10-foot street side. Again, we just say you must meet the Noise Ordinance in Chapter 9.10.  
2 We're not really tampering with the Noise Ordinance and... at this hearing at least.

3  
4 Next, we have our 18.40, the General Standards, and this talks about required yards. This is...  
5 seems redundant but it's necessary because this has other... further implications beyond those  
6 chapters already covered. But basically, we're talking about now in this chapter, in this section,  
7 that we can allow 2-foot encroachment into a 20-foot standard front setback so I'll show you an  
8 image there. This is showing this yellow line which would facilitate placement of one of those  
9 charging stations either attached to a garage wall let's say or if the garage has been converted  
10 to an ADU let's say. They may have other places to put that because they do not need to drive  
11 into a garage. I'm showing here the dashed line would be the approximation of a 3-foot  
12 setback. Again, placement attaching to a building anywhere but in that 3-foot setback. If it  
13 needs to be housed such as pool equipment, placing it in the back corner with appropriate  
14 housing and insulation. The visual screening that is in place in the Code would be waived  
15 basically for the charging, the car charging and storage systems, and the bollards.

16  
17 And then we have the Parking chapter, here's where it gets a little more interesting as far as  
18 trying to, with words, describe what we're talking about and we acknowledge there's more  
19 wordsmithing that can happen. Basically, and I put at the bottom in yellow, the goal is that we  
20 do not want to have something less than 18-feet clear at the ground level for the depth and 8-

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1 foot 6 [note – insert inches] clear at the ground level for the width inside say a one car garage.  
2 So, but that then we wrote to try to approximate well if you have an 18-foot garage let's say 18-  
3 foot depth. You can still put some equipment but it has to be raised up 4-feet above that floor  
4 on the back wall lets say. And of course, it can be on the side walls but we need to be able to  
5 have the nose of the car and I'll show you on an image next what I'm trying to describe with  
6 words. So, if you had say an 18-foot deep garage then you wouldn't want to have a structure  
7 come all the way down to the floor because now if it's an 18-inch wide fixture or appliance  
8 you're not having the room to nose your car in. So, this... in this instance, you could raise that  
9 equipment up to 4-feet above, and then the car could nestle under than equipment.

10

11 So, that concludes my presentation. Just one note is we would have to... we have what's called  
12 the R-1 Technical Manual and we would want to go and update that because there're images in  
13 there that show how it is today and of course, we're updating the Code. So, now I would  
14 invite... oh and we have David Chung here from our Building Department so he's been  
15 intimately working with me about a month or so ago when we started talking about all of this.  
16 And so, he's here for expertise as well as the Utilities and I don't know Jon if you have anything  
17 you want to weigh in on as part of the presentation or we can just get right into Planning  
18 Commission questions.

19

20 Chair Lauing: Did either of the folks from City Staff want to speak or just be a reference?

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Ms. French: I think they're here to answer questions.

Chair Lauing: Okay, that's fine. I think we'll do an opportunity to have a little bit of questioning but not too deep and then I want to go to public comment. So, let's see, first up is Commissioner Templeton.

Commissioner Templeton: Thank you, Chair. While this slide is up Ms. French, I was going to ask if you can update the contact address for this program.

Ms. French: [unintelligible – off mic]

Commissioner Templeton: Just to help you keep your records straight because I don't know if you want to... if you're still (interrupted)

Ms. French: [unintelligible – off mic]

Commissioner Templeton: Anyway, the question I wanted to ask and I didn't hear in the presentation and I'm sure it's covered but just for completeness. We didn't talk at all about fire safety as we get closer and closer on interior buildings. You know, closing the space between

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1 them do we have any additional fire concerns, especially with battery storage and other kinds  
2 of electricity?

3

4 Ms. French: Well, there have been instances of battery malfunction for storage energy storage  
5 systems. I understand there's some new technology around the or here already that make  
6 these batteries safer. I don't know if... I am not a fire expert. We do have David Chung if there  
7 are technical questions regarding Fire (interrupted)

8

9 Commissioner Templeton: Yeah.

10

11 Ms. French: Codes.

12

13 Commissioner Templeton: I'm not talking about the product but just in general, as we start  
14 having these kinds of structures closer to each other. It does... we've talked about spacing,  
15 we've talked about screening, and all the other things. We haven't talked about any additional  
16 fire safety stuff so I would love to hear if we have any thoughts on that, thank you.

17

18 Mr. David Chung, Assistant Building Official: Good evening, so David Chung, Assistant Building  
19 Official, so every project that [unintelligible] equipment coming in we do have fire personal  
20 reviewing it. But as far as ESS and so forth, there are some provisions that has requirement that

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1 how close you can have to opening. Can it be located inside a building and so forth? So, we do  
2 have data to review by the Fire Department so we do look at those.

3

4 Commissioner Templeton: Okay so it sounds like that part of the planning process but not  
5 necessarily part of this Code review.

6

7 Mr. Chung: Not this Code review but we do talk to fire. I think Amy reach out to us and then we  
8 also to talk to fire also in this consideration. So, we do in plan those safety in this proposal.

9

10 Commissioner Templeton: Okay great, thank you.

11

12 Chair Lauing: Commissioner Chang.

13

14 Commissioner Chang: Thanks for this report, Ms. French. One of the questions that I had was  
15 based... well, aside from the Noise Ordinance. Are we addressing all the concerns that were  
16 raised by the public comments that have... the three public comments that you included in the  
17 Packet? In other words, I... it was hard for me because I don't understand all the equipment and  
18 all the technical requirements to know okay here's the issue. Here's issue one, here's issue two,  
19 here's issue three, here's where that's addressed and so I wondering because the public  
20 comment seemed to all bring up very valid concerns. And so, is it Staff's understanding that

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1 aside from the changes that will eventually potentially need to be made in the Noise Ordinance  
2 that we are pretty addressing everything that's been raised in the public comments?

3

4 Ms. French: Whether its everything because we did get some public comments in the day  
5 (interrupted)

6

7 Commissioner Chang: No sorry, just these three I guess, the ones that are in the... I know you  
8 couldn't have addressed things that were... that came in since the Packet was put out.

9

10 Ms. French: Yeah, whether we address them to the satisfaction of the commenter I do not  
11 know but it was considered and certainly we're standing here at the first hearing with you and  
12 any feedback is welcome.

13

14 Commissioner Chang: Thanks, I... for the future for this kind of thing it might be helpful to have  
15 sort of table or something that kind of specifies specifically what each issue is and then tie it  
16 to... to your point you don't know... we don't know if we're doing it to the satisfaction of the  
17 commenter. But this is the part of the ordinance that's meant to address this specific issue if  
18 that makes sense.

19

20 Ms. French: Sure, I understand layout preferences.

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Commissioner Chang: No, I just can't tell if all the issues are being addressed so yeah, okay thanks.

Ms. French: I'm sure we'll hear if they're not.

Chair Lauing: Any other initial questions from Commissioners? If not let's go to public comment.

Commissioner Hechtman: [unintelligible]

Chair Lauing: I'm sorry?

Commissioner Hechtman: [off mic] Is my light on?

Chair Lauing: It's not. Oh, it just went on, sorry. These name tags are in slightly different places tonight so.

Commissioner Hechtman: Okay, thank you, so just an informational question. We have a lot of homes in Palo Alto that have gas-driven radiant heat systems and it's... in reading the Staff Report it's feeling to me like as we transition away from gas into electricity, some of these

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1 transitions are going to be mandatory. You go in to do certain things to your house and these  
2 may be requirements and so I'm just wondering because I just haven't heard of it. Is there... can  
3 a radiant heat system be driven with an electrical water heater as opposed to the gas that  
4 predominate in Palo Alto, if we know?

5

6 Chair Lauing: Are there any expertise in the audience here from the City, please?

7

8 Ms. Christine Tam, Senior Resource Planner: Good evening, my name is Christine Tam. I'm a  
9 Senior Resource Planner with the Utilities Department. So, we, as in Utilities Department, we  
10 have been working with different vendors and contractors about electrification solution for  
11 single-family homes and the radiant heating system that you refer to in Eichlers are tough.  
12 Definitely been a challenge because it requires air-to-water heat pump systems which are less  
13 common compared to the typical air-to-air heat pump systems for space heating. There are  
14 commercial solutions available, I can show you that. They're not widely deployed yet so we're  
15 still trying to find out about the performance of these systems. They have... they are... that I  
16 know of they are at least three manufacturers that produces these types of products.

17

18 Commissioner Hechtman: Thank you.

19

20 Chair Lauing: Commissioner Reckdahl.

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Commissioner Reckdahl: I want to make clear, is this only for remodeling? This is not for new construction? So, new construction for example would have to have... place their whole... even if they're going to electric place all their equipment within the setbacks, is that correct?

Ms. French: This is for both substantial remodel and new construction as far as the electrification requirement in the Green Building Code. As far as this draft ordinance, we're proposing this loosening of restrictions not just for remodels but for all properties residential.

Commissioner Reckdahl: Okay.

Chair Lauing: I see Director Lait on screen.

Mr. Jonathan Lait, Director of Planning: Yeah, that's right, thank you Ms. French for that. I... the maybe clarification on that is for the garage, the intrusion into the garage space, that might be an area where the Commission may want to weigh in on that. What we're presenting tonight are encroachments really to accommodate existing conditions and a new construction or new garage we would still want the project to meet the 20 by 10 requirement if they're doing enclosed parking.

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1 Commissioner Reckdahl: I mean this loosening makes a lot of sense for existing homes just  
2 because they have less flexibility. If you now are starting construction I don't think it would be  
3 that much of a hardship to incorporate this within the setbacks. So, it seems a little unnecessary  
4 to give these breaks for new construction.

5

6 Chair Lauing: Any other preliminary comments from Commissioners? Okay, then let's go to  
7 public comment both online and in Chambers.

8

9 Ms. Veronica Dao, Administrative Assistant: Yes, we have one in-person and two online. So,  
10 first, we have Hamilton Hitchings here in the Chambers, you have 5 minutes.

11

12 Mr. Hamilton Hitchings: I want to thanks Staff very much for brining this item to the PTC,  
13 including Amy French who've I've had the opportunity to discuss this with. I strongly support it  
14 with a few minor tweaks as described in the V2 version of the email I sent this afternoon. This  
15 includes a proposed motion at the top of the email for Commissioners to consider.

16

17 Just a little background, this fall I signed a contract to install an electric heat pump/HVAC mini  
18 system so I would no long need to rely on burning gas to heat my house and also to provide  
19 some air conditioning during very hot summer days. Many people, including myself, want to  
20 install this equipment on their side yard or behind their garage so it's not visible and is quiet.

- 
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1 Because I am on a corner lot I am subject to special zoning limitations that require a 20-foot  
2 setback for what I consider my side yard but Palo Alto Municipal Code considers by back yard.  
3 Thus, the Code... the current Code does not allow me to place electrification equipment on the  
4 side of my garage or even behind my garage. Therefore, I temporarily canceled the contract to  
5 install a mini split HVAC/heat pump until changes to the Building Code are instituted.

6  
7 I also put on hold installing the one electric hot water heater I would actually consider  
8 installing, the SANCO2, which allows me to place a whisper-quiet compressor outside next to  
9 my garage. Thus, negating the negative impacts, including having my laundry room become  
10 very cool.

11  
12 Thus, allow me to explain my two recommended minor tweaks to Staff's proposal. Under  
13 Section 18.10.040, add an explicit carve out for the specific types of electrical equipment that  
14 should not be housed or insulated. These are electric heat pump HVACs, ESS – that's electrical  
15 storage systems –, ESVE – that's car chargers --, and standalone electric heat pump  
16 compressors for hot water heaters, currently the SANCO2. The way Staff has written this would  
17 require special approval by the Planning Director for equipment which is not designed to be  
18 housed or insulated. Yet require special Director approval to not house and insolate them. So,  
19 they're not suppose to be housed or isolated, but you would still need special approval by the  
20 Director to not house or insolate them. If we want to remove barriers to electrification, let's not

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1 institute new artificial unneeded ones and waste Staff's time. For example, HVAC heat pumps  
2 where the maximum air circulation with a fan is required to properly exchange heat. I'm not  
3 proposing that these types of equipment be exempt from the Noise Ordinance which will still  
4 apply even with this change.

5  
6 And the second minor tweak is in Section 18.54.020 Section Four #2, thanks to Amy she's  
7 already made a little modification so it's not as important but I think it would still be helpful to  
8 clarify the language. Clarify that ESVE and other electrical equipment can be placed on either  
9 side of the car as long as there's clearance to open the doors. Regardless of the length of the  
10 garage and parking spot. The reason I bring this up is because my garage was built in the '60s,  
11 it's substandard and it didn't meet the minimum height... the minimum length requirement as  
12 described in the text. And even though this was Staff's intent to allow you to put stuff on either  
13 side of the car as long as it doesn't block the doors. The way it's written it could be interpreted  
14 by somebody enforcing this as not allowing any electrical equipment in your garage. Except on  
15 the back wall 4-feet up if you have a short garage like I do. So, it's just a minor tweak, it's wasn't  
16 Staff's intention but I think it should be clarified so that there's no dis... ambiguity.

17  
18 I hope you will consider the text of my proposed motion as a starting point. I want to thank  
19 Staff again for working on this and if passed by City Council. It would allow my to proceed with  
20 my electrification plans for my house. Thank you very much.

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Ms. Dao: Next we have Bret Andersen on Zoom. If you can unmute yourself, you have 5 minutes.

Mr. Bret Andersen: Yes, thank you for the opportunity to speak. I am also planning electrification of my home here in the Palo Verde neighborhood and we have 8-foot setbacks in our neighborhood. So, that's preventing me from installing heat pump condenser in the sideyard and I was reading the draft ordinance, and its just not clear to me. And I don't know if this comes later in the discussion, but just to show what the practical implications is for the popular types of heat pumps that people would be installing or popular models. The ones that I've been looking at are in the 55 to 57-decibel range according to the manufacturers specification sheets and that's on the low end. That's for the inverter-style heat pumps which are higher performance and quieter. So, I'm not sure how that all relates to the 6 decibels above local ambient outside noise levels. So, it's just hard to see that I think from the... from at least a public perspective looking in on what's changing here.

And then also there are a lot of popular models that have these kind of square box-shaped heat pump systems that probably approach 3-feet square. So, how would that fit in the 6-foot setback if there's also some clearance to the wall of the building? So, just I think having some

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1 list of popular models and how that's accommodated by the Code change would be very  
2 instructive for us as far as public voting members.

3

4 I think that's all I wanted to say. There's... this is a very good change and it's really going to open  
5 things up I think for electrification folks and hopefully improve the number of permits that  
6 people apply for. And one more point on the permit streamlining, perhaps there could be some  
7 kind of incentive for people who register their electrification equipment with the City because  
8 knowing... for the City to know where these... this equipment is and understanding future  
9 demand management requirements and benefits. Perhaps, it's worth providing some kind of  
10 credit on the bill for folks who have registered equipment. At least the large items like heat  
11 pumps and EV chargers and that's similar to what's been piloted by PG&E where they you give  
12 a \$5.00 credit to folks who sign up for the water heater demand management program. So, I'll  
13 put that forth just as an idea or suggestion for the conversation. Thank you.

14

15 Ms. Dao: Next, also on Zoom, is David Coale, if you can unmute yourself.

16

17 Mr. David Coale: Hello Commissioners, my name's David Coale, and thank you for this  
18 opportunity to speak. I agree with the previous two speakers and just wanted to thank Staff for  
19 being proactive on this. These changes in setbacks are quite necessary to bring about  
20 electrification for many of our homes, especially the older ones and the older requirements and

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1 different requirements in different neighborhoods in fact. So, this is a great step forward, and  
2 hope that you can err on the side of allowing... as you said, reducing the barriers much as  
3 possible to allow electrification to happen. Climate change is not going to wait around for the  
4 Palo Alto process to get to this and I'm so glad that you're addressing this now. Thank you so  
5 much.

6

7 Ms. Dao: I think that's all the public speakers we have.

8

9 Chair Lauing: Okay, that's the last speaker online? Okay.

10

11 Ms. Dao: Yes.

12

13 Chair Lauing: Alright, let's come back to the Commission for more in-depth questions and  
14 discussions. I think we can combine that and if we need to do a second round we can do that as  
15 well. So, keep it kind of informal but talking about the issues if need me to read... if someone  
16 wants to refer to the ordinance that's perfectly fine or we could also take a look at that at the  
17 end so. Let's see, Commissioner Chang is up first.

18

19 Commissioner Chang: I have questions about whether electric vehicle charging units can be  
20 placed in driveways. My understanding is that they cannot be based on the amount... they

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1 cannot be any more than 2-feet into the front yard setback, is that correct based on the  
2 current...

3

4 Ms. French: The proposed ordinance (interrupted)

5

6 Commissioner Chang: Yes.

7

8 Ms. French: Would allow 2-foot encroachment in that front yard setback forward of the... you  
9 know within that 20-foot standard minimum setback.

10

11 Commissioner Chang: So, I was... as I was thinking about this I was concerned that we might  
12 need to be even more flexible. Especially because of we're... just depending... you know we're  
13 doing ADUs, we don't have all the same parking spaces that we might have. And so, I could  
14 easily see somebody wanting to put a charging unit not necessarily 2-feet say in front of their  
15 garage but maybe to the side of their driveway. And so, it's just a thought that I had and it  
16 might be necessary given all the ADU stuff that we're doing and the reduced parking  
17 requirements.

18

19 So, that's just a thought, and then the second question I had and maybe it's a non-issue  
20 because I didn't see the updated version two comment from Mr. Hitchings. But his first public

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1 comment that I saw had raised an issue of storage units... electric... you know batteries that are  
2 not lithium batteries. And so, I thought that that was a good comment and had the same  
3 question about whether certain types of batteries maybe can placed in the sun versus others.  
4 And I just don't have the technical expertise on it but did just look at battery storage and did...  
5 you know the battery storage salesmen did explain to me about different types of batteries and  
6 different concerns with different ones. So, wondering if Staff can answer that?

7

8 Ms. French: Yes, as I noted to Mr. Hitchings, the ordinance does not specify anything about  
9 batteries having to be outside in the sun. I think it was just a part of the Staff Report narrative  
10 that discussed anecdotally or what have you from past experience. But yes, there are these  
11 new lithium ion... something that doesn't involve what was it? Cobalt that is the responsible  
12 chemical for catching fire somehow so.

13

14 Commissioner Chang: Okay, so there's nothing in the ordinance... yeah, as I think about it I  
15 didn't see anything about that.

16

17 Ms. French: Yeah, nothing in the ordinance.

18

19 Commissioner Chang: So, we're not preventing anything with that, okay great. And then my  
20 final... it's not a... it's a comment. I was just wondering if we have... if we think we have

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1 sufficient flexibility for all the non-conforming situations that there likely are in the City. So, for  
2 example, the older houses that were... like College Terrace for example. Just a lot of people  
3 living there. I can see how the setbacks and the limitations of the setbacks are going to prevent  
4 electrification there. So, I'm just wondering how do we handle that? Is there a way to have  
5 more flexibility or then is Staff going to be inodiated by whole bunch of... you know there's a lot  
6 of things like well the Planning Director can make this decision but we can't have the Planning  
7 Director making all these decisions. So, I guess I'm just raising a... yeah, it's just a comment.

8  
9 Ms. French: Yes, we would rather not be inodiated, I think that's one of the purposes of an  
10 ordinance is to try to imagine and flush out all the possible permutations and combinations. Of  
11 course, we'll never get all of them and someone will come in with a 3-foot side yard that wants  
12 to put something in that 3-feet, and then what will we do? I think that's what you're getting at.

13  
14 Commissioner Chang: Yeah, stuff like that and I can already see houses where I'm thinking like  
15 where are they going to put their charging unit for here? So, yeah, and pretty soon California is  
16 not going to allow sale of gas-powered cars so we need to allow for some way to deal with  
17 those soon.

18  
19 Chair Lauing: The overworked Planning Director is back on screen if you would like to address  
20 this issue.

- 
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1

2 Mr. Lait: Thank you, so I think that Commissioner Chang, thank you for that question. On the  
3 side yard setback, I believe that... that's really driven by life safety interests and wanting to  
4 make sure that the Fire Department if they need to service a property has access. So, I don't  
5 think we would be looking for any further reduction in that dimension.

6

7 But you're earlier comment about encroachment into the front yard setback I think is one  
8 worth the Commission's consideration and exploring the possibility in those scenarios that you  
9 described of maybe providing a standard that would allow for greater flexibility.

10

11 Our ultimate goal with this ordinance is to find... to really minimize the zoning barriers to allow  
12 electrification to take place. And this is our first cut at it, but if the Commission has some  
13 recommendation how we can go further? We would certainly welcome that feedback as a  
14 recommendation to the City Council and we may come back to the public comment about that  
15 Code section at some point. And if we do, I can comment on that, but to be clear, I'm not...  
16 we're not trying to set up an ordinance where we're creating waivers where the Director needs  
17 to get involved in decision-making. We actually want to minimize any discretionary review so  
18 that we're not having a conversation and it's more automated and ministerial as opposed to  
19 discretionary. We want to streamline the process, we want to get out of the way, we want to

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1 establish some clear Objective Standards by which everybody understands sort of the rules of  
2 the road and they can proceed accordingly. Thank you Chair.

3

4 Chair Lauing: Vice-Chair Summa.

5

6 Vice-Chair Summa: Thank you and I was going to pile onto Commissioner Chang's comments  
7 and that is because... oh and it's partly what a member of the public... his house... the  
8 orientation of where's the front of your house is a problem for houses that are sideways and  
9 there are a lot of those. And there's instances of non-conforming situations where for instance  
10 right down the block from me there's the whole width of an apartment building that has four  
11 units and it's getting two ADUs. So, there will be no backyard at all and no real side setbacks  
12 and it has the whole width of the front is one... if for three cars. The whole thing is a parking  
13 apron and it's only deep enough for cars... one car. So, they wouldn't be able to put a charger  
14 there in any way. There's no garages and so yeah, it's the same problem and it's an example  
15 and we have an example of corner lots being sort of problematic and I think we should have  
16 more flexibility.

17

18 Similarly, there are a lot of houses in College Terrace, such as my own, that do not have garages  
19 at all and my house is sideways because... and it's not even on a corner. It's on a private alley

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1 sideways so I don't know where I would put it exactly. So, if we can somehow say unless those  
2 conditions don't exist and then still allow people to put in charges.

3  
4 So, those are just two examples, my very own house, Mr. Hitchings' house, and then this four-  
5 unit apartment building down the block. And that kind of situation is not that uncommon in my  
6 neighborhood because of the age of my neighborhood. So, I think it would be helpful to find  
7 some language to... as an alternative for situations that don't have that typical 20-foot setback  
8 and a driveway. That was my comment on that.

9  
10 Chair Lauing: I'll make a couple comments, not seeing any other lights at the moment. Yeah, I  
11 want to comment generally on two of the areas. One which we're on so I'm going to stay on it  
12 which is that as we all stated. The idea here is to get electrification done and we're facing a  
13 crisis here. We're trying to address a crisis so if the simple fix is to on an old garage that's non-  
14 conforming somehow do an Exception or a Variance to get there. That's what we ought to do  
15 because that's how we solve the problem.

16  
17 Similarly, like in corner lots, full disclosure, I have a corner lot so I feel Mr. Hitchings' pain but I  
18 didn't think I would in this regard because I hadn't gotten that far with electrification yet. But  
19 they're just different and again if we're really trying to get people to change and he's willing to  
20 change. We need to have some flexibility as Director Lait said to address that and whether or

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1 not that's a simple Variance that someone has to file or there's separate rules for corner lots or  
2 whatever. That's what I would encourage to see in here, some flexibility to really move it  
3 forward.

4

5 So, then I want to say the opposite on what the other thing we're talking about and I'm saying it  
6 sort of humorously but as a question. In all kinds of places, for example on Packet Page 17, it  
7 talks at the top about noise. It will be primarily... this guideline will be primarily applied where  
8 the outdoor use is a major consideration. Further on down it says, well if it's feasible we can do  
9 it but we don't define it. Further on down we say as close to the standard as feasible. So, it  
10 sounds to me like there's still a lot of ambiguity around sort of getting the standards in there  
11 and that's okay. And I guess my question is more to the attorneys on our Commission as well as  
12 Staff. If you really that that ambiguity has been addressed when we get to the ordinance to  
13 cover most cases so that it's not just quite as here well, we'll get as close as we can because  
14 that's... I don't know how you enforce that. So, it's kind of two different sides of still making this  
15 work but we do want to solve for. In another place, the Staff Report very smartly pointed out  
16 that we have to look at neighborhood noise. Not just the home noise because if everybody  
17 does this and they're all 65 instead of 50. Then we've got another problem which I was really  
18 pleased to that in there. So, those two sides of the coin maybe the Staff could address or our  
19 attorney could address if Mr. Yang thinks that this now captured or that needs a little bit of  
20 work.

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Ms. French: Oh, I'll start.

Chair Lauing: Go ahead.

Ms. French: What I understood you to say, Packet Page 17, so that's a page about noise so this is what the topic that we're on is noise.

Chair Lauing: Yeah.

Ms. French: And it is an interesting topic and has a lot of breadth to it. What is ambient noise? What is... how loud is it if you go 6 above ambient noise and is there wiggle room? What about the equipment? Some of this equipment we're hearing from members of the public that it's going to be closer to 70 or 60 something once you get to... and if you're in a quiet setting. What if you're in a quiet setting that's only 40 ambient and now you've got an equipment that's 50? So, these are the kinds of things that we aren't prepared with any Noise Ordinance changes today. That's a different chapter of the Municipal Code and we'll be investing that in 2023 and working more on that related not just to this equipment but other equipment.

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1 For now, we basically say meet the Noise Ordinance and we have some flexibility and we're  
2 looking to have... somebody mentioned well what kinds of equipment? We would like to have a  
3 range of equipment on a handout that says we have experience with this equipment. We attach  
4 something to the Staff Report that shows some of the noise producing equipment and the  
5 levels there. So, we're in the process of investigating with the help of Utilities to see what noise  
6 these things do make and in some cases, you could put a blanket around them. You know,  
7 certain types of special fabric that would mitigate noise and not have to put a housing around it  
8 per se.

9

10 Chair Lauing: Thank you for that answer. Director Lait, do you want to add?

11

12 Mr. Lait: I do, thank you. Yes, so we, as Amy noted, we're still researching this. We want to  
13 acknowledge that this is all well and good to reduce our setback but if we're going to get a  
14 bunch of complaints because there's no noise issues in neighborhoods. That's an area where  
15 we need to address those issues so that they are compatible with each other. And so, our  
16 approach is we're reaching out to a consultant to help us sort of understand noise and these  
17 systems because noise is a bit of a tricky thing to measure and the circumstances which noise  
18 travels. But the concept that we're wanting to do or implement is to establish a threshold that  
19 these systems are presumed compliant and if these systems meet that decibel threshold or fall

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1 below it. We're not going to require a noise study or a test to verify compliance and so we want  
2 to get some additional data to validate what that right number is and we don't have that today.

3

4 It's not going to be higher than the standard than the Code today, at least that's our initial  
5 position on this until we get more information. We don't want to make it... our neighborhoods  
6 noisier. We do want to make these systems fit into them and we are learning from folks in the  
7 community and our experience through our intern departments that this technology is a lot  
8 quieter than it ever was when this Noise Ordinance was first established. So, we want to use  
9 that opportunity for the improved technology to place these appropriate units in the yard. So,  
10 we're going to have more on that when we get to the City Council.

11

12 We didn't want to wait as somebody... one of the public commenters noted, global warming is  
13 not going to wait for us to finish this process. We kind of want to work on these things in  
14 tandem, understanding that we may not be able to satisfy all the Commission's interest in this  
15 but the takeaway is we don't want to make it any nosier in our yards. We want to use the  
16 technology that's available, we want to get some study, and we want to define presumptive  
17 compliance standards.

18

19 Chair Lauing: What about the other aspect of the issue that I raised? Should we look at more  
20 Exceptions either by Variance or some other means such as (interrupted)

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Mr. Lait: Yeah, thank you for that Chair. Definitely not by Variance and I think what you're saying is some kind of relaxing of the Code but Variance is a trigger word for planners. So, I would say let's bake into the ordinance the standard that you're willing to accept. If we want more flexibility in the front and corner street side yards. Maybe the Commission can discuss what would be appropriate.

I do think and perhaps our folks from Utilities could weigh in on this. I do think we're exploring from pilot programs where chargers may be placed even in the public right of way. So, it may be that this proximity to front property line is maybe less of a concern going forward, I don't know. That's where I'd really like to get the Commission's feedback on that, but not a discretionary process. Something objective that clearly says you can do this.

Chair Lauing: Yeah, okay great, thanks for those comments. Commissioner Templeton.

Commissioner Templeton: Thank you. Just thinking about some of the comments we've heard from the Commissioners and from members of the public. What percent of applications do we think you're going to be approved versus rejected based on what's written? No idea right, we don't know.

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1 Ms. French: No, of course not.

2

3 Commissioner Templeton: Well, I mean that's my concern. If we're going to reject any person's  
4 application, how are we going to handle that with our City goals? Are we going to come back to  
5 them and say well, you can't it the way you've asked but here's what we suggest and this is  
6 possible? We have some of these edge cases with certain homes that might be approved at all  
7 to move to electric in these cases and I'm worried about that. It does happen already. People  
8 are discouraged or put their plans on hold and I think we need to think about that as a City, as a  
9 Planning Department. What are we going to do to take somebody who's ready and willing to  
10 convert to electric who's got a weird situation, an edge case? So, I don't know if that is  
11 something you could speak to at this point but I'd sure like to hear it.

12

13 Ms. French: Again, I don't have any percentages. One of the... I don't know if we're going to get  
14 through the round of all Commissioners but I would like to address again the matter of the  
15 front yard. I want to make sure to go back to basically it's Slide 18 and have a discussion about  
16 what's the front and what's the side because I think there's some wiggle room there than we  
17 might want to have a discussion about.

18

19 Commissioner Templeton: Could you speak to my question, like percentage?

20

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1 Mr. Lait: I can.

2

3 Ms. French: Thank you, thank you.

4

5 Mr. Lait: Thank you, Commissioner Templeton. So, in these... so this is not... I appreciate you  
6 raising that question. That is not in our ordinance today, but it's... this might be an area where  
7 you want to allow for some discretion and maybe even notice to neighbors if you're looking to  
8 do something beyond what the relaxed standards might be. And the notion here would be  
9 these are edge cases, these are scenarios that due to certain circumstances the location of  
10 existing buildings on a site, whatever sort of findings we want to craft, and we would certainly  
11 work with Albert and the Attorney's Office. Maybe the Commission has some ideas too. We  
12 could come up with some standards by which we could evaluate those requests and make a  
13 decision and have that decision be appealable or we'd probably want to just fold it into some  
14 existing system that we have.

15

16 As I say that, I just want to be cautious that we don't hold up this process. So, if we can find  
17 some way to embed that into it that would be great. If we need to come back and have another  
18 conversation about it, maybe that's what we need to do but just want to make sure that we're  
19 trying to move forward too, but I appreciate you raising that issue.

20

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1 Commissioner Templeton: I agree, we should continue forward with the regular case, not the  
2 edge case, but I would... what I'm concerned about is we have no idea if we're properly  
3 describing the regular case and how net is crafted so to speak. That what we're describing here  
4 is going to work for 80 percent or higher of the applicants.

5  
6 So, I would suggest also that and we don't have to do it tonight, but I would suggest also that  
7 we look at a timeframe at which to check in and say you know if we've operated with one year  
8 under the new Code. Check back in and say did we do it correctly or do we need to adjust it  
9 because I'm... we're really in uncharted territory here. We don't know so that would be the way  
10 I would suggest handling it, thank you.

11  
12 Chair Lauing: Commissioner Hechtman.

13  
14 Commissioner Hechtman: Thank you. A few items, the first one, so what we're looking at  
15 tonight are these changes in the ordinance to reduce barriers to allowing electrification and the  
16 question I had asked earlier about the radiant heat. What the answer... the concern actually is  
17 kind of the flip side of that, is tempering requirements to electrify because the concern I have is  
18 with sort of the technology... from the information we had tonight, you know technology not  
19 entirely known, I'm concerned that somebody in a remodel could be... trip one of these  
20 triggers. Now I'm required to electrify but either the technological... the technology that I'm

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1 required to buy into, it's not yet certain or I have to buy a commercial application for my  
2 residences because that's all that's available. And so, I just want Staff, as this moves forward to  
3 Council, to look at the ordinance to make sure it doesn't do that. And I didn't expect to see it in  
4 the Staff Report because it's really not... the focus of the Staff Report tonight was reducing  
5 barriers and this is again, this is kind of the opposite side of the that. And so, and I'm not  
6 looking for off-the-cuff response from Staff. I'm just I would ask Staff to look at that to make  
7 sure we're not going to require people to do something that's unreasonable.

8  
9 So, that was the first point, second item I was actually interested in an item in Mr. Hitchings' I  
10 think he called it a 2.0, what he had sent in this afternoon that he didn't mention in his remarks,  
11 and that is an issue about the 60 dB [note – dB] above ambient. And I just kind of thought it was  
12 an interesting point that he made that in some circumstances... so the goal as described in the  
13 Staff Report is 60 dB. This is an outside sound level and so if for example, let's say Chair Lauing  
14 lives in an area where that is... where the 60 dB is the ambient noise level, and somebody can  
15 bring in their equipment and the test is going to be it can't raise the ambient by more than 6 dB  
16 [note – dB]. That's the proposed standard in the ordinance, right? So, that could push Chair  
17 Lauing's ambient up to 66 dB. Meanwhile, let's say I live in an unusually quiet neighborhood  
18 and my ambient is 51 and somebody comes in and they have that 6 dB limit. So, they can push  
19 my ambient to 57. In that instance, we're not protecting all Palo Alto citizens the same way  
20 because I am getting a quieter result than Chair Lauing in his neighborhood and so it's just kind

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1 of an interesting question. You know, on the one hand, it's fair because it's 60 dB [note -dB] in  
2 both instances but in the other, you're sort of rewarding somebody for being in a quieter  
3 neighborhood and keeping that neighborhood quieter and I'm not sure that's right. And so, I  
4 was curious if Staff had... and I know that Mr. Hitchings' letter just came in late this afternoon  
5 so the Staff I don't expect would have discussed it. But I'm wondering if Staff had already had  
6 this thought and talked about that potential aspect of do we want a numeric limit that across...  
7 an increase that applies across the board rather than just rely on everybody in Palo Alto is  
8 entitled to 60 with these producing increments. Essentially everybody in Palo Alto is at risk if  
9 you will of pushing up to 66. So, I'm wondering if Staff's had that discussion and where they... if  
10 they did where they came down?

11

12 Ms. French: I have not had a discussion with other members of the Staff since discussion with  
13 Mr. Hitchings regarding the proposal to raise the overall to 6 above 60 as a flat or as a nominal  
14 steady number. So, that would be something to discuss further.

15

16 Commissioner Hechtman: Alright and so I guess as we continue to cycle through comments I  
17 am interested in since Staff is looking for direction, actually a motion. If there's interest in that  
18 and if the Commission is satisfied with the direction that Staff has taken. I think I can go either  
19 way but I do think it's an interesting question and worth some discussion.

20

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1 Alright, then I had a couple of ordinance potential tweaks. Ms. French, can you pull up I think  
2 it's Slide 10.

3

4 Ms. French: Let's see, Slide 10.

5

6 Chair Lauing: Where in the ordinance do you want to tweak?

7

8 Commissioner Hechtman: Well, it's on Packet Page 23.

9

10 Ms. French: Can you tell me which chapter it is? Sorry.

11

12 Commissioner Hechtman: Yeah, so this is Development Standards 18.10.040 on Packet Page 23.

13

14 Ms. French: Got it.

15

16 Commissioner Hechtman: Again, your slides were numbered at the bottom so I thought that  
17 might be helpful to you.

18

19 Ms. French: Share my screen.

20

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1 Commissioner Hechtman: Actually yeah, oh actually I guess it's nine.

2

3 Ms. French: Okay, hold on.

4

5 Commissioner Hechtman: Sorry, that's 11, go back. See the number at the bottom corner  
6 there?

7

8 Ms. French: Well, let's see.

9

10 Commissioner Hechtman: I'm talking about the... okay, it's nine I guess. Go back to the one  
11 that's numbered nine in the bottom corner of the slide.

12

13 Commissioner Templeton: [off mic] With the yellow highlights.

14

15 Commissioner Hechtman: Yeah, there you go. Okay, so this is... again this is unavoidable lawyer  
16 training. So, we've defined electrical equipment here and you notice it has capital E capital E.  
17 So, when I saw that I expected that as I read through all of these other ordinance changes  
18 where that term is used repeatedly, it would just like the bottom this paragraph have capital E  
19 capital E. But what I found is as we go through the rest of the ordinance it's almost all  
20 lowercase e lowercase e and so the question here is sort of what is Palo Alto's style. In either,

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1 we define it in caps but it's always in lowercase and maybe we do that. My memory when we  
2 did the Retail Ordinance three or four sessions ago, I think we had a new term drive thru  
3 something or other or drive in to distinguish it from a restaurant and I think it was capitalized  
4 throughout. So, I would just like Staff to look at that and be consistent. So, it's all caps, no caps,  
5 whatever.

6

7 And then if you can next go to two more slides past this, I think it looks like these are all... yeah,  
8 go to the next one I think which is 13 at the bottom. Yeah, that one, 13, okay so this second  
9 provision, and this ties kind of indirectly to something another public comment we had from  
10 Mr. Hitchings where he was wanting things specifically identified. I had actually... I think what is  
11 provided herein Subpart (3) gets to what Mr. Hitchings was wanting. It's just not inside the  
12 ordinance but rather it's a separate list of equipment that... and frankly, I like that approach  
13 because it gives us more flexibility to add new equipment as it sort of passes the test without  
14 having to come back and amend the ordinance. So, but what the Subpart (3) says is that the  
15 Planning Director can publish a list of equipment that can presumptively be installed without  
16 housing and insulation. And the basis for that list is not stated here and I think it would be  
17 clearer if we just add at the end of that, let's see, the language that I thought would work is if  
18 you just add after insulation "due to noise generation below applicable maximums". "Due to  
19 noise generation below applicable maximums" because I think that's really... that is the criteria  
20 that the Director is going to use in creating that list. And so, I think it's helpful to state it there

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1 and so this is part of H (3), Subpart H (3) which is on Packet Page 24. You have the identical  
2 provision on Packet Page 25 which is the same ordinance Subpart L (3) and then on Packet Page  
3 26 you have the identical provision which is Section 18.13.040 B (1)(d) like dog. So, I think if  
4 Staff is amenable to that change I think it could go in all three places and improve the ordinance  
5 in that modest way. So, those are my comments, thanks.

6

7 Chair Lauing: Can I just ask you a question about that?

8

9 Commissioner Hechtman: Sure.

10

11 Chair Lauing: After the... on Packet Page 24, do you feel that it really needs “the Planning  
12 Director may permit installation without housing and insulation”?

13

14 Commissioner Hechtman: Sorry, say that again?

15

16 Chair Lauing: It’s right under the... where it says including electrification equipment in that top  
17 section there. It says it has to be insulated unless the Director says it doesn’t have to be  
18 insulated. So, aren’t we getting back into the Director has to make every decision again with  
19 that language?

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1 Commissioner Hechtman: Well, I think the point Subpart (3), a little bit lower on that page, is if  
2 the Director has already included this piece of equipment on the list, then essentially the  
3 Director has decided without going through a new decision-making process.

4

5 Chair Lauing: Right so why is that necessary to even have in there?

6

7 Commissioner Hechtman: Why in Part (3)?

8

9 Chair Lauing: Yeah, in case a piece of equipment isn't (interrupted)

10

11 Commissioner Hechtman: Oh, well because without Part (3) it indicates that the Director has to  
12 make a case-by-case decision. He has to reanalyze possibly the same piece of equipment 10  
13 times if it comes in 10 times. With (3) I think the reason they wrote it and Staff can defend  
14 themselves but I think it was to allow them to have a basically a pass through... a quick pass  
15 through so that when Number One applies and he has to decide whether or not to permit the  
16 installation without housing and insulation. If it's on the list, which is authorized by (3), then it's  
17 almost automatic.

18

19 Chair Lauing: Okay.

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Commissioner Hechtman: So, I think it works.

Chair Lauing: Okay good, it was a lawyerly question and I went to the source. Commissioner Reckdahl.

Commissioner Reckdahl: Yeah and noise is a tricky subject and I think the path forward that Commissioner Lait [note – Mr. Lait] laid out was sensible. Particularly, I think that having a list of equipment that’s presumed... that a homeowner knows they can use, pull it off that list, I can use that. I don’t have to worry about jumping through hoops for that, but for some background. For noise right now, how do we enforce the Noise Ordinance? So, if someone wants to put in say a swimming pool pump. What’s the process that we use right now to determine whether that pump is going to violate the Noise Ordinance?

Ms. French: Well, it needs to... first of all, as far as placement in the Building Permit set, it needs to show that it is meeting the locational requirements and in some cases, we will... I believe in all cases for single-family and two-family and I suppose for multi-family as well. We would see a cut sheet say of that piece of equipment. Then on the enforcement side, because we do that too, we will need to go out and bring an iPhone or whatever, a smartphone, measuring (interrupted)

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1

2 Commissioner Reckdahl: So, we do a survey for every (interrupted)

3

4 Ms. French: No, not... only upon complaint basis currently. I think with this program being new  
5 and the pilot program and such and going into setbacks. What I'm about to say is I think we  
6 would have our inspectors, our building inspectors, have... be able to measure these things, test  
7 it before we do a final on that Building Permit if that helps.

8

9 Commissioner Reckdahl: So, routine... Director Lait, did you want to speak to this?

10

11 Ms. Lait: I just... I think Amy on to Commissioner Reckdahl's question about swimming pool  
12 pumps or any noise-producing equipment, maybe you said this, we require a spec sheet for one  
13 that demonstrates at least at that level that the noise equipment is to meet our... anticipated to  
14 meet our noise standards. And it's after installation if there's any question about its compliance  
15 we require a test to verify that and if it is found to be not compliant. We start implementing  
16 some noise mitigating measures if they were not previously known to be needed in our initial  
17 review. If there's equipment that's on the border line or known to be over and we're going to  
18 mitigate it with sound... with some kind of insulation or sound buffering. We will front that  
19 analysis as best we can so that we know after installation we're not creating a problem and so  
20 that's one way that we do that.

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This system here or what we would approach to do here is similar. Again, presumptively assume that equipment complies and if it's not going to comply. Be really clear that it needs to be mitigate to comply or it can't be located in the required yard. But the... but this would still likely be a complaint-driven initiative.

Measuring noise is a challenging issue that requires specialized equipment and I will... I appreciate Amy's problem-solving solution in the field with our inspector but I can ensure you they're not going to be measuring noise of the equipment. They're going to be moving from one job to the next and so what we really want to do is be clear about what's that presumptive threshold and then what are the solutions for having somebody be able to mitigate that going forward.

Commissioner Reckdahl: If we had a constant noise... ambient noise over the whole city this becomes pretty easy. You look at the spec sheet, you see how much noise is going to be, you look at the placement and say how much roll-off is going to be to the property line, and you can calculate is it going to exceed. But not we vary from neighborhood to neighborhood with the existing ambient noises and so when we're evaluating Building Permits how do we do that? How do you determine ahead of time whether this is a reasonable equipment to put in?

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1 Mr. Lait: And Amy can probably answer this but our Comp Plan sets forth these CNEL sort of  
2 levels, these noise levels, equivalent noise levels across the City and has already done analysis  
3 to understand on this neighborhood basis the ambient noise that exists. And that's how we  
4 have our standard that's embedded in the Noise Ordinance. So, we're not doing a... we're not  
5 going to your house and measuring it at that point in time. As part of the Comprehensive Plan  
6 that was done now 7-years, gosh is that right?

7

8 Commissioner Reckdahl: So, there's a map in the Comp Plan that lists ambient noise over the  
9 whole city?

10

11 Ms. French: Yes.

12

13 Mr. Lait: Amy, we have those maps as part of the Noise Element?

14

15 Ms. French: Yes, I just answered yes. On page... Packet Page 6 or Staff Report Page 6 there is a  
16 table, Table N-1, that was excerpted from the Comprehensive Plan and that shows the different  
17 noise levels and what that's like. But I did not except the map of the city but that is also in the  
18 Comprehensive Plan and it shows for instance along El Camino Real its 70 CNE on it. There's a  
19 different way of measuring to, it's over the whole day kind of thing. So (interrupted)

20

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1 Commissioner Reckdahl: Okay so every lot... so if someone applies for a Building Permit, you go  
2 through the math, and you say this equipment produces this must noise. And then you look up  
3 the ambient noise is for that and determine what is appropriate. So, we actually do that for  
4 every Building Permit?

5  
6 Ms. French: I'm not there for every Building Permit but ideal we would... it's not house by  
7 house. It's not uploaded into our GIS [note – phonetics] System for each property but if the  
8 person is checking that map in the Comprehensive Plan to see oh, we're next to El Camino, oh  
9 we're in this part of town where the ambient is X. It's not parcel by parcel in our system.

10  
11 Mr. Lait: And if I can just weigh in Commissioner Reckdahl, the... I think if somebody is doing a  
12 replacement requirement. We're going to take a look, we're going to ask for the spec sheet  
13 because some of that equipment may already be existing in a non-compliant condition. For a  
14 new home, these things are setback somewhat typically and I think it's really a reflection of the  
15 technology has changed a lot. Even our... the non-heat pump systems, the traditional HVAC  
16 system, that technology has actually improved a lot and so we're not seeing as many  
17 complaints about that.

18  
19 Commissioner Reckdahl: Oh yeah.

20

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1 Mr. Lait: It's usually the older equipment that we're getting complaints about.

2

3 Commissioner Reckdahl: I mean some of the new mini-splits are quite quiet.

4

5 Ms. Lait: Very quiet.

6

7 Commissioner Reckdahl: Okay but the question I have is so as part of the Building Permit  
8 process do we always evaluate noise or do we wait for the building to be built and then rely on  
9 complaints before we investigate noise?

10

11 Ms. French: [unintelligible](interrupted)

12

13 Mr. Lait: So, like Amy, she and I aren't doing plan reviews but here's what I can tell you we  
14 should be doing. If somebody's proposing equipment that's in a required yard, we should be  
15 taking a look at the specification sheets which we've... we ask for frequently, and if they show  
16 that they're meeting the noise threshold that's set forth in our policy documents. That's where  
17 the analysis ends. We presume that that's going to comply. If we get a noise complaint, we'll  
18 investigate it further. A property owner can't maintain that equipment, even if we issued a  
19 permit in error. If we get a complaint and there's some equipment that is clearly violating the

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1 Noise Ordinance. We would require the property owner to correct that, so there is a  
2 correctable course of action that can be taken to mitigate the problem.

3

4 Commissioner Reckdahl: Okay.

5

6 Ms. French: And I will just add to that because I'm... we have other Staff that listen in on  
7 meetings such as this. And so, our current Planning Manager Jodie notes that we do check each  
8 permit for noise producing equipment and we check the spec sheet against the Comprehensive  
9 Plan map.

10

11 Commissioner Reckdahl: Okay, that's very good, so this is... there's nothing changed about this.

12 This is just (interrupted)

13

14 Mr. Lait: That's correct.

15

16 Commissioner Reckdahl: We're just proceeding normal procedure, no new procedures needed.

17 Change the way... it talked about batteries, does the Fire Department have any best practices or  
18 guidelines for installing batteries in homes?

19

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1 Mr. Lait: So, I'll... Amy, I'll weigh in on this and then Mr. Chung might want to add to this. We  
2 have been very much engaged with our colleagues in the Fire Department and I know that they  
3 have a lot of meetings with their colleagues in other jurisdictions. And there are State standards  
4 that establish the parameters that allow for the placement and siding of this equipment. And  
5 there's even some standards that the State has already authorized or allowed that we're not  
6 quite there yet to be able to stack certain batteries on top of each other. We're not yet  
7 convinced that that system works but we're still continuing to evaluate that.

8  
9 So, I guess the short answer is nothing about this ordinance changes anything to do with energy  
10 storage systems. All we're saying is where they can be placed or allowed to encroach. All of the  
11 existing State standards continue to apply and would not be affected at all by these standards.

12  
13 Commissioner Reckdahl: Okay, that's exactly what I want to hear. Okay, thank you.

14  
15 Chair Lauing: It seems like that's the end of our first round. Anybody have any other questions  
16 or do we want to start talking about the motion that's presented and/or amendments?

17 Commissioner Chang.

18  
19 Commissioner Chang: Should we talk about the driveway issue or the front yard setback issue  
20 first before we go into a motion? Okay.

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2 Chair Lauing: That's fine if you want (interrupted)

3

4 Ms. French: I'd like the opportunity to share my screen for a minute. Just wanted to call your  
5 attention to how we call front yards versus side yards. So, the entire... the front yard is  
6 described by a line that is across the or at the 20-foot minimum, and sometimes that coincides  
7 with the front wall of the house like in this picture.

8

9 One things that's of interest is there is this part of the front yard that's if you were to draw this  
10 line further, maybe the 3-foot line. You might see in some cases a low fence, a 4-foot fence, so  
11 separating one house front yard to the next. So, this may be an area of opportunity if you're  
12 thinking about if somebody is not managing to get it in the first 2-feet of that 20-foot setback.  
13 You know, there might be an opportunity along the side property line that extends to the front  
14 property line. I just wanted to call that out if that's something to noodle.

15

16 Chair Lauing: Go ahead, you still have the floor.

17

18 Commissioner Chang: I was thinking... again, I haven't... I'm not familiar enough with all the  
19 various types of equipment and what the issues might be. But I had this specific thought about  
20 the EVSE with respect to the front yard setback and it seems because of the nature of how it's

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1 used as well as it's not really noise producing in the same way that other things might be. So, in  
2 talking about potential relaxation of the front yard issue, are we talking about it for everything  
3 or just the electric vehicle service equipment?  
4

5 Ms. French: The ordinance is drafted specifically for the charging for the vehicles as well as the  
6 (interrupted)  
7

8 Commissioner Chang: Storage?  
9

10 Ms. French: Battery (interrupted)  
11

12 Commissioner Chang: Storage.  
13

14 Ms. French: Storage, yeah ESS we call that and the bollard and that kind of thing.  
15

16 Commissioner Chang: So, I... so with respect to allowing further encroachment into the front  
17 yard setback, I think where I stand right now, I mean I certainly would like to hear what the  
18 other Commissioners think. Is that I think that the 2-yard encroachment is probably  
19 appropriate, at least for now, based on everything I know for the batteries. But that we might  
20 (interrupted)

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Commissioner Hechtman: [unintelligible – off mic]

Commissioner Chang: Sorry 2-feet I think, did I say yard?

Commissioner Hechtman: [unintelligible – off mic]

Commissioner Chang: Oh, sorry about that, 2-feet but then I definitely think it might be appropriate to relax further for EVSC specifically. I think the side yard is a great idea because many driveways do go along the side yard but I don't know if that's sufficient. There may be other situations where the driveway is not along the side yard. So, I would be curious to hear what other people think.

Chair Lauing: Vice-Chair Summa.

Vice-Chair Summa: I was wondering if... well, in general, I'd like to say a couple of things and that is I do think it would be... a member of the public, Mr. Hitchings, mentioned that some of these devices... some this electric equipment cannot be housed or insulated. And it might be more clear to specify that in the changes on Pages 24 and 25 and else ware just to make it clear that some don't. I think that was good idea and I also think his second point in his final email

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1 regarding this issue clarifying that it can go on either side of the car would be useful. And I'm  
2 also wondering, I believe we have a standard of always describing for side-facing homes in Palo  
3 Alto. I think we always... we have a standard of describing the front, regarding less of where the  
4 front door may be, as the short side of the lot. Is that... am I getting that right?

5

6 Ms. French: [unintelligible – off mic]

7

8 Vice-Chair Summa: Yes?

9

10 Ms. French: Yes, I'll show the definition for that.

11

12 Vice-Chair Summa: That's okay, I mean if others would like to see it, it's fine but maybe we  
13 could solve this problem for all sides facing houses by changing that rule. Because I happen to  
14 know Mr. Hitchings' house and his front is clearly the long side of this lot and that would solve  
15 his problems. So, there could maybe be a provision here for the purposes of allowing this  
16 electrical equipment which we prefer over the existing gas, and such that people could chose  
17 the side that is the front, you know what I'm saying? Does that make sense and I'm not  
18 suggesting we do it for every reason but maybe for the purposes of this it would really solve  
19 that problem for people with side-facing house. So, I don't know if my colleagues are interested  
20 in that.

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Chair Lauing: Commissioner Hechtman.

Commissioner Hechtman: I wasn't raising my hand to answer that question but lets let any Commissioner that wants to respond to Vice-Chair Summa's question go ahead.

Chair Lauing: Okay, your light was on so that's why I called. I would concur with that, consistent with the comments that I had made earlier. We need to make some Exceptions for the purpose of electrification and I think both of those makes some sense.

Vice-Chair Summa: Yeah and I was also thinking (interrupted)

Chair Lauing: But I agree (interrupted)

Vice-Chair Summa: Oh sorry.

Chair Lauing: With you that we don't necessarily have to change it for everything. Just change it in this case for allowing electrification and I like the car thing too because the other thing that we've been trying to focus on in this whole issue of rehabbing is that older homes have a lot of consideration that we can't build from scratch and for example, Mr. Hitchings' garage. He can

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1 still put it on one side rather than the other so why would we say you can't do anything? So, I  
2 like those.

3  
4 Vice-Chair Summa: And another idea I have had for fixing the four-plex that I spoke about down  
5 the block from me would be because it doesn't have a 20-foot setback. Nor does my house but  
6 then maybe we would want to allow it to be within 2-feet of where the building ends actually  
7 which would put it... I bet these are about 10-feet long and they take the whole width of that  
8 lot if you know what I mean? So, it might be reasonable then to allow them in the first 2-feet  
9 where the building ends also. I don't know if that would work, but maybe Staff could think  
10 about that as another potential solution for those non-conforming situations because that's  
11 kind of what the 20-foot setback... that's where it puts it anyway within 2-feet of the building  
12 pretty much.

13  
14 And then I wanted to ask at the top of 24 and 25, which is the changes to low-density and R-1,  
15 and it's the same language and air conditioners and pool equipment has been crossed off. So, I  
16 wasn't... I just wasn't sure from reading it what that meant about where those things are  
17 allowed but maybe I'm misunderstanding it. So, that's just a question.

18  
19 Ms. French: Trying to catch up with my method of using the PowerPoint.

20

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1 Chair Lauing: Attorney Yang has popped up.

2

3 Ms. Albert Yang, City Attorney: I can speak to that.

4

5 Vice-Chair Summa: Thank you.

6

7 Mr. Yang: It's just because some pool equipment or air conditioners could also be electric and  
8 so we just wanted to... since this list that had said air conditions, pool equipment, and gas-  
9 powered generators, commercial kitchen fans. It's just a list of examples. We didn't want  
10 people to be confused if they had electric pool equipment. You know, does that... can that be in  
11 the sideyard or not?

12

13 Vice-Chair Summa: Okay, thank you for that. I was just a little confused so, so I think I will let my  
14 colleagues respond.

15

16 Chair Lauing: Commissioner Hechtman? No.

17

18 Commissioner Hechtman: Sure, if I'm understanding Vice-Chair Summa's point, it's really having  
19 Staff craft a way when we're talking about this equipment to recognize those situations where  
20 the front of the house, as it's oriented by reference to its front door, doesn't match our

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1 definition of front because our definition of front is really I think mostly intended to be street  
2 facing. Rather than... and not all houses, a lot of... in fact a number of houses, when you go to  
3 the front door you're not at the front of the house. You're on the side of the house and so are  
4 we wanting the equipment to be on that side of the house?

5

6 Vice-Chair Summa: What I'm... we define the front as the short side of the lot as confirmed by  
7 Ms. French. In fact, and mines the same, the... my front doors on the long side of my lot and it  
8 has to do with... it's probably a problem that older houses have. And I think in Mr. Hitchings'  
9 case, he would be able to do what he wanted to and would have already done it and not put his  
10 project to electrify his whole home on hold had that orientation been different. So, just for the  
11 purposes of incentivizing electrification projects like his. I think we could allow them to  
12 change... the homeowner to change that designation.

13

14 Commissioner Hechtman: So, where is it that in an example like his, the equipment wants to  
15 go? Where is it? Is it (interrupted)

16

17 Chair Lauing: I think he's asking if the long facing is you use it as your front door, do we want  
18 electrical equipment in the theoretical front yard, or does it have to then be in the back? So, we  
19 would have to specify that it was in a side yard that was not the front-facing side. Is that kind of  
20 where you're going?

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Vice-Chair Summa: Well (interrupted)

Commissioner Hechtman: Well, assuming and I'm sorry we're just using Mr. Hitchings as an example. There are lots of homes I think of those dimensions, right? So, it's a rectangle. The house is a rectangle, it's long right, from the... it's the short side is on the street say and the long side has the front door.

Mr. Hitchings: [note – from the audience off mic] The long side is on the street also.

Vice-Chair Summa: His corner lot.

Ms. Hitchings: [note – from the audience] [unintelligible]

Commissioner Hechtman: Okay, that's even messier. Okay, so but it's helpful, so can somebody, I'm trying to understand in that configuration where is it that the equipment wants to go but the owner would like the equipment to go that it can't go?

Vice-Chair Summa: So, I think the equipment can't go behind the garage in this case because the garage is considered the rear but it's really the side. It's a very normal kind of situation.

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Chair Lauing: I think the answer is the two smaller parts of the rectangle is where it could go because it wouldn't go in the front-facing side and it probably wouldn't go in the backside. But it could go in either one of the short-facing rectangles, which in our current Code is the front and the back yard.

Commissioner Hechtman: Okay and is that the result that we want that in that scenario it can only go on the two short sides or do we also want it to go on one or the other of the long sides? I'm trying... where we trying to take this ordinance?

Vice-Chair Summa: Well, I don't know exactly because corner lots are different and even some side-facing houses are not corner lots. But I just think that maybe that might give more flexibility in this situation and I don't even know if... I don't know that all garages are 20 feet back when they're side by side at a front door. So, it just creates a difficulty in this situation and I think for other... they may... I don't know how many there are so maybe it's a small problem but I was just thinking of creative ways to address it.

I don't know where I'd put these such things on my lot. My house, which was built before there were paved streets, sits in one corner very close to the street. I don't have a garage and so it's hard to know... it would be hard for me to read this and find a way... read this ordinance and

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1 find a... know where I would be able to put that charging equipment so I could use it. And it's  
2 just for the charging equipment and the battery because it's the thing the car has to use. It  
3 wouldn't... but I (interrupted)

4  
5 Commissioner Hechtman: I mean we're moving toward a motion and if the motion is to include  
6 this concept, how are we going to give Staff enough of a description so that they know what we  
7 want because I don't yet understand that?

8  
9 Vice-Chair Summa: Well, I think we (interrupted)

10  
11 Chair Lauing: Commissioner Chang has an idea.

12  
13 Vice-Chair Summa: Okay.

14  
15 Commissioner Chang: I will just attempt to start. Okay, so one suggestion would be to... so  
16 rather than saying only 2-feet into the front yard setback. We would say the side yards would  
17 be allowed, so that's part one for EVSE.

18  
19 A second part would be that instead of saying just 2-feet into the front yard setback. We would  
20 say 2-feet from where... if... so we would say 2-feet into the front yard setback or 2-feet in front

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1 of the house if the front of the house is within the front yard setback. Now, I need your help to  
2 make it legal speak. Yes?

3  
4 Ms. French: May I jump in? Okay, so one thing is to again remind that we have this draft  
5 ordinance set up so that they can encroach 10-feet into the street side setback. So, recall that,  
6 so the street side is the long... on a corner lot the long property line and so we allow a 10-foot  
7 encroachment into that which is more than a 2-foot encroachment and the side yard is 16-feet.  
8 So, they're getting to 14-feet from that street side, yes. So, in Mr. Hitchings' case, that's his  
9 front door so he could put it in that street side setback up to 14... let's see, no 10-feet into the  
10 16-foot so it would be... sorry, leaving 10-feet on the table. So, 6-foot encroachment into that  
11 street side setback on that side of the corner lot, if that makes any sense.

12  
13 Commissioner Chang: [off mic] Can you go back to the picture?

14  
15 Ms. French: Yes. So, let's see, we have a corner up here earlier. So, in this case, we have a 16-  
16 foot street side setback, and the ordinance that's before you enables encroachment into that  
17 street-side setback. The ordinance before you also has a 2-foot encroachment into the front  
18 setback of a corner lot here. So, here it would be... now another wrinkle which I thought of as  
19 you were talking about this is we do have contextual setback homes that are 30-feet back. So,

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1 this is where this concept of 2-feet in front of the front wall starts to have another dimension as  
2 well.

3

4 Commissioner Chang: That's why I was saying we stick with the 2-foot rule unless the 2-feet...  
5 it's like whichever is (interrupted)

6

7 Commissioner Hechtman: [off mic] Whichever is closer (interrupted)

8

9 Commissioner Chang: Closer to the boundary of... yes.

10

11 Ms. French: [off mic] So, in case of the (interrupted)

12

13 Commissioner Chang: 30-foot.

14

15 Ms. French: So, in the case of a 30-foot contextual setback it would be 2-feet forward of that  
16 30-feet assuming that's where the front of the house is, or yeah. And then on the street side  
17 yard if the house is at 14-feet instead of 16-feet as it says you're supposed to be here. Then you  
18 would say it's okay, go (interrupted)

19

20 Commissioner Chang: Two more.

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Ms. French: Two more instead of what the Code... what the ordinance is saying which is you can go even farther than that because it's 10-feet.

Commissioner Chang: Well, I don't think I understood the 10-foot part.

Ms. French: Okay, let's go to that piece.

Commissioner Chang: Where is that again?

Ms. French: We'll go to the Code there. Okay because this is what happened at the ADU session with Planning Commission. A minimum 10-foot street side yard setback, so in other words that 16-foot is cut down to 10-feet in the draft ordinance. So, if you are saying 2-feet in from of a 16-foot then you're going to... it's not going to be as lenient as this.

Commissioner Chang: So, we just need to write it so it's the most lenient possible. That would be the intent. I don't know how to actually do it with the language but that's the intent.

Vice-Chair Summa: I have a question, could we say something sort of general? Like when the orientation of a corner lot would be better served... would better serve electrification by

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1 switching the orientation for both the neighbors and the owner. To let them do it because I  
2 think that's what I heard from poor Mr. Hitchings who's had his name used so many times this  
3 evening. Is that he had it all worked out perfectly for him and to be less intrusive for his  
4 neighbors but it doesn't work because of where the front of his yard is. So, if it was something  
5 that was just that simple and not to change it across the board but just for these situations. I  
6 don't know if that... I mean I don't write legal code but that the concept would be when it's  
7 better for the parcel owner and the neighbors.

8

9 Chair Lauing: We could do that and have Counsel Yang just work on the wording of it.

10

11 Vice-Chair Summa: Yeah.

12

13 Chair Lauing: Director Lait, you had a comment?

14

15 Mr. Lait: Thank you, Chair. So, I'm... I appreciate that we have an example that we're sitting to  
16 illustrate an issue and just and I know the Commission knows this but for the benefit of the  
17 public that may be watching this now or in the future. We don't draft our... this is an incident  
18 intended to apply throughout the district and so we want to be mindful that we're not just  
19 cultivating something for a single property.

20

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1 I also don't really understand the issue fully. We're already talking about street yards and  
2 corner street yards as allowing for encroachments into these areas. The idea that... I'm worried  
3 about some of the language that I'm hearing for letting the owner decide or when it's better for  
4 the property and the neighbor. Those are so subjective statements that we just we really need  
5 to avoid having anything about this being subjective. I mean this needs to be clear standards  
6 and so for the... oh and maybe just a side procedural note.

7

8 It looks like Commissioner Templeton had stepped away. Did she... is she out of the  
9 [unintelligible]?

10

11 Chair Lauing: That's correct. She became ill and left.

12

13 Mr. Lait: Okay, so for our transcriptionist just to note that (interrupted)

14

15 Chair Lauing: Yes, thank you.

16

17 Mr. Lait: We lost one of our Commissioners. You know, I think as I'm hearing Commissioner  
18 Chang's comments and Vice-Chair Summa, I guess what I'm left with is I'm trying to understand  
19 if there is a... and given the variability of buildings on lots; non-conforming or greater setbacks  
20 than... you know there's so many different scenarios. Is there a threshold from a property line,

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1 say a front property line or a corner street property line that the Commission thinks we should  
2 be measuring that... and I'm just speaking about electric vehicle charging stations right now.  
3 You know, we should be measuring from that property line at the street and saying no closer  
4 than 10-feet to the street or and then it really doesn't matter where the house is located,  
5 where the garage is located, or how much you're encroaching into a contextual setback or not.  
6 If the Commission can get to a place of well we don't generally want to see these things right at  
7 the property line or 10-feet back or something like that. That might be a better standard and  
8 then presumably that would address the corner lot situation and the other more traditional  
9 configurations. So, unless I'm missing something in that example that's been cited, I would  
10 suggest maybe we shift that focus to measure from the property line itself and maybe lose this  
11 reference to the front of the façade of the building for the chargers.

12

13 Chair Lauing: Vice-Chair Summa, does that seem to work?

14

15 Vice-Chair Summa: I think so, I'm not 100 percent sure. I mean I do not... would not recommend  
16 ever writing a law just to solve one person's problem, but I just worry about all the non-  
17 conforming lots that this... that might feel when they read this they didn't have a way to do this.  
18 That's all so (interrupted)

19

20 Chair Lauing: Commissioner Chang, did you have any comment on this?

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Commissioner Chang: So, I'm... I think that that strategy that Director Lait suggested is a good one. I just don't know where... I'd be curious to hear where other Commissioners think. What would be to close? Where would that boundary be? I mean what's the length of a car? A length of a garage is 18-feet but the length of a car is, I don't know, 10 maybe? But I could see a situation where... I don't know maybe it's 10-feet but then for the sideyard, it could be even closer. I just want to be flexible here. [unintelligible](interrupted)

Chair Lauing: Commissioner Reckdahl you've been patient, do you want to comment on this piece?

Commissioner Reckdahl: [unintelligible – off mic]

Chair Lauing: Mic, mic.

Commissioner Reckdahl: We really have two things going on, one is the corner lot thing, and the other is the front... the point of... about the EG... EVSE in the front yard. So, right now we're going to the EV... we bounced back to the EVSE?

[note – unknown Commissioner:] Yeah.

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Commissioner Reckdahl: Okay, so let's go to Slide 18.

Ms. French: I was having a little fun trying to translate that concept of 10-foot to the street. Slide 18.

Commissioner Reckdahl: Okay and so, in this case, I can envision say the driveway in the left-hand side going into the garage and if you have a garage you probably want the charging station inside the garage. So, it's probably not a big hardship, but we talked earlier about the ADU conversion. This might be a double garage that now is an ADU and there's no garage. We said there would be a legal parking, in fact, two legal parking spots, in front of the house where the driveway would have been if that was a garage. In that case, even having it on the sideyard may not be sufficient because you may want it in the front of the house between the two cars. So, each of the cars can have equal access to the charging station. So, I would think that you would want at least a few feet in front of the house where you could put a charger. I... the other option would be on the left-hand side but even on the left-hand side of the front yard. That's still part of the front setback, right?

Ms. French: It is as described and defined in our Code. This ordinance for specific purpose of electrification equipment could enable language that talks about the front yard where it

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1 touches an interior side property line or something and being... having that be an option in that  
2 location. Unless you're talking about in the center of that front yard where I'm moving the  
3 curser.

4

5 Commissioner Reckdahl: I mean I would think that making an Exception like Commissioner  
6 Chang was saying is 2-feet into the setback or 2-feet further from the house. Either both of  
7 those would give you a reasonable spot to put the charger.

8

9 I mean the other approach would be to say if it's a legal parking spot anywhere within 2-feet of  
10 that legal parking spot. You know, so if its that legal parking spot is along the edge, you could  
11 put it anywhere along there and most people are not going to want this in the middle of their  
12 yard. Make it look ugly so I suspect that people will manage their aesthetics just as well as we  
13 can.

14

15 So anyway, at minimum I think we should have 2-feet in front of the house and maybe along  
16 the sides too, but I don't know how to verbalize that.

17

18 Chair Lauing: Commissioner Hechtman, your lights still on.

19

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1 Commissioner Hechtman: Can we go back to the slide that showed... I think the slide that  
2 showed the corner lot also showed an interior lot next to it. So, that kind of helps because we...  
3 yeah, okay. So, let me start... I want to start kind of where Staff wrote the ordinance, right now  
4 the draft and so let me just start with the interior lot. So, what the draft ordinance in front of  
5 us, in the front yard, that's showing I think a 20-foot setback, and the ordinance... draft  
6 ordinance says 2-feet, alright? On the side yard I think the draft ordinance is saying you can get  
7 to within 3-feet, right? Encroach up to 3-feet from that side property line. Rear yard, I'm a little  
8 less clear. Is that 3-feet from the rear?

9

10 Ms. French: Correct.

11

12 Commissioner Hechtman: Okay so anywhere in your backyard up to 3-feet from the back and  
13 then the other side yard, 3-feet from the property line. Right, so it's basically a 3-foot perimeter  
14 around three sides of the house, 2-feet on the front. And so, it seems like the... in the interior  
15 lot the 3-foot around the perimeter, other than the front, I'm not hearing anybody talk about  
16 that. It seems like we're all pretty comfortable with that concept and it's just here in this  
17 interior lot front yard maybe we need more flexibility than 2-feet. And so, one question I had,  
18 and just remind me, can I build an ADU in any part of that 20-foot front yard setback?

19

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1 Ms. French: You can build the State mandated size, the 800-square foot, in the front yard only if  
2 it's infeasible to build it in a more complying manner. That's my understanding.

3  
4 Commissioner Hechtman: Alright, so and I don't think we should try to legislate for that  
5 possibility because that's going to be the exception rather than rule. So, even the ADU is  
6 supposed to respect that 20-feet and so I guess I'm comfortable with a little bit longer than a 2-  
7 foot incursion into that front yard area. I do think that you know that like a free-standing  
8 charging station, it's a little... I don't want to say it's an eyesore but it's noticeable. It's not the  
9 prettiest part of the house and I would like that structure to be tucked closer to the house. So,  
10 as I drive by it, it's not like a sculpture in the middle of the driveway, but rather it's kind of... I  
11 kind of lose it looking at the house behind it. So, I wouldn't want to allow it to push too far  
12 forward toward the street. But if we think another... I don't think another foot or two would  
13 vastly affect that and if it would create some more flexibility then maybe that's worthwhile. So  
14 that's the interior lot, let's go to the corner lot now.

15  
16 Alright, so we've got on the narrow... the interior side it's 3-feet, I don't think we have an issue  
17 with that. The rear is 3-feet, the street side... what they call the street side yard, which is a 16-  
18 foot requirement, the encroachment can be 6-feet into that. Right, consistent with what we did  
19 on the ADUs.

20

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1 Ms. French: Correct.

2

3 Commissioner Hechtman: Alright and so in an example where a person's front door happens to  
4 be on what we call the street side yard setback, they still have basically 6-feet to play with for  
5 equipment along what that person would consider the front of their house and a 10-foot  
6 setback. And then but you would think perhaps that person would prefer not to have their  
7 equipment along what they view as the front of their house. They'd rather have it along what's  
8 called here the front yard but as we were talking about it only has a 2-foot allowance it there. If  
9 we push that to 4 in both of those front yard instances, then it gives that person who has that...  
10 the opportunity at least to push that equipment so it's not on their... what they consider the  
11 front of their house. It's on the side of their house which happens to be in the front yard and  
12 again, it could be 4-feet from the wall. So, it seems like... and then they have the same  
13 requirements for the other... the interior side and the rear that everybody else does.

14

15 So, it seems to me that could provide a little more flexibility in both an interior lot and a corner  
16 lot if we move... if we allow that incursion in the front yard in both instances to be say 4-feet  
17 instead of 10. Does that... am I getting at the issue? Am I understanding where the pinch point  
18 was?

19

20 Chair Lauing: Commissioner Chang.

- 
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1

2 Commissioner Chang: Yes, I think you are partially, but there's a situation where okay, like  
3 where Commissioner Reckdahl was headed with. This is a legal parking space and it might be  
4 within the first 10-feet from the sidewalk. Right and that is just where the legal parking space is.  
5 Then we need to be able to allow for a charger there I think.

6

7 The other... this is what I was thinking. I understand what you're point was about we don't want  
8 like a sculpture sitting in the middle, but could we... if it's along a side fence. I think it would be  
9 a lot less objectionable. Right, there's already a fence there and that seems like it might be a  
10 logical place for it to be. In addition, many driveways go along the fence and so I would suggest  
11 everything that you said and in addition to that, add I don't... I need somebody else's opinion  
12 here. But I think you could go pretty close to the street with respect to the side yard; pretty  
13 close to the sidewalk, like to the property line.

14

15 Commissioner Hechtman: So, let me ask a question, does this concept of I've got a legal parking  
16 space that's the first 10-feet from the street? I'm trying to understand how is that possible. I  
17 mean I've got... I can't have... my structure can't be closer than 20-feet to the street. That's how  
18 it was built and then I convert... what I had was a garage but I converted it to an ADU. So, I  
19 should have a 20-foot long driveway apron. Now, if I chose to tear out the 10-feet of that apron  
20 closest to the building and plant shrubs, so, now I only have a 10-foot driveway apron, then I hit

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1 shrubs, then the building. Well, I think that's on me and I don't think that I get to move the  
2 charging station up closer to the street because of that. So, and we know that the City won't  
3 allow anybody to put a structure in that 20-feet because it's in the setback. So, I'm not  
4 understanding a situation where the legal parking space is only 10-feet from the street unless it  
5 was the property owner's landscape choice. Is there a scenario I'm not thinking about?

6

7 Vice-Chair Summa: I think I'm thinking of non-conforming buildings that are... and I was thinking  
8 of a specific building in my neighborhood. It's a four-plex, two-stories, and it has... it's about 10-  
9 feet from the side walk and the entire width of the lot is three parking spots. So, it doesn't even  
10 have four parking spots, one for each unit. They've just added two ADUs or in the process of  
11 adding two ADUs in back and the only way they could have electrical charging off the street is  
12 to have it in that... so that... and I don't know how important it is to, and I don't want to distract  
13 the conversation by specific examples. I was just trying to think of a general way to let a  
14 building like that electrify.

15

16 Commissioner Hechtman: Right, okay so we can address, right? You can say something like it's  
17 4-feet from the building or... what I'm trying to think of, is in a situation like yours, right, where  
18 they could have 2-feet, right? It's only... the structure is built and it's only 10-feet from the  
19 street, right? So, in that scenario they need to be able to do it within... that's where we should

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1 have 2-feet. In a situation, right, and so what I... we got to figure out is whether it's... you know  
2 it's one of these lesser of two evils kinds of things.

3

4 Commissioner Chang: Exactly.

5

6 Commissioner Hechtman: But I think that's the concept is if it's a 20-foot setback, we're talking  
7 about really 16-feet from the property line, or 2-feet from the edge of the building, whichever  
8 is less. Right, I think that's... I think that catches it, 16-feet from the property line. Do we have  
9 uniform 20-foot setbacks? Not really.

10

11 Ms. French: Yeah, if I might that we do have that contextual base and we do have other  
12 [unintelligible]. One way to be simplest of all is I think would be say from a street frontage  
13 property line you have to be at least 10-feet from that street frontage property line. Regardless  
14 of what the corner lot, which street side, you don't have to say. If it's just always 10-feet unless  
15 the building is 10-feet or closer to that street line. In which case, you can have 2-feet in front of  
16 the building where it is and it might be 4-feet from the property line. I don't know.

17

18 Vice-Chair Summa: And I also, I mean aesthetically they're not very attractive. They're very  
19 industrial looking but people have them right now. They park their cars tandem in their... in  
20 driveways and they have two and one is about 5-feet currently I can think of from the sidewalk.

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1 So, I agree with you but I think if we are wanting to encourage this, we need to find a solution  
2 to grandfather situations that don't have a 20-foot setback.

3  
4 Commissioner Hechtman: Yeah, so I like the way that Ms. French just explained it. I'd be  
5 supportive of that concept which gives people in that kind of situation a narrow band to work  
6 in, 2-feet, but it gives them something even though they're only 10-feet from the street. So, I  
7 like that approach.

8  
9 Chair Lauing: Director Lait, does that seem acceptable?

10  
11 Mr. Lait: Yeah, I mean I got confused on the last part there but I think the concept is one that  
12 we can certainly work on. 4-foot encroachment into a compliant front or corner side yard and  
13 no more than 2-foot encroachment into a... for a property that may have a non-conforming  
14 front or side yard.

15  
16 Chair Lauing: No, Amy go ahead.

17  
18 Ms. French: Director Lait, I think the latest seemed to garner support was that we would say  
19 whenever you have a street frontage, you could be 10-feet from that street frontage, regardless  
20 of whether you call it the front or the street side. It's always 10-feet minimum setback unless

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1 you have a building that has a non-conforming setback closer than 10-feet. In which case, then  
2 they're saying allow a 2-foot encroachment in front of that non-complying building frontage.

3

4 Mr. Lait: So, in an otherwise conforming condition for that interior lot, is it... Commissioners,  
5 are you saying allow a 10-foot because that's different than the two and different than  
6 Commissioner Hechtman's four? Now we're going to 10.

7

8 Commissioner Hechtman: So, as I think through that, that's not really the concept I was trying  
9 to capture. I have a 20-foot driveway I think and so that would be me putting my charger  
10 halfway between the garage door and the street. And again, that's kind of out there and  
11 exposed and there's no reason for me to need to do that. I think I could put it 4-feet from the  
12 garage door, 16-feet from the street, and it's a little more hidden by the garage.

13

14 Vice-Chair Summa: I would think most people would want it in their garage should they be  
15 fortunate enough to have a garage.

16

17 Commissioner Hechtman: Yeah or not have it fill [unintelligible](interrupted)

18

19 Vice-Chair Summa: So, I'm just trying to think of those other grandfathered buildings and I don't  
20 have the language but I just tried to identify the problem, and yeah. And separate from that I

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1 still do have an interest on corner lots allowing... if the configuration of the electrical equipment  
2 is better allowing them to switch. I don't... I've never understood that rule exact and I'm not...  
3 I'm only recommending doing it for electrical equipment purposes if the configuration works  
4 out better because where we... really the back yard is... the main back yard of a house like that  
5 can be... the house can be very close to the long side of the lot, the parcel. And so, the big  
6 backyard is behind on the other long side and it's not where the equipment wants to be placed  
7 by corner lot owners. So, I don't... are any of my colleagues interested in that concept?

8  
9 Chair Lauing: Did we solve this first complex problem? Are we comfortable (interrupted)

10  
11 Commissioner Hechtman: Well, I've got a plan for a motion that I can make that would cover  
12 that issue.

13  
14 Chair Lauing: Okay, then let's go ahead and discuss this in tandem, Vice-Chair Summa's  
15 comments. Commissioner Chang.

16  
17 Commissioner Chang: Can I just go back to the EVSE question really quickly? So, Commissioner  
18 Hechtman, you know you're saying in your case you see no need to put an EVSE in the middle  
19 of your front yard setback. But and I think that's right, you would never do it, but another  
20 person in a different situation might. I don't... I think that Commissioner Reckdahl's comment

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1 about people are going to try and put this... they're not attractive so people are going to put  
2 them within the best place according to their needs. Right, so cars for example parked tandem,  
3 which I have definitely seen, and you want two units in order to allow them to both charge  
4 overnight. I could see the need for that and so I would want allow that flexibility but recognizing  
5 that we don't want them any closer than say 10-feet to the front property line. But there may  
6 be a need in a... right, especially with all these ADUs coming in and long driveways and that kind  
7 of a thing. So, that was my thought there where I think that allowing it doesn't mean that...  
8 people aren't going to do it unless there's some need to do it is what I think but I would love to  
9 hear your perspective on that.

10

11 With respect to Commissioner Summa's [note – Vice-Chair Summa] idea, are you saying... are  
12 you suggesting for the purposes of EVSE, so that there's no kind of legal determination of better  
13 but just for the purposes of not EVSE, for electrification equipment. To let owners in corner lots  
14 chose which is their front and which is their side. Just we don't... we're just not going... we're  
15 just going to blanket allow that permission for corner lot houses because assuming again that  
16 people are going to make like the reasonable decision and the Exception is only granted or this  
17 is only with respect to electrification equipment.

18

19 Vice-Chair Summa: Yes, for placement of electrical.

20

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1 Commissioner Chang: I think that that also may make sense.

2

3 Chair Lauing: Well, but Director Lait was talking about that as a completely subjective standard  
4 which is what we're trying to get away from.

5

6 Commissioner Chang: No, I'm not suggesting that it's subjective. I'm suggesting that every  
7 single corner lot house gets to decide which is the front and which is the side with respect to  
8 the electrification equipment.

9

10 Chair Lauing: But the setbacks would have to apply, the setback that we were just talking  
11 about?

12

13 Commissioner Chang: Yes, yes, you would... so, I'm owner number one on this corner lot and  
14 you know, it's a typical corner lot where my... the short side is where my front door is, and  
15 therefore I will reasonably want to go with the applicable setbacks as defined... as proposed in  
16 this ordinance. But if for some reason, I wanted to flip it, I would be allowed to. Nobody would  
17 get in my way and I think that might... I think that would be okay.

18

19 Chair Lauing: Director Lait, you have a comment?

20

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1 Mr. Lait: Yeah, I'm sorry I'm being... I'm not tracking. We just talked about putting the same  
2 standard for corner street yards as a front yard setback. What is gained by (interrupted)

3

4 Commissioner Chang: So, we were talking about EVSE specifically and with EVSE specifically, we  
5 would just have my proposal would be the 10-feet. Right except for houses that are non-  
6 conforming where they're or where the building is in the 10-feet then we would do two.

7

8 But with respect to all the other electrification equipment (interrupted)

9

10 Mr. Lait: So, batteries, heat pump water heaters (interrupted)

11

12 Commissioner Chang: Pool heaters or whatever those may be. That's where the street side  
13 definition versus the... so the front versus the side definition may have an impact on the owner.

14 Right, because they define as their backyard is different.

15

16 Mr. Lait: But and so you'd want to create an opportunity for those to be... to encroach into the  
17 corner street yard more?

18

19 Commissioner Chang: Correct.

20

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1 Mr. Lait: You want a heat pump water heater or somebody's pool equipment to be visible from  
2 the street corner?

3

4 Commissioner Chang: No.

5

6 Mr. Lait: And be able to project [unintelligible](interrupted)

7

8 Commissioner Chang: So many people have their yards completely fenced, right? So, they can't  
9 put it in a... I mean they're still required (interrupted)

10

11 Mr. Lait: That's true, there would be some fencing potentially.

12

13 Commissioner Chang: Right, they're still required to meet these setbacks, it's just a question of  
14 whether it's the 16 versus the 20 on which side.

15

16 Mr. Lait: So, we don't allow that right now into the front yard setback.

17

18 Commissioner Chang: Right but you do allow it into the side and the side right now it is being  
19 determined by whichever is shorter on the lot.

20

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1 Ms. French: We do not allow it into the side right now.

2

3 Commissioner Chang: Oh, you don't, okay.

4

5 Ms. French: The draft ordinance is proposing that we allow it into the street side setback.

6

7 Commissioner Chang: So, yes, right so the new ordinance is proposing that we allow it into the

8 street side setback but for some corner lot houses that is not the street side setback for them.

9 That's their front so I'm just saying that allow a corner lot owner to decide which is the street

10 side and which is the front side with respect to the installation of electrification equipment. Am

11 I being... if somebody has a better way of saying this, please go ahead.

12

13 Ms. French: I have an idea. Perhaps we have the 10-foot that's already in the ordinance if

14 people are okay with that for the street-side setback? For the street side setback, for the front,

15 we're saying 2-feet. I think the problem is in wanting front, whether it's the front or anyways,

16 to get up to that 10-feet, just we're giving for the street side yard. Only the problem is it's

17 hanging out in the front yard too far forward, but if it were perhaps closer to the side property

18 line in the front yard 10-feet back and perhaps had some kind of screening whether it's fencing

19 (interrupted)

20

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1 Chair Lauing: We need one or more whiteboards to do this.

2

3 Ms. French: Right.

4

5 Chair Lauing: This is very confusing.

6

7 Mr. Lait: So (interrupted)

8

9 Chair Lauing: When you... in your discussion when you were just talking about the front  
10 (interrupted)

11

12 Ms. French: So, let me put it on (interrupted)

13

14 Chair Lauing: Just tell me what your definition of front is. The City's front (interrupted)

15

16 Ms. French: I'm showing you on the screen.

17

18 Chair Lauing: Or (interrupted)

19

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1 Ms. French: The front yard here is the front yard and it... that if you were... if per Commissioner  
2 Hechtman's idea (interrupted)

3

4 Chair Lauing: The address... I just... no (interrupted)

5

6 Ms. French: Was to put it 10-feet in the front yard but that's (interrupted)

7

8 Chair Lauing: Wait, we need to slow down here. Front yard means front yard according to the  
9 City because that's where the address is, is that's what you're saying?

10

11 Ms. French: That's the shortest... if we're talking about a corner lot it's the shortest frontage of  
12 a corner lot.

13

14 Chair Lauing: Right and so that's the City's definition of front yard.

15

16 Ms. French: Correct.

17

18 Chair Lauing: But the homeowner would say the front yard is the long face.

19

20 Ms. French: Sure, over here they get to put in (interrupted)

- 
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Chair Lauing: Okay, just put in definitions straight, that's all I want to do.

Ms. French: Yeah, yeah, over here on the street side yard they get to put it 6-feet into this setback. So, it's 10-feet away from the street. On the front yard, here, they can only put it 2-feet according to the draft ordinance we're putting in front of you. If we want to allow them closer than 2-feet in this scenario because as perhaps Vice-Chair Summa noted. There's properties that come to 10-feet from the front yard and maybe we want them 2-feet into that and further. So, 8-feet from the... you could say no... just for easy. Never closer than 10-feet unless there's a building sitting at 10-feet and then if you wanted to if you're... if 10-feet makes you uncomfortable when we have a 20-foot. You could have them go closer to the sideline where there might be fencing and screening. So, it doesn't hang out there halfway into the 20-foot.

Chair Lauing: I just want to just repeat, capture what Vice-Chair Summa is saying. Is that correct what is the City definition of front is where you want to be able to put... that you want the (interrupted)

Vice-Chair Summa: I think the problem (interrupted)

- 
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1 Chair Lauing: Homeowner to do (interrupted)

2

3 Vice-Chair Summa: I think the problem for corner lots is that they want to put the equipment  
4 where they don't see it in their yard which may be behind their garage and because of the  
5 orientation on the street. They can't put it where they would most like to, but I'm (interrupted)

6

7 Chair Lauing: So, in this diagram, you would say that they could put it in the City defined front  
8 yard which is their side yard. Right, that's what you're saying? You just want to add that as an  
9 option.

10

11 Vice-Chair Summa: It's not exactly what I'm saying.

12

13 Chair Lauing: Well, you said they would have a choice to put it there or where? Any of the four  
14 sides?

15

16 Vice-Chair Summa: I think that corner lots sometimes have... they have different problems and I  
17 think... I was just trying to think of a way to make it possible for a corner lot to designate their  
18 actual front.

19

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1 Chair Lauing: I'm just asking a clarification question. Where do you want them to be able to put  
2 electronic equipment in this diagram? All four sides of the house or the definition by the City  
3 that this is the front and/or the actual front? Where do you want this thing to end up in terms  
4 of... I said earlier, I have one of those so can I put my electrical equipment anywhere if we take  
5 your amendment?

6  
7 Vice-Chair Summa: No, I don't think so, I think it just acknowledges that the real front of the  
8 house is the front and so (interrupted)

9  
10 Chair Lauing: Down here, the narrow part?

11  
12 Vice-Chair Summa: No, the long side.

13  
14 Chair Lauing: Okay so I just keep coming back to where is it okay if we take your amendment for  
15 people to put electrical equipment?

16  
17 Vice-Chair Summa: It would be a little bit different because the front would now be what's  
18 currently the side.

19  
20 Chair Lauing: So, it could go in the front, it one place it could go.

- 
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Vice-Chair Summa: It could go in the front the same way anybody else can go in the front which is not the EVSE equipment we don't want really close, but that's a separate issue because (interrupted)

Chair Lauing: But you said you wanted to given them a choice, so is the other choice, I'm trying to narrow it down, is it just to the City defined front yard space?

Vice-Chair Summa: Yes.

Chair Lauing: So, those are the two places that the equipment could go?

Vice-Chair Summa: No, they could put it 3-feet... within 2-feet of the property line.

Chair Lauing: All four sides of the house?

Vice-Chair Summa: Not the front.

Chair Lauing: Not this front or this front?

- 
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1 Vice-Chair Summa: The new front. This is maybe too complicated, I was just (interrupted)

2

3 Chair Lauing: Well, there's a front defined by the City and there's a front yard that people think  
4 is their front yard.

5

6 Vice-Chair Summa: Yes.

7

8 Chair Lauing: I'm just trying to use the visual to say where could this person end up putting the  
9 equipment.

10

11 Vice-Chair Summa: They could end up putting it behind their garage which is not really pictured  
12 here because the garage... this is an... this is probably an older house issue also because the  
13 garages are often and still are sometimes right on the property line. So, they would want to  
14 tuck or very close to the property line which is not really their rear yard because it's their side  
15 yard because their house actually faces the other way. That's the only problem I'm trying to fix  
16 but I feel like (interrupted)

17

18 Commissioner Chang: I think so where you're suggesting is in this diagram with the corner lot.  
19 You're suggesting that the garage would be kind of where the... no if the front of the... so  
20 (interrupted)

- 
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Vice-Chair Summa: So, I think everybody is going to want to put their charging equipment... everybody who uses their garage for parking cars, those few, will want to put their charging equipment inside their garage. And then I think they will want to tuck their electrical equipment in places that doesn't... that they don't see in the main part of their yard. And the main part of their yard may be behind their house which is not the same as this picture because it's a corner lot and the house might be... is oriented differently but the City defines it this way. And it's just a choice about where giving people with corner lots the ability to orient electrical equipment in a way that serves their particular parcel's needs because it's sideways.

Chair Lauing: I'm just going to try one more time. Now, what I heard you say is that where she has the cursor right now on the map is back. The definition, the City definition of back yard which is probably where the garage is. So, you're saying that should be a place they should be able to put electronic equipment, right? Because that's the back of the (interrupted)

Commissioner Reckdahl: Can I jump in?

Chair Lauing: House.

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1 Commissioner Reckdahl: Okay, so I think we're... if you look on Packet Page 17, we're proposing  
2 that they can go up to 10-feet from the street side property line on corner lots and there's two  
3 ways to consider this. How far from the street side property line and how far from the house?  
4 To me a reasonable... I mean these units are small so if you had it said you could do it within 4-  
5 feet of the house and up to 10-feet from the street which either... those two lines which either  
6 is closer to the street, right? So, if you have 15-feet between your house and the property line  
7 then you can go within 10-feet of the property line; but if you have 12-feet between your house  
8 and the property line then you can go 4-feet from your house which is 8-feet from the property  
9 line. Because if you want to give them at least 4-feet on that side property for their... for the  
10 station.

11

12 Chair Lauing: Let's get the comment from Director Lait if we can.

13

14 Commissioner Reckdahl: Okay.

15

16 Mr. Lait: Thank you, Chair. So, I think this has been an interesting conversation and it highlights  
17 some of the challenges with zoning in general right because we're all thinking of different  
18 scenarios in which we're trying to apply the standards. And so, zoning inherently is going to  
19 create some conflicts when we apply it to a particular parcel, but I think it also highlights an  
20 interesting opportunity that Commissioner Templeton had raised about the edge cases. And

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1 I've had to sort of think about that a little bit further and this may address Commissioner or  
2 Vice-Chair Summa's question about wanting to get some additional flexibility as well as  
3 Commissioner Chang's comment about certain scenarios. We have a provision of our Code  
4 which is called a Home Improvement Exemption, I want to thank Amy for flagging this as a  
5 possibility. A Home Improvement Exception is a real low-level sort of discretionary review. It's  
6 got a lot of restrictions on how it can be applied. Staff processes it administratively. There's like  
7 some 14 different scenarios in which this could apply for really extraordinarily modest  
8 adjustments to homes to deal with these non-conforming situations. And we could, with the  
9 Commission's direction this evening, amend that chapter of the Code. I've checked with Albert  
10 and he believes that your appropriately agendized for that action. And you could ask us to add a  
11 provision to the Home Improvement Exceptions that would allow a... the Director to approve  
12 different placement of electrification equipment on a lot. Based on various criteria that you  
13 could either direct us to come up with or if you have some guidance you could give us that  
14 today. And I think the existing findings for that are probably sufficient for us just to even add a  
15 line item on that and then that will allow us to sort of consider the one-off cases.

16

17 But then I would suggest we kind of stick to the ordinance that's been presented to you with  
18 the exception that for electric vehicle charging stations we follow along what Commissioner  
19 Hechtman was offering which was allow for the chargers allow a 4-foot encroachment into the  
20 front and corner street side yards into those required setbacks. Or a 2-foot projection from the

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1 face of the building if that building happens to encroach into that required yard. And everything  
2 else stay the same but add this provision that we can make some changes if the conditions are  
3 appropriate under the Home Improvement Exception. So, that's what I wanted to offer Chair,  
4 thank you.

5

6 Chair Lauing: Commissioner Hechtman and he's been patient.

7

8 Commissioner Hechtman: So, I'm... I was thinking of a different wise comment that  
9 Commissioner Templeton made that maybe we adopt the ordinance and we revisit in a year to  
10 see how it's working because I do think that we should be legislating for the rule rather than  
11 the exception. And so, the alternative I had to what Director Lait was just saying is let's legislate  
12 for the rule now, and let's see in the coming year after this is adopted how many, if any, of  
13 these problem cases come in where they just can't fit because then maybe we can find a way to  
14 adjust. And I think Director Lait's suggestion gets at that, my concern is can we give enough  
15 direction tonight so that you can go make that adjustment to that other ordinance, or is that  
16 going to slow this whole process down while we go study that? But I'm... if we can get it done  
17 with a motion tonight then I'm okay with that solution.

18

19 I did want to clarify that again what Staff's proposing is 6-foot encroachment into the street  
20 side setback on a corner lot and I'm not suggesting we touch that. That's a very good generous

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1 encroachment and you can use it if that's the front of your house on the corner or what you  
2 consider the side of your house. Either way, it's there, and I think by providing 4-feet on what  
3 the City considers the front, the front yard setback, now you've got that option too and of  
4 course, you can go around the interior side up to 3-feet from the fence and you can use your  
5 whole backyard up to 3-feet from the fence. So, I think that we have... when we do that we  
6 provide corner lot owners a reasonable set of choices that they can use without having to  
7 designate which is the front yard. Because again they're... it's really at that point the difference  
8 between do you want 6-feet over here or 4-feet over here, because I'm not proposing we flip  
9 those numbers and say well if you think that what the City calls your front is your side yard then  
10 you get 6-feet there. I'm not proposing that we do that. I think that you know, you can have 4-  
11 feet on that side which will incidentally kind of match everyone else down that street who is  
12 facing that street. And so, and that's one of the things that we think about is the kind of  
13 uniformity not just at the corner but where the corner wraps to.

14

15 So, I'm ready to try a motion that I think we're going to have to build by consensus if everyone's  
16 ready to start it, for me to start it.

17

18 Chair Lauing: Yeah, I think you should do that and I think Director Lait gave us sort of an out  
19 clause there that might get us the best of both worlds. And I don't think that... I don't... I didn't

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1 hear him say this was going to hold up the motion particularly since we already connected with  
2 Council on it, so go for it.

3

4 Commissioner Hechtman: Alright, before I do let me just ask Director Lait to remind us... if I'm  
5 going to include that in my motion, what's the ordinance that you're going to adjust to add  
6 the... I'm not asking you for the language, I'm just... the reference you made. We have its the  
7 Home (interrupted)

8

9 Chair Lauing: Home Improvement.

10

11 Ms. French: It's on the screen.

12

13 Commissioner Hechtman: Oh, there we go. Home Improvement Exceptions.

14

15 Ms. French: And this is applicable to the residential R-1 low residential as well and these are  
16 the... so it's 18.12.120 and there are certain limits that are enumerated there.

17

18 Commissioner Hechtman: Okay, alright and what we're talking about, as just to try and  
19 (interrupted)

20

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1 Mr. Lait: [unintelligible] I'm sorry, can you scroll up Amy?

2

3 Ms. French: Yep.

4

5 Mr. Lait: There'd be two thing Chair Hechtman that we would or Commissioner Hechtman that  
6 we would do. One is we would modify probably the purpose section to speak to electrification  
7 and then we would add a number. Probably replace the existing 15 with a new number and  
8 slide 15 to become new 16. But that I think that's all the changes we would need to make and  
9 would welcome Albert Yang to offer any additional perspective if he thought that was  
10 necessary.

11

12 Mr. Yang: No, I guess I would just say I don't think we need the PTC's motion to be particularly  
13 specific or directive on this point. Just to say expand the Home Improvement Exception process  
14 to cover electrification equipment.

15

16 Commissioner Hechtman: And is the concept that that expansion would cover all electrification  
17 equipment or just the EVSEs [note – EVSE?]?  
18

18

19 Mr. Yang: My understanding from the Commission discussion is that it would cover all  
20 electrification.

- 
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MOTION

Commissioner Hechtman: Alright, so alright so before I wade into the motion there's a couple of things I wanted to not include in the motion just so everybody knows upfront. One is this comment that I waded into about the 60 dB ambient increase versus the 60 versus 66. I didn't hear any traction on that issue from the Commission so I'm not going to be including that.

Also, the capitalization of electrification equipment, I'm just going to leave that to Staff to look at and fix. I don't think that needs to be part of the motion.

Alright, so with that, let's see if I can do this, I will move that the PTC recommend to the City Council the Staff recommendation with the following modifications. First that the setback for... specifically for EVSEs [note – EVSE?] be 4-feet for lots... a 4-foot encroachment into the front yard setback for lots with a conforming front yard setback and 2-feet into the front yard setback for lots with a non-conforming front yard setback. So, that would be 2-feet from the structure for those non-conforming situations. Next that the City modify the Home Improvement Exception Section 18.12.120 to include electrification equipment and third that for clarification of the ordinances that are the subject of our recommendation tonight, that the... that we add the following clause at the end of 18.10.040 H (3), 18.10.040 L (3) and

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1 18.13.040 B (1)(d) and that language is after the word insulation “, due to noise generation  
2 below applicable maximums”. So, that’s the motion.

3

4 Chair Lauing: Well done, well done. How about a second?

5

6 SECOND

7

8 Commissioner Roohparvar: I’ll second.

9

10 Chair Lauing: Commissioner Roohparvar, okay. You still have comment on the motion then? Go  
11 ahead.

12

13 Ms. French: May I just state that there are two sections... there’s two chapters. There’s another  
14 18.10 HIE Chapter which applies to low-density residential as well as 18.12. So, let me give you  
15 the opportunity to cite that one as well, Chair... Commissioner Hechtman. It is 18.10.110, that’s  
16 the Home Improvement Exception chapter... section of Chapter 18.10 for low-density  
17 residential.

18

19 MOTION AMENDED

20

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1 Commissioner Hechtman: Okay, then the motion should reference that modification to both  
2 18.12.120 and 18.10.110. Thank you, Ms. French.

3

4 Chair Lauing: Thanks for the clarification. Commissioner Reckdahl, you still have comments?

5

6 Commissioner Reckdahl: Yeah, just a question about screening, do we ever... because we're  
7 now talking about putting something on the side yard right by the sidewalk here. For other  
8 equipment, do we require any screening on in stuff is outside of the side yards? On corner lots  
9 for example or in front yards do we require screening? This is a question for Staff.

10

11 Ms. French: I'm getting to the slide that talks about visual screening. It's Slide 19 and we talk  
12 about not needing to... here let me share my screen. In the draft ordinance, we specifically  
13 exempted residential used EVSE and energy storage systems and associated bollards from the  
14 screening requirement.

15

16 Commissioner Reckdahl: Okay so if I had a compressor there on the side yard of my corner lot. I  
17 would have to put up some type of screening then. It says shall be obscured from public view  
18 and what's our definition of obscured from public views? Does that mean I can have a bush  
19 there, I can fence, anything?

20

- 
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1 Ms. French: Yes, bush, fence, enclosure would all suffice to interrupt the view from I guess  
2 across the street is how this is reading, abutting opposite sidewalk.

3

4 Commissioner Reckdahl: Okay.

5

6 Ms. French: That's how the existing Code reads.

7

8 Commissioner Reckdahl: Do we have experience requiring screening for other things?

9

10 Ms. French: I'm sure there is experience on Staff. You know, with the fences, typically a 6-foot  
11 fence would suffice, shrubs that grow taller would suffice.

12

13 Commissioner Reckdahl: I'm just worried about what kind of regulations if someone wants to  
14 screen this with vegetation, what kind of requirements do we have on that vegetation?

15

16 Ms. French: There's nothing specific in our Code as to the density of planting, the height of the  
17 vegetation, or whether it's deciduous or evergreen or anything.

18

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1 Commissioner Reckdahl: Yeah, exactly and so do we have any experience requiring that for  
2 other things, or is this something brand new? This is the first time we ever have screening on a  
3 residential.

4  
5 Ms. French: There's certainly screening used in the Individual Report Review process for two-  
6 story homes where we... but that's a discretionary application. These are not envisioned to be  
7 discretionary applications that have quality control over what the screenings going to look like  
8 each and every time.

9  
10 Commissioner Reckdahl: Okay then I mean I'm happy with screening, we'll see how that works.  
11 If there's issues we'll revisit this.

12  
13 Chair Lauing: Commissioner Chang.

14  
15 Commissioner Chang: So, I had a question for Commissioner Hechtman, you had mentioned  
16 that you were interested in some... a couple of the comments... a couple of the points in the  
17 public comment, and I wanted to make sure... I'm now completely lost in terms of where we  
18 are. What's in the motion and what's not with respect to the public comment that was here in  
19 Chambers? Do you think that... are they covered in... not at all or?

20

- 
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1 Commissioner Hechtman: Well, I didn't directly cover either of those. It may be that in  
2 expanding the front yard encroachment from 2-feet to 4-foot we have provided more flexibility  
3 for the owner of a corner lot whose front door faces the street side. We've given them more  
4 flexibility to place an EVSE [unintelligible] (interrupted)

5  
6 Commissioner Chang: So, that wasn't the one that I was asking about, sorry I wasn't clear. So,  
7 earlier this evening Commissioner Reckdahl had also mentioned something about an explicit  
8 carve out to indicate that certain types of electrical equipment should not be housed and  
9 insulated but I think that's already addressed correct else ware in the...?

10  
11 Commissioner Hechtman: Well, yeah it's in the section that I proposed a modification to. The  
12 Director is going to cull a list of equipment that does not need housing and/or insulation.

13  
14 Commissioner Chang: Great, okay, I want... and then the other one that I wanted to make sure  
15 was covered was I don't think that we have made any... that the ordinance as written allows  
16 encroachment into a parking space for EVSE on either side of the car... either side of the parking  
17 space. Is that correct?

18  
19 Ms. French: It's not specific, it's just (interrupted)

20

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1 Commissioner Chang: It's not specific.

2

3 Ms. French: Reducing it by 18-inches, however, that happens.

4

5 Commissioner Chang: However, that happens, okay great so we're covered. Okay, I can support  
6 that the motion so that's it.

7

8 Chair Lauing: Any other comments? Questions? Are we all clear what we're voting on? It was a  
9 long well thought out memo... motion excuse me. Alright, let's do a roll call, please?

10

11 VOTE

12

13 Ms. Dao: Commissioner Chang?

14

15 Commissioner Chang: Yes.

16

17 Ms. Dao: Commissioner Hechtman?

18

19 Commissioner Hechtman: Yes.

20

- 
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1 Ms. Dao: Chair Lauing?

2

3 Chair Lauing: Yes.

4

5 Ms. Dao: Commissioner Reckdahl?

6

7 Commissioner Reckdahl: Yes.

8

9 Ms. Dao: Commissioner Roohparvar?

10

11 Commissioner Roohparvar: Yes.

12

13 Ms. Dao: Vice-Chair Summa?

14

15 Vice-Chair Summa: Yes.

16

17 Ms. Dao: And Commissioner Templeton left earlier so motion carries 6-0.

18

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

20 absent)

- 
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Chair Lauing: Thank you. Very interesting discussion, covered a lot of area, and I hope it gave explicit direction to Staff and really appreciate the iteration with multiple Staff members to get us where we needed to go. Thanks very much for that. Alright, we're going to move on to minutes, two sets of minutes.

**Commission Action:** Motion by Hechtman, seconded by Roohparvar. Pass 6-0 (Templeton absent)

**Approval of Minutes**

Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

4. October 26, 2022 Draft Verbatim Meeting Minutes

Chair Lauing: First of all, October 26, 2022 draft verbatim minutes.

MOTION

Commissioner Hechtman: Move approval as revised.

SECOND

Vice-Chair Summa: Second.

---

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1 Chair Lauing: Moved and seconded to approve revised draft verbatim minutes. Please call the  
2 roll unless there's any questions or recusals for absences.

3

4 VOTE

5

6 Ms. Veronica Dao, Administrative Assistant: Commissioner Roohparvar?

7

8 Commissioner Roohparvar: Yes.

9

10 Ms. Dao: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Yes.

13

14 Ms. Dao: Commissioner Hechtman?

15

16 Commissioner Hechtman: Yes.

17

18 Ms. Dao: Commissioner Chang?

19

20 Commissioner Chang: Yes.

- 
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Ms. Dao: Vice-Chair Summa?

Vice-Chair Summa: Yes.

Ms. Dao: Chair Lauing?

Chair Lauing: Yes.

Ms. Dao: Motion carries 6-0.

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

Chair Lauing: Thank you, so we now move to November 16, '22 draft verbatim minutes.

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

5. November 16, 2022 Draft Verbatim Meeting Minutes

MOTION

Commissioner Hechtman: Move approval as revised.

- 
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1 SECOND

2

3 Vice-Chair Summa: Second.

4

5 Chair Lauing: Moved and seconded to approve November 16, 2022 draft verbatim minutes. Any

6 questions or recusals? Otherwise let's go for a roll call vote, please?

7

8 VOTE

9

10 Ms. Veronica Dao, Administrative Assistant: Commissioner Roohparvar?

11

12 Commissioner Roohparvar: I'll abstain. I don't think I was at the meeting.

13

14 Ms. Dao: Commissioner Reckdahl?

15

16 Commissioner Reckdahl: Yes.

17

18 Ms. Dao: Commissioner Hechtman?

19

20 Commissioner Hechtman: Yes.

- 
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1

2 Ms. Dao: Commissioner Chang?

3

4 Commissioner Chang: Yes.

5

6 Ms. Dao: Vice-Chair Summa?

7

8 Vice-Chair Summa: Yes.

9

10 Ms. Dao: Chair Lauing?

11

12 Chair Lauing: Yes.

13

14 Ms. Dao: Motion carries 5-1 with Commissioner Roohparvar abstaining.

15

16 MOTION PASS 5(Chang, Hechtman, Lauing, Reckdahl, Summa) -0 –1 (Roohparvar abstain) -1

17 (Templeton absent)

18

19 Chair Lauing: Thank you very much.

20 **Commission Action**: Motion by Hechtman, seconded by Summa. Pass 5-0-1 (Roohparvar  
21 abstain, Templeton absent)

- 
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1 **Committee Items**

2 None.

3 **Commissioner Questions, Comments or Announcements**

4 Chair Lauing: So, we're not just moving along to any Commissioner questions, comments or  
5 announcements or future agenda items in 2023. Commissioner Hechtman.

6

7 Commissioner Hechtman: Thank you, so in our Staff Report today on Packet Page 11 we have  
8 debuted our schedule for meetings in 2023. And I looked at that schedule and want to start this  
9 ball rolling by letting Staff know and our clerk know that I will... I'm... I will be absent for the  
10 meetings on April 26<sup>th</sup>, June 14<sup>th</sup>, and July 12<sup>th</sup> and would not be participating in any of those  
11 meetings remotely which is... you know we have this limited possible opportunity. So, I just  
12 want to clarify that I won't be hosting a public meeting in a hotel in Nashville in April.

13

14 Chair Lauing: Vice-Chair Summa.

15

16 Vice-Chair Summa: Well, I just wanted to... I don't know if Staff has anything to say before I  
17 make a little speech here because it is your last meeting at the Planning Commission. You're  
18 moving up to the City Council and I just wanted to acknowledge that and expressed my  
19 admiration for you and your achievements. How much you've done for this City and to

- 
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1 congratulate you on your fabulous win in the election and you will be very missed here but  
2 we're counting on you to fix bigger problems. So, I just wanted to acknowledge that.

3

4 Chair Lauing: Thank you, I might just come back and sit here and do public comment just make  
5 sure you get it right so I have shorter minutes to read when I get on there so. Well, I appreciate  
6 that.

7

8 Yeah, I didn't really know in the last 6-months how I would feel tonight because it's just been a  
9 long road. Particularly those of us who've been here 6-years and sorry Commissioner  
10 Templeton had to leave and I really have to say it's decidedly mixed. And I particularly  
11 appreciate, no reflection on anyone in the past, but I particularly appreciate this Commission.  
12 So, I'm glad this is the last one that I sat on, on the way there. I really appreciate the comradery  
13 and the work ethic and how we really work to get sensible solutions which is a phrase I used in  
14 the campaign quite a lot. And I think we're really aligned in doing that and that... it's all about  
15 the citizens at all times and I think we were able to move some things along here that  
16 sometimes change what Council was able to do. Sometimes didn't but I really think it's been a  
17 great experience in the last 12-months for myself and certainly in the last long 6-years. It's  
18 changed a lot since Vice-Chair Summa and I stepped onto this Commission 6-years in terms of  
19 the personnel and some of the systems and the procedures and so on. But I just feel very proud

- 
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1 that we've been so productive in the last couple of years particularly and hopefully in the last 6  
2 so. Thank you very much, I'm going to official adjourned.

3

4 Commissioner Hechtman: [unintelligible – off mic]

5

6 Chair Lauing: Uh oh.

7

8 Commissioner Hechtman: Sorry.

9

10 Chair Lauing: Hold that thought.

11

12 Commissioner Hechtman: So, I want to echo Vice-Chair Summa's comments. I've only... I'm a  
13 short-timer compared to you two but during the 3-years I've been here, it's been a real  
14 pleasure to work with you. And I've appreciated your balanced approach and your ability to...  
15 your desire and effort to find consensus in that balance and I'm trusting that we're going to see  
16 more of that at the Council.

17

18 I do have some procedural things that I want to get an understanding of. When we come back  
19 together at our first meeting in January we won't have our Chair. We will have our Vice-Chair  
20 and so I wanted to find out... who has incidentally ably served as the Acting-Chair on a couple of

- 
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1 times where Chair Lauing had to step off due to this election. And so, I wanted to find out from  
2 Mr. Yang if we have a process to elevate the Vice-Chair to the Chair when the Chair departs and  
3 if so, do we need a process to elect I guess a short-term Vice-Chair because I do think... I mean  
4 we've seen it happen here in the last couple months. It's important to have a Vice-Chair in the  
5 situation where the Chair isn't available. So, do we need the Vice-Chair to carry us to our next  
6 election of a Chair and Vice-Chair which I would think wouldn't happen under this new schedule  
7 until we have new Planning Commissioner appointments? So, I don't know that we necessarily  
8 need answers to those tonight but I hope that on our Agenda for our first meeting in January  
9 that we'll be advised and take whatever action we need to, to have the leadership in place.

10

11 Chair Lauing: Counsel Yang?

12

13 Mr. Albert Yang, City Attorney: I guess I'll just say that the Vice-Chair will step into the Chair's  
14 role, and then there is not... there's not a process spelled out specifically for the... another  
15 election to take place to select a Vice-Chair but the Chair, in this case, I guess the Acting-Chair,  
16 will... does have the ability to designate someone. But we'll look into that further as well and be  
17 ready to address it at the first meeting in the new year.

18

19 Chair Lauing: One thing that I recall that we made a change... we made a change on this  
20 Commission to our Bylaws to move to a January election before all of our terms were extended

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.



1 and the objective there was that we wanted new Commissioners to have a voice in the new  
2 Chair. So, one thing that Mr. Yang you should also take a look at is moving that January date  
3 probably to March or April to accommodate the new people who are coming on who would  
4 want to vote for the next full years Chair and Vice-Chair. It would be a simple change to the  
5 Bylaws but it also needs some attention because the delay changes things a lot in terms of  
6 getting people in place. But we would want to stay true to the fact that we want the new  
7 Commissioners to vote for new leadership. That was a really important change that we made.

8

9 Anything else? I'm leaving. Thank you very much, this meetings adjourned and Chair Lauing's  
10 out.

## 11 **Adjournment**

12 8:56 pm

13

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