



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: August 30, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:00 pm

Chair Summa: Welcome to the Planning... Good evening, everyone. Welcome to the Wednesday, August 30th, regular meeting of the Planning Commission and could you take the roll, please?

Ms. Madina Klicheva, Administrative Assistant: Chair Summa?

Chair Summa: Present.

Ms. Klicheva: Vice-Chair Chang?

Vice-Chair Chang: Present.

Ms. Klicheva: Commissioner Akin?

Commissioner Akin: [note – no audio but was present]

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2 Ms. Klicheva: Commissioner Hechtman?

3

4 Commissioner Hechtman: Present.

5

6 Ms. Klicheva: Commissioner Lu?

7

8 Commissioner Lu: Present.

9

10 Ms. Klicheva: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Present.

13

14 Ms. Klicheva: Commissioner Templeton?

15

16 Commissioner Templeton: Here.

17

18 Ms. Klicheva: We have a quorum.

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1 Chair Summa: Thank you so much. I did want to bring it to Ms. Klicheva's... this screen isn't
2 working, the big jumbotron. Thank you so much.

3 **Oral Communications**

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

5 Chair Summa: Okay so we will move on with public comment which is time... this is a time if you
6 want to speak to something that's not on the Agenda. Do we have any speakers?

7

8 Ms. Madina Klicheva, Administrative Assistant: Yes, I have received (interrupted)

9

10 Chair Summa: I think we have one in the room.

11

12 Ms. Klicheva: I have received one speaker card from Mark Weiss.

13

14 Chair Summa: Thank you.

15

16 Ms. Klicheva: Chair, could you remind me the time? Is it three minutes for (interrupted)

17

18 Chair Summa: Yes.

19

20 Ms. Klicheva: Thank you.

21

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1 Mr. Mark Weiss: Good evening, Commissioners. Thank you for your service Commissioner
2 Hechtman, Commissioner Akin, Commissioner Templeton, Chair Doria Summa, congratulations.
3 My first time at your meeting.

4
5 I am speaking about something that was actually at City Council recently and was on Consent
6 and I have... it wasn't pulled from Consent and I was a little bit disappointed but I decided I'm
7 not just registering formally my concern and my descent. And I call it the mote but people call it
8 the fountain and I decided it's not a moot mote. I think it's time to actually step up and try to
9 intervene and so I'm calling on the Planning Commissioners, including our ones in television
10 land, to intervene. And the issue I'm concerned with is that we have decided to spend \$400,000
11 to fix the fountain at Lytton Plaza and it's a very long story. I took the liberty of writing about a
12 500-word essay on this topic. I sent it to the Planning Commission at the City. I sent drafts of it
13 to City Council and Ed Shikada's office and I've been following this quite avidly.

14
15 I produce a concert series at Lytton Plaza as a private citizen, exercising my basically First
16 Amendment right of Freedom of Assembly and I've spoke on this matter at least 20 times on
17 various Boards and Commissions. And I'm going to take a line from my formal Grateful Dead
18 buddy, Michael McFaul, who is head of the Freeman Spogli Institute when I met him in 1982.
19 He and I went to the Grateful Dead with our respective lady friends and I don't really keep in
20 touch with him but he uses a line called bluff, which means bottom line up front. So, I'm going

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1 to skip down to the bottom but in an American, seeming to teeter on the distinction between
2 might makes right and a Republic, if we can keep it. Palo Alto should debate thoroughly and
3 shake well before serving symbols of power or speech.

4
5 Now, it sounds very esoteric I admit but there's along history of Lytton Plaza at the corner of
6 Emerson and University as a gather places, a commons in 1970 or '68 through '71 especially.

7 Palo Altans and Stanford student protested the Vietnam War there. Peter Drekmeier, who
8 became Mayor of Palo Alto, some of you may have met, still involved in environmental
9 movement, in the early 90s Earth Day was planned at or near Lytton Plaza although it took
10 place at Stanford. In 2010 it was renovated and it still to me controversial and a sore spot how
11 and why it was renovated and I just feel it's one person, one vote and not one dollar, one vote.

12 And I feel that the tax payers have yielded control to a group of billionaire landlords and
13 developers who's names conveniently enough, if we want to engage with them about what is
14 Democracy. Their names are actually on a plaque and so rather than we the people spending
15 another \$400,000 on their agenda of the mote versus a fountain.

16
17 It's... the mote is design to stifle descent and keep protesters 50-feet from their corner. I do
18 want to spend more money on the mote. If anything, some good citizen could put up their own
19 money for the mote. In fact, I will pledge \$300 of my money, but not the tax payers money,
20 towards if one of those billionaires pays for the mote himself or herself. Thank you.

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Chair Summa: Thank you, Mr. Weiss. Do we have any other speakers?

Ms. Klicheva: No more speaker cards or raised hands.

Chair Summa: Thank you so much, so we will go onto any Agenda changes, additions, or deletions.

Agenda Changes, Additions and Deletions

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

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

Chair Summa: Thank you and then any City Official Reports to share?

City Official Reports

- 1. Directors Report, Meeting Schedule and Assignments

Ms. Amy French, Chief Planning Official: Yes, so we had a quiet month in July with the Council out. Ramping back up, we have quite a few items going in September to Council that will be representing the Planning Commission, Bart Hechtman and Commissioner Hechtman will be asked to represent on September 5th. The Sobrato project is coming, 340 Portage, is coming to Council and then on 9/11 we have Quarterly ADU Report, we have a pre-screening that has not been seen by the Planning Commission just a matter of interest, and then we have the Permanent Parklet Ordinance. So, we did visit with the Planning and Transportation

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1 Commission on the Parklets where it touches Title 18 over the summer. That was I think June
2 28th was Item 3 on that date, so Commissioner Hechtman if you would like I can send you out
3 some minutes. That's quite a few (interrupted)

4

5 Commissioner Hechtman: Alright, thank you.

6

7 Ms. French: Links to minutes and then we are coming to you later, let's see September 13th,
8 we're coming to you with an action item, Housing Element Implementation Ordinance. It's kind
9 of a handful anytime we get into Zoning Code Amendments and it may be converted to a study
10 session or least a part one of a part one and two because it's... there's a bit of information
11 there. So, we're working towards that in real-time to get you... and we're trying to meet our
12 timely Packets on Wednesdays now so a bit more work on that and that's all.

13

14 Chair Summa: Thank you for that and thank you for working on the Packets. I know what a big
15 ask it is. Is there any other Staff... are there any other Staff members that would like to report
16 out anything? I don't think so. I see Rafael.

17

18 Mr. Rafael Rius, Senior Transportation Engineer: Hi, just wanted to... hi, Rafael Rius, I'm Senior
19 Engineer with the Office of Transportation. Just a really minor update for the
20 Middlefield/Lincoln effort that we're working on. We've met with a few residents that are in

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1 the immediate area of that intersection and we're planning to move forward in the very near
2 future with some improvements to the sight lines, striping and some signage. But the longer-
3 term discussion of what to do at that intersection will likely come to this Commission this fall.
4 So, I just wanted to give you guys a heads-up on that progress. Other than that, I don't have too
5 many other updates or any other updates at this time.

6

7 Chair Summa: Thank you very much for that. Any questions? Go ahead.

8

9 Commissioner Templeton: Hi, thank you for that update, Mr. Rius. I wanted to follow up on a
10 question Commissioner Reckdahl asked last time about the El Camino Repaving Project that
11 Caltrans is doing in our City that's being coordinated with the Utilities Department I believe. Do
12 we know and are we able to provide any statistics about the... any effects of the pavement
13 deterioration on our safety? Do we get reports about roads that we don't own like El Camino or
14 crossings those roads and our safety concerns?

15

16 Mr. Rius: Not specific to the pavement conditions. Sorry, I don't know the detailed answers to
17 the statistic question. You know, I did try to inquire a little bit more about the status of that
18 project, the repaving effort that will be coming. I... you know, but... sorry, I can't answer... I
19 don't know the answer.

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1 Commissioner Templeton: No, I don't expect you to answer it now. I was just wondering if
2 those statistics are available so that I could ask for them for next time. The reason is, school just
3 started back and as you know in Palo Alto many of our students bike to school and for quite a
4 few schools. So, I noticed in both directions on El Camino students are biking across El Camino
5 at Los Robles/East Meadow Way which is incredibly deteriorated and super dangerous. And last
6 year, I witnessed a collision there as well and I just wanted to encourage you if this data is
7 available. I bet it would be really meaningful to the State agencies that are coordinating that. I
8 know our department isn't but that might be something we can do.

9
10 Mr. Rius: You're referring to the statistic of the amount... the number of students riding to
11 school or...?

12
13 Commissioner Templeton: No, if there was an uptick in collisions, I think it would be valuable
14 information because that's what Commissioner Reckdahl was mentioning is concerning is that
15 this area is more dangerous. And I personally can tell you, I walk it every morning to take my
16 son to school, it's really dangerous. Like it's... I'm concerned as well and I see dozen of kids
17 biking in the minutes that I'm there but I know hundreds. So, kids going to Fletcher, kids going
18 to Gunn, kids going to JLS and so forth. So, I think... I know that we as a City and the
19 Department of Transportation coordinates with the Bike to School Program and I just wanted to
20 make sure that if there was some adnominally related to that... those crossings and we saw an

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1 uptick in... if we did see an uptick in dangerous occurrences. That you guys would let us know
2 and let our partners at Caltrans know.

3

4 Mr. Rius: Sure, our Transportation Planners, yeah they are working on the City-wide Safe
5 Streets Evaluation but I can send you. Like even that, the data that we look at, we don't...
6 unfortunately we don't get a lot of the data until months or even sometimes years down the
7 road to develop a pattern to see the fluctuations even monthly.

8

9 Commissioner Templeton: I get if the Department of Transportation had to ask the Police Chief,
10 can you let us know if these things are happening because it's back to school and we want to
11 know if there's any imminent dangers? I bet there would be some interagency corporation,
12 inter-departmental corporation. So, I'm just planting that seed, I don't want to take any more
13 time on this but just wanted to emphasize that I appreciated Commissioner Reckdahl's question
14 and I think this is an area that we show concern about ever PTC meeting. Thank you.

15

16 Mr. Rius: That's fair, understood and we'll look into it.

17

18 Chair Summa: Yes, Commissioner Reckdahl.

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1 Commissioner Reckdahl: To echo that, we've been requesting for quite a while. Can we get just
2 some stats about how many bike and pedestrian collisions that we have? We don't have to
3 have great detail if that's hard to get but I don't know, was there 10 last month, or where there
4 none last month? I have no idea what kind of collision experiences we're having in the City, so
5 that would be really good if we can some how get a monthly report that would give us some
6 idea what's going on.

7

8 Mr. Rius: Well, I'll put in another request to our Police Department. I mean I know they're going
9 through a transition right now to update their database system, but we've... I mean even our
10 departments really been having a difficult time getting collision data and even if when we do,
11 there's several months backlog. I mean just active investigations and things don't get into the
12 database officially until a couple months down the road but we understand what you're asking
13 for. I'll coordinate with our Safe Routes to School to see... group if they have any kind of
14 statistics what they... that can be shared and such.

15

16 Commissioner Reckdahl: Okay, thank you.

17

18 Chair Summa: Any other questions or comments?

19

20 Ms. French: I have one more.

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2 Chair Summa: Oh, thank you.

3

4 Ms. French: I realized that I didn't scroll down to my list of things.

5

6 Chair Summa: Thank you.

7

8 Ms. French: We do have some important news and that is over the summer in July we
9 submitted an application for a new PDA and we're calling it BASA, Bayshore/Alma/San Antonio,
10 Priority Development Area. Now, it was a let's get the application in, then we'll go to Council
11 and the target date is September 18th for Council but we would like to come on the 13th to go
12 over that and share in a study session what we're up to there. They put out these deadlines,
13 MCT, ABAG, and we strive to meet those and not miss an opportunity because associated with
14 all the prior development areas is grant funding down the road. So, we'll give a report and a
15 study session to let you know about that but it is already scheduled for September 18th Council
16 because we have to have a Resolution turned around for us to not to lose the opportunity.

17

18 Chair Summa: Oh okay, so it will come to us after Council?

19

20 Ms. French: We can do (interrupted)

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Chair Summa: Or before?

Ms. French: I was thinking to come on the 13th as a study session so that you're all in the know.

Chair Summa: Okay great, thank you very much.

Ms. French: Sure.

Chair Summa: Go ahead, Commissioner Templeton.

Commissioner Templeton: This reminds me, I... did you already share with the Commission about the funding application for the rail crossings update? I read about it but I hadn't heard through this channel yet.

Ms. French: I haven't shared anything. If you know something you can share it with the group.

Commissioner Templeton: Well, I'm asking possibly Department of Transportation which is... who did... similar situation, applied for a grant. We now have grant money that's required to be spent on the train crossings. Mr. Rius (interrupted)

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Mr. Rius: [unintelligible]

Commissioner Templeton: Would you give us an update on that, please?

Mr. Rius: I apologize, I don't have an update at this time for that. I'm going to follow up with our trail coordinator or Project Manager Ripen. I will try to get that update for you to [unintelligible] provide an update of if that funding was received or not.

Commissioner Templeton: Thank you, it was reported in the paper so that might be an article that we could just share. We could ask Ms. Klicheva or someone to share with the Commissioners, thank you.

Chair Summa: Thank you, are there any other questions or comments? Okay, not seeing any so we will go onto our action items which is a recommendation to the City Council regarding proposed amendments to Palo Alto Municipal Codes Title 18... Titles 18 and 9 to facilitate the installation of electrical... electrification equipment for residential development.

Action Items

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

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1 2. LEGISLATIVE: Recommendation to City Council Regarding Proposed Amendments to
2 Palo Alto Municipal Code (PAMC) Title 18 (Zoning) and Title 9 (Public Peace, Morals
3 and Safety), Chapter 9.10 (Noise) to Facilitate the Installation of Electrification
4 Equipment for Residential Development

5 Chair Summa: But before we start and I'm sure Staff has a presentation. I did want to address a
6 late submission that was emailed to us today at 3:00 which how my colleagues would like to
7 handle it. Because I know it's great that our hard-working Staff is always updating things and
8 getting things out, but 3 o'clock on the same day of a meeting doesn't seem sufficient time to
9 evaluate substantive changes. So, my inclination would be to that we ignore it and but I'm not
10 sure how my colleagues are feeling and I know that not all the Commissioners even had time to
11 read it before they got here. I didn't see it until about 4:30 even because I just didn't... I was
12 doing other things and didn't see it, so any thoughts on that from my colleagues?

13

14 Commissioner Akin: I suspect Staff will be able to guide us through the changes from the
15 material that was originally in the Packet. My subjective impression is that there were really not
16 very many but if that's incorrect then I leave that explanation up to you.

17

18 Commissioner Hechtman: So, I think Director Lait maybe is here to facilitate or add to that
19 discussion and so yeah, I am expecting Staff to explain it. I did look at the At Places Memo. It
20 looks like there are really three changes. Two are simplifications and then one is changes to a
21 table for clarity which is I think it's just adding greater or equal to signs. So, those are pretty
22 minor and like Commissioner Akin, I'm hopeful that we can absorb... staff can explain why they

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1 made these changes and we can absorb them and act on them tonight as part of our
2 recommendation.

3

4 Chair Summa: Commissioner Templeton.

5

6 Commissioner Templeton: Yes, I'd like to just echo the Chair's concerns here. You know, I have
7 school-age children and so I was picking them up and dropping them off and getting them
8 ready before I come here and it's just not enough time to read these things. I would, like the
9 other Commissioners, appreciate if you walk us through these changes but just wanted to ask
10 you in the future to be mindful of the timing because we do need more time for those things.
11 Thank you.

12

13 Chair Summa: Commissioner Chang [note – Vice-Chair Chang].

14

15 Vice-Chair Chang: I didn't... literally was moving my son into his college dorm all the way right
16 up until this meeting. So, I wasn't aware that there was a memo so as long as we can just walk
17 us through what the memo said. Then I'd be comfortable with it but I have... I wasn't aware
18 that there was a memo or an email. I didn't... wasn't near a computer, wasn't looking at
19 anything until just now.

20

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1 Chair Summa: It sounds like most of my colleagues would like to consider these. I'm not going
2 to have my voice be more important than our collective voice but I don't think that it's also
3 important to note that the public didn't see this at all and you know, 72-hours is the law. I think
4 in the future I will be more firm and I won't want to accept things that aren't submitted at least
5 before noon the day before so everybody has a little time. We also have three Commissioners
6 in different time zones and so it just gets to be too much. So, why don't we go ahead since
7 majority of my colleagues would like to consider the last-minute submission and include it with
8 a pretty big... a good explanation of what the changes mean because at least two
9 Commissioners didn't even read it?

10

11 So, that being said, I think we should go ahead and get the presentation first.

12

13 Ms. Amy French, Chief Planning Official: Thank you, Amy French, Chief Planning Official. I do
14 have with me today Jon Lait, our Director, as well as Michael Thill who is I believe online. I
15 haven't checked but he is supporting us as the expert in these matters which, you know, it's a
16 pretty esoteric subject.

17

18 We originally had this report out for the August 9th, it got continued to this date and so we're
19 taking it up as the only item today and just to say that we do have here as our recommendation
20 to recommend this to Council. Adopt this draft ordinance amending Title 18 and Chapter 9.10

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1 to facilitate the electrification equipment in residential neighborhoods. So, this ordinance,
2 which you have and have had for some time, does have the changes the Planning and
3 Transportation Commission recommended back in December of 2022. So, we really want to get
4 those to the Council and we're putting with those these other changes. That is the reason we
5 haven't taken it to Council is we needed to spend time on this noise aspect. So, these
6 adjustments are included in that double underline and double strike-through text.

7

8 So, moving on, love this image. So, this is all in the effort to remove barriers to electrification in
9 the City and so with that, we looked hard at our Noise Ordinance as well as Title 18 to see if we
10 could make it a little easier to get these installed. We have a pilot program happening and
11 we're supporting the utilities department in that effort.

12

13 Back in June, Council adopt the Accessory Dwelling Unit Ordinance which had this piece about
14 locating anywhere on sight this noise-producing equipment that's serving ADUs exclusively. And
15 so, this was already adopted by Council. This is just an overview of that December ordinance.

16 On December 14th, the Planning Commission recommended these things which was allowing
17 encroachments into front yards and the other things noted here and so moving on.

18

19 Trying to address noise producing equipment within setbacks is what we're after. So, we had a
20 couple of approaches that were identified back then and we were concerned about the

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1 placement and the cumulative noise as well as the fact that if we were to require noise reports
2 of every citizen that came in and wanted to put in electrification equipment. It would cause
3 delays and so we're seeking a kind of presumed compliance approach. We reached out for
4 consultant assistance and that is Michael here tonight with us and identified some solutions for
5 this presumed compliance approach.

6
7 Other cities were looked at, you can see here surrounding cities that had these noise standards
8 for night time. And so, we were... but our existing Noise Ordinance says that the noise level is...
9 cannot be more than six decibels above the local ambient at any point outside the property
10 plane and so we have several areas in town that are 50 dBA at night. There might be some
11 quieter areas up in the hills so we started putting together a presumed compliance approach
12 that would set the local ambient levels as 40 and 50. So and we were looking at the equipment
13 and what was typical as far as the noise they generated.

14
15 We came up with this table that was again, this presumed compliance and I'm sorry for this
16 image here. The ordinance that came out today that people haven't seen was simply to... in the
17 orange here to note less... in a less than or equal to and in the... this was the change. These
18 parentheticals here, less than or equal to, less than equal to dBA and then here was greater
19 than or equal to this number of feet. So, that's what's in the ordinance At Place. What's here
20 below is something that we had our consultant take a look at because the ordinance in your

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1 Packet and in today's Staff Report continues this. Shows a 4-foot setback and we were looking
2 for what happens at 3-feet. What could you have at 3-feet as far as decibels? So, this table our
3 consultant will go over with you, so that's one of the things to discuss.

4
5 The other thing to discuss that was in today's changes was the elimination of this little I here.
6 Little I was about... talking about 8 dB above, so there was a conversation about maybe we
7 could have some more wiggle room to get 8 dB above but it got a little confusing because then
8 we had the table. And it was confusing us and so we said let's dispense with that. It's not
9 needed so that's what that was, just scratch that out and then this third piece which is the
10 Home Improvement Exception.

11
12 We had proposed this new Home Improvement Exception limit. We have 15 items in that Home
13 Improvement Exception list that could be considered and so we have this Item 16, which was in
14 the report before, but we've scratched out this section, again that talks about this 8 decibels.
15 Yeah, this thing that says 8 decibels above so that was the intent of the ordinance... the Staff
16 Report today was to explain that. Perhaps briefly, but we do have our consultant here today.

17
18 I'll note that this chart here if you look at the PowerPoint, this use to say at 4-feet the maximum
19 allowable sound pressure level for equipment would be 43 dBA. The revised chart showing
20 three... at 3-feet the maximum allowable sound pressure level for equipment would be 39 dBA

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1 and this is in the section of to meet the 40 dBA limit. Something similar for that to meet the 50
2 dBA limit at the property line at 3-feet it's 49 dBA. So, that's basically the changes that
3 happened.

4
5 Again overview, we're looking to amend noise ordinance Chapter 9.10, Section 9.10.030 and I
6 have some other slides here about utility incentives if anyone has questions. But that's basically
7 what we're doing tonight is focus on the Noise Ordinance Modification, this presumed
8 compliance table and ask questions of our expert consultant who is here to answer the hard
9 questions. Thanks (interrupted)

10

11 Chair Summa: Thank you.

12

13 Ms. French: And Jon, did you want to add anything? No, okay.

14

15 Chair Summa: I'm sorry?

16

17 Commissioner Templeton: Where your comments just about the At Places Memo, or was this
18 presentation comprehensive for the (interrupted)

19

20 Ms. French: Oh, if it didn't feel comprehensive, I can (interrupted)

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Commissioner Templeton: No, I'm just trying to understand... it's just a question.

Ms. French: I was (interrupted)

Commissioner Templeton: What were you just explaining?

Ms. French: I was explaining the lead up to this, why we're here and I was explaining (interrupted)

Commissioner Templeton: So, the [unintelligible] (interrupted)

Ms. French: What the changes were that... that's the changes I was explaining just now of today's Packet.

Commissioner Templeton: Yeah, those were... that was the stuff that was At Places.

Ms. French: Yeah.

Commissioner Templeton: Okay, thanks.

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Chair Summa: Commissioner Chang [note – Vice-Chair Chang]. Is she speaking?

Vice-Chair Chang: Okay, first of all, thank you so much for explaining what the At Places Memo included. That was very helpful. I think I got it and those changes made sense to me and would have been questions I would have asked. Things of... would have been areas that I would have asked about so I think it actually eliminates some questions that I had. I did have one question about the change that we are making to the ambient noise. So, if I look at... my Packet Pages are different because I didn't receive the hard copy of the new Packet and it's really hard to toggle. I didn't receive the hard copy of the new Packet and it's hard for me to toggle back and forth between zoom and the soft copy, but if I look at Page 8 or 10 or Page to 8 to 9 of 10 of the handout, if that makes sense. So, there's both the Packet Page number as well as the page number at the bottom.

Ms. French: It's Packet Page 15 if that helps.

Vice-Chair Chang: Yeah, 15 and 16 I think. So, it talks... in the discussion section it talks about the discussion items. So, discussion item two talks about raising the local ambient noise level in PAMC Chapter 9.10 to a minimum of 50 for the flats and 40 for the Foothills and so that's raised from what? In other words, what was it in the Code... what is it in the Code right now?

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2 Ms. French: Well, the Code doesn't specify what the ambient noise level is. We do have a chart
3 in the Comprehensive Plan that looks at different areas of the City. For instance, next to El
4 Camino Real, we have a 70 and 70 I guess CNEL. That would be very much noisier than a quieter
5 area in the Foothills which you know, they say birds are about 50 something; 55. Oh, there's a
6 chart in our Comprehensive Plan and I could pull it up as a slide if that would help.

7

8 Vice-Chair Chang: Okay so then is it more accurate to say that it's not so much that we're
9 raising the local ambient noise level as noted in Chapter 9.10, but that we're changing the
10 approach from one where... or at least we're changing the approach for these types of
11 equipment from where we're prohibiting things from being more than 6 decibels above
12 ambient to prohibiting things to be above 50 or 40 dBA depending upon the area. We're
13 changing the approach, is that correct?

14

15 Ms. French: Go ahead.

16

17 Mr. Jonathan Lait, Director of Planning: Thank you, Amy. Yes, Commissioner Chang [**note – Vice-**
18 **Chair Chang**] that's exactly right. The word raise is probably not the proper way to describe this.
19 The ambient noise is what it is. What we're trying to do here is again for this type of noise-
20 producing equipment, and with the real focus on heat pumps, is define a level of ambient noise

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1 that if your noise-producing equipment measured against that established number is within
2 those thresholds. You're presumed to be compliant with our Noise Ordinance and this is
3 intended to be a way to help facilitate the installation of this type of equipment and not require
4 noise studies or things like that.

5

6 Vice-Chair Chang: Right, understood, so there's no need for any individual homeowner to go
7 out and determine what ambient noise is at that homeowner's property. They can just figure
8 out where they are in the map, whether they're in the 50 dBA range... 50 dBA area or the 40
9 dBA area and then look at a table and then figure out what they need to do.

10

11 Mr. Lait: That's exactly correct, yes.

12

13 Vice-Chair Chang: Okay, got it and so then the 50 dBA and 40 dBA was kind of determined
14 based on benchmarking against other municipalities. Is that correct?

15

16 Mr. Lait: Yes, and I think our own local observations over time too. I mean the hills intend to be
17 a lot quieter, well tend to be quieter roughly than the flats.

18

19 Vice-Chair Chang: Okay well regarding our own local observations, obviously the hills are
20 quieter than the flats, but do we have other local observation data points in terms of the actual

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1 dBAs or what it just kind of looking at what was in the slides? The consultant's slide, can be...
2 what Sunnyvale and Menlo Park and or do we have other data?

3

4 Mr. Lait: Amy... Ms. French is looking at the Comp Plan Map now I believe has some data on it.

5

6 Ms. French: Yes, I realize I should have put a slide together but I am looking at... I can share my
7 screen to show you what I'm looking at. In our Comprehensive Plan, it's CNEL which is a
8 weighted average. It's a little bit different than local ambient noise but if you're seeing this now
9 I'm going to scooch it up a bit. You can see the red areas are along side Highway 101 and those
10 areas if you look at the key down below. It's 70 dBA CNEL which is a weighted average and then
11 it goes down to 65 and 60. So, and then outside where there's no colors, that's going to be
12 something less than 60 here, so that's the presumed 50 is the area that is not 50... 40 and 50.

13

14 Mr. Lait: Commissioner, that doesn't necessarily... specifically your question I guess about the
15 40 or 50 between the hills and the flats but let me ask our consultant to give us some examples
16 of what 40 dB is and what 50 dB so that we have some context for the neighborhood. Michael?

17

18 Mr. Michael Thill: Good evening, Commissioners. This is Michael Thill, I'm with Illingworth and
19 Rodkin and we're assisting the City Staff with this Noise Ordinance update. To answer your
20 question, the 50 dBA and 40 dBA noise limits were established based on data that we have in

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1 our files from noise measurements that we've made in and around the City of Palo Alto. Based
2 on the very low nighttime noise levels that we'll measure over a 24-hour period and the actual
3 standards that we came up with seem to line up well with those ambient noise levels as well as
4 the noise limits that are established by other local communities.

5

6 Vice-Chair Chang: Great, thank you. That's really helpful context.

7

8 Chair Summa: Commissioner Templeton, is your light on? No, okay. Commissioner Reckdahl
9 and then Commissioner Lu.

10

11 Commissioner Reckdahl: I had a question on Slide 12, the Home Improvement Exception, if you
12 could bring that up? First, just a big-picture question is how does that work? Is it that a
13 Director's waiver or is that the Council has to approve that or how does one get a Home
14 Exception Improvement?

15

16 Ms. French: Sure, I'll explain and this is applicable for the R-1 areas as well as other areas that
17 can avail themselves on this, residential of course. And what this is a discretionary application
18 that there's a fee for and the Staff will compare the request to the purpose and the applicability
19 and findings for Home Improvement Exception and it is a Director's level decision. These are... it
20 is the same process flow as the Individual Review applications which are for two-story homes.

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1 So, if someone were aggrieved by the Director's decision, a tentative decision, they could call
2 up, ask for a hearing no charge and there can be a Director's Hearing that would... you know
3 they can present their concerns if they are aggrieved by a tentative decision. And then there's a
4 second decision made and that is appealable to Council following the Director's Hearing.

5

6 Commissioner Reckdahl: When you say it's appealable, if the applicant does not get approval
7 then they can appeal or can the neighbors appeal?

8

9 Ms. French: Both.

10

11 Commissioner Reckdahl: Both direction.

12

13 Ms. French: Yeah, depending upon what the decision. If it's a tentative denial and the applicant
14 wishes to protest that. The applicant can call a Director's Hearing, then there could be a second
15 decision and that could be appealed to Council. It could be either way; a neighbor who is
16 objecting or if it's a denial the applicant themselves.

17

18 Commissioner Reckdahl: Okay and I noticed one changes that was made from the Packet to the
19 supplemental to day was there use to be 2 dB limit and now that's limits (interrupted)

20

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1 Ms. French: No, it's been removed so that's it's a more generic statement. This new number 16
2 is to allow electrification equipment to exceed the Noise Ordinance Standards set forth in 9.10.
3 It doesn't say by how much and that was a conscious decision today to leave it open. Again,
4 because it gets confusing when you have a table and you also have this. It gets hard to put
5 together and understand. So, it leaves it in the Director's hands to make the findings and the
6 process to go forward if they can't meet the presume compliance on the chart.

7
8 Commissioner Reckdahl: Okay, but the original 2 dB, that must have been... come up with some
9 type of analysis that says this is what's going to be required. It makes me nervous not to have
10 any limit, that the Director can change and I don't know, I'm sure Jonathan, do you want to talk
11 to this or?

12
13 Mr. Lait: So, Commissioner Reckdahl, thanks for the question. So, up until this ordinance, and
14 presently as I understand it, there is no provision in the Home Improvement Exceptions to even
15 request this type of deviation from the standards. So, the 2 decibels that you are referencing is
16 part of that clean up that we were looking at today and I apologize again for the late memo on
17 that. I'll let our consultant speak to this so you can hear it from a person of authority, but at... as
18 I understand it 2 decibels is really almost imperceptible to hear. And so, going through a
19 process for a 2 decibel level change isn't very helpful for the person who's requesting it or for
20 Staff processing.

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Commissioner Reckdahl: Yeah, no I (interrupted)

Mr. Lait: So, [unintelligible]

Commissioner Reckdahl: I agree with that. To me, it was... I was more surprised that the limit was taken out. The 2 dB, that seems like that's [unintelligible] returns for the owner to have to pay a fee and do jump... do a bunch of hoop jumping for 2 dB. But as a result, now we have no maximums and so I'm curious about that but we can talk to the... if the consultant wants to voice his opinion I'd be interested.

Mr. Lait: I'll just I'll weigh in. I mean, certainly welcome the consultant to offer some perspective on that but this is really a policy consideration for the Commission to weigh in. If you... we... you know, we don't know all the different scenarios. We're trying to be flexible, we're trying to create opportunities to advance this technology and we see this as an opportunity to have a low-cost way to address challenging situations that we can't foresee right now. I will tell you if somebody says that they can't make that standard, we're going to require a noise study as part of that to document that it's not going to be impactful to the neighbor and we'll get some more data to be able to establish what an appropriate threshold is. We're not going to approve something that is going to be excessively loud but if the Commission felt that

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1 that judgement would not be consistently exercised from now into perpetuity. If you wanted to
2 establish a maximum limit here, we might want to ask the consultant to weigh in on what an
3 appropriate standard or dB limit it might be. Previously in the Code, we had 6 dB or currently
4 have 6 dB as a reference so I'll ask Michael if he thinks that's an appropriate standard to
5 continue or and then for the PTC to consider whether you want that standard or you want to
6 leave it open-ended. Michael?

7

8 Mr. Thill: Well, thanks, Jonathan. Getting back to what you are speaking about briefly about
9 noise levels. A 1 dB change in noise level is not detectable outside of a laboratory. A 3 dB
10 change is barely detectable and a 5 dB change is clearly detectable. A 10 dB change would be a
11 doubling of loudness. So, with regard to Commissioner Reckdahl's comment, an exceedance of
12 dB is probably not worth it but 5 would be on the order of something that the Commission
13 could consider.

14

15 Commissioner Reckdahl: Alright, yeah I was just... I was pondering there. On one hand, I don't
16 want to over legislate and if we trust Jonathan... I'm not so much worried about trusting
17 Jonathan but trusting the person that comes after Jonathan. His successor might not have the
18 same thoughtfulness that he has, but I would think we're already saying that they can go 6 dB
19 above ambient. So, I would think that we would want to limit that to maybe another 6 dB so it

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1 would be now you're a 12 dB above ambient. That's quite loud so I think that still would give
2 Staff a lot of flexibility. That's all, thank you.

3

4 Chair Summa: Commissioner Lu.

5

6 Commissioner Lu: My questions were answered through that exchange.

7

8 Chair Summa: Sorry, what did you say?

9

10 Commissioner Lu: Oh, I'm sorry, I had the same question as Commissioner Reckdahl on the
11 logical behind 6 and 8 and the changes there so my questions are answered.

12

13 Chair Summa: Okay, thank you, then we'll go on to Commissioner Akin.

14

15 Commissioner Akin: Thank you, Chair. So, I had several, I may have to split this up into two
16 parts. One for Staff and one for the consultant perhaps later. So, first, correct my
17 misunderstanding if I'm wrong about this but as I read the current version of the Noise
18 Ordinance. There's no Objective Standard, it's simple you would have to measure the local
19 ambient and then you're allowed to go 6 dB above that. Is that the current state of affairs?

20

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1 Ms. French: Yes, you're allowed to exceed noise 6 dB above the local ambient, that's how it's
2 written.

3
4 Commissioner Akin: Okay, so I borrowed a meter and I went out to the measure a few local
5 ambient and down here in the flats after 8:00 p.m. at night I measured 38 dB and without
6 traffic running that is local ambient conditions as specified in the ordinance. 48 dB during the
7 day, so one of the things that struck me about what I think I'm reading here is that we're saying
8 we can go to 50 at night and the cause is not necessarily electrification equipment. This is a
9 general floor on the ambient measurement that applies to the local ordinance Noise Ordinance
10 regardless of source. So, is that a correct interpretation?

11

12 Ms. French: The intent was electrification equipment as in 9.10.030 (c).

13

14 Mr. Lait: Yes, but you're correct, it would apply to other noise producing equipment. So, for
15 example, an air condition compressor would also be subject to these standards.

16

17 Commissioner Akin: Yeah, anything.

18

19 Mr. Lait: Noise-producing equipment.

20

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1 Commissioner Akin: Right, okay.

2

3 Ms. French: But we define electrification equipment specifically in the ordinance.

4

5 Commissioner Akin: Yeah, I think the... it's a worthy goal to try to make it easier to electrify and

6 I appreciate the presumed compliance approach. I think that's a good one and I like the general

7 structure here. I'm trying to get a handle on what the environmental consequences of that will

8 be and what are the unintended consequences like perhaps other noise sources will come into

9 play that we didn't anticipate when we were thinking about electrification alone.

10

11 So, yes, there have been a bunch of excellent studies in the last two years about the connection

12 between noise pollution and health. Particularly cardiovascular health, so I was a little worried

13 about the idea that we would be raising the noise floor to 50 dBA for all sources permanently

14 everywhere on the flats. So, there's... I have a little bit of a concern about that.

15

16 The other questions I have are more technical and I think our... should be directed to the

17 consultant. So, perhaps I can delay those and let everybody have a change to ask about the

18 local issues first.

19

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1 Mr. Lait: I'm happy to follow the Commissions lead on that. I would like to maybe offer a couple
2 comments, if possible. So, a couple things and maybe we can have the consultant weigh in on
3 this. I know for our own interest noise meters have a certain calibration and techniques that
4 you have to go through. And maybe your skilled and you know how this goes but I would like
5 our consultant to speak to that. Again, some of the data that we're relying on here, not only is it
6 consistent with other neighborhood... neighboring cities but also data that this firm has
7 collected. So, we should at least hear some of that information.

8
9 Commissioner Akin: In fact, that's one of my questions for the consultant was (interrupted)

10

11 Mr. Lait: Very good.

12

13 Commissioner Akin: Where was the local noise survey?

14

15 Mr. Lait: Okay and then I... a couple of things I wanted to note and again, understanding that
16 this applies to variable equipment, different equipment. But with respect to heat pumps, which
17 is sort of the new technology that we're... that is different from what we were experiencing in
18 the past with respect to the Noise Ordinance. A lot of this technology and I will acknowledge
19 I'm not an expert in this. And so, this is bits and pieces that I've picked up along the way and
20 welcome anybody who has different knowledge to weigh in and offer another perspective on

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1 this. But, the technology itself uses an inverter which has a variable speed and noise associated
2 with it and it's not always on like an AC compressor is always on. I know my neighbors are
3 probably not too happy with my unit as it needs to be serviced I think, but a heat pump will sort
4 of rise to the occasion and they're designed to be really efficient. So, they're not... there's
5 something else to think about in terms of how that noise is generated. Now, any noise, even if
6 it's ramping up at 2 o'clock in the morning, could still be bothersome so I don't want to
7 discount that at all.

8
9 And then, the other thing is just the... actually, I was going to get into some other aspects as to
10 why we think these numbers are some what conservative but maybe I'll let Michael speak to
11 that in terms of his experience and his studies as well. Okay, thank you.

12

13 Chair Summa: Commissioner Templeton.

14

15 Commissioner Templeton: Thank you, I really appreciate this discussion and I do like it quiet
16 and I do appreciate cardiac health so but sounds like Commissioner Akin has that covered.

17

18 I did want to respond to some comments earlier, I think that was Commissioner Reckdahl,
19 about writing in some absolute... addition absolute numbers for boundaries for the Director.

20 And in general, I oppose that kind of, for lack of a better term forgive me, I don't... I don't mean

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1 it exactly like this but that kind of micromanagement in the written stuff because we do have
2 another outlet if somebody in the Director seat where making a poor decision. We do have the
3 right to appeal and bring it to Council. So, I feel like there is an escape valve there that would
4 make it less necessary for us to write it in... write it down this way. So, just to share another
5 opinion, I do think we need to be mindful of it and I think we need to make sure that people
6 who have concerns are aware of that. So, that they can exercise their rights but we may not
7 need to Code it in. Thank you.

8

9 Chair Summa: Commissioner Hechtman.

10

11 Commissioner Hechtman: Thank you, so I'll... just to pick up on that, I also agree that the
12 process that's built-in provides sufficient protection. If our own Council can't make a proper
13 decision on how loud a piece of equipment can be then I think we have much larger
14 institutional problems.

15

16 I do think that the... really to my mind, the drawback of now having some sort of max is that the
17 people who are going to buy these pieces of equipment for their homes, they're by and large
18 not noise consultants and they won't know whether 3 dB is a little or a lot or if 12 dB is a little
19 or a lot. They're just not going to know and so there may be... because they don't know they
20 may become enamored with some model that's really loud and they just don't know it. But

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1 then they go through this process and they have to pivot whereas if they knew on the front
2 end, hey, this is advertised as making 75 dB and the limit is 50, so, you're going to be asking for
3 something that's 25, that might say oh, you know what, this is going to be too loud and they'll
4 look for something closer to the range. So, I'm not going to suggest we put in a max but I'm just
5 planting that seed for Staff to think about. That there could be a benefit in shaping expectations
6 of the applying public.

7

8 So, that's the first thing that I wanted to mention. The second, I actually wanted to get a little
9 clarification on our job tonight because in the Staff Report on Page 8 of 10, under discussion, it
10 says that our purview doesn't include recommendations beyond Titles 18 and 21, but you're
11 seeking our feedback particularly on Title 9 tonight because what happens in Title 9 may effect
12 what we think about 18 and 21, right? So, I get that and of course, Title 9 is where this new...
13 these new thresholds of 40 and 50 are going to show up and so we need to know that as we
14 think about the language in 18 and 21. Okay, I'm with all that. What I'm not getting is the title
15 of the item tonight is recommendations to Council regarding Title 18 and Title 9 and Chapter 9
16 and so but I don't think we're making recommendations on those things. So, when we get to a
17 motion, if you will help us parse that so we're staying in our lane.

18

19 Okay, third point, just... let's see, so we're defining... as Ms. French mentioned we are now
20 defining electrification equipment and this is one of my little ordinance pet peeves and we give

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1 it a definition and it's a capital E... Electrification, capital E, equipment. Alright, but then as you
2 roll through our beautiful new ordinance, it is seldom, if ever, capitalized unless it's at the
3 beginning of a sentence and electrification is never. So, chose a path, either don't have it a
4 capitalized defined term or define it and capitalize it and that happens maybe a dozen times.

5
6 I did have one... let's see, where is this? Section 2, Section 18.10.040, Development Standards
7 Subpart 1, five lines down you have a sentence that starts this way. "Except as otherwise
8 provided in this tile EVSE and energy storage systems, electrification equipment shall not be
9 located" blah blah blah. I don't... it's like you're missing some punctuation or a word there and
10 so if Staff will just look at that first clause and see if there's way to make it more legible.

11
12 Let's see, I had a couple more, if you're dropping out the heat pump which is little i then I
13 don't... then you've got your next one is a two little ii. So, that either becomes a one little i or if
14 it's the only thing you don't need any I's. So, it's a numbering thing and then finally, in Section
15 5, 18.40.060, we're just adding Subpart F which I think actually because it's only one underline.
16 This is something we discussed last December but it said "electrification equipment in
17 residential uses only when installed in a required yard, electrification equipment in any
18 associated housing screening" blah blah blah. What is a required yard? Do we know what...?

19

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1 Ms. French: That would be the... if I can answer? Setback would be what's the minimum
2 required yard would be more required.

3

4 Commissioner Hechtman: Okay, so can Staff look at that language and (interrupted)

5

6 Ms. French: Yes.

7

8 Commissioner Hechtman: See if the word should be setback instead of yard because I was like...
9 well, I should know what it meant. Yeah, if setback should be in there somewhere.

10

11 Alright so, those were my comments. I'm supportive of the direction Staff is taking on this. I
12 accept their mea culpa on the late delivery of the memo today and you know, actually, I wanted
13 to just say that I often say that one time does not make a habit. And I was... when I was thinking
14 about this memo being delivered with ordinance changes. I've been on the Commission 3 ½
15 years and while sometimes we get a late At Place Memo relating to some things that have
16 come in from the outside that Staff wants us to be alerted to, this is actually about the first time
17 I can remember in 3 ½ years having this happen, so I assume that there are reasons for it and
18 but I recognize that Staff I think labors to not have it happen so and I appreciate those efforts
19 which are the absence of a bad thing so you don't often notice it. Alright, thank you.

20

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1 Chair Summa: Commissioner Templeton.

2

3 Commissioner Templeton: Yes, thank you. I just wanted to ask for clarification because I know
4 why Commissioner Hechtman wanted us to do the capitalization thing and I did find one where
5 it was one big E and one little e on Page 8 under Home Improvement Exceptions. But is that...
6 where you wanting to be consistent because Ms. French referred to a list of equipment and
7 that needs... is that what that means legally? Is that what you're getting at?

8

9 Commissioner Hechtman: Well, I think and I don't know if Mr. Yang is here tonight, but often
10 times when you define a term, you define it with capital letters and then you use it with capital
11 letters in... across multiple ordinances to tell people hey, somewhere else in the Code we
12 actually have this... these aren't just two random words. These are actually defined in four
13 sentences some place and you better go look at that if you're not sure what it means. But when
14 you don't capitalize it (interrupted)

15

16 Commissioner Templeton: [unintelligible]

17

18 Commissioner Hechtman: Even though its defined, people don't know to go look for it and so I
19 do think it's Palo Alto's custom to try to capitalize the defined terms throughout the ordinance.
20 And so, I think this is just (interrupted)

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Commissioner Templeton: And is that the name of the list you were referring to Ms. French?

Ms. French: Electrification equipment Definition 49 that we are putting in the Code.

Commissioner Templeton: So, whenever the two words together throughout are used
(interrupted)

Ms. French: Yes.

Commissioner Templeton: Regardless of capitalization currently (interrupted)

Ms. French: Currently.

Commissioner Templeton: That's what you mean?

Ms. French: Correct.

Commissioner Templeton: And so that's why Commissioner Hechtman is saying let's be
consistent so that we all know what it's referring to.

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Ms. French: It's like a flag that's going up, yes.

Commissioner Templeton: Okay, thank you.

Commissioner Hechtman: Yeah and I think actually all the places where it shows up in the draft ordinances that we've been given. It's all new language. It might have been new from December but it's not... none of it is existing ordinance today with that... those two words together.

Chair Summa: Yeah, I just... I assumed on Packet Page 15 that Title 21 was just a typo because we're not... Title 21 isn't about... wouldn't be relative to this topic I didn't think. So, maybe (interrupted)

Ms. French: Well, Title 21, Subdivisions, is in the purview of the Planning Commission as is Title 18 whereas Title 9, Noise, is not normally. There's no reequipment, put it that way, for the Planning and Transportation Commission to give a recommendation to Council on this. It's so it's more... again because of the tangential nature of this (interrupted)

Chair Summa: I see.

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Ms. French: To the residential regulations.

Chair Summa: Okay, I don't have any technical questions. I don't see any speakers but I would just like to clarify that with Ms. Klicheva.

Ms. Madina Klicheva, Administrative Assistant: That is correct, no raised hands from the public and no speaker cards.

Chair Summa: So, if somebody pops up you better put your hand up quickly. Otherwise, we'll bring it back to the... I see that Commissioner Akin has his light on so we'll bring it back to the Planning Commission.

Commissioner Akin: Thank you, Chair. So, I had a couple things I wanted to follow up with Mr. Thill if possible. The first one is how are the equipment noise level ratings validated. How much can we trust the table that we have before us?

Mr. Thill: That's a good question. The equipment ratings table was based on an evaluation of about over 100 different pieces of equipment that had been installed recently in Palo Alto as well as other equipment that we could find in our research. So, what we did is we looked at all

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1 of these different types of equipment, these are data reported by the manufacturers following
2 certain noise measurement protocols and they're considered accurate for the purposes of
3 doing an assessment like this.

4

5 Commissioner Akin: So, there is some standardized procedure for measurement which we
6 believe the manufacturers have all followed.

7

8 Mr. Thill: Correct.

9

10 Commissioner Akin: One thing I really liked by the way is the suggested guidelines that were
11 prepared and among other things, they'd mentioned the possibility of noise barriers. And I
12 think all of us understand the potential problems with full enclosures but barriers are a
13 different thing and may be extremely useful. So, the question I had for Mr. Thill was did you
14 evaluate various techniques for noise barriers and do you have any recommendations that we
15 should know about along those lines?

16

17 Mr. Thill: Right, so in order to provide a creditable worse case analysis, these setbacks do not
18 consider noise barriers, reflections and other complicating issues. These are just the setbacks
19 required to allow the natural attenuation and meet the noise level at the property plane.

20

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1 The Palo Alto Noise Ordinance specifically mentions the property plane. So, if you have a
2 situation where you have a second-story bedroom looking down on this equipment. You know
3 a typical noise barrier is not going to interrupt the line of sight and provide any additional
4 attenuation.

5

6 Commissioner Akin: Right, I'm getting at this a bit by analogy. A barrier of... there will be
7 barriers of certain sizes and types which couldn't exist in a setback, but there may be others
8 which could. In the same way, lets say a trellis can exist in a setback today or something like an
9 interior... a light interior structure. So, the particular technology you have available to you for
10 use as a noise barrier might be interesting to know something about because you might be able
11 to construct a barrier that's effective even when you're very close to the setback. And my goal
12 here is not to enumerate all of those tonight but simply to make sure that that information is
13 available so that the suggestions that are given in the guidelines could be pursued. I understand
14 our purview doesn't include Title 9 but if I were designing everything from scratch. One of the
15 things that I would consider is are there any of those recommendations in the guidelines that
16 Council might want to say are mandatory. And so, information of that kind might be useful
17 when they have to make that decision so that's why I'm bringing that up.

18

19 And the last question for Mr. Thill is about surveys, so what kinds of ambient noise level surveys
20 have been performed? How comprehensive where they? How old where they?

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Mr. Thill: For this particular project we did not conduct an ambient noise survey throughout the City of Palo Alto. What we did was we mined through our existing data for projects that we had worked on in the past. We looked at the daily trends and noise levels and looked at the... what is defined as the ambient or it's the L-90 noise level. So, it's the noise level that's exceeded 90 percent of the time and we looked at those levels and found that in most situations the nighttime ambient was somewhere between about 42 to 44 dBA. And based on the existing Palo Alto Noise Ordinance and the allowance of that 6 dB above the local ambient and again, it lined up pretty well with the thresholds that make sense for nighttime noise. These thresholds are... I wouldn't say they are conservative because... but they're not at a level where we would expect substantial compliance.

So, again the purpose of this update was to facilitate the electrification and Jonathan and others kept pushing me but these are about the highest noise levels that I would be comfortable recommending to the Commission.

Commissioner Akin: Thank you, that's all I have.

Chair Summa: Thank you. Commissioner Chang [note -Vice-Chair Chang] and then Commissioner Lu.

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Vice-Chair Chang: Thanks. I just had a quick question about part of the proposed Code and so if I understand correctly so for the proposed ordinance for 9.10.030, Residential Property Noise Limits. We're going to strike C little i but we would keep C little two i, right which says electrification of equipment in areas with local ambient noise over 50 dBA shall be subject to generally applicable noise standards. And I just wondered what that meant, like what does that mean in action? So, if I have a piece of equipment in an area where the local ambient noise is very loud already, say right by the train. Then if its subject to generally applicable noise standards, I just can't exceed... is it just then that I'm bound by 9.10.030 (a) and (b), or is it something else? I'm just trying to understand what that part of the Code is saying.

Ms. French: Yes, if I might through the Chair, the regular A and B would be applicable then. So, if the... let's say its 52 dBA, that's the local ambient, then it would be 6 above that. That's what that's saying.

Vice-Chair Chang: Okay but I'm confused because aren't defining that basically all of Palo Alto is either going to be 40 or 50? Isn't that what we're defining?

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1 Ms. French: Well, we do have areas that are over that, like I was saying earlier near Highway
2 101. That you get or near El Camino that starts to be... the CNEL at least, that's the weighted
3 average over the day, is more closer to 70 and then so we would allow a 76 dBA at that point.

4

5 Mr. Lait: So, I'm sorry, so Commissioner Chang [**note – Vice-Chair Chang**]?
6

6

7 Vice-Chair Chang: Yes.
8

8

9 Mr. Lait: Thank you for flagging that and the intent of this provision is to address those
10 scenarios where the ambient exceeds 40 in the hills and the 50 in the flats. And I recall as we
11 were sort of scrambling around this afternoon making some adjustments. I think this is was
12 another item that we were going to slightly modify and I don't know if Mr. Yang is able to join
13 at the movement or not, but I think this is one that we maybe wanted to tweak a little bit
14 further. Mr. Yang, I see your camera is on. Do you recall for new C Romania I? I think we were
15 going to adjust that 50 dBA standard and make it a little bit more general.

16

17 Mr. Albert Yang, City Attorney: Well, so it's 50 because the table... it's not 50, it's above 50
18 because the table covers areas where the ambient is presumed to be 40 or 50 and then if you
19 have an area where in actuality the ambient is above 50. Then you would be... you wouldn't be

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1 covered by the table anymore. So, that standard is meant to address the situations that the
2 table does not.

3

4 Vice-Chair Chang: Okay, but I'm confused because if I look at 9.10.20 which has definitions. It
5 says "for the purposes of this chapter, in no case shall the local ambient be considered or
6 determined to be less than 30 for interior noise, 40 in the Palo Alto Foothills area and 50 in all
7 other sections". So everywhere else, so we're just defining it.

8

9 Mr. Yang: Right, okay so in all those... in those areas (interrupted)

10

11 Vice-Chair Chang: It's less than 50, I see. Okay, so it could be greater than 50, I see.

12

13 Mr. Yang: Yeah, if you live in a particularly noisy neighborhood that's when that little C (i)
14 comes into play.

15

16 Vice-Chair Chang: Okay, then if I live in a noisy section and I want to install electrification
17 equipment. Theoretically, I could be allowed... I mean I could use this table and I definitely
18 would be well within reason to use this table but theoretically, I could be allowed to install it
19 even closes to the property line, but then where would I be? I would need a noise study in
20 order to do that.

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Mr. Yang: That's right.

Vice-Chair Chang: Okay.

Mr. Lait: So, agreeing with that and also saying the equipment would be no closer than 3-feet and if you had an equipment that you wanted to place and it was louder than ambient. The references to the other section of the Code that allows for 6 dB above ambient. So, if you're in that noise neighborhood and you want to put in a heat pump. We would... understand we would measure and understand the ambient noise level and then you can go 6 dB above that with your equipment.

Vice-Chair Chang: Right and I'd have to be highly motivated because I'd have to go through all that trouble in order to do it rather than relay on the table. Okay, great, thanks. That's just... I just wanted to kind of go through that exercise to understand, if I fall under that bucket what do I do but that's helpful. Thank you.

Mr. Lait: Thank you.

Chair Summa: Commissioner Lu.

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Commissioner Lu: I'll start with a set of questions that kind of pick up on that thread. So, if I were in a multi-family unit, how exactly would the setbacks and the tables work? Like say, I live directly on top of my neighbor, what would happen in that situation?

Mr. Lait: So, I guess there's a couple things that I'm thinking about. As a tenant, you... one would be working through your property owner, landlord... you know, individual tenants probably wouldn't have that... install a heat pump system but maybe. But in any event, you're still subject to the same setbacks and so, on a multi-tenant building the setbacks are the same regardless of where the units is located. So, you still have your sides and your rear yards. You... maybe in... and maybe I'm misunderstanding your question but if you're in a five-unit apartment building, your setbacks are the same and it's the property owner that's going to need to install that or authorize it's installation in a way that would conform with the standards.

Commissioner Lu: Got it, so I own a condo and I'm on a stack of three units and so basically I could theoretically place it anywhere within this setback within the whole property line for the entire multi-family property as long as my neighbors presumably agree with that.

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1 Mr. Lait: I mean I think there's CC&Rs and other regulations that would come into play so I
2 wouldn't want to give advice on that but.

3

4 Commissioner Lu: Right. Yeah, just wanted to say and check that. First of all, or secondly, when
5 we considered the neighboring city's noise standards and there were minimum or maximums
6 like 40 or 50 for nighttime ambient. Did those cities also have variations like exceptions for El
7 Camino or 101 or things like that?

8

9 Mr. Lait: Michael, do you have insight into that?

10

11 Mr. Thill: I can't tell you off-hand because I have not memorized the Municipal Codes of all of
12 these cities but based on my experience, typically when the ambient exceeds the noise limit.
13 Then the ambient becomes the limit or the ambient plus some number becomes the limit. So,
14 there's typically any adjustment so that we're not saddling somebody with a noise limit that
15 can't be achieved in a louder noise environment.

16

17 Commissioner Lu: Got it, okay that makes sense so other cities will likely have that kind of
18 variable adjustment. I mainly ask this thread of questions because Palo Alto would be the only
19 city then with two different thresholds. Depending on where in Palo Alto you are and I wasn't...
20 it's not obvious if that's a problem or extra complexity but it is... it's arguably or potentially not

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1 necessary. Can you elaborate on why we came up with two numbers and the specific
2 motivations for 40 versus 50?

3

4 Mr. Thill: Yeah, again Palo Alto has a very urbanized area down in the flats which is very similar
5 to East Palo Alto, Los Altos, Menlo Park, Mountain View, Sunnyvale and then they also... there
6 are also areas where it's in the Foothills. And again, very similar noise environments to Los Altos
7 Hills, Portola Valley, etc. So, really we recognize early on that we needed to have a more
8 restrictive nighttime noise standard in the quieter areas as opposed to the louder areas.

9

10 Commissioner Lu: Got it, so the motivation is really just to make sure that the areas that are
11 quiet right now will be continued to be quiet going forward.

12

13 Mr. Thill: Correct, we... the variation in Palo Alto is such that a single number would not
14 effectively regulate at all properties throughout the City and probably goes back to the reason
15 that the ambient was always the defining point for which a noise exceedance was based upon.
16 However, having to understand what the ambient is and predict what the noise level... if the
17 noise level would be exceeded by 6 dB is quiet an effort when we're talking about installing
18 pieced of equipment like this.

19

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1 Commissioner Lu: Okay, got it. I would generally push back against extra rules where other
2 cities which do not exactly have as much open space but still have much quieter areas and
3 much more urbanized area. If they can... areas that they can mostly get by with one maximum I
4 would generally push back. I don't think I would actually push back in this case because I know
5 it seems relatively straight forward to actually manage. Just to confirm, where's the dividing
6 line between the Foothills and the flats?

7

8 Ms. French: We haven't created a map for that, so that's one area where if somebody where to
9 say show us the boundary. We don't... we haven't done that.

10

11 Commissioner Lu: That actually feels quite confusing since there are a lot of hilly areas where
12 you could reasonably argue you are... you feel like you live in the Foothills. Even though you
13 area on one side of 280 or one side of Junipero Serra or something like that. I'll have to think
14 about that and how weird that gets if we don't have a map.

15

16 Mr. Lait: I'm sorry Commissioner, if I could just weigh in on that. So, we will... I do think there's
17 some reference materials available to us in the Comprehensive Plan and maybe some other
18 documents. So, we'll take a look at that but again, I want to note that provision that we were
19 referencing just a moment ago, Section C Romania I, would then address the situations where

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1 in those different environments. If you exceed the ambient or if your ambient is louder than 50.
2 Then there's a way for addressing that too.

3

4 Commissioner Lu: Okay, yep and (interrupted)

5

6 Commissioner Templeton: I have a follow-up, but I'll wait till your done Commissioner Lu.

7

8 Commissioner Lu: Oh, I had one last question which is just looking through the application so
9 far I think in Item 2. It's for heat pumps, it seems like the vast majority are for single-family
10 homes. Though condos, apartments and multi-family units are around 40 percent or more of
11 our total housing stock. So, in general, I'm just curious what we've considered to help multi-
12 family building electrify and if we have... what other measures we might have considered or
13 what other measures might have worked in other cities? So, that's for both consultants... the
14 consultant and Staff.

15

16 Mr. Lait: So, with... if I can clarify your question, what incentives are we looking at for advancing
17 heat pump technology or other green technology for rental properties?

18

19 Commissioner Lu: Or for owner-occupied condos as well. Yeah, is there anything in particular
20 that we can do or we have thought of doing; or do we just think condos are kind... and

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1 townhomes and things like that are kind of covered well enough with these measures and don't
2 need anything additional?

3

4 Mr. Lait: So, I think there's couple things. One is, I mean what we're dealing with here is I guess
5 the starting place for this exercise is the City has an expressed interest to advance this
6 technology and facilitate our ability to issue permits for this, and not have the department to
7 be sort of a road block toward implementation. And so, from that lens that's why we have the
8 ordinance that's before you today because we are looking at location and placement of the
9 equipment on property and with consideration to the adjacent properties. So, that's the
10 perspective we've taken. It's a very physical location on a site that we're trying to manage.

11

12 I know our utilities operation is working on a variety of incentives that would include
13 apartments and single-family homes, properties. I just don't have a lot of knowledge about that
14 but we can see what we can get from our colleagues and pass them along to the Commission as
15 way of information that on things that we are doing. Incentives that the City is offering to
16 extend those offers to... opportunities to apartments and condominium owners would also
17 presumably be eligible for similar incentives that are available to single-family property owners.

18

19 Commissioner Lu: Does the consultant have any takes on what could actually work for multi-
20 family electrification in an ordinance?

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Mr. Thill: I think again from this perspective we were looking at this as a creditable worse case. I think for multi-family units, for condos, this type of equipment is normally placed on the roof of the building. I've seen retro fits where they put it right outside of the unit but I think again in a condo-type setting that would be pretty difficult to have everybody approve the...

Commissioner Lu: Okay, it sounds like the take away for me is generally that condos are of course much more complicated for individual owners because of HOAs and the proximity of neighbors and that there is no specific plan or ambition to accelerate the electrification of condos in particular versus single-family homes. Yeah, that is the end of my set of questions.

Chair Summa: Thank you, I think Commissioner Templeton has a follow-up question and then we're going to go to Commissioner Reckdahl.

Commissioner Templeton: Yes, apologize to Commissioner Reckdahl, I know you've had your hand up. I just wanted to as close to when the statement was made by our consultant as possible object to the idea that Palo Alto can be classified into the hills and not the hills. It's extremely offensive and it's classist. And we should have the ability to maintain our quiet down here in Barron Park and Professorville and anywhere else as they do in the hills and I don't understand what that's based on. My neighborhood is very quiet, there are other parts of town

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1 I imagine are not as quiet and I understand that but I just... the whole idea of painting Palo Alto
2 with just two brushes in this very broad way is very problematic as far as I'm concerned. So,
3 I'm... I did want to ask that as a question but since Commissioner Reckdahl has been waiting so
4 patiently I can come back to all that later, thank you.

5

6 Chair Summa: Well, he's going to have to wait a second more because I have a follow-up to
7 your follow up and I was thinking along the same lines but somewhat differently. Not that I find
8 it offensive but I find it to ridge because for instance, in my neighborhood, I happen to live, and
9 my next-door neighbor, happen to be in two non-conforming houses. We're both really close to
10 the property line. I hear everything they do, okay but I have a neighbor half a block away who
11 has a really big lot and it's super quiet. And I'm on a traffic circle and it's nosier so I also have a
12 problem with that and I just wanted to follow onto the follow on but I am not, since I have state
13 that, going to get Commissioner Reckdahl speak.

14

15 Commissioner Reckdahl: Yeah, first to answer Commissioner Lu's question, other cities have
16 multiple categories. I mean Los Altos I know has three categories and I haven't done a survey
17 but I suspect other cities are in the same boat as we are. So, I don't think that we're doing
18 anything unique by having two different categories.

19

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1 So, I share Commissioner Akin's concerns about we're doing this for electrification but we're
2 also going to end up loosening the noise for every other source. Whether it's gas generators or
3 lawn mowers or anything like that and do we need to do that? Can we structure this so that this
4 relaxation is just for electrical equipment? And other things, you forgot both you have a car and
5 a motorcycle, wouldn't we be loosening that... the noise that could be created by that vehicle
6 too?

7

8 Mr. Lait: So, I don't believe we're talking about automobiles which is regulated under other
9 statutes, but the equipment, and I'll ask Mr. Yang to maybe weigh in on here on this topic as
10 well as you're able. You know, there isn't... while we're trying to advance electrification
11 technology, the... it's not that much different than an ac compressor and the ac compressor
12 technology is also improving as well. So, we didn't see a need to distinguish between the two
13 types of technologies.

14

15 Commissioner Reckdahl: So, this ambient... I have a question about the cars and motorcycles. Is
16 it relative to ambient or how's it legislated?

17

18 Mr. Lait: I think it's different state laws and I'd have to ask our Assistant City Attorney to weigh
19 in.

20

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1 Mr. Yang: I'm actually not entirely sure either but imagine it's regulated by the State. It's
2 certainly not something that we regulate ourselves on a vehicle-specific basis.

3
4 I guess as far as the concern about are we increasing the local ambient for all purposes? It could
5 be, it could be more tailored. You know that's the approach that we've proposed is that it
6 applies across the Noise Ordinance but it could be an increase that only applies for the
7 purposes of electrification equipment.

8
9 Commissioner Reckdahl: I have a question for Staff, oh.

10

11 Mr. Yang: Sorry.

12

13 Commissioner Reckdahl: For... in our history when we get noise complaints, what's the most
14 common source of noise complaints? What kind of equipment is the biggest offender?

15

16 Mr. Lait: Leaf blowers.

17

18 Ms. French: And sometimes generators.

19

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1 Mr. Lait: But we don't have the precise numbers before us right now so we're just telling you
2 what comes to our mind.

3

4 Commissioner Reckdahl: Yeah, I understand. Is there any (interrupted)

5

6 Mr. Yang: I guess one suggestion (interrupted)

7

8 Commissioner Reckdahl: Oh, go ahead.

9

10 Mr. Yang: That I would have if we wanted to do a more tailored approach is to move the sort of
11 regulations, setting these presumed ambient levels from the definitions into Section 9.10.030
12 (c). So, the definitions would remain unchanged and then in that Section (c), we could say for
13 purposes of electrification equipment, the ambient will be considered X in these areas and Y in
14 other areas.

15

16 Mr. Lait: Maybe I'll just weigh in and thank Mr. Yang for identifying a solution to maybe address
17 a potential interest there but I will note from the other side of the counter from an
18 administrative standpoint. It's not great for us to have different standards for one piece of
19 equipment versus another piece of equipment that substantially does the same thing. We're
20 trying to advance electrification efforts and we have a lot of incentives. This is just one of many

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1 tools that we're trying to employ so I would encourage the Commission to not bifurcate the
2 standards into two pieces of equipment.

3

4 Chair Summa: I or are... Commissioner Reckdahl, are you finished?

5

6 Commissioner Reckdahl: Yeah, I'm done, I'm done yeah.

7

8 Chair Summa: I thought you were pondering. So, I have a lot of concerns about this and the
9 more I hear my colleagues talk, the more I feel like what we're doing is one, assuming... making
10 assumptions about current ambient noises. I mean Commissioner Akin said his ambient noise
11 was less than what would be considered and he lives in a dense part of Palo Alto. So, I'm
12 concerned about that and I'm concerned about another thing that hasn't been brought up and I
13 think the cheaper equipment is noisier. I think that's probably a generalization but I think from
14 what I read we can assume that's true. And given how many of our residents are renters, even
15 in single-family homes, I'm worried that landlords... we have a lot of people that own property
16 that don't live in the City. And they'll buy the cheapest equipment which will be noisy and that's
17 going to be the renters or next-door renters having to complain about it and worry about
18 repercussions from... to their rent or whatever because of it. I think it's kind of problematic. I
19 just feel like maybe 40 and 50 is not only not flexible enough but I think it's going to result in
20 equipment that might be too noisy.

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2 And I think it's really sad on Packet Page 30, Equipment Place Recommendations, those three
3 bullets I think... I just wish they could be woven into... changed into requirements. And I
4 understand how hard this is to do to try to get one standard all over the City but those bullets
5 are really good but they're recommendations. So, people don't need to follow them and I also
6 think people may chose cheaper equipment out of necessity. So, and then what do we do if
7 somebody chooses really cheap equipment and their neighbor or someone complains? Do they
8 have to then go take that equipment out and buy quieter equipment? Like it becomes difficult
9 so I... and also I don't see anything in the... in what's being proposed in the ordinance that
10 would allow somebody who has a particularly quiet location, despite being in the 50 dB area, to
11 ask for their actual ambient to be respected.

12

13 So, kind of sums up some of my concerns and I'm not I think... I mean I want to make it easier
14 for people to put... have flexibility about where they put the equipment because that makes a
15 lot of sense to me. Especially given all the non-conforming situations but I'm sure I feel as
16 flexible about the impacts of sound and that this might be a little too broad. So, with that, I will
17 go to Commissioner Hechtman.

18

19 Commissioner Hechtman: Thank you, so Commissioner Reckdahl had used the term loosening,
20 we're loosening our noise standards and I thought this really tied into one of the early

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1 questions by Vice-Chair Chang. When she was looking at the language at the top of Page 9 of 10
2 where we have this... as written it said, and this is just a descriptor but from Staff, “raise the
3 local ambient noise level” and I thought our Director had spoke to that. That’s really kind of a
4 misnomer. Maybe that piece of the Staff Report, which is not ordinance language, it’s just an
5 explanation to us, could have been written a little differently because we’re not raising. And so,
6 I’m not... I don’t know that we’re raising or loosening.

7

8 I do think that... you know, what’s before us tonight is an effort by Staff as directed by the
9 Council to try to remove barriers to electrification and one of... a significant barrier to
10 electrification would be if every time you wanted any kind of electrification equipment, you had
11 to go do a noise study and that’s what would be required if the requirement was site specific.
12 So, if... you could only ever go 6 dB above whatever was there on the day you wanted to put the
13 equipment in, then every time you want to put a piece of equipment in, you’d have to measure
14 the sound and so I just think that’s unworkable. So, I do think that we... I don’t disagree that
15 there are quieter parts of town. There are quieter parts of every neighborhood compared to
16 others. I mean I live on Channing and my street has a little more noise than Hamilton, one block
17 behind it, just because there’s more traffic. And so that’s just part of living in an urbanized area
18 but we also get to sort of share the benefits of living in an urbanized area. And sometimes we
19 share the detriments by carrying this generic sound level that maybe helps us a little more than

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1 our neighbors or hurts us a little more than our neighbors. But I think that that's what cities do
2 and all the cities around us, we have how they do it.

3

4 I do think it's kind of interesting this... and I hadn't really thought about it until Commissioner
5 Templeton brought up this kind of classism. I hadn't really thought of it that way and I think our
6 sound consultant is some kind of engineer and he probably didn't either. It's very logical, right
7 you've got communities up in the hills that are generally a 40. We've seen the numbers and
8 down is 50 and I do think it raises the question that Commissioner Lu brought of where do you
9 draw the line? I don't think we have to do it. I think we could have a City-wide standard of 50
10 but what it really means is... I mean people do go up into the hills, wherever you draw the line,
11 to less dense areas and pay for it because they want it a little quieter and so as a practical
12 matter, it's quieter. I don't know what happens if we say you can go to 50 dB there. Does that
13 give... does that allow a neighbor to put in some louder equipment up in the hills than they
14 could if the limit was 40? That's kind of a curious thing to me and then I guess that's when I
15 think about the risk of somebody buying the cheapest equipment.

16

17 And I would agree that there's probably always going to be temptation to buy the cheapest and
18 logically the cheapest will often be the noisiest. But this whole process, you have to go through
19 a process, right? So, it's not... so you don't just have... you just don't buy whatever you want.
20 You are going to get a permit and the thing will have specs and if you buy... if you... the specs

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1 you turn in are the cheapest and noisiest, that will show up and it will either fit or not fit our
2 ordinance. If it doesn't then you have to go through more process. So, I think... again, I think
3 the... we're protected somewhat against that and if you get a cheap one that's quiet and it
4 complies with the ordinance, great.

5

6 Chair Summa: Commissioner Templeton.

7

8 Commissioner Templeton: Thank you. Yeah, I keep thinking about this phrase, I believe
9 Commissioner Akin mentioned it tonight, unintended consequences. And I understand that our
10 goal is to make it easier to electrify our appliances and nobody is arguing that. I think what
11 we're discussing is what are some of the unintended consequences of the policies that are
12 proposed that are focused on the benefit without talking about what the possible
13 consequences might be. So, the concept that comes to mind is we bought our home in a lovely
14 quiet part of Barron Park and before... we bought it in 2012 before the FAA changed the routes
15 of the airplanes. And I will argue that that very minor decibel change of having an airplane fly
16 over our house every 3 minutes or more frequently depending on. Certainly, it was noticeable
17 to us and changed our enjoyment of outdoor space. So, I just wanted to say that as well-
18 intentioned as it can be to talk about that, we also have to think about if it went the other way.
19 If it didn't go towards our ideal, what would it be like for other people who are affected by it?
20 Thank you.

-
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Chair Summa: Commissioner Reckdahl, then Commissioner Lue.

Commissioner Reckdahl: Yeah, I want... are we... what is purview here? Is that... I mean I understand that this allowing electrification equipment in the setbacks, that would be our purview and perhaps even allowing relaxed noise restrictions would be our purview for that equipment. But for changing the general City-wide Noise ordinance, is that Planning and Transportation?

Mr. Lait: So, again we're here because one we told you we would come back when were here last time exploring other encroachments into setbacks and we realized that we needed to get a little bit more information to have a little more context for noise-producing equipment inside yards. So, we're here, we would like your input and would like to forward a recommendation to the Council whether this is a bad idea and don't do it, or we need more information, or go ahead and let's check this out and give it a try. Whatever your recommendation is, we... I know that the Council's interested in getting the rest of the Packet of electrification enhancements before them so that they can review it. So, we're just looking for your input, we're just looking for your thoughts on the recommendation. Again, we're... I think it's been stated many times here and by myself and others, we're looking to find ways to reduce the regulatory process of installing this equipment without adding unnecessary cost or time a homeowner or anybody

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1 else who might be wanting to install this. And we believe based on actual data that has been
2 collected by our consultant over time that based on our Code today, based on those studies,
3 that the numbers that we're presenting here are not unreasonable. That they are actually very
4 consistent with the findings that we've had in the field, plus the 6 dB that you're allowed to do
5 by Code today. We're not breaking new territory here, we're not pushing the boundary. We're
6 reflecting what can be done today and we're memorializing it in a table. So that we cannot have
7 to require a... to establish a presumed compliance level so that we don't have to require all
8 these reports. Sorry Commissioner, I think I went a little bit beyond your stated question.

9
10 Commissioner Reckdahl: Yeah, I have a follow-up for the consultant. When he was talking to
11 Commissioner Akin earlier, he was saying that his... from his measurements in Palo Alto it was
12 43-44 dB and then he said with the 6 dB that raises it to 50 and that's why he thought 50 would
13 be a reasonable number. But 50 is what we're considering to be the floor for ambient, not the
14 limit for noise, so can the consultant clarify his math for that?

15
16 Mr. Thill: No, that's... these 40 and 50 dB, these are standards or limits. These... we're not
17 adjusting these or allowing for an exceedance above that.

18

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1 Commissioner Reckdahl: Okay, so that's not the way the ordinance is written then because the
2 ordinance says that ambient cannot be any less than 50 and that people can go 6 dB above
3 that. So, that would be a limit of 56 dB that people could meet.

4
5 Mr. Lait: We're actually moving away from that standard. That's the existing standard today to
6 do 6 dB. We're replacing that standard with the table and the table requires that depending
7 upon where you are in the City either a 40 dB level or 50. And the... because noise, and I'll say
8 something here and our consultant can correct me if I'm wrong, noise dissipates over distance
9 and that's why we have these additional setbacks for the equipment as it gets louder. So, we're
10 not adding 6 dB to the table. The table is the standard and if we're looking at (interrupted)

11
12 Commissioner Reckdahl: Okay, so Commissioner Chang asked earlier (interrupted)

13
14 Commissioner Templeton: [unintelligible] I'm sorry Commissioner Reckdahl. Can you display the
15 table, the printout we have is in like 4 point.

16
17 Commissioner Reckdahl: So earlier tonight Commissioner Chang [note – Vice-Chair Chang] was
18 asking what happens if I live in an area where the ambient is 70 dB and I wanted to have louder
19 equipment? Well, even if she... even if you did a noise survey and showed that your ambient

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1 was 70. If you're stuck with the table then you can't go any higher. Is that the way it is? You're
2 stuck with the table regardless of whether your ambient is above 50 or 60?

3

4 Mr. Lait: No, the way the ordinance is drafted in the At Place Memo is we say that if you are
5 over the ambient. If you're neighborhood exceeds 50 dB then we default back to the existing
6 provision in the Code that says you can go ambient plus 6 dB and the table has no consequence
7 for... it does not apply in that situation.

8

9 Commissioner Reckdahl: Okay but the wording in ordinance right says under no conditions
10 would the ambient be below 50 dB and so that to me like we're kind of mixing and matching
11 terminology.

12

13 Mr. Lait: So, what we're saying... if I'm understanding the question and what we're trying to do
14 here is we're establishing... because we don't what the ambient is at your property or the one
15 two blocks away from you. So, what we're doing is establishing a presumed ambient level of 50
16 dB for most of the City and a presumed ambient level in the hills of 40 dB.

17

18 Commissioner Reckdahl: Yeah, the concern I have is that sometimes we said it was ambient
19 plus 6 dB but here we're saying the ambient is 50 you can't go 50 plus 6 dB. So, it's almost like
20 we have apples and oranges both called ambient.

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Mr. Lait: Maybe I'll ask our consultant maybe to help if he's got some perspective on that. I don't think we're mixing things. I think what we're saying is we want to be able to quickly and efficiently be able to approve this technology for use and we're saying depending on where you are in the City. Here's the... we're going to assume that this is the ambient level and we don't... and the actual ambient may be less than that.

Commissioner Reckdahl: Yeah, I understand for low levels you use the table, for high levels you use ambient plus 6. That makes sense to me. To me, it's the terminology I'm arguing about so but maybe the consultant can chime in.

Mr. Thill: Yeah, I would agree with you that the references to ambient do tend to confuse the language. With regard to the electrification, the noise limit or the noise standard is either 40 dBA or 50 dBA and there's no adjustment based on the ambient.

Commissioner Reckdahl: Okay, thank you, that's all.

Chair Summa: I have Commissioner Lu then Commissioner Akin.

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1 Commissioner Lu: I appreciate Director Lait grounding the conversation in terms of the scope of
2 the changes and how it is mostly incremental. So, I have one question and one comment.

3
4 The question is for the consultant, the kind of most notable other piece that was discussed last
5 time this came before the PTC was the encroachments into front setbacks and side setbacks. I
6 don't have in front of me right now but has the consultant looked at that and does that
7 generally check out, or are there any other alternatives we could look at in terms of a more
8 reasonable setback encroachment? Reasonable in air quotes, I'm not sure what a more
9 reasonable encroachment would actually look like here.

10
11 Mr. Thill: Well, I mean this is a tradeoff that you have to make a decision upon. You can either
12 allow the electrification in an encroachment but you have to consider that there could be
13 increased noise due to that.

14
15 Commissioner Lu: But the encroachment doesn't change the requirement in terms of like the
16 noisiness of the equipment. So, if you encroach more, you just have to purchase presumably
17 more expensive quieter equipment on average, right?

18
19 Mr. Thill: That's correct.

20

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1 Commissioner Lu: Okay, so the encroachment doesn't materially affect the sound levels for the
2 generally public at all and we could just allow the biggest encroachment that seems
3 aesthetically reasonable or safe for fire purposes. And that wouldn't have any impact on the
4 ambient levels because the ambient levels are already defined in the Noise Code and the table
5 in terms of distances and the decibels of equipment, right?

6

7 Mr. Thill: Correct and the table allows for an encroachment up until 3-feet from the property
8 line which I think is the minimum that's allowed in any case.

9

10 Commissioner Lu: Encroachment until 3-feet. Oh, thank you for pulling this up. Okay, right,
11 right, okay. So, 3-feet is the minimum lane for fire or other purposes and we are... are we
12 specifying anywhere actually in this ordinance or where are we specifying the ordinance the
13 amount of encroachment that is permissible?

14

15 Mr. Thill: I think I'll have to point back to either Jonathan or Amy to answer that question.

16

17 Commissioner Lu: Yeah because I'm actually not sure, are we actually saying that as long as the
18 minimum of 3-feet you can encroach as much as you want into the side setback? I am looking
19 at that and I'm realizing I'm a little bit confused on that point.

20

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1 Mr. Lait: Thank you, we're looking at that now. Did you find it or no?

2

3 Ms. French: No.

4

5 Mr. Lait: Okay so thank you, we'll... we have it in the table in the At Places Memo but when the
6 Commission gets to making a motion I think one of the things we'd like to do is be more specific
7 about that. And say noise producing equipment can encroach up to 3-feet, or maintain 3-feet
8 clear to the property line. Okay, so we do have a reference in... on (interrupted)

9

10 Ms. French: Page 6 of the ordinance.

11

12 Mr. Lait: Page 6 of the ordinance, that it's minimum of distance for fire safety and so what...
13 maybe what we'll so do is put a parenthetical reference to 3-feet on there.

14

15 Commissioner Lu: Okay, got it. I'm trying to remember what the exact conversation was from
16 the previous PTC meeting but it was something like 2-feet or 4-feet into the actual side setback.
17 And so instead we're saying as long as there's a minimum of 3, you can encroach as much as
18 you want basically and as long as you meet all the other noise requirements. That's the kind of
19 default statement suggested right now, right?

20

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1 Mr. Yang: Well, it's not really you can encroach as much as you want. It's just saying you can
2 increase... encroach up to the distance that's in the table.

3
4 Commissioner Lu: Okay so encroach up to a 3-feet, okay. Okay, I will need to think a little bit
5 more on this one, but one quick comment. I would also be happy to make a motion to
6 recommend a uniform 50 decibel over... across the City. I mean, I think houses in the hills or
7 houses in the Foothills will still always be quieter and impact will definitely be less noticeable
8 given the lower number of houses and spaced out those homes are. So, given the nuances
9 around equity, given the fact that we haven't drawn a map yet, given just a general desire for
10 simplification, I would be happy to make a motion to recommend 50 decibels but I'm curious if
11 any other Commissioners have any comments on that.

12
13 Commissioner Templeton: You have four comments in line after you so I would probably wait.

14
15 Mr. Lait: So, it sounded like Chair that there... a motion was being made and it doesn't... I'm not
16 hearing a second.

17
18 Commissioner Lu: Oh, no, no I'm not making that motion. I'm saying I would make a motion
19 (interrupted)

20

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1 Mr. Lait: You would?

2

3 Commissioner Lu: But I'm just curious what other people think.

4

5 Chair Summa: Okay, well thank you. I think we have a lot of people waiting to speak so if you're
6 finished, I didn't take it as a motion so just an interest.

7

8 Commissioner Lu: It's not a motion and I am finished.

9

10 Chair Summa: Okay, thank you very much and we'll go to (interrupted)

11

12 Mr. Lait: [unintelligible] (off mic)

13

14 Chair Summa: Yes, we'll go to Commissioner Akin.

15

16 Commissioner Akin: Thank you, Chair Summa. I'm going to focus on a technical point first then
17 bring it around to the... hopefully starting towards a resolution. Mr. Thill described his measure
18 technique which essentially is the sound level that's exceeded 90 percent of the time. The
19 actual local ambient measurement that's described in the existing Noise Ordinance is very
20 different from that. It's a low level that's hit twice within a certain period of time. Just... and it's

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1 relatively short if I remember correctly, like 6 minutes. That's going to be lower and that's I
2 suspect the reason for the difference between the numbers that I measured and the numbers
3 that Mr. Thill reported. If you take the lower numbers then we are really describing an increase
4 in the amount of noise that's allowed. Now the question is how significant is that increase and
5 looking at the table a 5 or 6 dB difference in the bottom of the range amounts to about 2-feet
6 in setback. So, our purview is in the zoning issues that are related to setback and we may find
7 that a couple of feet difference is not enough to be significant for us. So, the line of thought
8 here is you need to resolve the ambiguity in how the measurement is made in order to prevent
9 the kind of concerns that are being expressed here tonight. But the practical implications may
10 be small enough that we could go ahead. So, that of course, is up to the remainder of the
11 Commission but that's the thought that occurs to me at the moment. Thank you.

12

13 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

14

15 Vice-Chair Chang: Thank you Commissioner Akin for raise... for your comment. I think that that
16 really may put a lot of our fears to rest and was very very insightful. I... my comment is
17 following up on what Commissioner Reckdahl was questioning where I think we may have a
18 problem in how the Code... the proposed ordinance is written and how that may actually differ
19 from what Director Lait explained as the intent.

20

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1 So, as I understand it, the... our intent is to sort of define ambient as 40 in some areas or
2 minimum 40 in some areas, minimum 50 in some other areas. We're doing away with the
3 additional 6 or 8 variance that is allowed with respect to electrification equipment and only
4 with respect to electrification equipment. Is that correct Director Lait, or that's the intent? Is
5 that the correct intent Director Lait?

6

7 Mr. Lait: We're... yes, we're replacing the table with ambient plus 6.

8

9 Vice-Chair Chang: Right or we're replacing the ambient plus 6 with the table, yes. Okay, but the
10 problem with that is this, so as I look at... and I think this was what Commissioner Reckdahl was
11 trying to get at. So, if we look at definitions, definition 9.10.20 (d) defines local ambient by
12 saying "However for the purposes of this chapter in no case shall local ambient be considered
13 or determined to be less than 30 for interior, 40 in the Palo Alto Foothills and 50 in all other
14 sections". Alright, then in Section 9.10.30, which I assume those definitions apply to
15 (interrupted)

16

17 Ms. French: I'm showing.

18

19 Vice-Chair Chang: In Section (a) it says no person shall produce, suffer or allow to be produced
20 by any machine, animal, device or combination of the same" blah blah blah "a noise level more

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1 than 6 dB above the local ambient at any point outside of the property plane, except as
2 modified in (c)". So, you can see that that definition of local ambient is now used in 9.10.30 (a)
3 and so I think that that was Commissioner Reckdahl's concern was that the local ambient
4 definition is being used in (a) as well as in (c). So, (c) is the part that we add which deals with
5 electrification equipment which doesn't have the ambient plus 6 dB. Right, because we're
6 striking (c) little i but 9.10.30 (a) still has that reference to the 6 decibel above local ambient.
7 And so, because we're defining local ambient now to be 40 or 50 dB, what we're resulting in
8 with result to Section 9.10.30 (a) is 46 for the Foothills and 56 for all other sections and so I
9 think that was his concern. Not with respect to electrification equipment because that's
10 governed by the table, but with respect 9.10.30 (a).

11

12 Ms. French: 9.30 (a), this is 9, this is it.

13

14 Vice-Chair Chang: Because I'm on board with respect... I'm really pleased actually to see that
15 we've struck that exception for heat pump condenser units with the 8 decibels above the local
16 ambient. I'm really glad to see that we struck that C little i portion because that was confusing
17 to me and I had some concerns about that. But now I think there may be an unintended
18 consequence of defining local ambient and having that definition roll forward into 9.10.30 (a).
19 Unless maybe Staff or the attorney could explain to me the implication of that.

20

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1 Mr. Yang: Yeah, so I guess I would suggest... I think your points are well taken and so I would
2 suggest just getting rid of any... all of our changes to the concept of local ambient. And instead,
3 having the table say for these neighborhoods it would be column one of the table, for other
4 neighborhoods it will be column two of the table and if your local ambient happens to be above
5 50 decibels. Then you'll have the normal 6 dBA.

6
7 Vice-Chair Chang: Right, so I think we just need to sort of adjust... sort of we need to change the
8 9.10.30 so that (c) becomes (a).

9
10 Mr. Yang: Oh, no so I don't think that's necessary.

11
12 Vice-Chair Chang: Really? I just don't... I don't see how (a)... because I think our difficulty now is
13 with (a).

14
15 Mr. Yang: Well, if you get rid of all the changes to local ambient then (a) remains just status quo
16 with today.

17
18 Vice-Chair Chang: Okay, I see what you're saying so then you would just say (a) no person... well
19 how would you modify (a) because (a) (interrupted)

20

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1 Mr. Yang: Yeah, so we say local ambient is defined as it is today. It is 30 dBA for interior noise
2 and 40 dBA everywhere else.

3

4 Vice-Chair Chang: Right.

5

6 Mr. Yang: And then (a) continues as it is today where you can't increase the noise over ambient
7 by more than 6 decibels, except as modified in (c) and (c) now will just say that the table below
8 will govern acceptable noise levels for electrification equipment.

9

10 Vice-Chair Chang: But then what... so (interrupted)

11

12 Mr. Yang: And then in the table instead of referencing the 40 decibel area or 50 decibel area.
13 We'll just reference the actual places, the actual physical locations. So, we would really be
14 getting rid of like any idea of changing local ambient. It would just being saying this is the table
15 for electrification equipment based on where you are.

16

17 Vice-Chair Chang: Okay then what's the purpose of (a)?

18

19 Mr. Yang: (a) is our existing for all other equipment that's not electrification equipment. You
20 know, you can't have a leaf blower (interrupted)

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Vice-Chair Chang: Or for animals or roosters or whatever. Is that what you're saying?

Mr. Yang: Right.

Vice-Chair Chang: So, for roosters, you're still required to measure what local ambient would be.

Mr. Yang: Yeah, I mean you can assume (interrupted)

Vice-Chair Chang: Roosters are not governed by a table.

Mr. Yang: That's right and you can assume that it's 40 decibels because this... you know, that's the existing kind of presumption, but if you think it's higher you can measure it to have your rooster.

Vice-Chair Chang: And like leaf blowers are not electrification equipment so same thing.

Mr. Yang: Right.

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1 Chair Summa: And it also doesn't change pool equipment noise I believe. I mean there's other
2 things besides roosters that are noise-producing that aren't electric and those... that stays.

3

4 Vice-Chair Chang: But then the problem single-family that... oh so but then it would stay as
5 ambient, not... it's not governed by the 40 or the 50 at all then.

6

7 Mr. Yang: Right.

8

9 Vice-Chair Chang: Okay then that would be fine. That makes sense, that would make sense.

10 Does that address your concerns Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Bingo, I'd be quite happy with that.

13

14 Vice-Chair Chang: Okay, perfect, perfect, okay because I think... so when we make a motion I
15 think we need to somehow capture what Mr. Yang has identified because that was the
16 problem. That's was kind of a sticking point I think for many of the Commissioners.

17

18 Mr. Yang: I'll type something up and so then you can just have it to look at when it comes time.

19

20 Chair Summa: Commissioner Templeton.

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Commissioner Templeton: Thank you. I appreciate all of these efforts at trying to come together. I am not yet on board and here's why. I just want to make sure everybody here remembers that decibels a logarithmic scale. So, 50 is twice the sound and noise of 40, roosts by the way are 44. So, if we're talking about doubling the noise near your house which is what is in the table if you wouldn't mind bringing that back up? For example, if you live in Professorville and the ambient noise during the daytime at your house is 43 and your neighbor is putting in 53 decibel equipment within 4-feet of your house. That doubles the noise and so I'm (interrupted)

Chair Summa: [off mic] Is that right?

Commissioner Templeton: So, I'm concerned because there are as we have many, many times heard from people in our community and I know Staff is very well aware of this. There are people who are concerned about much lower amounts of noise deltas.

Mr. Lait: I just want to point out that we allow equipment to go 6 dB beyond that 43. Right, so it's not a doubling, it's 43 plus 6 and now we're talking about a delta with an increased setback.

Commissioner Templeton: I'm actually referring to the table because you're (interrupted)

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Mr. Lait: I understand.

Commissioner Templeton: Having areas where you say it's 50 but it's not.

Mr. Lait: I understand but it says it's 50 because it considers the ambient which at 43 plus 6 gets your to 49. So, it's pretty close, it's within a decibel.

Commissioner Templeton: But you're saying that's what the ambient is and we're not measuring it anymore. So, that's why I'm concerned because of the grouping may not be fair to some residents.

Mr. Lait: Okay, let me (interrupted)

Commissioner Reckdahl: These columns are actually the sound level of the equipment.

Commissioner Templeton: Right.

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1 Commissioner Reckdahl: And so, if this equipment is rated at 49 then you can put it over at...
2 sorry my... at 3-feet away from the... 3-feet away and that means at the boundary it will be 50
3 dB.

4

5 Commissioner Templeton: In an area that's been designated as a 50 decibel area whether or
6 not that's actually accurate.

7

8 Mr. Lait: And again, in that example, we allow equipment to be 6 decibels above the ambient so
9 when we hear a reference to 43 or 44 and you add the 6 for the equipment that we'd already
10 allowed today by Code. That would get you to 50 at the property line, 49 or 50 at the property
11 line and what this table does it respects that 50 dB at the property line. So, we're not doubling
12 anything, we're reflecting what could be done today.

13

14 Commissioner Templeton: Well, I mean you're just talking about 49, this table goes on and on
15 (interrupted)

16

17 Mr. Lait: It does but (interrupted)

18

19 Commissioner Templeton: And you're definitely more than doubling it.

20

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1 Mr. Lait: Then also the setback increases too because sounds dissipates.

2

3 Commissioner Templeton: Okay, well I was giving you an example where setback was going
4 from 3 to 4 ½ and the number of decibels allowed was (interrupted)

5

6 Mr. Lait: So, that you achieve a 50 dB at the property line.

7

8 Commissioner Templeton: Okay but it's not 50 dB at the property line now, that's what I'm
9 saying. You're saying it's 6 and I'm saying it's... you're the one that's saying it's 50, right but we
10 don't have any evidence for that because I know you care about evidence. You mentioned it
11 earlier so the data says that it has to be measured and it's different from house to house.

12

13 Mr. Lait: We're saying that it cannot exceed at the property line, right? Okay, that's what the
14 table says. It has louder equipment further away from the property line so that by the time it
15 gets to the property line it's no more than 50.

16

17 Commissioner Templeton: You're saying that the decibels degrade that quickly?

18

19 Mr. Lait: That's what our consultant is providing for us. That's why we have these setbacks
20 here.

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Commissioner Templeton: That's very different than somethings we have heard when did decibel studies elsewhere in the City like on the train. Like it was... go ahead Keith [note-
Commissioner Reckdah].

Commissioner Reckdah: Yeah so I mean that's the thing today is let's say you did a noise survey and found out that your ambient in your neighborhood was 43. Then you could put something that delivered 49 dB at the property line. That's the current zoning right now.

Commissioner Templeton: Right.

Commissioner Reckdah: And so, what I think Jonathan is saying is that it's not a big departure. It might be depending on where you are, it might be 1 or 2 dB different but it's not drastically different. But yet, the point I want to make is today your neighbor or you can put in equipment that doubles the noise, in fact, more than doubles. If the ambient is a certain amount you can put in something that's 6 dB which is twice as much sound pressure as ambient and that's the current regulation that's allowed. So, which is... it's kind of sobering but yet depends whether you're the neighbor or whether you're the one that wants to put in the equipment.

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1 Commissioner Templeton: Sure, you know if you guys think this is not going to cause a problem,
2 you can vote how you want to vote. I'm just letting you know that I have spent many hours in
3 this room listening to people complain about much smaller differentials and I understand and
4 respect that. So, I'm looking here at the chart of decibels and it... every time it doubles, every
5 10 points, it's pretty significant noise and if you're sensitive to noise or you move to a quiet
6 neighborhood. You're going to notice it so I would keep those things in mind. I understand
7 thought that if we want to simplify things and make it easier to apply for electric equipment
8 and that is the overriding concern that's understandable. For me, I want to make sure that I can
9 enjoy living in my home as well as being eco-friendly. So, I just don't want to make things for
10 myself or my neighbors and I don't want that to happen to me, thanks.

11

12 Chair Summa: Commissioner Akin. No? Hechtman.

13

14 Commissioner Hechtman: So, I'll ask a question I had asked again... asked earlier but I don't
15 really think I got an answer. Is it within the Planning Commission purview to make
16 recommendations on Title 9 tonight, or are we just being provided that information for our
17 discussion to inform the motion... the recommendation we do make regarding Title 18?

18

19 Mr. Lait: So, the PTC doesn't have discretion or authority over this title. However, this is a policy
20 initiative that is going to the City Council and I made the choice that I wanted to engage the

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1 Commission because you've been involved in other electrification-related matters. And so, we
2 thought it would be helpful and complete the process to run this by you and least when we go
3 to the Council we can say we've ran this by Commission, they've looked at it and they agree
4 that this is heading in the right direction. Or not and here's some changes or here's what we
5 need to do. So, we're just looking to get more... when we go to the Commission... to Council we
6 just want to know that we've got the Commission's support with the changes that we're
7 making.

8
9 Commissioner Hechtman: Okay, let me ask sort of a legal side of this question to Mr. Yang. If we
10 make a recommendation... if the PTC makes a recommendation to the Council. Like let's say we
11 limit... we make a motion that only has to do with Chapter 9, right? Is that... are we within our
12 authority to do that or I mean that's what I'm trying to figure out?

13
14 Mr. Yang: So, under our Code, the PTC must review changes to Titles 18 and 19 but it may also
15 provide recommendations on other matters relating to planning and transportation as
16 requested by the Council, the City Manager, or the Planning Director. So, here you are being
17 requested to provide a recommendation on something that's in Title 9. So, this is within your
18 purview because the Director has asked you to do so.

19

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1 Commissioner Hechtman: Okay, great, great. Yeah because obviously, I think nearly all the
2 conversation we're having is on Title 9 rather than 18 so. And I think it's been a very robust
3 discussion and I do see the issue that Commissioner Reckdahl and Vice-Chair Chang picked up
4 on. I wouldn't call it an unintended consequence as much as just a logical gap in the changes
5 that are being made here because when I'm looking at the... I mean the definition we have of
6 local ambient. That's our current definition except for the stuff with two lines below it which is
7 where we're going to basically move this... the City other than the Foothills to 50. Right, that's
8 new, everything else in our ordinance today and similarly, in 9.10.30 Part (a), that's our existing
9 language but we've added this modification "except as modified in (c)". And I think the point
10 that my fellow Commissioners made that what you're doing is you're... I think it was correct
11 that okay, we're going to City-wide increase the allowed noise level or the... right, this 50 which
12 is like an acceptable level. But the table is only applied to the electrification equipment and so
13 everything that's not electrification equipment gets the benefit of this change that we're
14 making to recognize the 50 without the limits. You know, without the application of the table
15 and that makes sense to me. And I honestly couldn't exactly follow Mr. Yang's potential
16 solution and so hopefully somebody who did will help formulate that part of the motion
17 because I did see that as a gap that we need to potentially fill.

18

19 I don't have an issue with moving the noise level to 50 which from the information we have is
20 consistent with every other city that is... you know, urbanized city, not one of the hillside towns.

-
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1 So, and there's probably a reason for that and I don't view those cities as particularly different
2 or louder than ours. So, I'm okay with the concept of the 50 but I think that it needs to not have
3 the caveats just for electrification, to encourage those but actually will allow other types of
4 facilities to benefit from that higher number than they could today. So, I think we have to close
5 that gap.

6
7 Chair Summa: So, allow me to be confused by my colleague because I thought that the
8 discussion before was that all other equipment, in terms of noise, will be at the plus... ambient
9 plus 6. Except electrification to encourage people to move to that kind of equipment. We're
10 assuming a general standard for decibel level and adjust... and allowing it in the setback but
11 adjusting it from the setback to I think the intention was to sort of maintain the same decibel
12 level for everyone. But to allow more flexibility in the setback and if the decibel level goes up,
13 the setback is further. Is that correct? I don't know if you were listening.

14
15 Mr. Lait: I was not tracking that. I mean we have a motion that Albert has put together. We can
16 maybe get that on the screen and that will give us something to respond to. **Madina**, would you
17 mind?

18

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1 Commissioner Templeton: If I may rephrase the Chair's question so you can hear it again. It was
2 around is the different distances in the setbacks related to mitigating the additional noise. So,
3 the higher the noise it's the more it's setback.

4

5 Mr. Lait: Yeah, that was what Table A or 1 was about.

6

7 Chair Summa: And to also clarify that other equipment that is not electrification equipment we
8 want to incentive still is ambient plus 6.

9

10 Mr. Lait: That's the way the motion on the or the potential motion is drafted. Is that it would
11 only affect electrification equipment. [unintelligible – no audio] that's fine. I don't know that its
12 you know... well it's fine.

13

14 Chair Summa: I'm sorry, I didn't quite get that.

15

16 Mr. Lait: I wouldn't call it an incentive but you know, I understand the desire to focus it on
17 electrification because that's what we've been talking to you about is advancing that. But I
18 don't see a significant difference between this or an AC compressor but if the Commission
19 wants to make the distinction that's fine. We can advance that.

20

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1 Chair Summa: Okay, any hands or questions from my colleagues? Oh, Commissioner Reckdahl.

2

3 MOTION

4

5 Commissioner Reckdahl: Yeah, this agrees with my thinking. I am happy to move this.

6

7 Chair Summa: Sorry (interrupted)

8

9 SECOND

10

11 Vice-Chair Chang: I second.

12

13 Chair Summa: Okay, we have a motion and a second. Would you like to speak to your motion?

14

15 Commissioner Reckdahl: I think this is... this will simplify the process for electrification and I
16 think it's consistent with at least what I was thinking for the noise so.

17

18 Chair Summa: Commissioner Templeton.

19

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1 Commissioner Templeton: I noticed the language about flats and foothills is still here. Is that
2 intentionally retained?

3

4 Mr. Lait: If the Commission has different language we can either try to memorialize it here or
5 think of something better between now and the thing this goes to Council.

6

7 Commissioner Templeton: I think it's confusing. I think you're trying to match the quiet suburb
8 level on the decibel chart to the lowest limit of urban ambient sound on the decibel chart. So, I
9 (interrupted)

10

11 Commissioner Reckdahl: Could we say suburban and rural?

12

13 Commissioner Templeton: I think that would be better and I would also caution you to let you
14 know that Barron Park considers itself rural.

15

16 Commissioner Reckdahl: No, I agree with that.

17

18 Chair Summa: Commissioner... well, first I'd like to ask the seconder if she would like to speak.

19

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1 Vice-Chair Chang: Yes, I would like to speak, so I seconded this motion because I think it limits
2 the changes to specifically further the goals of electrification. Rather than... which I think is
3 what City Council asked us to look at and why we're being asked to look at Title 9 or why
4 Director Lait wanted us to opine on Title 9 and limit the effects of the change on the Sound
5 Ordinance to the goal of electrification. So, I didn't really want to broaden the impact beyond
6 that and I think these changes we're trying to put in place tonight now do that. So, that's why I
7 support this motion.

8
9 I do agree that we should change the language to... from hills and flats to something else but I
10 don't know... I don't have a particular opinion as to what that should be.

11

12 Chair Summa: Well, there's a new description already.

13

14 Vice-Chair Chang: Which already sounds better to me.

15

16 Chair Summa: So, I don't know if it might make more sense to go by zone but at least this gives
17 some flexibility to people so maybe it's better than by zone. Let's see, I have Commissioner Lu
18 and then Commissioner Akin and then Commissioner Templeton.

19

20 Commissioner Lu: I actually need a second so please skip me.

-
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Chair Summa: Okay, Commissioner Akin.

Commissioner Akin: Yeah, I was going to suggest that rather than trying to characterize the areas. You simply label them the 40 dBA zone and the 50 dBA zone. You have to define those eventually by a map anyway, right and you might conceivably in the future want to have additional zones. So, why try and over-characterize them and just pick the numbers?

Commissioner Reckdahl: I'm not wedded to any particular terminology so if...

Mr. Yang: So, there is no longer a 40 dBA zone or a 50 dBA zone and previously, they were just defined as the Foothills is the 40 dBA zone and the flats are the 50 dBA zone so.

Commissioner Akin: Yeah, the (interrupted)

Mr. Yang: If you want to differentiate, we'll need some sort of location-based.

Commissioner Akin: Yes, that has to be done, there has to be a map. It's just a matter of terminology.

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1 Mr. Lait: So, the hills or the rural hillside will be the 4 dB zone on the map and the suburban
2 area will be the 50 dB zone but well, we have to produce that map.

3

4 Commissioner Akin: Yeah and if you had a survey that justified changes then you simple change
5 the map and the ordinance stays the same.

6

7 Commissioner Templeton: And I don't think hillside is required to define the rural area.

8

9 Mr. Lait: We're not going to use that terminology, we're going to use the 40 and the 50.

10

11 Commissioner Templeton: Okay, if you replace that, I'm not going to support this motion.

12

13 Mr. Lait: Okay, well then you guys decide, it's your motion.

14

15 [note – several Commissioners began speaking off mic]

16

17 Commissioner Reckdahl: The quiet area is more rural, that's why it's quiet and the suburban
18 area is more noisy. So, I think calling them rural and suburban would be sufficient, but to me, if
19 you call them Zone A and Zone B I'm happy with that. I just... to me this is a semantic issue and
20 not a policy issue.

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Vice-Chair Chang: I actually really like that, let's call it Zone A and Zone B and then draw the map to make Zone A and Zone B.

Commissioner Templeton: Well, as a counterpoint, what's helpful about having rural and suburban is that they're canonical examples of 50 and 40 in the decibel chart.

Vice-Chair Chang: I would like to get your support Commissioner Templeton so whatever makes you happy. So, you would prefer rural and suburban, is that correct?

FRIENDLY AMENDMENT

Commissioner Templeton: I would like it to say the rural area and the suburban area, thank you.

Vice-Chair Chang: Okay, let's do that, rural and suburban then. We're kind of doing this on the fly so I don't know if we have to be formal, so Commissioner Reckdahl do you agree as the maker?

Commissioner Reckdahl: I am happy with that.

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1 Vice-Chair Chang: Okay, I agree as the seconder.

2

3 Chair Summa: Okay, Commissioner Hechtman.

4

5 Commissioner Hechtman: So, I'm wondering if we can... I don't... if I got on my bike right now, I
6 don't know if I... I know I'm starting in the suburban area but as I rode toward and passed 280, I
7 don't think I'd be able to tell you when I entered the rural area. I'm wondering if our zoning can
8 help us with this because I would expect... well, I really haven't studied it but I would expect as
9 we reach the City's edges we get a less dense zoning.

10

11 Chair Summa: [off mic] Yeah, OS.

12

13 Commissioner Hechtman: Well right, I really haven't studied that but I'm wondering if that's
14 true.

15

16 Commissioner Templeton: We could also define them by the decibel levels.

17

18 Commissioner Hechtman: Well, then we have to measure everything forever. So (interrupted)

19

20 Ms. French: I mean (interrupted)

-
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Commissioner Hechtman: So, so (interrupted)

Ms. French: If it help... sorry if I'm interrupting.

Commissioner Hechtman: I'm trying to find out about our zoning.

Ms. French: Yes, would it help to say open space and residential estates zones or and because we're talking about residential zones and open space is not technically a residential zone? It's open space but there are homes up there.

Commissioner Hechtman: But you can have a house up there.

Ms. French: Yes.

Commissioner Hechtman: Right, right and so is that help... I'm trying to effectuate what Staff had in mind when they came up with what came to us tonight and is that consistent with it or not because I don't know. I haven't looked at a map to see where your residential estate zoning is or open space zoning.

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1 Ms. French: Yeah, if you look at a map of Palo Alto you have kind of this cherry stem and then
2 you have a cherry over here and then you have the rest of the area. So, if you wanted to just
3 say that as a starting point and then say well no, it needs to be different than that I guess.

4
5 Chair Summa: Well, so to me the intention, though it wasn't written that way, was RE and OS.
6 To me that was the intention but I have a question. Why do... do they need... does... do those
7 two zones need the same table for setbacks because they're such larger properties?

8
9 Ms. French: Yes, for instance, the Open Space Zone has a 30-foot setback for the home.

10
11 Chair Summa: Right so I mean (interrupted)

12
13 Ms. French: It's very different.

14
15 Chair Summa: Wondering if the table make sense now and I'm sorry to bring this up late for RE
16 and OS. Maybe it does?

17
18 Commissioner Reckdahl: I think it does. It all applies to how much noise are you putting on that
19 property line and that's independent of how big the lot is.

20

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1 Commissioner Hechtman: Right, this table doesn't independently allow you to put equipment in
2 a particular places, right? It's really a limit on what you might otherwise be allowed to do based
3 on our basic setback rules that you have to feather back from the property line as the loudness
4 of the equipment increases. Right, is that right?

5

6 Ms. French: Yes, it's getting greater setbacks the louder you get.

7

8 Commissioner Hechtman: Right, right so just because this table... the new table starts at 3-feet
9 doesn't mean if my non-electrification equipment is quiet. I can't automatically put it at 3-feet,
10 right because this table only applies where... we're making this table only apply to
11 electrification equipment.

12

13 Ms. French: That's the direction we're going, yes.

14

15 Commissioner Hechtman: Right, okay.

16

17 Chair Summa: So, I will say that I have a lot of hesitation about how this going to work but I
18 know one thing that doesn't work now currently is our Noise Ordinance. Because... and this
19 may make enforcement easier I think which has a benefit and I mean I'm tending towards
20 supporting it. I think the Staff's intention was to not increase the noise levels but to give more

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1 flexibility for this equipment that the Council has a strong interest in promoting. So, but if it
2 ends up being problematic I'm a little worried but I think at this point I think it (interrupted)

3

4 Commissioner Reckdahl: If it's problematic, we can change it. This is... you know, I mean any
5 type of ordinance you can change if it doesn't work out.

6

7 Chair Summa: Yeah, so I'm inclined at this point to support it despite sort of a hesitation in my
8 thought process because I think it will... I think it could make enforcement of the issue easier, to
9 be honest. And I think that's helpful to neighbors so I hope... and I think this is good direction to
10 give Council and they may find some nuances. And so, I think if no one else (interrupted)

11

12 Commissioner Hechtman: I wasn't done.

13

14 Chair Summa: Oh, I'm so sorry.

15

16 Commissioner Hechtman: That's okay.

17

18 Chair Summa: So, why don't you go ahead?

19

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1 Commissioner Hechtman: Alright thank you. So, if we are eliminating the change to 9.10.20,
2 that's the change that added the 50 dB concept so now that's gone. Then when I look at Item 2,
3 which is, of the motion that's on the... in front of us, which is the new language for 9.10.30, we
4 have that 50 dB, so again when you take it out of 9.10.20 our standard City-wide is 40 because
5 that's what the current ordinance does. But here we're introducing 50 and so my concern is..
6 so, I'm... if we're saying we want a higher standard for electrification equipment because it will
7 encourage it, okay, but I'm trying to figure how I'm going to know if my local ambient noise is
8 greater or less than 50 rather than the standard 40 without a noise test every time which is
9 something I thought we were trying to avoid. So, I'm looking for some guidance from Staff on
10 that. It's possible that we've just mused this up so much in trying to address things that we've
11 got to step back and rethink this.

12
13 Mr. Yang: I guess if we get rid of the presumed levels, we can also get rid of that second
14 sentence because you'll just have whatever the limit is. The second sentence is meant to
15 provide even more flexibility (interrupted)

16
17 Commissioner Hechtman: Right.

18
19 Mr. Yang: For those areas that were particularly loud.

20

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1 Commissioner Reckdahl: No, I think that's important. If you're loud and you want to go through
2 the process. Fine, we'll let you have higher noise.

3

4 Mr. Yang: So, I guess we could instead have this language sort of say as an alternative to Table
5 1, for areas with local ambient noise greater than 50 decibels (interrupted)

6

7 Commissioner Lu: Would it work if instead of areas of local ambient noise greater than 50
8 decibels, we just said in the suburban area?

9

10 Mr. Yang: No, because the suburban area is presumed to be at 50 or below and so we're saying
11 no matter where you are. If it's just really noisy it's 60 because you're right next to the Caltrain,
12 you can have this electrification equipment.

13

14 Commissioner Hechtman: But Mr. Yang, you have that presumption right now. If we've gotten
15 rid of the 50 concept in 9.10.20, right? Then we don't have... right? And so, I really feel like...
16 well, I feel like Staff had a comprehensive approach coming in tonight. I think that the
17 Commission has really raised some good issues but now I feel like in trying to fix it on the fly, I
18 just... I feel like it's too complicated to do that and I'd like to move this to Council but I'm
19 wondering if we're just going to send them a mess if we try to do it tonight. And what Staff
20 thinks about having heard all this, whether they want to look at this and bring it back to us at

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1 the next meeting. I don't usually like to put these things off, I have a pretty good record of that,
2 but tonight I'm worried about a bad product going to Council.

3
4 Commissioner Reckdahl: I mean I think this is better than what came in tonight because before
5 we were having a really big change by changing all sound issues. This is really focused so we are
6 changing the setbacks and allowing equipment in the setbacks which has sound impacts. We're
7 addressing these sound impacts. If Council wants us to address sound as a whole, that's a big
8 discussion and I think that that would require more input. This I think is a much cleaner,
9 focused motion.

10
11 Commissioner Hechtman: I understand the change Commissioner Reckdahl but the problem is
12 when you look at the table, the setback table, which nobody is talking about changing any
13 numbers of. The whole first column now doesn't apply if there's no 40/50 differentiation and in
14 fact... and the second column doesn't make any sense if there's no 50 base level which we've
15 wiped out of 9.10.20. And so, because we're starting at 53 and so that's what I'm saying is we...
16 I think we have blurred this [unintelligible](interrupted)

17
18 Commissioner Reckdahl: There will be eventually a map... there will be a map that defines the
19 rural area and the suburban areas that are in point three. Those are going to be defined.

20

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1 Commissioner Hechtman: We don't know where those are.

2

3 Vice-Chair Chang: You don't need the baseline... I'm not quite sure what your question is
4 Commissioner Hechtman because you don't... all you need to know is where you live. Where
5 you live defines which column you look at.

6

7 Commissioner Hechtman: No.

8

9 Vice-Chair Chang: You don't need to know the baseline, you don't need to know the ambient
10 noise level. You don't need to know what... you don't need... you don't need to know that it's
11 50 decibel-level column. We know that in creating... the end user doesn't need to know where
12 that... what that curve was designed to do. The curve was designed to keep it at a 50 decibel
13 level noise at the property line. The end user doesn't need to know that that was the goal.

14

15 Commissioner Hechtman: We are creating two new standards here Vice-Chair Chang, that don't
16 exist in our Code today. Some place that called the rural area is actually going to be a
17 perpetuation of our current Code which says that the maximum outside noise is 40. Right,
18 because that's what that first column is keyed to, 40 dB at the property line, right? That's what
19 it's keyed to, but the second column, the middle (interrupted)

20

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1 Vice-Chair Chang: Only for electrification equipment.

2

3 Commissioner Hechtman: Right, right, so electrification equipment in this thing that is called
4 the rural area, which we don't know where it is but we can kind of guess, that's going to
5 basically dovetail with our current Code as written today which allows 40 dB throughout the
6 City.

7

8 Vice-Chair Chang: No, the 40 dB doesn't impact anywhere else in the City as currently written.
9 That's what (interrupted)

10

11 Commissioner Hechtman: Read the Code, read the Code, the definition of local ambient.

12

13 Vice-Chair Chang: No, that's why Item (interrupted)

14

15 [note – Commissioner Hechtman and Vice-Chair Chang began talking over each other]

16

17 Commissioner Hechtman: It's 30 interior (interrupted)

18

19 Vice-Chair Chang: Commissioner Hechtman.

20

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1 Commissioner Hechtman: And 40 outside.

2

3 Vice-Chair Chang: The first point in the motion says to remove all changes to PAMC 9.10.0

4 (interrupted)

5

6 Vice-Chair Chang: Exactly, now go look at that Code and you'll see that the only change is the
7 underlined area. So, when you remove (interrupted)

8

9 Vice-Chair Chang: Oh, I see what you're saying.

10

11 Commissioner Hechtman: The underline, it's 40. 40 is the City threshold today. Alright and I'm
12 fine if we're not going to change that, I'm not objecting, but then if you look at the second
13 column of the table. That's keyed to a 50 dB threshold that we don't have anywhere in the City.
14 It was proposed by Staff to be in the... you know, was called the flats or the urban area but now
15 we've taken out the language of 50.

16

17 Commissioner Templeton: I assumed if the motion changes we had implied that this table
18 would be updated to match. Are you saying that's not implied?

19

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1 Commissioner Hechtman: I'm saying that the table gets collapsed into one column if we're
2 going to do that and it's the first column. Unless our intention is as part of trying to promote
3 electrification we give them a separate higher dB level of 50, which is (interrupted)

4
5 Vice-Chair Chang: No, we anticipate... we... the motion says to continue the use of this table.
6 We're not collapsing it into one (interrupted)

7
8 Commissioner Hechtman: Right, exactly so (interrupted)

9
10 Vice-Chair Chang: Right but it doesn't matter if it's keyed off of this or not. In other words, the
11 electrification... the 40 in the first column is coincidentally the same as the 40 in the local
12 ambient definition.

13
14 Commissioner Hechtman: I agree, I agree, it's the middle column that become a problem
15 because now despite a City-wide limit of 40 dB, for electrification equipment only, I can have 53
16 dB 4-feet from the property line which gets me 50 dB at the property line which is 10 dB higher
17 than anything else in the city under the ordinance; which as our noise consultant pointed out is
18 a doubling of the sound. And if that's our intention, that's fine, but I think we need to recognize
19 it and I think (interrupted)

20

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1 Vice-Chair Chang: That is our... I think that is our intention though.

2

3 Commissioner Hechtman: Double the noise allowed for electrification equipment only.

4

5 Commissioner Akin: I think it's 40 [unintelligible](interrupted)

6

7 Vice-Chair Chang: Well, it's not quite... it's not quite doubling (interrupted)

8

9 Commissioner Akin: It could be 6 over ambient.

10

11 Vice-Chair Chang: Right so to be clear, as Director Lait explained earlier, it doesn't actually
12 double what is current allowed. It's equivalent to what is currently allowed because currently
13 you're allowed to in 9.10.30 (a) (interrupted)

14

15 Commissioner Hechtman: No, you can't... oh yeah.

16

17 Vice-Chair Chang: Increase the level more than 6 decibels above local ambient. So, 6 decibels
18 above local ambient is already increasing it.

19

20 Commissioner Hechtman: Yeah, that's right, that's right.

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Vice-Chair Chang: So, effectively putting it to 53 4-feet from the property line is the same as 6 above local ambient. So, the table just actualizes what is currently allowed. It just puts it into numbers.

Commissioner Hechtman: So, then what does the first column do?

Vice-Chair Chang: The first column puts it... translates it into numbers for a quieter area.

Commissioner Hechtman: Okay, so you're saying that maybe it's 33/34 in those areas, you could get your 6 which takes you to almost 40.

Vice-Chair Chang: Correct.

Commissioner Hechtman: Okay and in the urban areas it's maybe 43 (interrupted)

Vice-Chair Chang: Correct.

Commissioner Hechtman: And that takes you to 49/50.

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1 Vice-Chair Chang: At least that's based on my understanding from what our consultant said and
2 what Director Lait was saying, yes.

3

4 Commissioner Hechtman: So, then we never have to write the number 50.

5

6 Vice-Chair Chang: Correct.

7

8 Commissioner Hechtman: Okay which is why Mr. Yang has taken it out of point two of the
9 motion.

10

11 Vice-Chair Chang: Correct.

12

13 Commissioner Hechtman: Okay.

14

15 Vice-Chair Chang: That's why I think it doesn't present an issue but I'm glad that you are asking
16 about this.

17

18 Commissioner Hechtman: Okay and then point... what are we doing... I'm looking at... let's see,
19 the language after where heat pump was in (c)1. Is that language now gone, which said

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1 “electrification equipment in areas measure... with measured local ambient noise over dBA
2 should subject to generally applicable noise standards”?

3

4 Mr. Yang: Yes, that had been replaced with the language that’s shown and now in strike out and
5 it’s currently replaced with language that starts as “an alternative to compliance with Table 1”.

6

7 Commissioner Hechtman: Okay, okay, got it. Alright, so this goes away? Very complicated.
8 Alright, Vice-Chair Chang thank you for walking me through that and straightening my head.

9

10 Vice-Chair Chang: Well, I’m glad you’re asking about it because I think it’s really important that
11 we don’t do something like exactly what you were saying. So, I’m really glad you asked, yeah.

12

13 Chair Summa: [off mic] We’re keeping this language, right or did we (interrupted)

14

15 Commissioner Hechtman: [off mic] Yeah, no, this is the new language which is not going to be
16 there anymore. It’s just the stuff there with the two lines. This is our current ordinance.

17

18 Chair Summa: [off mic] I know.

19

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1 Commissioner Hechtman: [off mic] Yeah, it's just the stuff that with the double underline they
2 were going to put in, now they're not.

3

4 Chair Summa: Go ahead.

5

6 Commissioner Templeton: Thank you. I wanted to add to this very interesting dialog and I wish
7 we'd had... been able to have this before the motion was in place but just to let you know. The
8 table that we're referring to that we've told is representative of degrading the sound by the
9 property line. I'm not usually very skeptical of the data that we get from Staff but this one is
10 just a little concerning to me. The data table that I'm looking at for decibels uses as it's example
11 for 40 and 50 we agree that these are the right examples. We talked about quiet suburb and
12 rural environment. This says that air conditioning units at 100-feet are 60 decibels and possibly
13 this data is really old but 100-feet and what our table says is at 10-feet it will degrade down to
14 50. And those number don't match and I'm bringing this because this is kind of this skeptical
15 approach that I have about... I don't really except that I'm understanding this table the way that
16 it's been explained to me. And I'm finding different information at engineering schools that
17 study this kind of stuff, so just wanted to throw that out there. So, we have here at a 50 dB limit
18 table column two there, a 60 decibel air conditioning unit will degrade in 10-feet down to 50.
19 So, that's halving its sound whereas at 100-feet and anonymous, we don't know what air
20 conditioning unit. Maybe it's a window unit, they are louder, maybe it's an older model. They

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1 are louder but at 100-feet it was 100 or I mean it was 60 decibels. So, I'm... are you sure that
2 we've explained what column three means? That it will go back down to 50 decibel by the
3 property line.

4

5 Mr. Lait: I'm not an acoustical engineer (interrupted)

6

7 Commissioner Templeton: Me neither, it's fine.

8

9 Mr. Lait: So, let's invite our consultant who can speak to how sound degrades over distance.

10

11 Commissioner Templeton: Well, first I want to make sure that's what you meant and then we'll
12 get him to check. That's our collective understanding at this point, is that that's what column
13 three is. Is that it's back down to 50 by the property line?

14

15 Mr. Lait: So, again I... it's my understanding.

16

17 Commissioner Templeton: Okay, so let's get our engineer to help us understand what this
18 column means so that we're all on the same page.

19

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1 Mr. Thill: Yes, the columns that are in the table are basically an applicant or somebody who
2 wants to put in this equipment would bring their manufacturers noise data for the equipment
3 to the Planning Staff and there would be a rating on that equipment. They would use that rating
4 and this table to determine what the minimum setback would be required. These calculations
5 are made assuming hemispherical spreading losses from a point source. They're very basic,
6 generic calculations.

7
8 Commissioner Templeton: [off mic] So, what I'm saying is the... oh sorry, to interrupt, we
9 definitely don't need to get to that level of detail but what I'm trying to figure out. What's the
10 difference between if any air conditioning unit is a 60 decibels at 100-feet. Why are we... why is
11 our chart say it's going to be 60-decibels at 10-feet?

12
13 Mr. Thill: You know, that... whatever you're looking at, which I don't have the opportunity to
14 look at, but there's a wide variety of air conditioning systems. We're talking about pretty small
15 residential (interrupted)

16
17 Commissioner Templeton: Right but decibel derogation would be consistent throughout the
18 physical universe.

19

-
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1 Mr. Thill: Well, that's correct but the noise output of a much larger air handling system is going
2 to be much greater than that of a small one.

3
4 Commissioner Templeton: Right, okay. Okay, I just... that's all I... we don't have to get into it.
5 Just wanted to make sure that everybody was clear that what that column is suppose to mean
6 and that there may be... we don't know how that's going to play out. Thank you.

7
8 Chair Summa: Okay, are there any other comments or can we vote? Not seeing any so could
9 you conduct the vote, please?

10
11 Commissioner Reckdahl: Oh, one question for Albert. Is this Attachment A, is that the in places
12 memo, or is that the original?

13
14 Mr. Yang: It's the original but point four of the motion incorporates the changes from the
15 memo.

16
17 Commissioner Reckdahl: Oh, perfect, I'm sorry. Yep, that's what I wanted, thank you.

18
19 Chair Summa: Okay, everybody ready? Okay, please conduct the vote.

20

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1 VOTE

2

3 Ms. Klicheva: Commissioner Akin?

4

5 Commissioner Akin: Yes.

6

7 Ms. Klicheva: Vice-Chair Chang?

8

9 Vice-Chair Chang: Yes.

10

11 Ms. Klicheva: Commissioner Hechtman?

12

13 Commissioner Hechtman: Yes.

14

15 Ms. Klicheva: Commissioner Lu?

16

17 Commissioner Lu: Yes.

18

19 Ms. Klicheva: Commissioner Reckdahl?

20

-
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1 Commissioner Reckdahl: Yes.

2

3 Ms. Klicheva: Chair Summa?

4

5 Chair Summa: Yes.

6

7 Ms. Klicheva: Commissioner Templeton?

8

9 Commissioner Templeton: Yes.

10

11 Ms. Klicheva: Motion carries 7-0.

12

13 MOTION PASSED 7(Akin, Chang, Hechtman, Lu, Reckdahl, Summa, Templeton) -0

14

15 Chair Summa: Thank you very much. Okay, we just have... thank you everyone and we just have
16 a couple of sets of minutes now to approve.

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

18 **Approval of Minutes**

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

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1 3. Approval of Planning & Transportation Commission Draft Summary Minutes of July
2 12, 2023

3 Chair Summa: So, draft summary minutes from July 12, 2023. Do I have a motion and a second?

4 You were absent, motion please?

5

6 MOTION

7

8 Commissioner Akin: I move that we accept the minutes.

9

10 SECOND

11

12 Chair Summa: Okay, second? I'll second. Could you call the vote, please?

13

14 VOTE

15

16 Ms. Madina Klicheva, Administrative Assistant: Commissioner Akin?

17

18 Commissioner Akin: Yes.

19

20 Ms. Klicheva: Vice-Chair Chang?

21

-
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1 Vice-Chair Chang: Wait, I'm trying to figure out if I was there for this one or not.

2

3 Chair Summa: Why don't you just go to the next person while Commissioner (interrupted)

4

5 Ms. Klicheva: Commissioner Hechtman?

6

7 Commissioner Hechtman: Abstain.

8

9 Ms. Klicheva: Commissioner Lu?

10

11 Commissioner Lu: Yes.

12

13 Ms. Klicheva: Commissioner Reckdahl?

14

15 Commissioner Reckdahl: Yes.

16

17 Ms. Klicheva: Chair Summa?

18

19 Chair Summa: Yes.

20

-
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1 Ms. Klicheva: Commissioner Templeton?

2

3 Commissioner Templeton: Yes.

4

5 Commissioner Hechtman: Vice-Chair Chang, I think you were there. This was the

6 [unintelligible](interrupted)

7

8 Vice-Chair Chang: Yes, I was... I was... yes, I was there so yes.

9

10 Ms. Klicheva: Motion carries 6-0.

11

12 Chair Summa: Thank you.

13 MOTION PASSED 6(Akin, Chang, Lu, Reckdahl, Summa, Templeton) -0- 1(Hechtman abstain)

14 **Commission Action**: Motion by Akin, seconded by Summa. Pass 6-0-1 (Hechtman abstain)

15 4. Approval of Planning & Transportation Commission Draft Verbatim and Summary
16 Minutes of July 26, 2023

17 Chair Summa: The next one is the verbatim and summary minutes from July 26th.

18

19 MOTION

20

21 Commissioner Hechtman: Move approval as revised.

22

-
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1 Chair Summa: Okay, do I have a second?

2

3 SECOND

4

5 Commissioner Akin: Second.

6

7 Chair Summa: Okay, can we vote, please?

8

9 VOTE

10

11 Ms. Madina Klicheva, Administrative Assistant: Commissioner Akin?

12

13 Commissioner Akin: Yes.

14

15 Ms. Klicheva: Vice-Chair Chang?

16

17 Vice-Chair Chang: Yes.

18

19 Ms. Klicheva: Commissioner Hechtman?

20

-
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1 Commissioner Hechtman: Yes.

2

3 Ms. Klicheva: Commissioner Lu?

4

5 Commissioner Lu: Abstain.

6

7 Ms. Klicheva: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: Yes.

10

11 Ms. Klicheva: Chair Summa?

12

13 Chair Summa: Yes.

14

15 Ms. Klicheva: Commissioner Templeton?

16

17 Commissioner Templeton: Yes.

18

19 Ms. Klicheva: Motion carries 6-0.

20

-
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1 MOTION PASSED 6 (Akin, Chang, Hechtman, Reckdahl, Summa, Templeton) -0 -1 (Lu abstain)

2

3 Chair Summa: Thank you so much.

4

5 **Commission Action:** Motion by Hechtman, seconded by Roohparvar. Pass 6-0-1 (Lu abstain)

6 **Committee Items**

7 None

8 **Commissioner Questions, Comments or Announcements**

9 Chair Summa: Now, do we have any comments or questions or observations from anyone?

10

11 Commissioner Templeton: I'm just... I'm going to just echo what you said at the beginning. I
12 think some of the reason tonight went 3-hours instead of one is that there was some new
13 things to think through. And maybe... just echo Chair Summa's point that it would be best to
14 minimize this, but as Commissioner Hechtman said, we don't do it very often so.

15

16 Chair Summa: I just have one question, is the HIP going to be part of what we review under
17 those... in our future meetings under the zone... under... zone changes we'll be looking at to
18 accommodate the Housing Element?

19

-
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1 Ms. Amy French, Chief Planning Official: There's going to be eventually. I don't... I can't offhand
2 say what all is wrapped into the one we're going to see next. So, I'll... you'll be the first to know
3 when HIP is on the Agenda.

4
5 Chair Summa: Okay, I just thought I'd check because we'd talked about it. Okay, thank you for
6 that. Okay, meeting is adjourned, thank you.

7
8 Commissioner Lu: Oh, I have a question.

9
10 Chair Summa: Oh sorry, go ahead.

11
12 Commissioner Lu: Just wanted to quick check, is there any update on how we're thinking about
13 resubmitting the Housing Element or any planned timelines?

14
15 Ms. French: We are working on a response to the latest... you know the most recently 90-day
16 comment letter. So, there's quite a bit of work so wish us luck.

17
18 Commissioner Lu: Thank you.

19
20 Chair Summa: Anyone else? Okay, meeting is adjourned, thank you.

-
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1 **Adjournment**

2 9:05 pm

3

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