



## *Memorandum*

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**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, MMC  
City Clerk

**SUBJECT:** The Public Record  
December 5, 2024 – January 2, 2025

**DATE:** January 8, 2025

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### **ITEMS FILED FOR THE PUBLIC RECORD**

#### **Letters from Boards, Commissions, and Committees**

1. Letter from Climate Advisory Commission, December 19, 2024, regarding: Climate Advisory Commission Recommendation Letters.

#### **Letters from the Public**

2. Letter from Sergon Attisha, dated December 7, 2024, regarding: Request for Inclusion of Chynoweth Avenue in the Oversized and Lived-In Vehicle Pilot Program.
3. Letter from Joyce Tachner, dated December 8, 2024, regarding: safety on our public streets'.
4. Letter from Jordan Moldow, dated December 9, 2024, regarding: Vision Zero Action Plan 2025 – Open Letter.
5. Letter from Pacific Gas and Electric Company, dated December 9, 2024, regarding: NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS 2024 WILDFIRE MITIGATION AND CATASTROPHIC EVENTS APPLICATION (A.24-11-009).
- 6-9. Letters from two members of the public, dated December 15-17, 2024, regarding: ENCAMPMENT ON GREAT OAKS.

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10. Letter from Kendra O'Donoghue, dated December 18, 2024, regarding: Letter to City Council Re: Animal Shelter.
11. Letter from Francois Gauthier, dated December 19, 2024, regarding: Appeal to Remove Homeless Encampment.
12. Letter from David Vieira, dated December 23, 2024, regarding: Letter in support of David Pandori for interim D3 seat.
13. Letter from Barbara Gallaty, dated December 30, 2024, regarding: Big Rigs Parked on Las Colinas San Jose CA 95119.



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Toni J. Taber, MMC  
City Clerk

TJT/tt



*Environmental Services Department*

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Climate Advisory Commission

December 17, 2024

Dear Transportation and Environment Committee:

The SJ Climate Advisory Commission support efforts to modify our city ordinances to facilitate electrification, including the installation of HVAC heat pumps. The current sideyard setback requirement of 5 feet is a major impediment to the siting of heat pumps in sideyards. As the city already has exceptions for a minimum clearance of 3 feet for other similar situations (like tankless gas heaters), we request the city grant an exception for HVAC heat pumps as well. We note the numerous other cities already allow for sideyard clearances as low as 3 feet. Further supporting material is provided.

(from San Jose Climate Advisory Commission, 11/21/24)

Sincerely,

/s/

Glen Garfunkel

Commission Expertise Representative

On behalf of the San Jose Climate Advisory Commission

**From:**  
**To:** Electrification (Noise) Ordinance & Heat Pumps - letter for City Council, for Nov 6th mtg (related to Consent  
**Cc:** Calendar item #8 (Electrification Equipment Ordinance))  
Friday, November 3, 2023 5:26:56 PM  
**Subject:**  
**Date:**

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Members of the City Council of Palo Alto, and Staff,

We would like to clarify some issues and restate our ordinance proposal, concerning heatpump placement in sideyards.

All arguments given in our 9/25 letter below to council below still stand, including our suggestion to set the property boundary Noise Level limit to 60dBA, especially for inverter heatpumps. Our proposal to set the property boundary Noise Level limits at 60dBA is supported for these reasons:

- 60dBA is the noise level of normal conversation. An electric tooth brush at 3feet measured 65dBA. Cabin noise in a quiet car at highway speeds will measure 65dBA, or more. The point is, 60dBA is not loud. [Noise example link 1](#). [Noise example link 2](#).
- Inverter heatpumps as explained in our 9/25 letter below, rarely operate at the full speed noise levels. Reported spec'd noise level('sound pressure') is full speed (worst case). We can expect inverter heatpump noise levels to typically be several dB below the spec'd value. Our [own measurement of noise vs fan speed is given here](#) showing a strong noise dependence vs fan rpm (and compressor speed). A fan speed reduction of each 10% gives an additional 4 dB noise drop (these fan speed reductions seem to be common in inverter heatpumps).
- As distance from a noise source doubles, it's noise level drops by 6 dBA. As heatpump noise levels are spec'd at 3 feet, then at 6feet the noise will be 6 dB down (and at 12 feet(=6 doubled) it will be down 6 dB doubled = 12 dB). So eg for a 60 dBA heatpump placed 3 feet from a property line, then at *only three feet* into the neighbors property, the noise is already down to 54 dB. The point is, the noise levels drop rapidly with distance, and so impact to neighbors is small and very localized.
- We feel it is also helpful to understand that if a heatpump installation for some reason does result in noise exceeding some target limit, there are low cost measures that can be taken to help suppress the noise; reduction up to several dB or more may be expected, depending on situation details. For example, sound blankets for compressors (installed inside the heatpump) seem to be available for some manufactures/models. Exterior grade sound suppression blankets to be hung on nearby walls or fences are an additional option. From our own measurements we find a clear 3dB noise reduction from a simple standard solid wood fence. Stone or masonry walls are well known to be noise barriers (eg on highways near residential areas) and many dB reduction can be expected for this case (of course wall or fence height of 5-6 feet is preferred). For some heatpumps, fan (and compressor) speed can be directly controlled and limited, and numerous models allow a 'night' mode which reduces usage at night; in addition, simple thermostat nighttime settings(lower temp settings) can be used to minimize usage(noise) at night.

Data by [Bret Andersen & Bruce Hodge](#) of Carbon Free Palo Alto has shown that the commonly available heatpump selection would still be quite restricted by the current (Nov 3) 55 dBA limits.

For these reasons, along with the importance of facilitating electrification to reach our climate goals, we strongly encourage Palo Alto to establish property boundary noise targets of 60 dBA, for heatpump sideyard installations for inverter heatpumps and especially for properties with restricted sideyards of 8 feet or less.

Thank you for your consideration.

Glen Garfunkel  
Climate Reality Project - Silicon Valley Chapter (Co-Chair)  
<https://www.climaterealitysiliconvalley.org/>

Begin forwarded message:

**Sept 25, 2023**

**Re: Proposed Amendments to Municipal Code Concerning Noise Ordinances and Heat Pump Setbacks**

Honorable Members of the City Council of Palo Alto,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

There needs to be a suitable balance between important electrification goals and worst case noise concerns. Sideyard placement for heat pumps (suitcase footprint style) is preferable for many home owners with common lot sizes, and accommodating this placement will facilitate adoption of heat pumps. But noise ordinances which are overly conservative will unnecessarily impede the adoption of heat pumps. We believe the proposed noise ordinance is too conservative in two respects.

First, it does not make accommodations for 'inverter' type heat pumps, which generally operate at conditions much quieter than their dBA noise value, which by definition is the worst case noise value. Inverter heat pumps have variable speed fans (and compressors) and rarely operate at 100% speed. Non-inverter heat pumps, on the other-hand, are either 100% on (full speed) or completely off. While non-inverter heat pumps regulate building temperature by

toggling on(100%) and off(0%), inverter heat pumps can vary heat (or cooling) delivery continuously, and will modulate down to match the load, and normally operate well under 100% speeds(capacity). At reduced speeds, inverter heat pumps can easily be 5dBA or more quieter than at the full speed(dBA). ('Night mode' and fan speed limits exist in some models explicitly for noise reduction purposes.)

This inverter heat pump issue is referenced briefly in staff introduction to the proposed ordinance, but the ordinance so far does not address this. We strongly encourage Palo Alto to address this and relax the noise requirements for inverter heat pumps to strike a more reasonable balance between rare low occurrence noise issues, and electrification goals.

Our second point of concern is that regardless of heat pump types, the noise requirements appear overly conservative. The ordinance seeks to maintain a noise level of less than 50dBA at the property line nearest the heat pump, and imposes heat pump noise limits of 53dBA for a setback of 5 feet from the property line, and further setback limits for slightly higher noise cases. But normal speech can measure around 60dBA, and cabin noise levels inside a car at normal speeds are typically in the ballpark of 65-70dB(A). We experience these levels everyday.

While Palo Alto here is seeking to keep noise under 50dBA at the property line other communities have different higher noise limits. From a brief search we find Portland OR targets at 55dbA, numerous cities target 60dBA, Houston TX targets 65dBA, and it appears Chicago may have limits over 70dBA (daytime noise limits). We suspect there are very few (if any) appropriate heat pumps that would meet these proposed dbA limits, and the ordinance impact would be to severely limit and delay the installations, force homeowners to install in front or back yards, and frustrate them in the process. In practice heat pumps are installed in various other communities in sideyards with 5-8feet of space, with little known issue.

There are a few other factors too that should be pointed out that support higher noise limits. Noise levels drop 6dB with the doubling of distance, so for example a 56dbA heat pump placed at 6.0feet from property line would just fail the ordinance(50dB at property line), but measured at only another 6 feet into the neighbor's property, it's noise level would be down to 44-45dBA, which is very low. The basic point is that noise levels decay strongly with 'doubling distance', so for heat pump placement in sideyards close to the property line, eg at 5 feet, then the doubling distance is only 10feet, and the *zone of elevated noise* in the neighbor's property is exceedingly small. (This is not true if the noise source is say 50feet *from* property line, and it's noise value reaches 50dBA at the property line: here one need to go 50feet into the neighbors property to reach the additional 6dB drop in noise.). Sideyard placement is important, and we feel this consideration of the short spatial extent of the noise further supports additional relaxation of the ordinance.

There is another detail worth noting. Heat pumps will run strongest when it is very hot or very cold, but that is exactly when people tend to keep their house windows closed. So in practice, at least for indoor noise (from the outdoor unit), on average, this will tend to additionally reduce noise levels that residents are exposed to.

For sideyard installations we propose that the ordinance target to reach 60dBA at the property edge.

Due to the importance of the electrification efforts in addressing our climate goals, we feel

every effort should be made to assure that the ordinances facilitate heat pump installations and do not unnecessarily restrict them. We appreciate your review and consideration of these issues.

Sincerely,

Glen Garfunkel, Co-Chair, Climate Reality Project - Silicon Valley Chapter

Adam Sweeney, Co-Chair, Climate Reality Project - Silicon Valley Chapter

Debbie Mytels(Palo Alto Resident), Decarbonization Action Director, Climate Reality Project  
- Silicon Valley Chapter.

**From:**  
**To:**  
**Subject:**  
**Date:**  
**Attachments:**

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FYI

Begin forwarded message:

Hi All,

Thanks for your work on this [important ordinance](#) which has an outsize impact upon the ability of Palo Alto to electrify and meet its [80/30 climate goals](#).

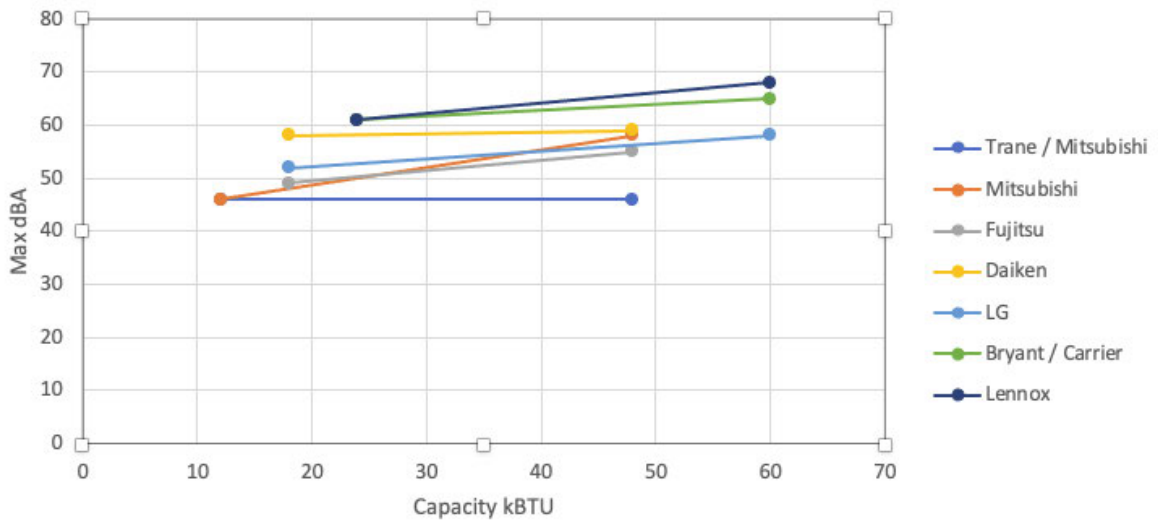
First we offer two different [spreadsheets](#), then a proposal.

The document [Sound levels in side yards](#) essentially provides the reverse relationship established by the proposed ordinance - for a given allowed noise level (in dBA) at the property line it lists the maximum sound levels for any device given its distance from the property line. We've listed values in 1 ft increments starting at 3' from the property line and ranging up to 10' away. It's quite easy to extend the table to have a finer granularity of distances or a greater range. This table is populated using the formula referenced by this [resource](#) and assumes that the maximum sound levels provided by the manufacturer are measured at 3' from the device. The table in the proposed ordinance makes the same assumption.

Looking at the lines in the table for 55 dBA as the maximum allowed noise (starting at line 18), one can see that a device located at 3' from the property line would have to be rated at 55 dBA or less. This is essentially the situation for all 6' side yards (we allocate a 3' wide zone for a device sited next to the building wall). If you have a 8' side yard then you can locate the device 5' from the property line and your device can emit up to 59.4 dBA. So 55 dBA for inverter units is better than before, but it's still problematic for 6' side yards. The reason for that is that not many devices have sound levels low enough to qualify.

[HP HVAC Noise Levels](#) shows data from a survey of maximum noise levels of heat pump inverter condensers from various primary manufacturers. The range of maximum noise levels is approximately 48-68 dBA. Based on our limited survey and incorporating some amount of guesswork, we estimate that only about a third of the units we surveyed qualify at the 55dBA property line limit in 6' setback yards. If that limit is raised to 60dBA at the property line, then about half of the units would qualify in 6' setback yards.





We also note that manufacturers vary in the way they measure and disclose levels, some provide a minimum sound level (e.g. Bryant / Carrier) in brochures and maximums only in their data sheets. Some values in the table and graphs are extrapolated in those cases. We did not check every model in every range but we attempted to capture the low and high capacity, which generally corresponds to lower to higher max noise levels for units within a given model range. We would actually be in favor of disallowing devices where the manufacturer does not provide maximum noise levels. It would also be helpful if all manufacturers disclosed their methodology for obtaining the maximum sound levels.

In light of this data, we propose adding a third table that allows up to 60 dbA at the property line for inverter based units in 6' setback yards. This could be conditional such that if about half of available units eventually qualify under the 55 dbA limit, then the 60 dbA limit would be retired.

We're in favor of moving ahead with the current 55dbA limit for inverter units for now to allow projects that have been put on hold to proceed. Then staff should come back in 3 months or less with further analysis and either accept our proposal or make a counter proposal that would allow a greater choice of inverter units in 6' side yards.

Thanks for your attention to this and happy to answer questions or meet.

Best,

Bruce Hodge  
Bret Andersen

Carbon Free Palo Alto

From:  
To:  
Subject:  
Date:  
Attachments:

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Hi Jonathan & Amy,

Bruce Hodge and Bret Andersen here from Carbon Free Palo Alto and Carbon Free Silicon Valley. We're writing to make comments about the proposal particularly with respect to electrification equipment, and to propose modifications that would align the ordinance more closely with Palo Alto's S/CAP climate goals.

#### Motivation

We understand that one of the intentions of the changes is to relax the noise requirements for installation of electric heat pump condensers in side yards. We believe that the goal of the noise ordinance changes should be to establish limits that enable outdoor heat pump compressor installations for most homes. This is required in order to meet the city's goals for equitable electrification by 2030 in Palo Alto. Based on the city's zone map, a significant portion, possibly the majority, of our residents will need to be able to install condensers in narrow side yards as a practical way to avoid renewing their investments in gas furnaces.

#### Comments

1. Side yards are often the most practical place to install outdoor condensers based on building configuration, installation cost, aesthetics and noise concerns.
2. The map of residential zones indicates that a majority of homes potentially have the 6-foot setback constraint assuming that most homes are built out to this limit. The side yard setbacks by zone in Palo Alto are shown on p20 of [Single-Family Zoning Technical Manual](#) (PDF, 4MB)  
R-1 has 6' setbacks between properties  
R-1 7000-20000 are Special zones with 8' setbacks  
Zone R-1 appears to be the majority of coverage on the [Zoning Map](#)
3. Table 1 in Paragraph (c) of section 9.10.030 allows for the needed option to put equipment within 3 feet of the property line. However, in the 50 dBA area the allowed sound levels will exclude the vast majority of available HVAC equipment on the market today within minimum side yard setbacks.  
  
Note that the average / median level of existing equipment is 56-58 dBA according to the consultants report. The attached table of inverter technology condensers available from [Trane/Mitsubishi](#) show a range of 50-59 dBA. Daikin promotes their quieter inverter systems at 57dBA at this [link](#). The ranges are similar from other manufacturers. In fact, the majority of new heat pump condensers being installed today probably utilize inverter technology. The city noise ordinance should not prevent residents from availing themselves of mainstream inverter heat pump HVAC technology and the significant public incentives available.
4. We see no reason for requiring a substantially stricter noise limit west of Foothill Expressway for modern heat pump condensers utilizing variable speed inverter pump technology.
5. With respect to variable speed inverter technology in condenser units, it must be noted that these fans never run at 100% speed for long intervals and are more typically running at much lower speeds and noise levels. For example, see the graph below taken from the [Trane brochure](#) that compares the fan speeds of non-inverter units to inverter units. Anecdotally, many customers report that the noise levels are exceedingly quiet in practice. A comparison with single or dual speed condenser noise levels on average and maximum would help inform the decision about sound limits.

#### Proposed modifications and actions

1. Provide a separate Table 2 in section 9.10.030 - that allows the installation of inverter technology condensers with maximum noise levels in the range of 58-60 dBA in 6 foot side yards.
2. For paragraph 9.10.030 (a), the city should assist residents by providing a map or a table to determine the ambient noise level for a given building address. This would make it easier for residents to install equipment in known higher ambient noise zones.
3. Provide analysis of the practical impact of the noise limits on the installation of heat pump condensers and the related impact upon the 80/30 S/CAP climate goals.
  - a. What percentage of the currently installed devices would qualify under the new rules?
  - b. Which devices are likely to qualify for 6 and 8' setback yards and which also meet the EnergyStar specs that are needed to qualify for some incentives?
  - c. Ask the noise consultant for 8760 data on noise emissions from variable speed condenser units in our climate zone. (8760 implies data once an hour over an entire year - i.e  $8760 = 365 * 24$ )

#### Conclusion

We strongly feel that this existing proposal will continue to significantly restrict the ability of the residential community to electrify their heating and cooling needs in line with the 80/30 goal. It needs more discussion and revision.

Lastly, please note the recent announcement of a goal to install 20 million heat pumps in the US by 2030: <https://mi.org/what-a-20-million-heat-pump-commitment-means-for-the-us/>. This is mainstream activity now.

Thanks and hope to hear from you shortly as we understand this is coming to council on Oct 2nd.

Sincerely,

Bruce Hodge - Chairperson  
Bret Andersen - Board member

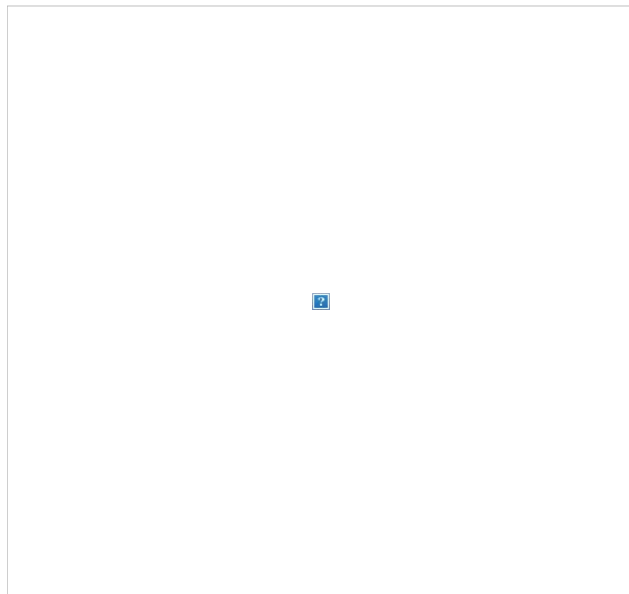
Carbon Free Palo Alto  
Carbon Free Silicon Valley

# MX Model

## INVERTER MULTI



Type			Up to 2 indoor units	Up to 3 indoor units		Up to 4 indoor units	Up to 5 indoor units	Up to 8 indoor units					
Outdoor Unit			NTXMMX20A122A*	NTXMMX24A132A*	NTXMMX30A132A*	NTXMMX36A142A*	NTXMMX42A152A*	NTXMMX48A182A*	NTXMMX60A182A*				
Branch Box Required			No	No	No	No	No	Yes	Yes				
Power Supply			R410A		R410A		R410A		R410A				
Source			R410A		R410A		R410A		R410A				
Outdoor (Phase, Hz, V)			1-phase, 60Hz, 208/230V		1-phase, 60Hz, 208/230V		1-phase, 60Hz, 208/230V		1-phase, 60Hz, 208/230V				
Capacity			Rated *1	BTU/H	18,000	22,000	28,400	35,400	40,500	48,000	60,000		
Cooling			SEER							Refer to page 148			
EER			Refer to page 148										
Heating			Capacity		Rated *1	BTU/H	22,000	25,000	28,600	36,000	45,000	54,000	66,000
Max at 17F *2			BTU/H		12,500	19,600	21,000	26,600	30,500	36,600	44,000	54,000	66,000
Max at 5F *3			BTU/H		11,100	18,200	18,200	24,000	26,000	32,400	39,600	48,000	57,000
HSPF			Refer to page 148										
Outdoor Unit			MCA		A	17.2	22.1	22.1	22.1	32.5	35.0	46.0	
Recommended Fuse/Breaker Size			A		20	25	25	25	25	40	40	50	
Dimensions			W		In. [mm]	33-1/16 [840]	37-13/32 [950]	37-13/32 [950]	37-13/32 [950]	37-13/32 [950]	41-11/32 [1,050]	41-11/32 [1,050]	
D			In. [mm]		13 [330]	13 [330]	13 [330]	13 [330]	13 [330]	13+1 [330+25]	13+1 [330+25]	13+1 [330+25]	
H			In. [mm]		27-15/16 [710]	31-11/32 [796]	31-11/32 [796]	31-11/32 [796]	31-11/32 [796]	41-17/64 [1,048]	52-11/16 [1,338]	52-11/16 [1,338]	
Weight			lbs [kg]		126 [57]	137 [62]	137 [62]	139 [63]	189 [86]	271 [123]	302 [137]	302 [137]	
Air volume (Cooling/Heating)			CFM		1,342/1,458	2,287/2,382	2,287/2,382	2,287/2,382	2,118/2,542	3,885	4,879	4,879	
Sound Level			Cooling		dB [A]	50	51	52	54	56	51	58	
Heating			dB [A]		54	55	56	56	58	54	59	59	
Piping			Diameter		Gas	In. [mm]	3/8 [9.52]	A: 1/2 [12.7] B,C: 3/8 [9.52]	A: 1/2 [12.7] B,C: 3/8 [9.52]	A: 1/2 [12.7] B,C,D: 3/8 [9.52]	A: 1/2 [12.7] B,C,D,E: 3/8 [9.52]	5/8 [15.88]	3/4 [19.05]
Liquid			In. [mm]		1/4 [6.35]	1/4 [6.35]	1/4 [6.35]	1/4 [6.35]	1/4 [6.35]	1/4 [6.35]	3/8 [9.52]	3/8 [9.52]	
Max. Length			ft [m]		164 [50]	230 [70]	230 [70]	230 [70]	230 [70]	262 [80]	492 [150]	492 [150]	
Height			ft [m]		49 [15]	49 [15]	49 [15]	49 [15]	49 [15]	164 [50]	164 [50]	164 [50]	
Guaranteed Operation Range			Cooling		F [C]	14 ~ 115°FDB [-10 ~ 46°CDB]	14 ~ 115°FDB [-10 ~ 46°CDB]	14 ~ 115°FDB [-10 ~ 46°CDB]	14 ~ 115°FDB [-10 ~ 46°CDB]	14 ~ 115°FDB [-10 ~ 46°CDB]	23 ~ 115°FDB [-5 ~ 46°CDB] *5	23 ~ 115°FDB [-5 ~ 46°CDB] *5	
Heating			F [C]		5 ~ 75°FDB [-15 ~ 24°CDB]	5 ~ 75°FDB [-15 ~ 24°CDB]	5 ~ 75°FDB [-15 ~ 24°CDB]	5 ~ 75°FDB [-15 ~ 24°CDB]	5 ~ 75°FDB [-15 ~ 24°CDB]	5 ~ 75°FDB [-15 ~ 24°CDB]	-4 ~ 70°FDB [-20 ~ 21°CDB]	-4 ~ 70°FDB [-20 ~ 21°CDB]	





**From:**  
**To:**  
**Cc:**  
**Subject:**  
**Date:**

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**Sept 25, 2023**

**Re: Proposed Amendments to Municipal Code Concerning Noise Ordinances and Heat Pump Setbacks**

Honorable Members of the City Council of Palo Alto,

There needs to be a suitable balance between important electrification goals and worst case noise concerns. Sideyard placement for heat pumps (suitcase footprint style) is preferable for many home owners with common lot sizes, and accommodating this placement will facilitate adoption of heat pumps. But noise ordinances which are overly conservative will unnecessarily impede the adoption of heat pumps. We believe the proposed noise ordinance is too conservative in two respects.

First, it does not make accommodations for 'inverter' type heat pumps, which generally operate at conditions much quieter than their dBA noise value, which by definition is the worst case noise value. Inverter heat pumps have variable speed fans (and compressors) and rarely operate at 100% speed. Non-inverter heat pumps, on the other-hand, are either 100% on (full speed) or completely off. While non-inverter heat pumps regulate building temperature by toggling on(100%) and off(0%), inverter heat pumps can vary heat (or cooling) delivery continuously, and will modulate down to match the load, and normally operate well under 100% speeds(capacity). At reduced speeds, inverter heat pumps can easily be 5dBA or more quieter than at the full speed(dBA). ('Night mode' and fan speed limits exist in some models explicitly for noise reduction purposes.)

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impact would be to severely limit and delay the installations, force homeowners to install in front or back yards, and frustrate them in the process. In practice heat pumps are installed in various other communities in sideyards with 5-8feet of space, with little known issue.

There are a few other factors too that should be pointed out that support higher noise limits. Noise levels drop 6dB with the doubling of distance, so for example a 56dba heat pump placed at 6.0feet from property line would just fail the ordinance(50dB at property line), but measured at only another 6 feet into the neighbor's property, it's noise level would be down to 44-45dba, which is very low. The basic point is that noise levels decay strongly with 'doubling distance', so for heat pump placement in sideyards close to the property line, eg at 5 feet, then the doubling distance is only 10feet, and the *zone of elevated noise* in the neighbor's property is exceedingly small. (This is not true if the noise source is say 50feet *from* property line, and it's noise value reaches 50dba at the property line: here one need to go 50feet into the neighbors property to reach the additional 6dB drop in noise.). Sideyard placement is important, and we feel this consideration of the short spatial extent of the noise further supports additional relaxation of the ordinance.

There is another detail worth noting. Heat pumps will run strongest when it is very hot or very cold, but that is exactly when people tend to keep their house windows closed. So in practice, at least for indoor noise (from the outdoor unit), on average, this will tend to additionally reduce noise levels that residents are exposed to.

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Due to the importance of the electrification efforts in addressing our climate goals, we feel every effort should be made to assure that the ordinances facilitate heat pump installations and do not unnecessarily restrict them. We appreciate your review and consideration of these issues.

Sincerely,

Glen Garfunkel, Co-Chair, Climate Reality Project - Silicon Valley Chapter

Adam Sweeney, Co-Chair, Climate Reality Project - Silicon Valley Chapter

Debbie Mytels(Palo Alto Resident), Decarbonization Action Director, Climate Reality Project - Silicon Valley Chapter.

# Sideyard Setback and HP Noise Ordinances

- Often homeowners may prefer to locate their HP in their sideyard, rather than front or back yards. However, there are 2 ordinances that can be problematic, sideyard setback and sometimes noise ordinances also.
- **Setback Ordinances:**
  - Some cities, including San Jose, have a five foot (or larger) sideyard setback requirement, that often is not compatible with a sideyard siting of a HP (depending on details).
  - The 5' requirement (in SJ) is historical, and partly pertains to clearance that some city fire departments prefer, however:
    - numerous cities/fire departments operate just fine with a 3' sideyard setback rule.
    - cities, including San Jose, actually have numerous 'allowed exceptions' (eg for chimneys, bay windows, tankless gas water heaters!!!, etc) that effectively result in 3' clearance. Unfortunately, SJ currently(Oct 2024) does not allow exceptions for heat pumps;however there is recent indication of willingness to consider ordinance changes.
  - Some of us (including some members of the SJ Climate Advisory Commission(SJ CAC)) are requesting the SJ Planning department(PBCE) to revise it's ordinances to allow a minimum clearance down to 3 feet, for heat pumps for small sideyards that cannot accommodate the 5' ordinance.
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# Noise Ordinance

- **Noise Ordinances:**

Focusing on San Jose, we currently have a noise ordinance requirement of 55dBA at the property line. We've been told SJ permit and inspection for heat pumps does not track the noise. We feel this is reasonable for several reasons: modern heat pumps are relatively quiet, there is not a significant known issue with HP noise complaints, we prefer to avoid unnecessary regulations for homeowners, and there are various complexities in quantifying the noise that make it non-trivial to design ordinances around. We note the following:

- 1) While HP noise is spec'd at full speed, it is rarely operated at full speed. Normally inverter heat pumps operate at lower compressor (and fan) speeds, so noise will normally be less than the spec'd value (for inverter HPs). We estimate 3dB less. (>> Modern inverter heat pumps (also sometimes called 'variable speed' heat pumps) are typically quieter than traditional older single speed heat pumps (or A/C's). So don't gauge by experience with older single speed AC's.)
- 2) Heat pump spec values are measured at ~3 feet distance from the HP. For a HP spec's at 60dBA, placed 3 feet from property line, the actual noise at property line would be  $60-3(\text{for invtr})=57\text{dB}$  (or less). Considering that a 60dBA ('sound pressure') is roughly the level of normal conversation, then 60dBA HP spec ordinance (@3' placement) we feel is reasonable.
- 3) Point noise sources drop off by 6dB as distance from source is doubled. So for HP's placed 6' from prop line, the noise at prop line would be 6dB below the spec'd value. Then slightly noisier HP's can be used provided they are placed further away from property line. 6dB drop/doubling\_dist (square law rule) is ideal; slightly weaker more conservative scaling would be appropriate for sideyards (see proposal).



# Noise Ordinance - Continued

- 4) The noise vs distance drop-off also means that as one moves an additional 6 feet (for example) BEYOND the property line, into the neighbor's property, the noise drops off several more dB (eg 6dB). For sideyard geometries (distance to prop line) of several feet, the 'doubling distances' is always short; this is unique to sideyard geometry (or any noise source close to the prop line), so the noise is quite localized and of less impact to neighbors.
- 5) Some HP models (like mine) allow for quieter operation by reduction of fan (and/or compressor) speeds (although this is rarely used or needed for modern inverter HPs, to my knowledge).
- 6) It should be noted there are additional mitigating measures available to reduce noise, in the unlikely event there is need for further noise reduction. Noise dampening or deflecting barriers can be placed near the heatpump (eg dampening blankets or tiles on walls or fences near HP; a normal solid wood fence appear to serve to reduce noise a few dB).
- 7) Finally, we note that typically most homeowners and neighbors find their heatpumps (at least inverter type) to be quite quiet.

# Noise Ordinance - discussion

- While we support the current omission of noise from the inspection process, if for some reason there is a strong interest to add a noise regulation, we propose the following ordinance for SJ, for a HP Spec, given it's distance from property line. The target noise at property line is only 2dBA above the current 55dBA ordinance goal:

<b>HP Distance from Property Line (feet)</b>	<b>Target Noise limit at Property line (dBA)</b>	<b>HP Spec (Full Speed) for Invtr HP, that achieves Target Noise Limit, assuming Pt Source, and 3dB invtr adjustment (dBA)</b>	<b>HP Spec needed to achieve Target Noise (57dB) using conservative d scaling(exponent 1.5, not 2.0) (dBA)</b>	<b>Proposed Ordinance for Invtr HP (full speed) spec, w/ clip at 65. (dBA)</b>
3	57	60.0	60	60
4	57	62.5	61.9	62
5	57	64.4	63.3	63
6	57	66.0	64.4	64
7	57	67.4	65.5	65
8	57	68.5	66.4	65



# SOUND DECISIONS: CONSIDERATIONS WHEN SITING OUTDOOR MECHANICAL EQUIPMENT

Preparing cities for new regulations related to fossil burning appliances

## OPENING DOORS TO BENEFITS

Increasing siting opportunities for outdoor mechanical equipment aids in cleaner, safer more resilient communities.

### » HEALTH

Replacing natural gas appliances with electric heat pumps improves indoor air quality and reduces building emissions.

### » COMFORT & EQUITY

In a warming climate, access to cooling ensures community well-being.

### » SAFETY

Combustion is eliminated, along with associated safety risks.



Figure 1: Typical Retrofit Condenser Installation

## CODES AND MECHANICAL EQUIPMENT

Current codes for setbacks, noise and screening limit available siting locations for mechanical equipment, primarily condensing units for air conditioners and heat pumps. Units like the one shown in Figure 1 are currently disallowed within 3 feet of a property line in 7 of 13 cities in SVCE territory due to the equipment's noise levels.

# OPPORTUNITY FOR CODE UPDATES

## » IMPACT OF MUNICIPAL CODE UPDATES:

By updating municipal codes, as well as noise and zoning ordinances, cities can positively affect the cost and availability of air conditioners and heat pumps.

## » RECOMMENDATIONS FOR MECHANICAL EQUIPMENT INSTALLATION:

To improve options for installing mechanical equipment in space-constrained projects, Exceptions and Variances, similar to the following, should be included in municipal codes:

- » Exception: Allow slightly higher dBA levels and reduced setbacks only for water heating and space heating/cooling equipment with inverter technology.
- » Variance: Keep zoning and noise ordinances unchanged but allow higher acceptable levels if property owners can provide evidence of no other available location (building department approval required).

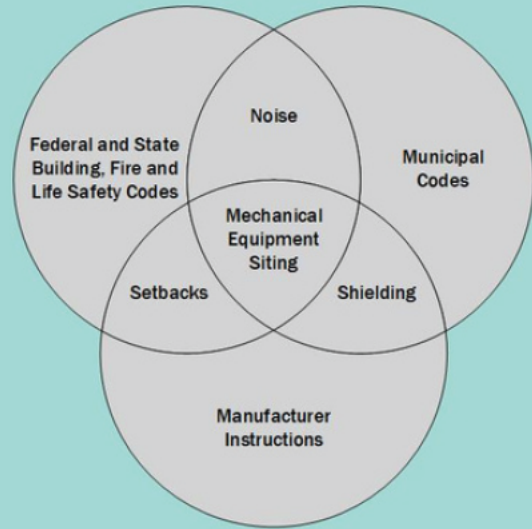


Figure 2: Complex Rules Impacting Siting of Mechanical Equipment

# PROCEDURAL OPPORTUNITIES

There are several municipal codes affecting mechanical equipment siting that building authorities may need to amend to facilitate easier retrofit installation. Changes require careful consideration of a variety of factors, as illustrated in Figure 2. These regulations include:

## » Noise ordinances

Modify language regarding allowable setbacks, noise levels and mechanical equipment shielding.

## » Regulatory documents

Coordinate updates across departments to ensure accurate, timely adoption and implementation.

## » Stakeholder meetings

Promote and host stakeholder engagement meetings with contractors, homeowners' associations, engineers and architects, and the public.

## » Zoning ordinances

Revise language regarding setbacks, aesthetics and other relevant topics.

## » Reach codes

Review reach codes to avoid potential conflicts with changes to ordinances.

## » Exceptions

Include exceptions language to standard thresholds and setback for uniquely constrained sites.

# ORDINANCE RECOMMENDATIONS<sup>1</sup>

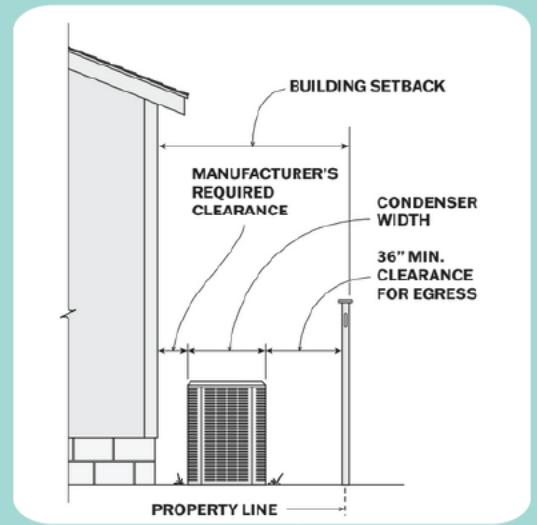
Technical thresholds and requirements that allow more flexibility in siting mechanical equipment. Importantly, these guidelines aim to balance individual quality of life with reasonable and legal standards.

## » SETBACKS

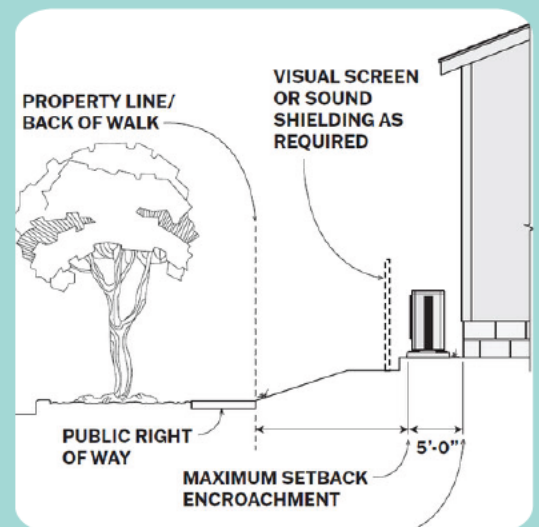
Cities of Menlo Park, Campbell, Milpitas and Mountain View allow mechanical equipment to be installed within the 5-foot side yard setback, however a required minimum of 3 feet (36 inches), net clear space between the equipment and fences or other obstructions, as measured from the nearest point of the equipment to the property line or permanent barrier, must be maintained for egress and fire/life safety access (see Figure 3).

As illustrated in Figure 4 and Figure 5, equipment should be allowed to be installed within the first 5 feet from the building edge in a front yard setback if a) equipment is adequately screened from view with approved materials, b) building setback is a minimum of 15 feet from a public walkway or thoroughfare and c) equipment is no more than 4 feet above grade.

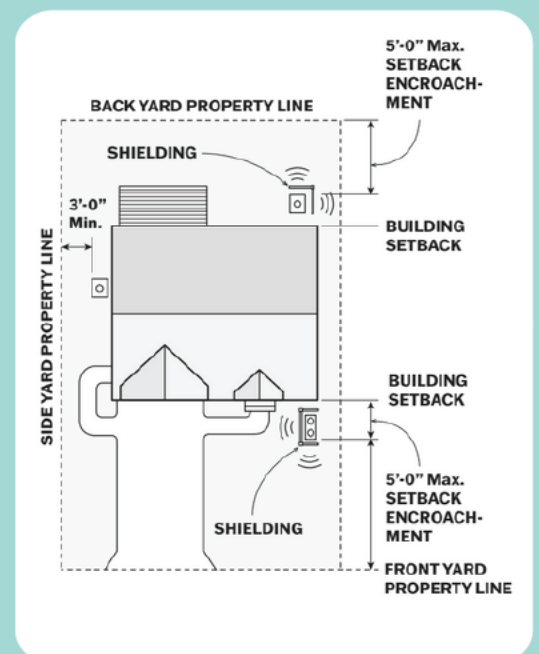
If the current ordinance lacks setback requirements for mechanical equipment, defining a new minimum setback is needed. This may include a distance of at least 3 feet from a property line, along with the use of manufacturer-recommended sound transmission-attenuating materials. The new language may include: “Equipment must be a minimum of 3 feet from the property line on any side yard utilized for ingress or egress. Additionally, equipment should be installed with manufacturer-recommended mechanical sound transmission-attenuating materials.”



**Figure 3:** Mechanical Equipment Side Yard Setback Encroachment



**Figure 4:** Mechanical Equipment Front Yard Setback



**Figure 5:** Mechanical Equipment Setback Encroachments

## » NOISE LEVELS

Depending on the style of heat pump, sound ratings range from 48-75 dBA. This is about the same level as normal conversation. Noise ordinances and the allowable maximum thresholds vary between municipalities based on the time of day and noise source. Cities like Gilroy and Mountain View have already passed amendments that encompass day/night (Ldn) and duration, such as L10 or 10% of the time. Options for allowable noise level limits might include:

- **Option 1:** 65 dBA during the day (7:00 a.m. – 10:00 p.m.) and 60 dBA at night (10:01 p.m. – 6:59 a.m.) and with a cumulative period of no more than 50% of operating time (L50).
- **Option 2:** 60 dBA levels day and night (Ldn) or 70 dBA 15% of the time (L15) measured at the property line if no solid barrier at the property line is present (fence, wall, or other sound attenuating shielding)
- **Option 3:** 60 dBA for inverter driven and 55 dBA for non-inverter driven equipment as measured at the property line if a solid barrier at the property line is present (fence, wall or other sound attenuating screen is in place, measured on the opposite side of the barrier).

## » AESTHETIC SCREENING AND ACOUSTIC SHIELDING/AESTHETICS

Allow mechanical equipment to be installed within the first 5 feet from the building edge of the front or rear setback with appropriate aesthetic screening (see figure 6) to maintain visual requirements and dBA levels at the property line or back of the walk (edge of public access). Not all aesthetic screening provides adequate acoustic or noise shielding.

## » EXCEPTIONS AND VARIANCES

Examples of potential variances and exceptions allowed under certain conditions include:

### ➤ **Hardship variance:**

If the property owner can provide reasonable evidence that without the variance, installation of mechanical equipment would be either impossible or unreasonably costly (need to define parameters), allow for variance from ordinance thresholds if shown the variance will not negatively impact adjacent properties or the public right-of-way.

### ➤ **Setback exceptions:**

Allow for installation of specific electrical equipment (condensers) within setbacks if the property owner can provide reasonable evidence that no other location exists.

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Last Updated:  
May 2, 2024

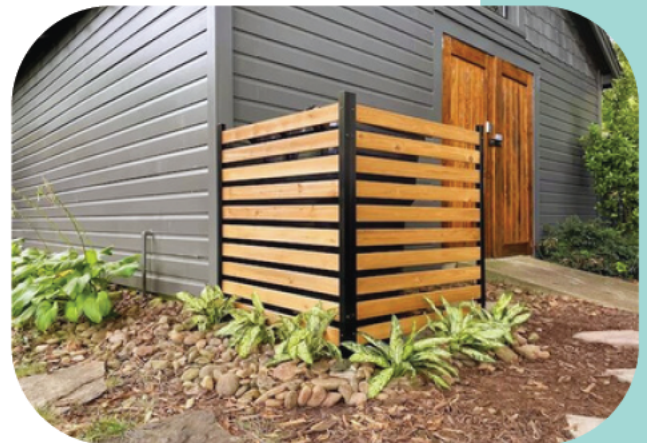


Figure 6: Equipment Screening



Scan the QR code to access specific recommendations and model noise, setback and screening ordinances examples, in the: [“Considerations and Alternatives for Siting Outdoor Mechanical Equipment”](#) extended document.



# SOUND DECISIONS: CONSIDERATIONS WHEN SITING OUTDOOR MECHANICAL EQUIPMENT

Preparing cities for new regulations related to fossil burning appliances

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## PREFACE

### ***Acknowledgments***

The authors would like to express our deepest gratitude and recognize the contributions of individuals who have supported the development of this guide. This work would not be possible if it were not for the contributions from: Anthony Eulo with SVCE; Shaunn Mendrin, Aastha Vahist, Suzanne Park and George Schroder with the City of Sunnyvale; Jennifer Armer and Robert Gray with the Town of Los Gatos; Sam Fishman and Wen Yang with SPUR; Sean Hatch with the City of Cupertino; Bruce Hodge and Bret Anderson with Carbon Free Palo Alto; Tom Kabat with Redwood Energy; the AWHI equity committee; Geoff Wickes with Northwest Energy Efficiency Alliance; Scott Blunk with SMUD; Caren Ferrari with ASF Electric; Steve Israel and Allan Rago with Quality Conservation Services; Scott Lovotti and Brian Thomsson with Lovotti Air Inc.; Dave Graves with Simple Switch; Aaron Gianni and Alejandro Perez with Larratt Brothers Plumbing; and SFPUC Power Enterprise.

### ***About SVCE***

Silicon Valley Clean Energy (SVCE), a Community Choice Energy agency, was formed as a Joint Powers Authority in 2016 and now serves approximately 270,000 residential and commercial electricity customers across a service area comprised of the following 13 communities: Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Saratoga, Sunnyvale and Unincorporated Santa Clara County. 97% of electricity customers in SVCE's service area receive their electricity from SVCE. SVCE was formed with the primary intention to address climate change through a variety of services provided to residential and business customers. Since SVCE-provided energy is significantly less carbon-intensive than both general grid power and methane gas combustion, much of SVCE's work has centered on encouraging and supporting building electrification.

### ***About RHA***

Richard Heath & Associates, Inc. (RHA) is a Minority Business Enterprise and leading California program design and management firm, specializing in delivering equitable access to energy efficiency, resiliency and beneficial decarbonization. Founded in 1980, RHA's earliest initiatives included partnering with a California utility to pioneer one of the state's first income-qualified energy efficiency programs. RHA has since built on this legacy and operates over 50 programs as a program administrator/implementer, government and utility technical consultant and training organization. This work has helped lead over 2.7 million Californians to more efficient, cleaner energy solutions, healthier homes and lower utility bills.

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## Revision Table

Version	Date	Description
1.0	03/28/24	Initial draft
2.0	04/19/24	Revised per SVCE feedback, added graphics, modified recommendation section
3.0	05/17/24	Revised per stakeholder suggestions

## Table of Acronyms, Abbreviations, and Definitions

Abbrev.	Definition
A	Ampere
AHJ	Authority Having Jurisdiction
BEV	Battery Electric Vehicle
CA	California
CEC	California Electric Code
dB	Decibel
EMS	Energy Management System
EVSE	Electric Vehicle Supply Equipment
GHG	Greenhouse Gas
HEA	Home Energy Analytics
HPWH	Heat Pump Water Heater
NEC	National Electric Code
NFPA	National Fire Protection Association
RHA	Richard Heath & Associates, Inc.
ROW	(public) Right of Way
SME	Subject Matter Expert
SVCE	Silicon Valley Clean Energy

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## PURPOSE

This guide is intended to help cities prepare for upcoming changes to rules for the installation of fossil burning appliances while ensuring citizens have equitable access to modern heating and cooling systems that will be required under these new rules. Increasing siting opportunities for outdoor mechanical equipment aids in cleaner, safer more resilient communities.

*Health:* Replacing natural gas appliances with electric heat pumps improves indoor air quality and reduces building emissions. Heat pumps provide air conditioning, protecting against extreme heat events, while reducing humidity mold risks, and protecting against extreme heat events.

*Comfort and Equity:* In a warming climate, air conditioning is crucial for community and individual well-being. Updating outdated rules ensures equitable access to modern heating and cooling systems.

*Safety:* Gas furnaces emit combustion byproducts, including carbon monoxide. By switching to electric heat pumps, you eliminate the risk of carbon monoxide exposure indoors. This is a significant safety benefit. Heat pumps operate without combustion, ensuring that no harmful gases are released inside homes.

## WHAT'S INCLUDED

This guide offers research-backed, implementable solutions for updating municipal codes that impact the available siting locations for mechanical equipment. It is focused primarily on condensing units for air conditioners and heat pumps, similar to those shown in Figure 1. These solutions aim to increase available siting options on physically constrained properties while minimizing potential negative impacts on local aesthetics, noise and compliance with local regulations. While the recommendations herein may also apply to commercial sites, specific thresholds recommended here are focused on new and existing residential buildings.



**Figure 1: Typical Retrofit Condenser Installation**

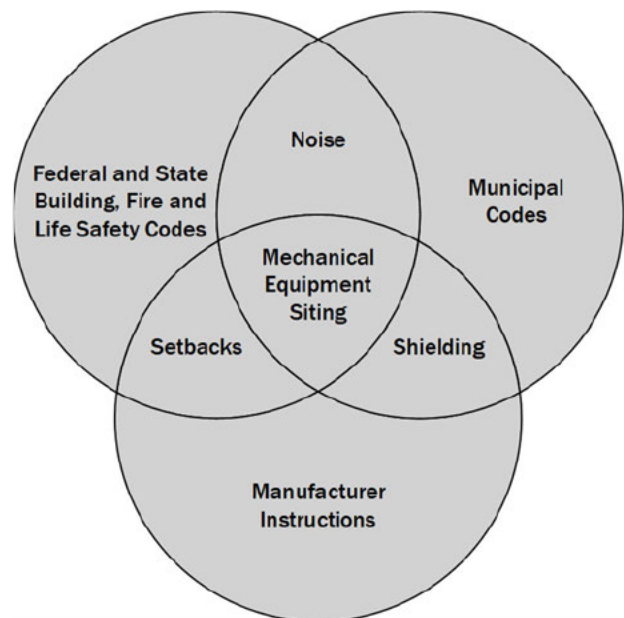
## BACKGROUND

Silicon Valley Clean Energy (SVCE) acknowledges that the placement of exterior mechanical equipment for heat pumps is an important and complex issue in HVAC retrofits and can present challenges for customers, contractors, and municipal staff charged with developing planning policies and issuing building permits. In response, SVCE collaborated with consultant Richard Heath & Associates, Inc (RHA) to create this Informational Guide for planning staff and other stakeholders.

## Section 1: Recommendations for Code Updates

By updating municipal codes, noise and zoning ordinances or other locally adopted regulations, cities can have a positive impact on both the cost and availability of air conditioners and heat pumps for homeowners and contractors looking for solutions, while ensuring compliance with all needed fire and life safety requirements. These changes require careful consideration of a variety of factors, as illustrated in Figure 2.

Legal note, adoption of noise-related ordinances is subject to CA laws and regulations, including Health and Safety Code 46000, which states, "(f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare. (g) It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare." This code is further reinforced by Section 415 of the California Penal Code, wherein it is illegal for any resident to knowingly create loud and unreasonable noises as a means of disturbing another.



**Figure 2: Competing Rules Impacting Siting of Mechanical Equipment**

If implemented, the following recommendations will improve the homeowner and contractor options for installing mechanical equipment in space-constrained projects. Specific ordinance language examples are provided in [Section 2](#).

Recommended changes to municipal codes, standards and ordinances to allow for greater flexibility in the siting of mechanical equipment. Recommend incorporating language specific to HVAC mechanical equipment may include:

- *Exception:* Allow marginally higher dBA levels and reduced setbacks only for water heating and space heating/cooling equipment.
- *Variance:* Leave zoning and noise ordinances as is, with additional higher acceptable levels allowable if the property owner can provide reasonable evidence no other location is available (building department written approval required) or if inverter driven equipment is used.

## 1.1 Procedural Recommendations

There are several municipal codes affecting mechanical equipment siting that building authorities may need to amend to facilitate easier retrofit installation. The regulations include:

- 1) Zoning ordinances – Update language regarding setbacks, aesthetics and other relevant topics.
- 2) Noise ordinances – Update language regarding allowable setbacks, noise levels and mechanical equipment shielding.
- 3) Reach codes – While they generally do not contain language related to siting mechanical equipment, review reach codes to ensure any changes to other regulations do not conflict with the reach codes.
- 4) Regulatory documents – When possible, coordinate between departments to update necessary regulatory documents in parallel to ensure accuracy, adoption timeliness and swift implementation.
- 5) Exceptions – Ordinances should include exceptions for existing buildings where space constraints would otherwise make the siting of mechanical equipment impractical or unnecessarily costly. Specific examples are listed in [Section 2.2](#). However, each jurisdiction must consider its unique building stock, public sentiment, and other factors to determine which exceptions to allow.
- 6) Stakeholder meetings – Actively promote and host stakeholder engagement meetings early during the updating process to build public buy-in, including with contractors, homeowners’ associations, engineers and architects, and the general public.

## 1.2 Ordinance Recommendations

The following recommendations, while not exhaustive, stem from research on existing codes. They focus on technical thresholds and requirements that allow more flexibility in siting mechanical equipment. Importantly, these guidelines aim to balance individual quality of life with reasonable and legal standards.

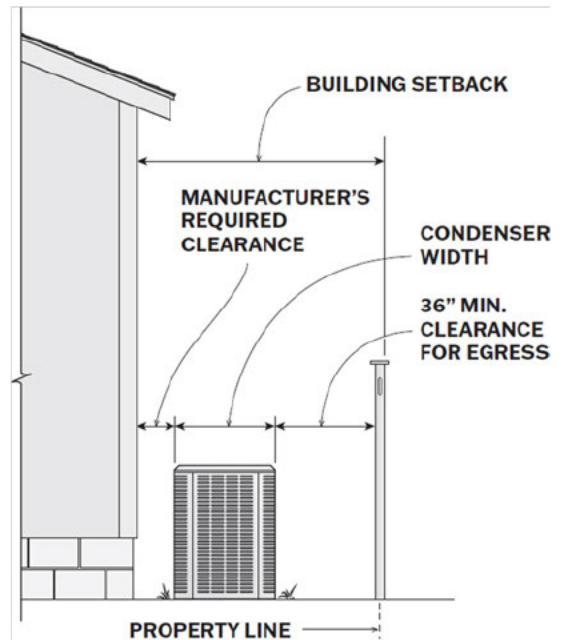
### 1.2.1 Setbacks

Allow mechanical equipment to be installed within the 5-foot setback, with a minimum of 3 feet (36 inches, see Figure 3) net clear space between equipment and fences or other obstructions required for ingress/egress and fire/life safety access, as measured from the nearest point of the equipment to the property line or permanent barrier.

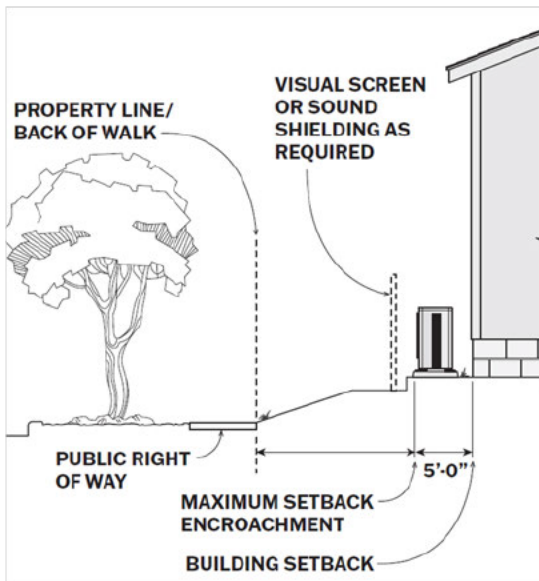
As illustrated in Figure 4 and Figure 5, equipment should be allowed to be installed within the first 5 feet from the building edge in a front yard setback if a) equipment is adequately screened from view with approved materials, b) building setback is a minimum of 15 feet from a public walkway or thoroughfare and c) equipment is no more than 4 feet above grade.

If the current ordinance lacks setback requirements for mechanical equipment, defining a new minimum setback is needed. This may include a distance of at least 3 feet from a property line, along with the use of manufacturer-recommended sound transmission-attenuating materials. The new language may include: *“Equipment must be a minimum of 3 feet from the property line on any side yard utilized for ingress or egress. Additionally, equipment should be installed with manufacturer-recommended mechanical sound transmission-attenuating materials.”*

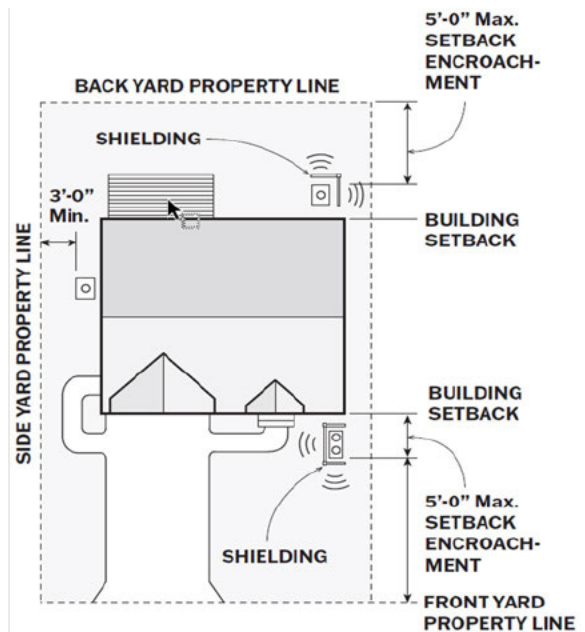
Note: Consider language regarding equipment in rear setbacks. This will require further investigation into conditions (alley-loaded, multi-tenant buildings, etc.).



**Figure 3: Mechanical Equipment Side Yard Setback Encroachment**



**Figure 5: Mechanical Equipment Front Yard Setback Encroachment**



**Figure 4: Mechanical Equipment Setback Encroachments**

### 1.2.2 Noise Levels

Depending on the style of heat pump, sound ratings range from 48-75 dBA. This is about the same level as normal conversation. Noise ordinances and the allowable maximum thresholds vary between municipalities based on the time of day and noise source. Cities like Gilroy and Mountain View have already passed amendments that encompass day/night ( $L_{dn}$ ) and duration, such as  $L_{10}$  or 10% of the time. Options for allowable noise level limits might include:

- Option 1: 65 dBA during the day (7:00 a.m. – 10:00 p.m.) and 60 dBA at night (10:01 p.m. – 6:59 a.m.) and with a cumulative period of no more than 50% of operating time ( $L_{50}$ ).
- Option 2: 60 dBA levels day and night ( $L_{dn}$ ) or 70 dBA 15% of the time ( $L_{15}$ ) measured at the property line if no solid barrier at the property line is present (fence, wall, or other sound attenuating shielding).
- Option 3: 60 dBA for inverter driven and 55 dBA for non-inverter driven equipment as measured at the property line if a solid barrier at the property line is present (fence, wall or other sound attenuating shielding is in place, measured on the opposite side of the barrier).

### 1.2.3 Aesthetic Screening and Acoustic Shielding

Allow mechanical equipment to be installed within the first 5 feet from the building edge of the front or rear setback with appropriate aesthetic screening to maintain visual requirements and dBA levels at the property line or back of the walk (edge of public access). A unique use of fencing used as screening is shown in Figure 6. Not all aesthetic or visual screening provides adequate acoustic or noise shielding.



Figure 6: Equipment Screening

### 1.2.4 Exceptions and Variances

Examples of potential variances and exceptions allowed under certain conditions include:

1. Hardship variance: If the property owner can provide reasonable evidence that without the variance, installation of mechanical equipment would be either impossible or unreasonably costly (need to define parameters), allow for variance from ordinance thresholds if shown the variance will not negatively impact adjacent properties or the public right-of-way.
2. Setback exceptions: As described in [Section 2.2.1](#), allow for installation of specific electrical equipment (condensers) within setbacks if the property owner can provide reasonable evidence that no other location exists.

## Section 2: Specific Recommendations and Examples

Model noise, setback and screening/shielding ordinances are provided below for review and inclusion into code updates. This language is not meant to be exhaustive but rather to provide a starting point for ordinance changes to still meet public protection requirements while increasing options for siting equipment.

### 2.1 Noise Ordinance

Definitions apply to all 3 examples provided below:

“Decibel (dBA)” means a unit measuring the amplitude of sound or noise, weighted to the range of human hearing (A-weighting scale on a sound level meter).

“L<sub>30</sub>” means the maximum noise level to be exceeded no more than thirty percent (30%) over the cumulative period.

“L<sub>50</sub>” means the maximum noise level to be exceeded no more than fifty percent (50%) over the cumulative period.

“Noise level” means the measurement of sound in decibels (dBA) obtained by using a sound level meter at slow response.

#### 2.1.1 Noise Ordinance Example 1

Successfully implemented in several cities, including Ashland, Oregon and in Gilroy, CA; these thresholds use a cumulative period, such as 30% (L<sub>30</sub>) of operating time at a specific noise level. This is an effective modification to existing code language and has the advantage of allowing temporary fluctuations while still keeping overall thresholds within accepted bounds.

*It shall be unlawful to generate noise within the city limits that exceeds the limits established in this section.*

##### 1) Maximum Outdoor Noise Levels

- a. *Mechanical Equipment Noise Impacting Residential Properties. Fixed-source outdoor mechanical or electrification equipment (e.g., pool, spa, air conditioning or similar equipment) is limited to a maximum of:
 
  - i. *Sixty-five (65) dBA as measured at the residential property line or seventy (70) dBA (L<sub>50</sub>) measured at the residential property line. Such noise is limited to the hours of 7:00 a.m. – 10:00 p.m.*
  - ii. *Sixty (60) dBA as measured at the residential property line or sixty-five (65) dBA (L<sub>30</sub>) measured at the residential property line. Such noise is limited to the hours of 10:00 p.m. – 7:00 a.m.**



### 2.1.2 Noise Ordinance Example 2

Similar to the cumulative reporting example 1, this example 2 includes building type and proximity to major transportation corridors. Providing guidance by building types allows for flexibility.

#### 1) Residential Noise Limits

- a. *Fixed-source outdoor mechanical or electrification equipment (e.g., pool, spa, air conditioning or similar equipment).*
  - i. *Operational noise shall not exceed sixty (60) dBA during nighttime or sixty-five (65) dBA during daytime hours at any point on the property line of the adjacent single-family or duplex uses.*
  - ii. *Operational noise shall not exceed sixty (60) dBA during nighttime or sixty-five (65) dBA during daytime hours on the primary useable open space of multi-family uses.*
  - iii. *Operational noise shall not exceed sixty (60) dBA during nighttime or seventy (70) dBA during daytime hours on the primary useable open space of residential uses located along major transportation corridors (freeways, expressways, arterials, and rail lines) or mixed-use residential properties.*

#### 2) Exceptions to Residential Noise Limits

- a. *Operational noise for residential air conditioners shall not exceed sixty-five (65) dBA for a cumulative period of no more than 30% ( $L_{30}$ ) of nighttime hours and shall not exceed seventy (70) dBA for a cumulative period of no more than 50% ( $L_{50}$ ) of daytime hours.*

### 2.1.3 Noise Ordinance Example 3

Successfully implemented in Palo Alto, higher allowable noise levels for inverter-based condenser units promote more energy efficient equipment with quieter operation. Additionally, a table of minimum setbacks from the receiving property line simplifies equipment selection and enforcement.

#### 1) Exterior noise limits.

- a. *Mechanical or electrification equipment shall be deemed to comply with this noise ordinance if the equipment complies with the maximum equipment sound levels and is placed at the setbacks established in Table 1 - Setback Requirements.*

**Table 1: Sample Setback Requirements**

Equipment Sound Level (dBA)	Equipment Sound Level (dBA) for Inverter Equipment	Minimum Setback from Receiving Property Line (ft.)
55	60	3
57	63	4
59	64	5
61	65	6
62	66	7
64	68	8
65	69	9
66	71	10

## 2.2 Setbacks

Similar to the Cities of Campbell, Milpitas and Mountain View, requiring a three-foot setback for mechanical equipment with exceptions for encroachments will allow for streamlined permitting.

### 2.2.1 Mechanical Equipment Setback Example

- 1) *Mechanical or electrification equipment, including, but not limited to, air conditioner units, can encroach into the required side or rear yard setback but must be at least three (3) feet from the property line unless otherwise approved, in writing, by the local Building Official. No mechanical equipment can be located within the front yard setback or be visible from the public street.*
- 2) *Exceptions to the setback line requirements are as follows:*
  - a. *Mechanical or electrification equipment may be located in a street-side yard setback but must be within a fenced yard consistent with fence setback requirements and traffic safety visibility area(s).*
  - b. *When an acceptable side or rear yard location is not available, mechanical equipment may encroach into the required front and side yard setback so long as it is properly screened from view from a public Right of Way (ROW), adheres to the city mechanical equipment noise ordinances and written approval has been obtained from the local Building Official.*

## 2.3 Screening or Shielding

Simple and effective guidance for screening/shielding (similar to those implemented in Morgan Hill and Mountain View, CA) allow for both noise and aesthetic concerns to be addressed through mitigations.

### 2.3.1 Screening Mechanical Equipment from Public (ROW) View

- 1) *Roof- or ground-mounted mechanical or electrification equipment, including, but not limited to, air conditioning units, shall be visually screened from public view. When feasible, roof-mounted mechanical equipment shall be incorporated into the roof design in such a way that it becomes an integral part of the architecture or is concealed from view. Replacement of existing equipment shall trigger this requirement. Mechanical equipment shall be screened as follows:*
  - a. *Acceptable screening methods include, but are not limited to, architectural elements, fences and landscaping.*
  - b. *Screening or shielding shall not inhibit the proper, safe operation of the mechanical equipment, nor shall it encroach into the required clearances for service and operation, as specified by the manufacturer.*

## Section 3: Additional Resources

The following sections are provided as reference information and to compile research findings for cities evaluating these updates. For all thirteen member agencies, code language was reviewed and sited. Ordinance documents from three communities (Menlo Park, Palo Alto and Ashland) that recently passed codes related to noise, setbacks and aesthetics are included.

The key findings from relevant code inquiries, important contextual references and technical data that informed the recommendations and form the basis of the model ordinance language. Information was acquired through four primary activities: 1) Evaluating model communities, 2) Conducting stakeholder interviews to gain local perspectives and insights, 3) Reviewing staff reports, presentations and local authority having jurisdiction's (AHJ) municipal codes and ordinances and 4) reviewing equipment manufacturers specifications and requirements.

### 3.1 Research Findings Key Takeaways

Key findings are summarized below. Emphasis is placed on challenges facing the siting of new mechanical equipment in residential retrofit applications.

- 1) There are discrepancies among member agencies in allowable noise levels (dBA) and the published peak levels from manufacturers, as illustrated in Figure 7.
  - a. Thresholds for member agency ordinances ranged from 40 dBA to 65 dBA.
  - b. The rated dBA levels for manufacturers reported at 3 feet away ranged from:
    - i. Low-profile side-discharge "suitcase" style condensers: Average of 58 dBA

- ii. Traditional vertical discharge “cube” style condensers: Average of 74 dBA
- c. It is uncommon for the noise of a new heat pump sited near the property line to affect the neighboring indoor occupants when their windows are closed. Older existing units have higher dBA levels, which leads to this common misconception.

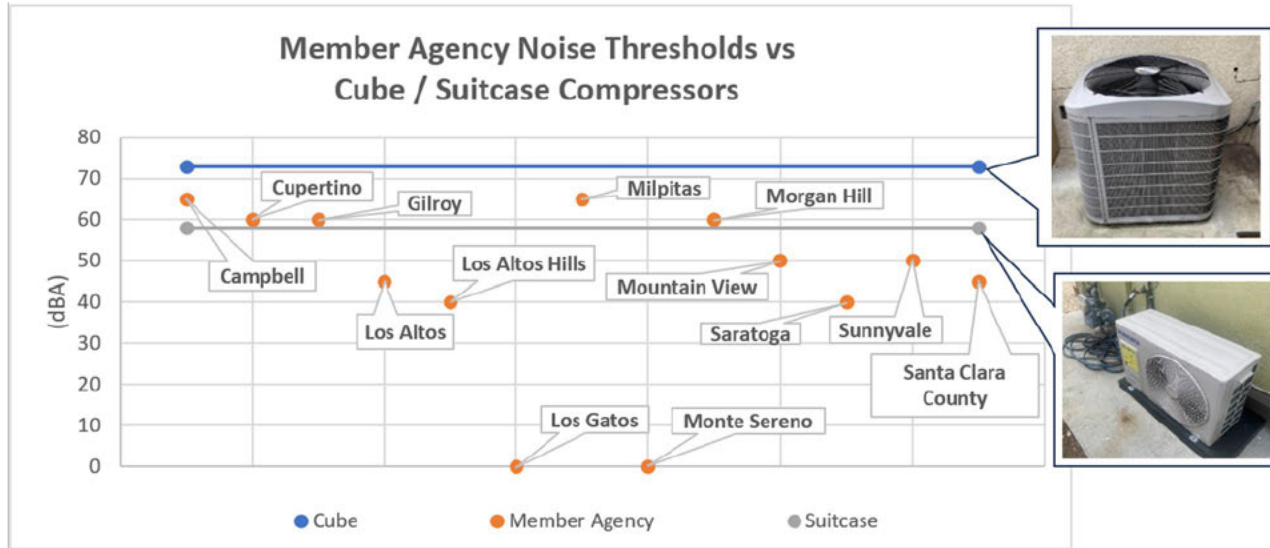


Figure 7: Noise Thresholds and Compressor Types

- 2) Equipment and building setback requirements are typically defined in zoning ordinances and codes, planned development guidelines and fire/life safety regulations. Mechanical equipment minimum setback of 5 feet from the property line was the most common, with 3 feet being the minimum allowed by some municipalities to allow for adequate utilized for ingress or egress.
- 3) Several zoning ordinances and codes included language around shielding mechanical equipment from “public view.” Public view in this context is defined as view from a public Right of Way (ROW). Specifics varied from municipality to municipality.
- 4) When considering municipal codes, building codes, ordinances and manufacturer instructions, viable locations for installing heat pump condensers are limited unless the dwelling wall is setback at least 7 feet from the property line on the back or side yard. This 7-foot dwelling setback allows for the back or side yard to accommodate the size of a 3-foot side condenser, the equipment manufacturer’s required clearance from the dwelling for proper airflow, and the minimum 3-foot setback requirement from the property line. This issue is exacerbated in areas with site-specific building constraints, such as multi-tenant buildings where condensate/refrigerant line-set may cross property boundaries, attached residences and sites with minimal private yards.
- 5) While many agencies are aware of the growing need for heat pump installation, few have found adequate compromises for space-constrained properties. There is

- some concern about relaxing mechanical equipment design guidelines, with some agencies citing public perception and the potential for increased noise complaints.
- 6) Many agencies cite understaffing as a barrier to prioritizing code modifications, with planning and building officials struggling with existing workloads. Another barrier cited was the complexity of coordinating planning and building departments, the public engagement process and city council/board of supervisor's approval. Several agencies have observed increased issues with siting mechanical equipment in permit submittals.
    - a. Local building stock plays a more significant role than population density alone. For example, Sunnyvale did not cite location of mechanical equipment as an issue, whereas Palo Alto did, yet Sunnyvale's population density (6,800/Sq. Mile) is more than double Palo Alto's (2,871/Sq. Mile).
  - 7) Several cities in the US have already proposed or implemented specific policies. These will be reviewed and incorporated as appropriate into the draft guidelines. These cities include Palo Alto, CA; Ashland, OR Seattle, WA; and various cities across the United Kingdom.
  - 8) There is little empirical evidence regarding the prevalence of customer complaints related to condenser noise or visual aesthetics. Additional research into public noise complaints would be required to better understand public perception.

### 3.1.1 Noise Thresholds

- 1) Noise is defined as sound typically received as excessive, disturbing or a nuisance. Noise levels are measured in decibels (dB). To better relate noise levels to human hearing, dBs are typically adjusted using "A-weighting" (dBA).
- 2) Thresholds differ among member agencies and may depend on:
  - a. Time of day
  - b. dBA above ambient levels versus absolute levels
  - c. Land use (zoning)
  - d. Inverter based condenser units versus one and two-speed units
- 3) Typical sound from a condensing unit is equivalent in dBA levels to normal conversation (see Figure 8). This is an important reference point when considering the impact of noise ordinance modifications.

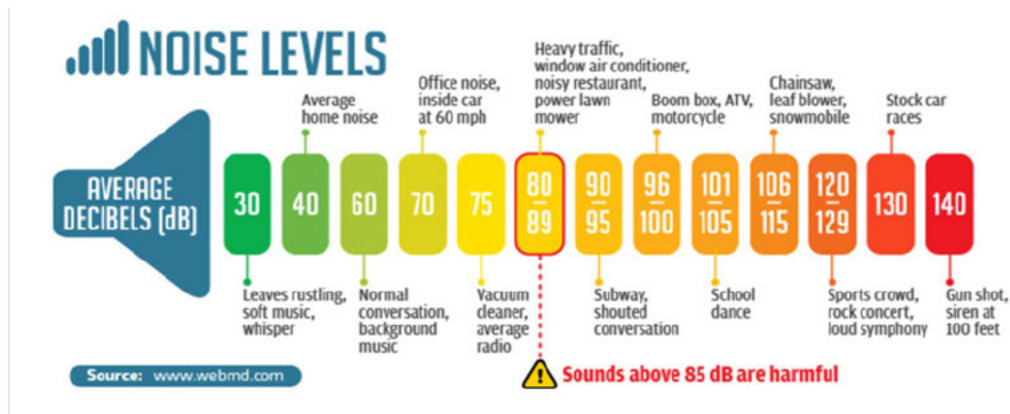


Figure 8: Average Decibel Levels for Common Sounds

### 3.1.2 Setbacks

- 1) Setback is defined as the minimum distance of a building edge or equipment from adjacent property line.
- 2) Minimum setbacks range from 3- to 5-foot.
- 3) Some agencies do not specify setbacks directly. Where not specified zoning requirements or manufacturer requirements apply.
- 4) Egress requires 36-inch net clear space between equipment and fences or other obstructions.
- 5) A table of allowable noise levels at the property line, the distance from the property line and the maximum noise level of the equipment [can be found here](#).

### 3.1.3 Shielding or Screening

- 1) Shielding is defined as a physical barrier to reduce noise.
- 2) Screening is defined as a physical barrier to screen from public view.
- 3) Consistently required to be "screened from view from a public right of way (ROW)".
- 4) Both screening and shielding materials may be walls, fencing or landscaping.
- 5) AC screens or shields are often required when the unit is visible from a public ROW (e.g., from the front yard setbacks and rooftop installations) or when installed on the roof. This presents a challenge when locating wall-mount suitcase units in multi-family or multi-story applications.
- 6) Language is often vague, referring to "public view" and "screened from view." This document interprets this as view from a public Right of Way (ROW).
- 7) Screening/Shielding height may be impacted by the line of site requirements in municipal codes.

### 3.2 Additional Findings

#### 3.2.1 Public Perception

A comprehensive planning report on air source heat pumps (ASHPs) from the United Kingdom published in 2023<sup>1</sup> summarizes four studies conducted on public perception of ASHPs (see Figure 9) It should be noted that the studies did not distinguish between condenser noise and interior noise for inside equipment. Some relevant conclusions from the paper are:

- 1) Public acceptance of condenser noise was high due to its prevalence in Europe.
- 2) Perception of noise as a disturbance was higher in multi-unit buildings where condensers were co-located in confined areas.
- 3) In urban areas, ambient noise from traffic, public streets and neighbors were of greater concern.

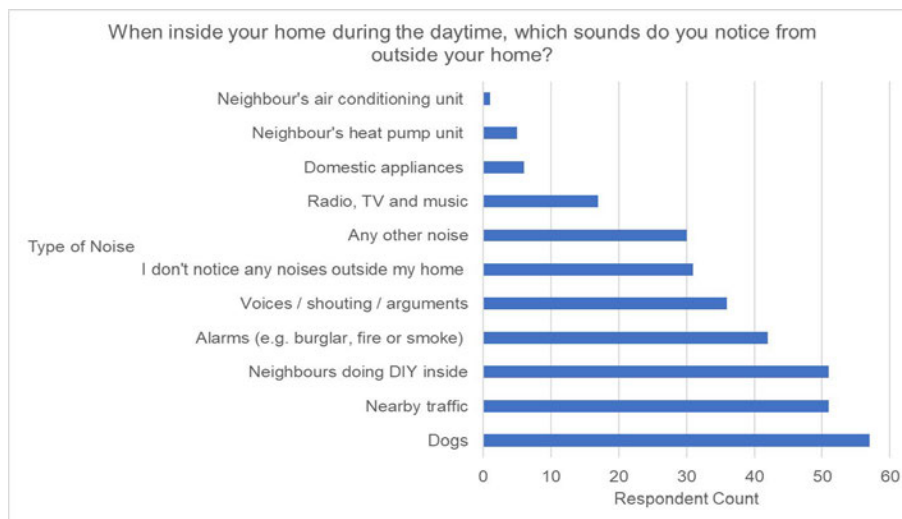


Figure 9: Survey of Noise Concerns<sup>2</sup>

#### 3.2.2 Exemptions and Exceptions for Condensing Units

In interviews and documentation review, exceptions to language in municipal codes and noise ordinances were mentioned. Further investigation into this area is needed, but findings related to this issue include:

- 1) The City of Palo Alto<sup>3</sup> recently adopted noise ordinance allows for higher allowable noise levels for inverter based condenser units.
- 2) The United Kingdom study calls for exceptions to encroachment or equipment under certain conditions.
- 3) In all cases, AHJ staff approval is required before permit issuance. Measurements or manufacturer testing data may be required for submission before approval.

<sup>1</sup> DESNZ Research Paper Number 2023/046. Final Report. "Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations"

<sup>2</sup> DESNZ Research Paper Number 2023/046. Final Report. "Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations" pg. 30

<sup>3</sup> City on Palo Alto [Chapter 9.10 NOISE](#)

### 3.3 Building Codes, Manufacturer Instructions, and Ordinances

The following summarizes critical location and clearance requirements for heat pumps and condensers. It includes citations from:

- Existing building code requirements (CA Building, Mechanical and Energy Codes)
- Manufacturer instructions for both “cube” and “suitcase” style condensing units
- Manufacturer specifications

#### 3.3.1 Heat Pump/Condenser Clearance Requirements

- 1) Minimum clearance between the heat pump and the adjacent structure, wall or obstruction shall be:
  - a. 5 feet from clothes dryer moisture exhaust (2022 California Energy Code §150.0(h)3)
  - b. 3 feet from gas meter set assembly (PG&E Electric & Gas Service Requirements 2022-2023 – Greenbook Manual, Section 2.4.2, Figure 2-21)
  - c. 4 feet above the unit (manufacturer instructions)
  - d. 24 inches on sides containing service and access panels (varies by manufacturer instructions)
  - e. 12 inches on all other sides (varies by manufacturer instructions)
- 2) Outdoor condensers shall rest on a concrete or other approved base extending at least 3 inches above adjoining ground level (California Mechanical Code 904.3.1.1).
- 3) Required clearance from the property line ranges from 3 to 10 feet, depending on the AHJ (multiple member agencies).
- 4) Minimum clearance between the heat pump and the adjacent structure/wall/obstruction shall follow the manufacturer’s instructions (2022 California Plumbing Code, 504.3).

#### 3.3.2 Equipment Noise and Manufacturer Specifications

RHA reviewed dBA levels from specifications sheets for 30+ models from eight major manufacturers of HVAC condenser units. In addition, RHA reviewed the published dBA levels of 20 heat pump water heaters from three manufacturers. A summary of the listed sound levels of mechanical equipment in Table 2 below.

*Note: Listed dBA levels are shown at high capacity and/or full power. These levels represent the maximum noise level of the unit, typically present during the start-up phase of the equipment. Manufacturers do not list average noise levels as these levels vary based on mounting, equipment cycling duration and other factors.*

**Table 2: Equipment Noise Levels**

Compressor Type	Form Factor	dBA Range*	Average Max dBA*
Inverter	Suitcase	48-60	54.8
Inverter	Cube	48-75	69
Single/Two Speed	Cube	51-76	74

\*Noise levels are reported at three feet from the unit.



Real world operating dBA levels vary widely. These levels are influenced by equipment accessories and external factors as described below.

- 1) Manufacturers offer noise attenuation equipment including:
  - a. Isolation dampers or pads
  - b. Sound attenuation blankets
  - c. Shields
  - d. Fan blade dampers
- 2) External factors influencing equipment operating dBA levels include:
  - a. Age and condition
  - b. Unit size and capacity
  - c. Compressor type and/or fan speed
  - d. Installation quality
  - e. Operating mode (variable speed, single speed)
  - f. Inverter driven\*

*Note: Inverter heat pumps, also known as variable-speed heat pumps, have several benefits over traditional systems, including energy efficiency, faster heating and cooling<sup>4</sup>, quieter operation and more consistent temperatures<sup>5</sup>*

### 3.4 Contractor Design Recommendations

- 1) Select the quietest equipment possible and utilize the manufacturer's noise control packages where applicable.
- 2) Utilizing landscaping to dampen sound
- 3) Increasing adjacent fence height (when regulations allow)
- 4) Locate equipment as far as possible from adjacent property lines or in areas shielded by structures or noise barriers. Acoustical enclosures may not always be feasible noise control options as airflow requirements, setback requirements or other constraints may limit their effectiveness.
- 5) Orient the equipment to take advantage of the directionality of the noise source (i.e., point the equipment away from known bedroom or other windows that are commonly open).

### 3.5 Model Community Ordinances

Below are examples of ordinance language from Menlo Park, Palo Alto and Ashland, all of which recently modified their codes for mechanical equipment associated with beneficial decarbonization. These communities embody ways codes can be successfully modified to support mechanical equipment associated with beneficial decarbonization.

The Menlo Park zoning ordinance may be found here: [Title 16 ZONING](#)

The City of Palo Alto noise ordinance may be found here: [Chapter 9.10 NOISE](#)

The Ashland, OR noise ordinance may be found here: [Chapter 9.08 NUISANCES](#)

<sup>4</sup> Mitsubishi Heating and Air, <https://www.mitsubishicomfort.com/articles/keep-warm-this-winter-inverter-technology-for-any-climate>

<sup>5</sup> Advantage Heating and Air, <https://advantageheatingllc.com/learning-center/inverter-heat-pump/>

## Section 4: Appendix

This is the Appendix for Considerations and Alternatives for Siting Outdoor Equipment documentation.

### 4.1 References

Department of Energy. Office of Energy Efficiency and Renewable Energy. "Residential HVAC Installation Practices" 2018.

Air-Conditioning, Heating & Refrigeration Institute. "Standard for Application of Outdoor Unitary Equipment A-Weighted Sound Power Ratings." 2023.

Echo Barrier. "The Decibel Scale Explained" 2019 [www.blog.echobarrier.com/blog/the-decibel-scale-explained](http://www.blog.echobarrier.com/blog/the-decibel-scale-explained)

Department for Energy Security & Net Zero. United Kingdom. DESNZ Research Paper Number 2023/046. Final Report. "Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations" 2023.

Mitsubishi Heating and Air, <https://www.mitsubishicomfort.com/articles/keep-warm-this-winter-inverter-technology-for-any-climate>

Advantage Heating and Air, <https://advantageheatingllc.com/learning-center/inverter-heat-pump/>

Ashland City Charter. "An Ordinance Relating to Noise and Heat Pumps or Mechanical Devices Amending AMC 9.08.170, 9.08.175, AND 15.04.185" 2023.

Paz, Ori. BAYREN Forum. "Removing Known Barriers: Changing Zoning to Help Electrify Existing Homes" December 2023.

City of Campbell. <https://www.campbellca.gov/120/Building-Inspection-Division>

City of Cupertino. <https://www.cupertino.org/our-city/departments/community-development/building>

City of Gilroy. <https://www.cityofgilroy.org/209/Building-Safety-Division>

City of Los Altos. <https://www.losaltosca.gov/development-services/page/building-services>

Town of Los Altos Hills. <https://www.losaltoshills.ca.gov/292/Building-Department>

Town of Los Gatos. <https://www.losgatosca.gov/220/Building>

1) City of Milpitas. <https://www.milpitas.gov/195/Building-Permits-Resources>

City of Monte Sereno. <https://www.montesereno.org/2152/Building-and-Planning-Departments>

City of Morgan Hill. <https://www.morganhill.ca.gov/150/Building-Fire-Prevention>

City of Mountain View. <https://www.mountainview.gov/our-city/departments/community-development/building-fire-inspection/building-construction>

City of Saratoga. <https://www.saratoga.ca.us/151/Building-Division>

City of Sunnyvale. <https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/building-and-fire-codes>

Santa Clara County. <https://plandev.sccgov.org/how/apply-permit/building-permit>

#### 4.2 Model Communities

Municipal codes and existing and proposed ordinances for mechanical equipment related to noise, setbacks and aesthetics were reviewed to identify how codes were modified to support mechanical equipment related to beneficial decarbonization. Table 3 summarizes the results of 5 of the 15 communities outside of SVCE territory reviewed.

**Table 3: Model Communities**

City	Noise	Shielding	Setbacks	Reference	Note
Menlo Park, CA	50 dBA during night, 60 dBA during day	Landscaping or fencing required	Equipment enclosures must be at least 3 feet from any side or rear lot line	Title 16 (16.60.010) – Screening & Setback Title 8 (8.06.030) – Noise	Level and day and night
Palo Alto, CA	43 dBA for non-inverter based at property line, 45 dBA for inverter based at property line	Required to be obscured from public view	Variable 3 to 34 feet from property line	Chapter 9.10 (Noise) Title 18 (Zoning)	Higher allowable noise levels for Inverter based condenser units
Ashland, OR	45 dBA for younger than 1981, 50 dBA for older than 1981 during day at property line	None	Mechanical equipment shall not be located between the main structure on the site and any street adjacent to front or side yard	Ashland Muni Code section 9.08.170 9.08.175 [Heat Pumps] Ashland Muni Code Part 18.2	Vintage and level
San Mateo County, CA	50 dBA at night, 55 during the day at property line (7 a.m. to 10 p.m.)	Still under review	Still under review	Chapter 4.88.330 – Noise Control	Level and day and night
Coral	55 dBA at night,	Screened to	25 feet front	Article VI. Noise	Level and day

City	Noise	Shielding	Setbacks	Reference	Note
Gables, FL	60 during day at property line (9 a.m. on weekends/ 7 AM on weekdays to 11 p.m.)	100% opacity	15 feet side street 10 feet rear 20 feet interior side	Article 2. Zoning Districts	and night

### 4.2.1 Menlo Park

Menlo Park has building codes that encompass electrical equipment like heat pumps. Noise from such equipment must not surpass 50 dBA at night or 60 dBA during the day. The equipment should be housed in an enclosure for protection, noise reduction and aesthetics. Enclosures must not extend more than 4 feet into any required side or rear yard setbacks and must be at least 3 feet from any side or rear lot line. If equipment is adequately screened by landscaping or fencing within the front, side or rear lots and meets setback requirements, enclosure exemptions may apply.

The City of Menlo Park has successfully revised its zoning ordinance to facilitate the beneficial decarbonization of existing homes. Author Ori Paz recently presented the details of this amendment process at a BayREN Forum<sup>6</sup>.

The amendments focused on altering the city’s setback and garage clearance requirements to accommodate mechanical equipment better. By adjusting these requirements, they increased the available locations for siting mechanical equipment. The garage clearance modifications also allowed installing heat pump water heaters. This amendment process, which took approximately 18 months to complete, began with defining the scope of the ordinance changes and concluded with an ordinance amendment approval process. Here are some key insights from this process:

- Teamwork and stakeholder buy-in are essential.
- Building a team and fostering collaboration takes time.
- Zoning is a technical field; it’s beneficial to collaborate with planners and engineers.
- Workshops should be conducted with those who will implement the changes.
- “Design with the end in mind” is a good policy. It is useful to keep a running draft of the ordinance and consider its implementation throughout the process.
- The public process should be designed into the timeline.
- Work does not occur in isolation. For example, this process ran parallel to the Housing Element update to the General Plan. Cross-regulation impacts must be considered.
- A city attorney should be consulted throughout the process.
- The language and process should be simplified for external stakeholders to provide relevant insights.

<sup>6</sup> Paz, Ori. BAYREN Forum. “Removing Known Barriers: Changing Zoning to Help Electrify Existitn Homes” December 2023.

## 4.2.2 Palo Alto

The City of Palo Alto recently made changes to their noise ordinance specific to mechanical equipment. It includes a table with permissible sound levels for equipment relative to its distance from the property line as well as higher allowable noise levels for inverter-based condenser units. The Palo Alto noise ordinance may be found here: [Chapter 9.10 NOISE](#). Palo Alto's adopted noise ordinance is somewhat unique because it separates the city into two "noise" zones with varying noise levels for each part of the city.

All mechanical equipment in Palo Alto must be hidden from public view using screens, landscaping or architecture. Residential noise-producing equipment can be located anywhere on the property but must adhere to residential zoning requirements for front yard setbacks for building and building systems. Properties bordering a side street must maintain a minimum 10-foot setback from the street.

Key parts of the ordinance include section 9.10.030 Residential property noise limits.

*(a) No person shall produce, suffer or allow to be produced by any machine, animal or device, or any combination of same, on residential property, a noise level more than six dB above the local ambient at any point outside of the property plane, except as modified in (c) below.*

*(b) No person shall produce, suffer or allow to be produced by any machine, animal, or device, or any combination of same, on multi-family residential property, a noise level more than six dB above the local ambient three feet from any wall, floor, or ceiling inside any dwelling unit on the same property, when the windows and doors of the dwelling unit are closed, except within the dwelling unit in which the noise source or sources may be located.*

*(c) Electrification Equipment shall be deemed to comply with this Section [9.10.030](#) if the equipment complies with the maximum equipment sound levels and is placed at the setbacks established in Table 6 - Setback Requirements. As an alternative to compliance with Table 6, a property owner may utilize the limits set forth in subsections (a) and (b) of this Section [9.10.030](#) if those provisions would be more permissive.*

**Table 4: Palo Alto Setback Requirements-Extract**

<b>Equipment Sound Level (dBA) West of Foothill Expressway</b>	<b>Equipment Sound Level (dBA) East of Foothill Expressway</b>	<b>Equipment Sound Level (dBA) West of Foothill Expressway for Inverter Pumps</b>	<b>Equipment Sound Level (dBA) East of Foothill Expressway for Inverter Pumps</b>	<b>Minimum Setback from Receiving Property Line (ft.)</b>
43	53	45	55	3
44	54	46	56	4
45	55	47	57	4
46	56	48	58	5
47	57	49	59	5
48	58	50	60	6
49	59	51	61	7
50	60	52	62	7
51	61	53	63	8
52	62	54	64	9
53	63	55	65	10

### 4.2.3 Ashland, Oregon

In Ashland, Oregon, a draft ordinance codified in Sections 9.08.170 to 9.08.175 was recently approved. It sets noise levels based on equipment age, with 45 dBA allowed for equipment made after 1981 and 50 dBA allowed for equipment made in 1981 or earlier, measured at the property line during the day.

Mechanical equipment must not be situated between the main structure and any adjacent street. The equipment’s location should be chosen to keep it out of sight from neighboring public streets. While there are no strict rules for shielding or screening, enclosures for mechanical equipment must not exceed permitted fence heights and must comply with local noise regulations.

The City of Ashland, Oregon, recently sought to amend its ordinances concerning noise levels associated with heat pumps and other mechanical devices. The proposed ordinance introduced definitions for prohibited noise, specifically including heat pumps and mechanical devices, and set noise thresholds.

Ashland adopted a straightforward approach for equipment placement and established a single noise level limit at the property line. This limit is based on the age of the equipment and the noise level produced in any given hour. For equipment manufactured after 1981, the following noise level policy applies:

*Any source of noise which exceeds the following standards is considered a public nuisance:*

*1. Decibel Noise Standards<sup>7</sup>*

*Allowable Statistical Noise Levels in any One Hour:*

<i>7 a.m. to 9 p.m.</i>	<i>9 p.m. to 7 a.m.</i>
<i>L50--50 dBA</i>	<i>L50--45 dBA</i>
<i>L10--55 dBA</i>	<i>L10--50 dBA</i>
<i>L1--60 dBA</i>	<i>L1--55 dBA</i>

*Where:*

*L50 = noise level exceeded 50% of the time*

*L10 = noise level exceeded 10% of the time*

*L1 = noise level exceeded 1% of the time*

#### 4.2.4 San Mateo County

San Mateo County has a noise control ordinance for the placement of mechanical equipment but no additional rules for screening or setbacks. The county uses a cumulative number of minutes and day/night thresholds to set noise limits. For example, a maximum of 55 dBA is allowed for a cumulative amount of 30 minutes in any one-hour time period during day (7 a.m.-10 p.m.), and a maximum of 50 dBA is allowed during the night (10 p.m.-7 a.m.).

#### 4.2.5 Coral Gables, Florida

Coral Gable, Florida, permits noise levels for heat pumps of 55 dBA at night and 60 dBA during the day at the property line (7 a.m.-11 p.m., 9 a.m.-11 p.m. on weekends).

Coral Gables requires that all mechanical equipment be screened to 100% opacity and comply with the setbacks required by the zoning ordinance. The setbacks are as follows for single-family homes: 25 feet from a principal front, 20% or 5 feet from a side interior, 15 feet from a side street, 10 feet from a rear, 10 feet from a rear at an alley, and 35 feet from a waterway.

<sup>7</sup> Ashland City Charter. "An Ordinance Relating to Noise and Heat Pumps or Mechanical Devices Amending AMC 9.08.170, 9.08.175, AND 15.04.185" 2023.



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**Fw: Request for Inclusion of Chynoweth Avenue in the Oversized and Lived-in Vehicle Pilot Program"**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>

**Date** Mon 12/9/2024 8:58 AM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

---

**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Monday, December 9, 2024 7:42 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** FW: Request for Inclusion of Chynoweth Avenue in the Oversized and Lived-in Vehicle Pilot Program"

---

**From:** sergon attisha [REDACTED]

**Sent:** Saturday, December 7, 2024 11:52 AM

**To:** Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Cc:** Dang, Tara <Tara.Dang@sanjoseca.gov>

**Subject:** Re: Request for Inclusion of Chynoweth Avenue in the Oversized and Lived-in Vehicle Pilot Program"

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[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Sergio, Jennifer, and Matt,

I hope you're doing well. I am following up on my previous email regarding the ongoing RV encampment issue on Chynoweth Avenue. I want to reiterate that this is not a matter to be taken lightly, as the challenges we are facing as residents continue to grow.

The safety, cleanliness, and overall livability of our community are being severely impacted, and the situation is becoming increasingly untenable. We are dealing with health and environmental concerns, safety risks, and persistent disruptions to daily life. These issues, if left unaddressed, will only worsen.

I am strongly urging you to consider our neighborhood as part of the pilot program for street sweeping and addressing oversized and lived in vehicles, as proposed by Mayor Mahan's initiative with the Department of Transportation. This is a critical first step in resolving the ongoing difficulties we face on Chynoweth Avenue.

I am confident that with your attention and support, we can restore a safer and more livable environment for all residents. I am happy to assist in any way possible, whether through further communication or helping with local efforts, to ensure that this matter is resolved as soon as possible. Thank you once again for your time and consideration. I look forward to hearing from you soon.

Best regards,

Sergon Attisha



District 2 Resident

On Sunday, November 24, 2024 at 05:00:16 PM PST, sergon attisha [REDACTED] wrote:

Dear Sergio/Jennifer/Matt,

I hope this message finds you well. My name is Sergon Attisha, and I am a resident of District 2. I am writing to express my growing concerns regarding the large RV encampment that has taken over Chynoweth Avenue. Over the past year, the situation has become increasingly difficult to live with, and I feel compelled to reach out to ensure that my concerns are heard and addressed.

As you may know, Mayor Mahan's program with the Department of Transportation (DOT) aims to address parking restrictions and enforce regulations on RVs and oversized vehicles. While this initiative is a step in the right direction, Chynoweth Avenue has unfortunately become one of the largest RV encampments in the neighborhood, and residents are facing significant challenges due to this issue.

For over a year, we have dealt with unsafe and unhygienic conditions, which have made living in our community less enjoyable and, frankly, less safe. Some of the specific issues include:

- **Illegal dumping**, which is causing significant environmental degradation in our area.
- **Continuous noise and air pollution**, with engines and generators running throughout the day and night, disrupting the peace and air quality.
- **Blocked walkways and bike lanes**, reducing safety and accessibility for pedestrians and cyclists, and making it harder for residents to navigate the street.

Given the severity of these issues, I respectfully request that Chynoweth Avenue be considered as one of the 30 locations included in the pilot program for street sweeping and addressing oversized and lived-in vehicles. This would be an important first step toward restoring the safety, cleanliness, and quality of life that our neighborhood deserves.

If there's anything I can do to support this initiative or assist with any efforts in my area, please do not hesitate to reach out. I am more than willing to help in any way I can to ensure that our concerns are taken seriously and addressed promptly.

Thank you for your time and consideration. I look forward to your response and hope for a positive resolution to this growing problem.

Warm regards,  
Sergon Attisha

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



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**Fw: safety on our public streets`**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Tue 12/10/2024 1:54 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** Joyce Tachner [REDACTED]

**Sent:** Sunday, December 8, 2024 4:07 PM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** safety on our public streets`

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from [REDACTED] [Learn why this is important](#)

I am a resident of the Willow Glen neighborhood of San Jose. I live in the townhouse community of [REDACTED]. Over a month ago my garage door broke, Not able to pick up the door when I needed my car, I parked my car in the parking bays on our private streets for several weeks.

Our association rules permit us to overnight park in the bays for thirty nights a year. It took me a few days to get bids for the replacement door and the dealer I chose said it would take several weeks for the door to come in. Total time would mean that I would have to park my car for several nights on Gaton Drive, the cross street to Sparkling Way.

I was concerned about parking on Gaton because there had been an increase in car break ins for several months. I knew six people who had their cars broken into. One of them had his car broken into three times on Hamilton, the last time the car was totaled.. These break ins were on my mind when I parked on the city street, but at that point I had little choice. I emptied my car of anything that might attract attention. I had nothing of any consequence in the well or glove compartment.

On November 10 four vehicles had their windows bashed in, including mine. It cost me over \$200 to have it repaired. I was out of town that week and didn't see it until several days after it happened. Last week four more cars were hit.

This assault on our property is ongoing and increasing. I'm asking the city to increase late night patrols in Willow Glen and/or placing cameras on our streets to catch the perpetrator(s).

Please add me to the agenda this Tuesday, December 10.

Joyce Tachner



This message is from outside the City email system. Do not open links or attachments from untrusted sources.



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**Fw: Vision Zero Action Plan 2025 - Open Letter**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>

**Date** Mon 12/9/2024 10:13 AM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

 1 attachment (1 MB)

Open Letter for Vision Zero Action Plan 2025 with references.pdf;

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**From:** City Clerk <city.clerk@sanjoseca.gov>

**Sent:** Monday, December 9, 2024 10:03 AM

**To:** Agendadesk <Agendadesk@sanjoseca.gov>

**Subject:** FW: Vision Zero Action Plan 2025 - Open Letter

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**From:** Jordan Moldow [REDACTED]

**Sent:** Monday, December 9, 2024 9:47 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Vision Zero Action Plan 2025 - Open Letter

**[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]**

Dear City Clerk,

Please include the attached letter, signed by 45 individuals and 16 organizations, in the Public Record.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Honorable Mayor and Council of the City of San José,

With the Vision Zero Task Force coming to an end, we urge Mayor Mahan and City Council to take decisive action in ushering in a new era of Vision Zero initiatives. It is essential that our city leaders fully embrace this new phase by ensuring the [Vision Zero Action Plan 2025 draft](#) contains bold, actionable steps that reflect the commitments of Vision Zero San José.

We would like to acknowledge that the City has made significant progress following the adoption of its [Vision Zero Action Plan 2020](#), bringing the total miles of usable bike network to 543 miles, adding 800 leading pedestrian intervals, and implementing more than 900 safety improvement projects. However, fatality statistics make it clear that this still falls far short of the commitment needed to eliminate deaths and serious injuries in the city. The reality is that families are not only feeling unsafe—they are physically unsafe. The most recent three-year average of 58 traffic-related deaths per year, with 60% of those fatalities being pedestrians and bicyclists, is a troubling 20% increase from the 2015 average, the same year San José committed to Vision Zero.

This rise in traffic-related deaths calls for immediate and decisive action to ensure the safety of vulnerable users of our streets. To achieve Vision Zero 2025, the council must ensure that the draft action plan includes clear metrics, timelines, and actionable goals. The City also needs to streamline its processes and expedite the implementation of proven, cost-effective quick-build projects like:

- [Protected Intersections](#)
- [Road diets and installation of bike lanes](#)
- [Slip lane removals](#)
- [Marked continental crosswalks](#)
- [Daylighting](#)

The City should complement these strategies by passing legislative measures that steer us toward proven safety improvements, such as

- Making the [lower speed limit](#) at school zones the default to improve safety for all residents year-round
- [Eliminating right turn on red](#) in downtown

With international events on the horizon and other cities setting the bar for what's possible, the time to act is now. Vision Zero priorities must guide every project, with a focus on reducing fatalities and serious injuries. Mayor Mahan and City Council must commit to leading the Vision Zero initiatives, proactively reviewing the 2025 Action Plan, and hold themselves and the City accountable for the planning and execution of quick-build projects without delay. The City is at a turning point—either we continue to fall behind on our commitment to Vision Zero, with rising traffic fatalities and outdated approaches, or we embrace a bolder, more ambitious path toward true safety for all road users.

We appreciate the City Council and staff for their efforts. Our coalition of community organizations looks forward to engaging with you to create safer streets for everyone in San José.

Respectfully,



San José Local Team  
Silicon Valley Bike Coalition



Carter Lavin  
Co-Founder, Transbay  
Coalition



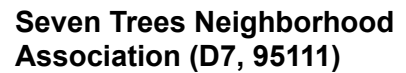
California Walks  
Walk Safe San Jose Program



Mothers Out Front Silicon  
Valley



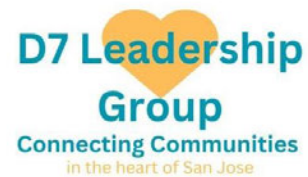
Transform



BIKE FREMONT



SCC4Transit



D7 Leadership Group

Bike Fremont



Amigos de Guadalupe  
Center for Justice and  
Empowerment



Regina Celestin Williams,  
Executive Director,  
SV@Home



Asian Law Alliance



Latinos United for a New  
America (LUNA)



Ashley Guerrero,  
Catalyze Silicon Valley



Working Partnerships USA

**District 1:**

Gina LaBlanc  
mother of Kyle LaBlanc  
Member of SF Bay Area  
Families for Safe Streets

Tony Stieber  
Seth Barberee - 95117  
Nicole Bowen - 95129

**District 2:**

Melody-Serenade  
Neighborhood Association -  
95111  
Tuan Tu - 95111  
Janice Ickert - 95111  
Judith Torres - 95111  
Jacynda Torres - 95111  
Tiana Torres - 95111  
Thomas Hoyer - 95111  
Sampann Nigam - 95111

**District 5:**

Willie Diaz - 95116

**District 3:**

Jordan Moldow - 95112  
Eamonn Gormley - 95112  
Robert Gonzalez - 95112  
Ann Wawrose - 95112  
Eleni Jacobson - 95112  
Ra Hopkins - 95112  
Andrew Siegler - 95112  
Crystal Rast - 95112  
Bruce Akizuki - 95112  
Jimi (James) Kogura - 95112  
Shelly Glennon  
Sayanan Sivaraman - 95112  
Joanne Dorga - 95112

**District 6:**

Haojun Li - 95126  
Diane Solomon - 95125  
Max Siegel, CPA - 95125  
Tony Rossetti - 95125  
Eric Snider  
Ann Ferris - 95125  
Carissa Norberg - 95125

**District 7:**

Seven Trees Neighborhood  
Association - 95111  
D7 Leadership Group  
Al Park - 95111  
Moria Merriweather - 95111

**District 8:**

Jeremy Barousse - 95135

**District 9:**

Linda Hutchins-Knowles -  
95118  
Denis Lynch - 95124  
Mary Frances Lynch - 95124  
Steve Dakin - 95118

**District 10:**

Jeff Boissier - 95120  
Anthony Montes - 95123

**Unincorporated San  
José:**

Daniel Strokis - 95128  
Kelly Moore - 95128

**Employed in San José:**

Kai Mast (Professor, SJSU)  
Julie Meyerson

**References**

[Vision Zero Action Plan 2025 draft -](https://www.sanjoseca.gov/Home/Components/News/News/6037/5104)

[<https://www.sanjoseca.gov/Home/Components/News/News/6037/5104>](https://www.sanjoseca.gov/Home/Components/News/News/6037/5104)



## TRANSPORTATION NEWS

### HELP DEVELOP THE PLAN FOR THE NEXT FIVE YEARS OF TRAFFIC SAFETY

**Post Date:** 07/08/2024 4:23 PM

[Español](#) | [Tiếng Việt](#) | [中文](#)

The City of San José is updating our Vision Zero Action Plan to guide our traffic safety efforts for the next five years. We want to hear from you! Share your thoughts on traffic safety and ideas on making our roads safer.

Vision Zero is the City of San José’s initiative to eliminate traffic deaths. Vision Zero programs have existed all over the world since the late 1990s. The Vision Zero Action Plan guides our Safe System Approach to prevent traffic deaths in San José. The federal Department of Transportation defines the [Safe System Approach](#) as a strategy that “works by building and reinforcing multiple layers of protection to both prevent crashes from happening in the first place and minimize the harm caused to those involved when crashes do occur. It is a holistic and comprehensive approach that provides a guiding framework to make streets safer for everyone.”

Our 2020 Vision Zero Action Plan is approaching the end of its five-year span, and we are in the process of reviewing our accomplishments and challenges over the past four and a half years. As we draft a revised plan, we invite you to review our progress and share your feedback using our feedback form below by August 31, 2024.

### 2025 VISION ZERO ACTION PLAN UPDATE

For the next Action Plan, we are proposing five key action areas with new objectives and deliverables:

#### Key Action Area #1: Prioritize Equity and Vulnerable Road Users

<b>OBJECTIVES</b>	<ul style="list-style-type: none"><li>• Prioritize resources to areas with high fatal and severe traffic injuries for project planning and delivery and grant applications, especially in areas with the highest equity scores</li><li>• Improve safety at locations where vulnerable users are experiencing fatal and severe injury crashes</li><li>• Provide accessibility improvements (e.g., audible pedestrian signals, Americans with Disabilities Act [ADA] transition plan, ADA ramps, trail access)</li><li>• Reduce pedestrian fatalities and injury crashes</li><li>• Enhance mobility for all road users, especially vulnerable road users</li></ul>
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<b>DELIVERABLES</b>	<ul style="list-style-type: none"><li>• Pilot street safety near hotspot locations involving vulnerable road users</li><li>• Implement Walk Safe San José pedestrian safety study recommendations</li><li>• Improve roadway accessibility</li><li>• Provide interpreters at community meetings for engagement when needed</li></ul>
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### Key Action Area #2: Center Data Analytics and Report Metrics

<b>OBJECTIVES</b>	<ul style="list-style-type: none"><li>• Increase accountability</li><li>• Understand project effectiveness</li><li>• Expand data to better understand where fatal and severe injuries are occurring</li><li>• Data sharing: Trauma injury data from hospitals</li><li>• Data sharing: Light rail crashes and injuries</li><li>• Improve and update public facing data dashboards</li><li>• Implement evidence-based strategies and policies</li></ul>
<b>DELIVERABLES</b>	<ul style="list-style-type: none"><li>• # of before/after project evaluations</li><li>• Create metrics for tracking progress of Action Plan</li><li>• Frequency of reporting key metrics: TBD</li><li>• Data sharing agreement with county-level agencies (EMS, VTA)</li><li>• Utilize trauma injury data in data analysis</li><li>• New public facing crash data dashboards</li></ul>

### Key Action Area #3: Strategize Traffic Enforcement

<b>OBJECTIVES</b>	<ul style="list-style-type: none"><li>• Inform traffic enforcement using top three known violations that lead to fatal and severe injury crashes</li><li>• Implement speed cameras per AB 645</li><li>• Implement red light cameras</li><li>• Strategize enforcement using data-driven enforcement efforts</li><li>• Utilize technology to enhance enforcement capabilities</li></ul>
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<b>DELIVERABLES</b>	<ul style="list-style-type: none"><li>• Report on top three traffic citations (SJPD)</li><li>• Implement 33 speed cameras in a five-year pilot</li><li>• Implement red light running cameras at four intersections in a six-month pilot</li><li>• Conduct before/after study of camera program effectiveness</li></ul>
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#### Key Action Area #4: Engineer for Safety

<b>OBJECTIVES</b>	<ul style="list-style-type: none"><li>• Vision Zero Quick-Build program</li><li>• Pedestrian Safety Enhancement program</li><li>• Capital improvement projects</li><li>• Align and build controlled crosswalks near bus stop pairs on Priority Safety Corridors</li><li>• Improve safety around K-12 schools</li><li>• Traffic fatality review</li><li>• Collaborate with Santa Clara County Roads and Airports Department to improve safety at top 3 City/County severe injury locations</li><li>• Implement data-driven quick-build and capital safety improvements</li><li>• Benchmark and adopt best practices and innovative engineering solutions from other cities and countries</li><li>• Optimize signal timing to reduce wait times for pedestrians and cyclists and reducing conflicts</li></ul>
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<b>DELIVERABLES</b>	<p>Slow Down Vehicles</p> <ul style="list-style-type: none"><li>• Lower speed limit through 2021 AB 43: # of analyses, # installed</li><li>• # of traffic studies completed; # implemented</li><li>• # of paving projects and paving miles per year</li><li>• # of bike projects and bike project miles per year</li><li>• # of safety request projects per year</li><li>• # of traffic fatalities reviewed and changes made</li><li>• # of pedestrian safety enhancements per year</li><li>• # of Vision Zero quick-build projects and miles per year</li><li>• # of signal studies per year</li></ul> <p>Pedestrian Safety Improvements</p> <ul style="list-style-type: none"><li>• # of signal projects (leading pedestrian interval, signal timing, etc.) per year</li><li>• # of daylighted intersections per 2023 AB 413</li><li>• # of safety projects delivered through development per year</li><li>• # of safety capital projects from grant funding per year</li></ul> <p>Near Schools</p> <ul style="list-style-type: none"><li>• Speed reduction near K-12 schools</li><li>• Pedestrian safety near K-12 schools</li></ul>
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### Key Action Area #5: Engage the Community and Message Safety

<b>OBJECTIVES</b>	<ul style="list-style-type: none"><li>• Increase public awareness of traffic safety issues</li><li>• Speed camera and red light running camera engagement</li><li>• Promote street safety awareness month campaigns and awareness of darker months<ul style="list-style-type: none"><li>◦ April: Distracted Driving Awareness Month</li><li>◦ October: Pedestrian Safety Awareness Month</li><li>◦ November-March: Look out when it's dark out</li></ul></li><li>• Traffic safety education: School-aged children, older adults, people experiencing homelessness</li><li>• Conduct safety engagement work at schools, community events, and through Walk n' Roll</li><li>• Coordinate with organizations serving vulnerable road users when increasing injury trends are observed</li><li>• Explain the purpose and benefits of safety projects ("How do I use this?") after they are built</li><li>• Continue "Slow Down, San José" speeding reduction campaign</li><li>• Encourage safer driving and mindful behavior as pedestrians and bicyclists</li></ul>
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<b>DELIVERABLES</b>	<ul style="list-style-type: none"><li>• Changeable message signs with safety messages (pending funding)</li><li>• Engage community for speed camera and red-light running camera deployments</li><li>• # of adults receiving traffic safety education</li><li>• # of children ages 5-17 receiving traffic safety education</li><li>• # of educational videos online explaining projects that have been built</li></ul>
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DATE: December 9, 2024

TO: STATE, CITY AND LOCAL OFFICIALS

**NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS 2024 WILDFIRE MITIGATION AND CATASTROPHIC EVENTS APPLICATION (A.24-11-009)**

**Acronyms you need to know**

**PG&E:** Pacific Gas and Electric Company

**CPUC:** California Public Utilities Commission

**WMCE:** Wildfire Mitigation and Catastrophic Events

RECEIVED  
SAN JOSE CITY CLERK  
2024 DEC 13 AM 09:45  
MATT NR

**Why am I receiving this notice?**

On November 21, 2024, PG&E filed its 2024 WMCE application with the CPUC. The application requests recovery of \$595.5 million in costs between 2018 and 2023 for work related to wildfire mitigation, catastrophic event response and other customer support activities. PG&E is proposing to begin recovering expenses over a 1-year period and capital expenditures over a 4-year period, starting September 1, 2026. This notice is to inform you about the proposed increases and how they might impact your bill.

**Why is PG&E requesting this rate increase?**

Costs in this application include wildfire mitigation activities, including work to restore and rebuild Butte County energy infrastructure. The application also requests cost recovery for customer care initiatives, such as billing protections during the Coronavirus (COVID-19) pandemic.

**How could this affect my monthly electric rates?**

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. Detailed rate information will be sent directly to customers in a bill insert in December 2024.

In the first period, the bill for a typical residential customer using 500 kWh per month would increase from \$212.45 to \$213.85, or 0.7% compared to current bills. In the second period, the bill for a typical residential customer would increase \$1.67, or 0.8% compared to current bills. In the third period, the bill for a typical residential customer would increase \$0.26, or 0.1% compared to current bills.

Direct Access (DA) and Community Choice Aggregation (CCA) customers receive electric transmission and distribution services and select Commission-ordered services from PG&E. If this application is approved, on average, rates for services provided by PG&E to these customers would increase by 1.1% compared to current rates in the first period, 1.2% compared to current rates in the second period and 0.2% compared to current rates in the third period. DA providers and CCAs set their own generation rates. Check with your DA provider or CCA to learn how this would impact your overall bill.

Another category of nonbundled customers is other Departing Load. These customers do not receive electric generation, transmission or distribution services from PG&E. However, these customers are required to pay certain charges by law or CPUC decision. On average, these customers would see an increase of 0.0% compared to current rates in the first period, 0.0% compared to current rates in the second period, and 0.0% compared to current rates in the third period.

Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

**How could this affect my monthly gas rates?**

Bundled gas customers receive transmission, distribution and procurement services from PG&E. Detailed rate information will be sent directly to customers in a bill insert in December 2024.

PG&E is proposing to recover gas expense costs over a 1-year period and capital expenditures over a 4-year period, starting September 1, 2026.

If this application is approved, in Period 1, based on rates currently in effect, the bill for a typical non-care residential customer averaging 31 therms per month would increase from \$75.25 to \$76.25, or 1.3%. In Period 2, the bill for a typical non-care residential customer would increase \$1.28, or 1.7% compared to current bills. In Period 3, the bill for a typical non-care residential customer would increase \$0.28 or 0.4% compared to current bills. Note Period 3 rates and bill impacts are based on the 2027 revenue requirement, which is relatively flat to the 2028-2030 revenue requirements.

Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

### **How does the rest of this process work?**

This application will be assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding may review PG&E's application, including the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call **1-415-703-1584**, email: **PublicAdvocatesOffice@cpuc.ca.gov** or visit **PublicAdvocates.cpuc.ca.gov**.

### **Where can I get more information?**

#### **CONTACT PG&E**

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY call **711**. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**.

If you would like an electronic copy of the filing and exhibits, please write to the address below:

Pacific Gas and Electric Company  
2024 WMCE Application (A.24-11-009)  
P.O. Box 1018  
Oakland, CA 94604-1018

#### **CONTACT CPUC**

Please visit **apps.cpuc.ca.gov/c/A2411009** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

**Email:** **Public.Advisor@cpuc.ca.gov**

**Mail:** CPUC  
Public Advisor's Office  
505 Van Ness Avenue  
San Francisco, CA 94102

**Call:** **1-866-849-8390** (toll-free) or **1-415-703-2074**

Please reference **PG&E's 2024 WMCE Application A.24-11-009** in any communications you have with the CPUC regarding this matter.



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**FW: ENCAMPMENT ON GREAT OAKS**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Mon 12/16/2024 10:49 AM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** Barbara Gallaty [REDACTED]

**Sent:** Sunday, December 15, 2024 2:04 PM

**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; HomelessConcerns <homelessconcerns@sanjoseca.gov>; beautifysj <beautifysj@sanjoseca.gov>; [REDACTED] Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Hertzberg, Keith <Keith.Hertzberg@sanjoseca.gov>; parking.compliance <parking.compliance@sanjoseca.gov>;

[REDACTED]  
Stanton, Garrett

<Garrett.Stanton@sanjoseca.gov>; Kamath, Sudha <Sudha.Kamath@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>; Donohue, Stephen <Stephen.Donohue@sanjoseca.gov>

**Subject:** ENCAMPMENT ON GREAT OAKS

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Below are pictures taken today behind the church on Great Oaks. 95119

Nothing has changed maybe worse. More fence has been broken down and the church is still feeding them.

I was asured months ago by The mayor himself at a local meeting and by Garrett that it would take 90 days to get this cleaned up, and that would happen

By the end of December.

We have two weeks left. Any progress, NO.

What is happening?

This area is so bad. And its deep inside.



These homeless are roaming all thru our businesses and shopping centers all day and night. They need to be placed somewhere else.

**Maybe in your neighborhood.....**

So whats the plan now????

I've seen nothing happen in 3 months. Who pays for all the broken fencing, our tax dollars? Thats not right either.

How do we get action on this now?

*Barbara Gallaty*  
*Ace Seal LLC*

[Redacted]

---

**From:** Barbara Gallaty [Redacted]  
**Sent:** Sunday, December 15, 2024 1:39 PM  
**To:** Barbara Gallaty [Redacted]  
**Subject:**



















Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



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**FW: ENCAMPMENT ON GREAT OAKS**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Mon 12/16/2024 12:10 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

---

**From:** Dhanya Rajan <[REDACTED]>

**Sent:** Monday, December 16, 2024 12:08 PM

**To:** Stanton, Garrett <Garrett.Stanton@sanjoseca.gov>; Barbara Gallaty <[REDACTED]>

**Cc:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; HomelessConcerns <homelessconcerns@sanjoseca.gov>; beautifysj <beautifysj@sanjoseca.gov>; [REDACTED] Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Hertzberg, Keith <Keith.Hertzberg@sanjoseca.gov>; parking.compliance <parking.compliance@sanjoseca.gov>;

[REDACTED] Kamath, Sudha <Sudha.Kamath@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>; Donohue, Stephen <Stephen.Donohue@sanjoseca.gov>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>;

[REDACTED] Rois, Joseph <joseph.rois@sanjoseca.gov>

**Subject:** Re: ENCAMPMENT ON GREAT OAKS

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

City Leaders and media,

Please look at this presentation regarding a giant encampment in a special tax district. We have been fighting for a solution for almost 3 years now

[https://docs.google.com/presentation/d/1-KHrBYo4mUuXBpuW4ARTGhcFCbDGBuS-dgl\\_zNvQUH0/edit#slide=id.p](https://docs.google.com/presentation/d/1-KHrBYo4mUuXBpuW4ARTGhcFCbDGBuS-dgl_zNvQUH0/edit#slide=id.p)

Hi Garrett,

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The folks you abate from the other end would just come to our end. The entire Great Oaks needs to be abated at the same time in Jan 2025.

Thanks  
Dhanya

408-431-1574

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Lastly, I encourage all to visit the City's new [Homelessness Hub](#) which is a resource provided by the City of San José to offer information and support related to the homelessness crisis. The Hub includes a [frequently asked section](#) with FAQ's for current and commonly asked questions. It also includes details about the City's efforts to address homelessness and available services. It is a portal for community members to learn more about the City's strategies and initiatives aimed at reducing homelessness. The site provides access to various resources such as [shelter programs](#), outreach services, and tools to [report encampments](#) or other homelessness-related concerns.

Thank you,

Garrett Stanton | He/Him  
Homelessness Systems Coordinator  
Office of the City Manager  
200 E. Santa Clara Street, San José, CA 95113

**From:** Barbara Gallaty <[REDACTED]>  
**Sent:** Sunday, December 15, 2024 2:04 PM  
**To:** Mahan, Matt <[Matt.Mahan@sanjoseca.gov](mailto:Matt.Mahan@sanjoseca.gov)>; Kamei, Rosemary <[Rosemary.Kamei@sanjoseca.gov](mailto:Rosemary.Kamei@sanjoseca.gov)>; Jimenez, Sergio <[sergio.jimenez@sanjoseca.gov](mailto:sergio.jimenez@sanjoseca.gov)>; Candelas, Domingo <[Domingo.Candelas@sanjoseca.gov](mailto:Domingo.Candelas@sanjoseca.gov)>; Torres, Omar <[Omar.Torres@sanjoseca.gov](mailto:Omar.Torres@sanjoseca.gov)>; Cohen, David <[David.Cohen@sanjoseca.gov](mailto:David.Cohen@sanjoseca.gov)>; Davis, Dev <[dev.davis@sanjoseca.gov](mailto:dev.davis@sanjoseca.gov)>; Ortiz, Peter <[Peter.Ortiz@sanjoseca.gov](mailto:Peter.Ortiz@sanjoseca.gov)>; Doan, Bien <[Bien.Doan@sanjoseca.gov](mailto:Bien.Doan@sanjoseca.gov)>; Foley, Pam <[Pam.Foley@sanjoseca.gov](mailto:Pam.Foley@sanjoseca.gov)>; Batra, Arjun <[arjun.batra@sanjoseca.gov](mailto:arjun.batra@sanjoseca.gov)>; Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)>; Wilcox, Leland <[Leland.Wilcox@sanjoseca.gov](mailto:Leland.Wilcox@sanjoseca.gov)>; Solivan, Erik <[Erik.Solivan@sanjoseca.gov](mailto:Erik.Solivan@sanjoseca.gov)>; City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>; District 10 <[District10@sanjoseca.gov](mailto:District10@sanjoseca.gov)>; District2 <[District2@sanjoseca.gov](mailto:District2@sanjoseca.gov)>; HomelessConcerns <[homelessconcerns@sanjoseca.gov](mailto:homelessconcerns@sanjoseca.gov)>; beautifysj <[beautifysj@sanjoseca.gov](mailto:beautifysj@sanjoseca.gov)>; [REDACTED]; Maguire, Jennifer <[jennifer.maguire@sanjoseca.gov](mailto:jennifer.maguire@sanjoseca.gov)>; Hertzberg, Keith <[Keith.Hertzberg@sanjoseca.gov](mailto:Keith.Hertzberg@sanjoseca.gov)>; parking.compliance <[parking.compliance@sanjoseca.gov](mailto:parking.compliance@sanjoseca.gov)>; [REDACTED]; Stanton, Garrett <[Garrett.Stanton@sanjoseca.gov](mailto:Garrett.Stanton@sanjoseca.gov)>; Kamath, Sudha <[Sudha.Kamath@sanjoseca.gov](mailto:Sudha.Kamath@sanjoseca.gov)>; Dang, Tara <[Tara.Dang@sanjoseca.gov](mailto:Tara.Dang@sanjoseca.gov)>; Donohue, Stephen <[Stephen.Donohue@sanjoseca.gov](mailto:Stephen.Donohue@sanjoseca.gov)>  
**Subject:** ENCAMPMENT ON GREAT OAKS

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Below are pictures taken today behind the church on Great Oaks. 95119  
 Nothing has changed maybe worse. More fence has been broken down and the church is still feeding them.  
 I was asured months ago by The mayor himself at a local meeting and by Garrett that it would take 90 days to get this cleaned up, and that would happen  
 By the end of December.  
 We have two weeks left. Any progress, NO.

What is happening?  
 This area is so bad. And its deep inside.

These homeless are roaming all thru our businesses and shopping centers all day and night. They need to be placed somewhere else.

**Maybe in your neighborhood.....**

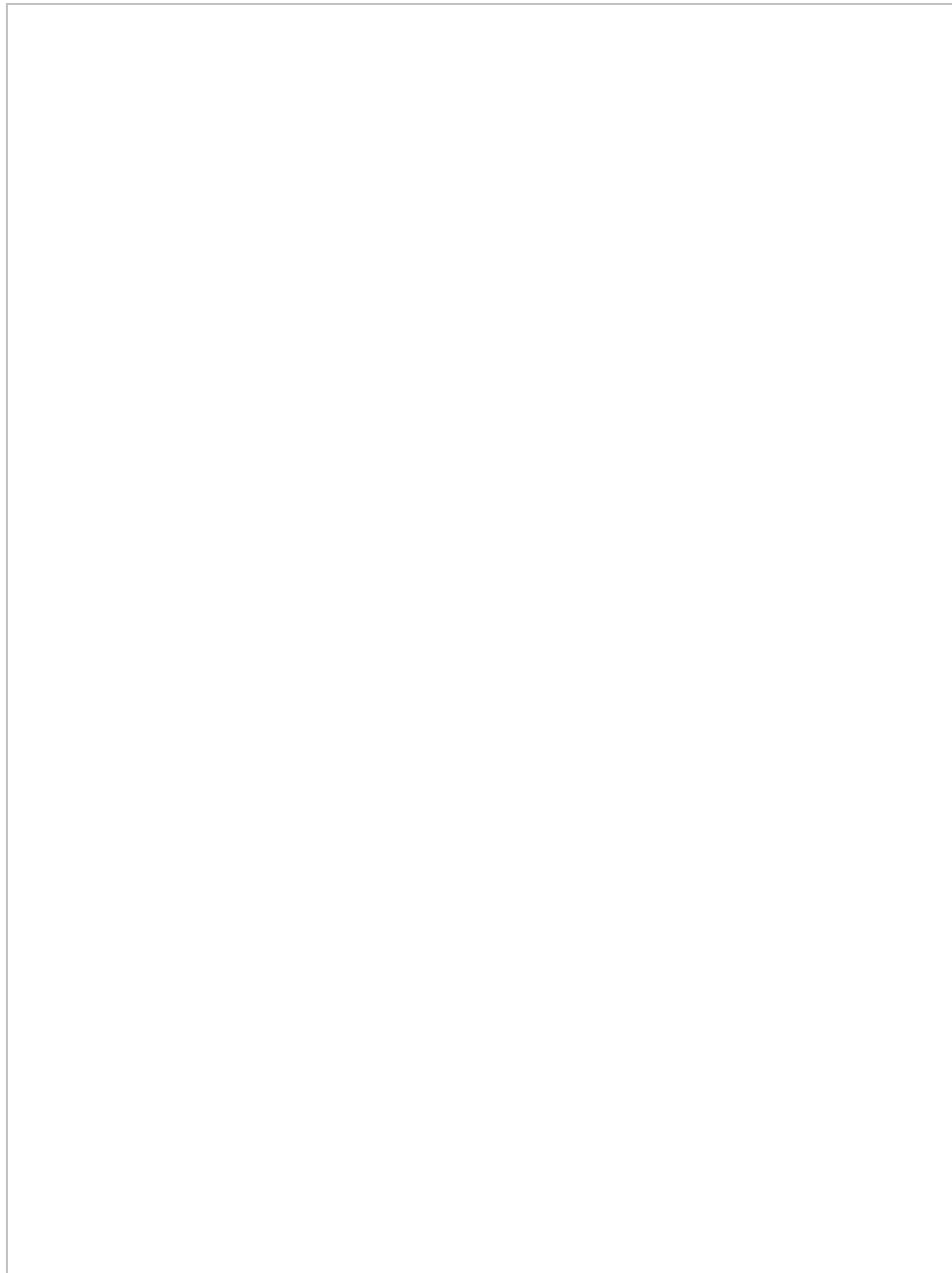
So whats the plan now????  
 I've seen nothing happen in 3 months. Who pays for all the broken fencing, our tax dollars? Thats not right either.

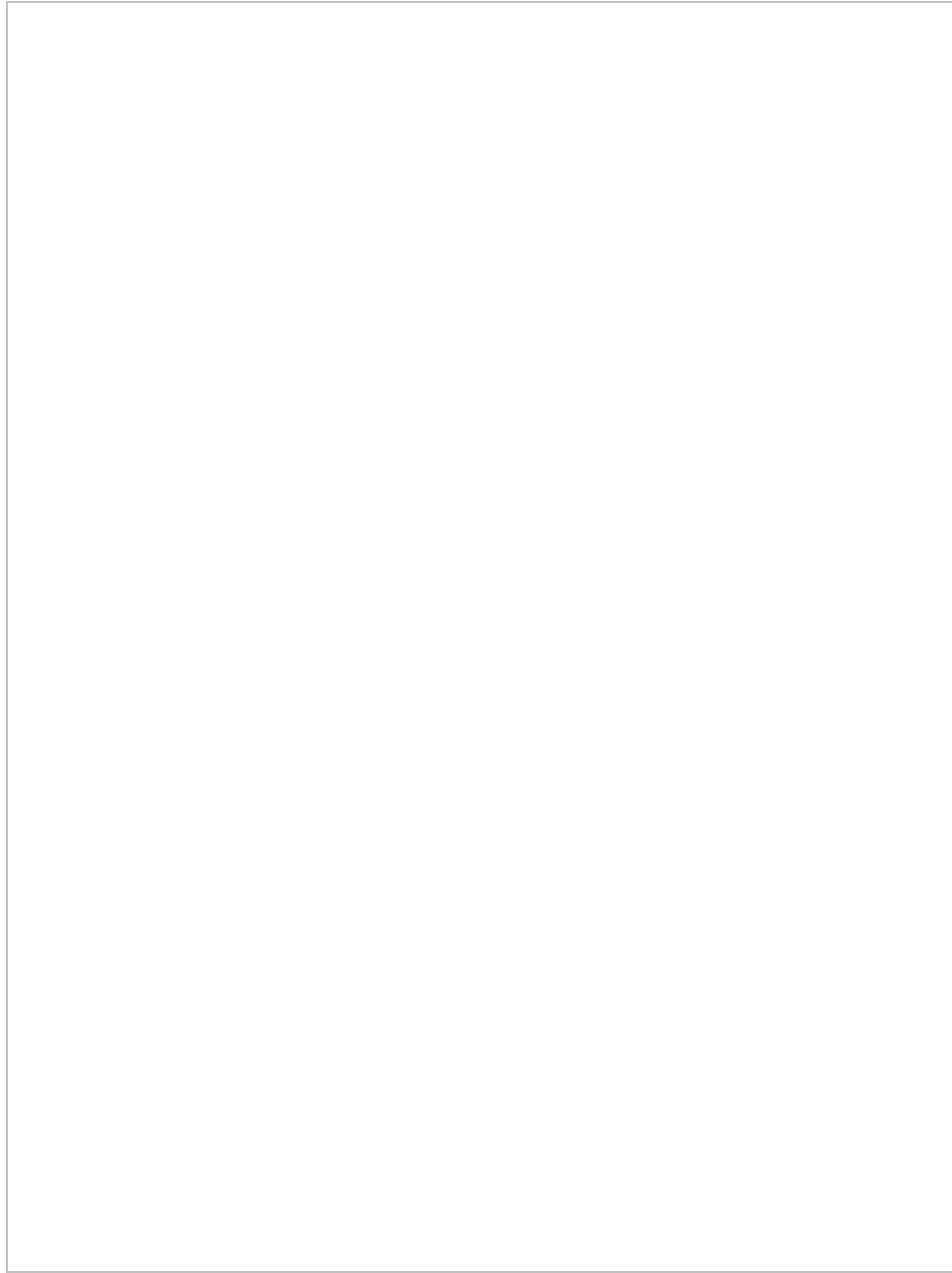
How do we get action on this now?

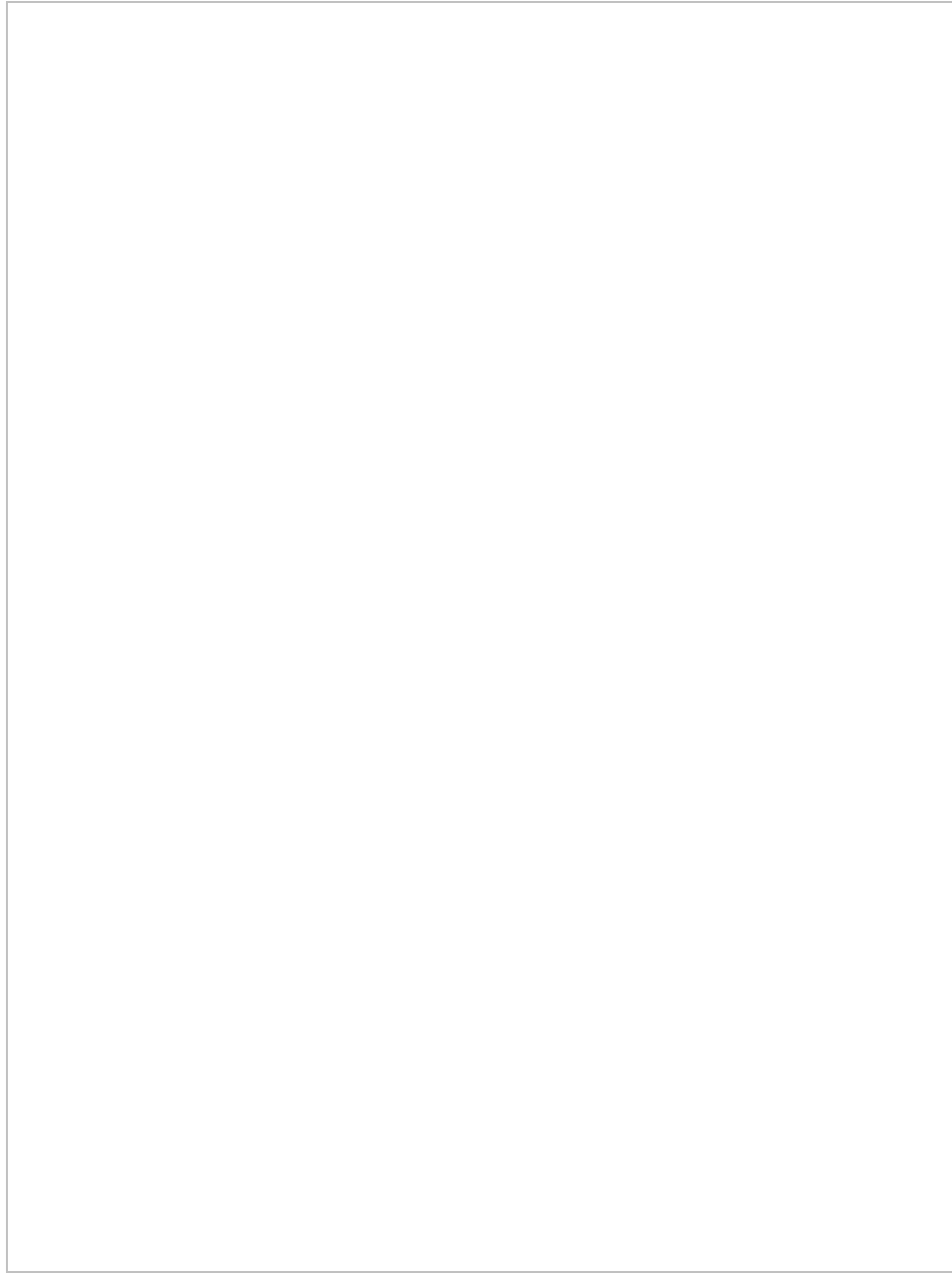
*Barbara Gallaty*  
*Ace Seal LLC*  
*23 las Colinas Lane Suite 111-112*  
*San Jose CA 95119*  
*408-513-1070*

---

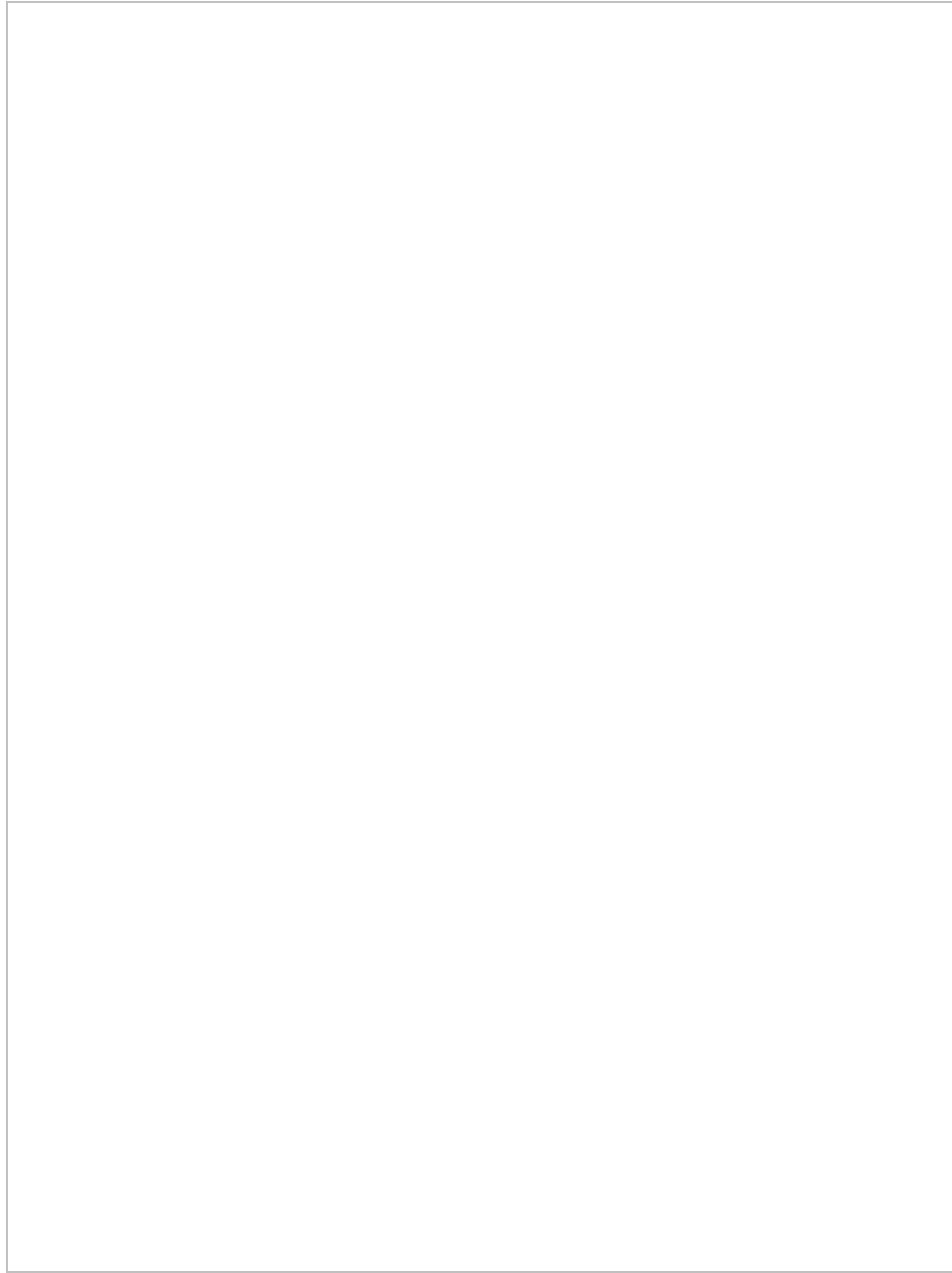
**From:** Barbara Gallaty <[REDACTED]>  
**Sent:** Sunday, December 15, 2024 1:39 PM  
**To:** Barbara Gallaty <[REDACTED]>  
**Subject:**

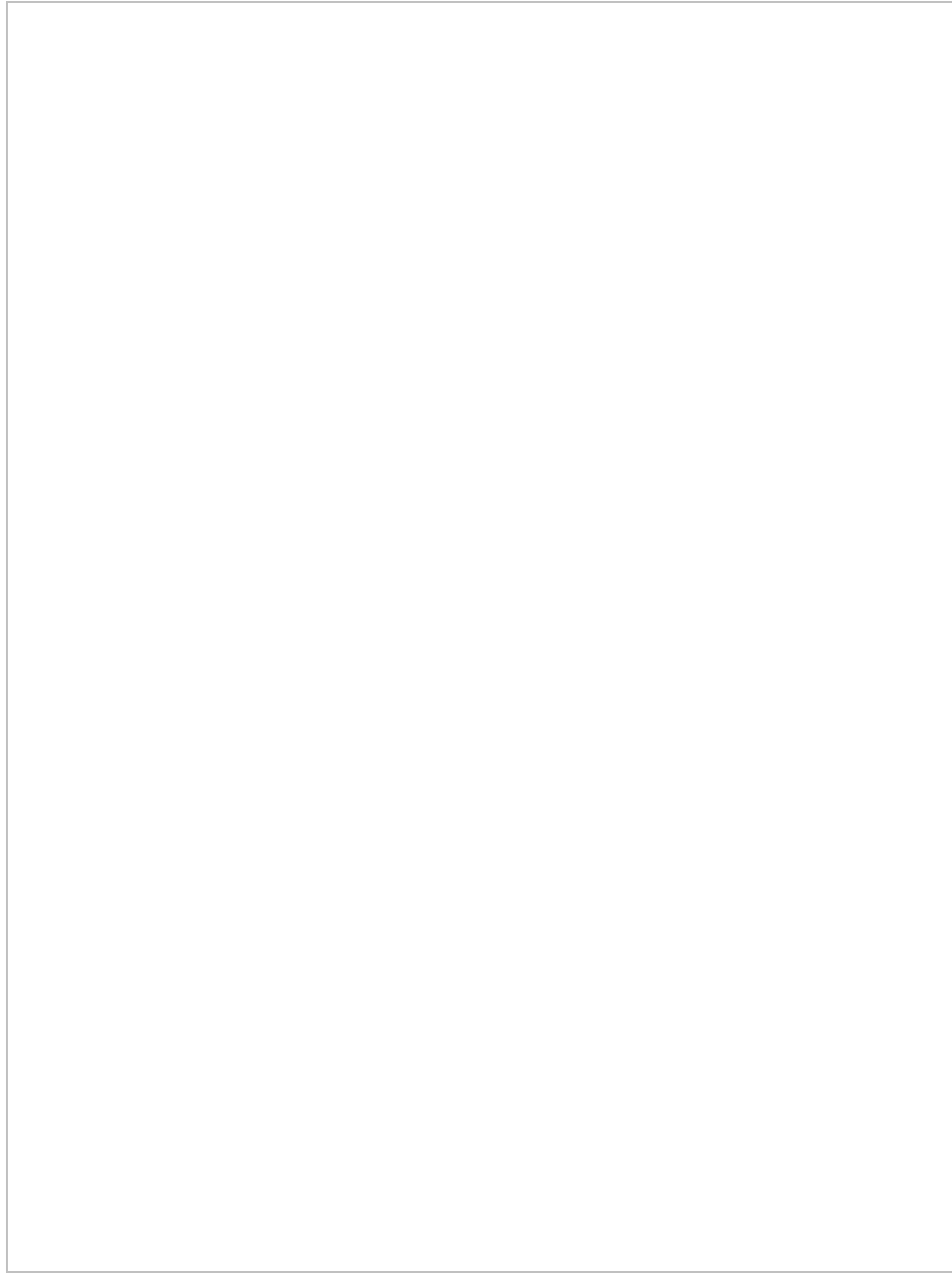


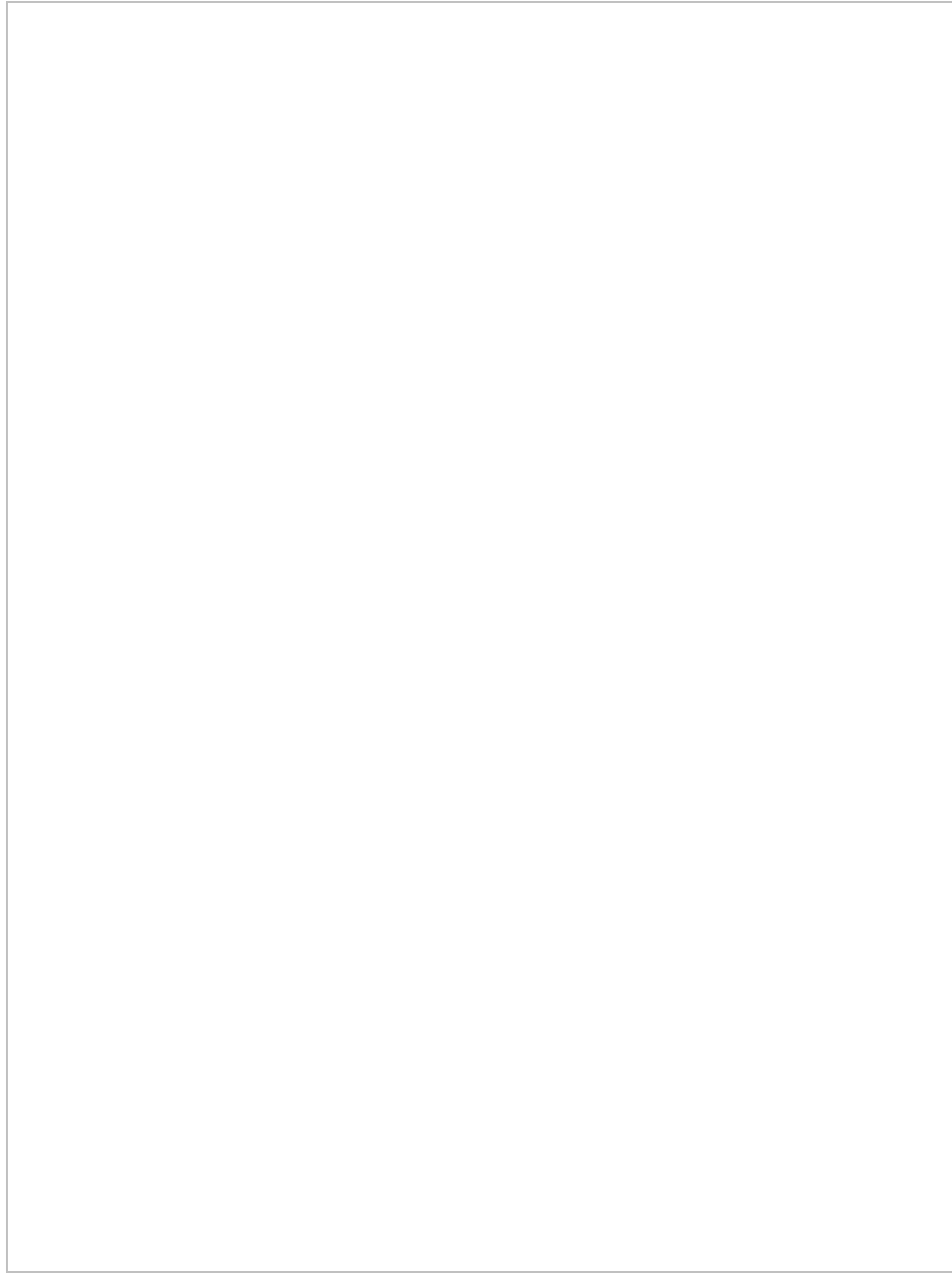


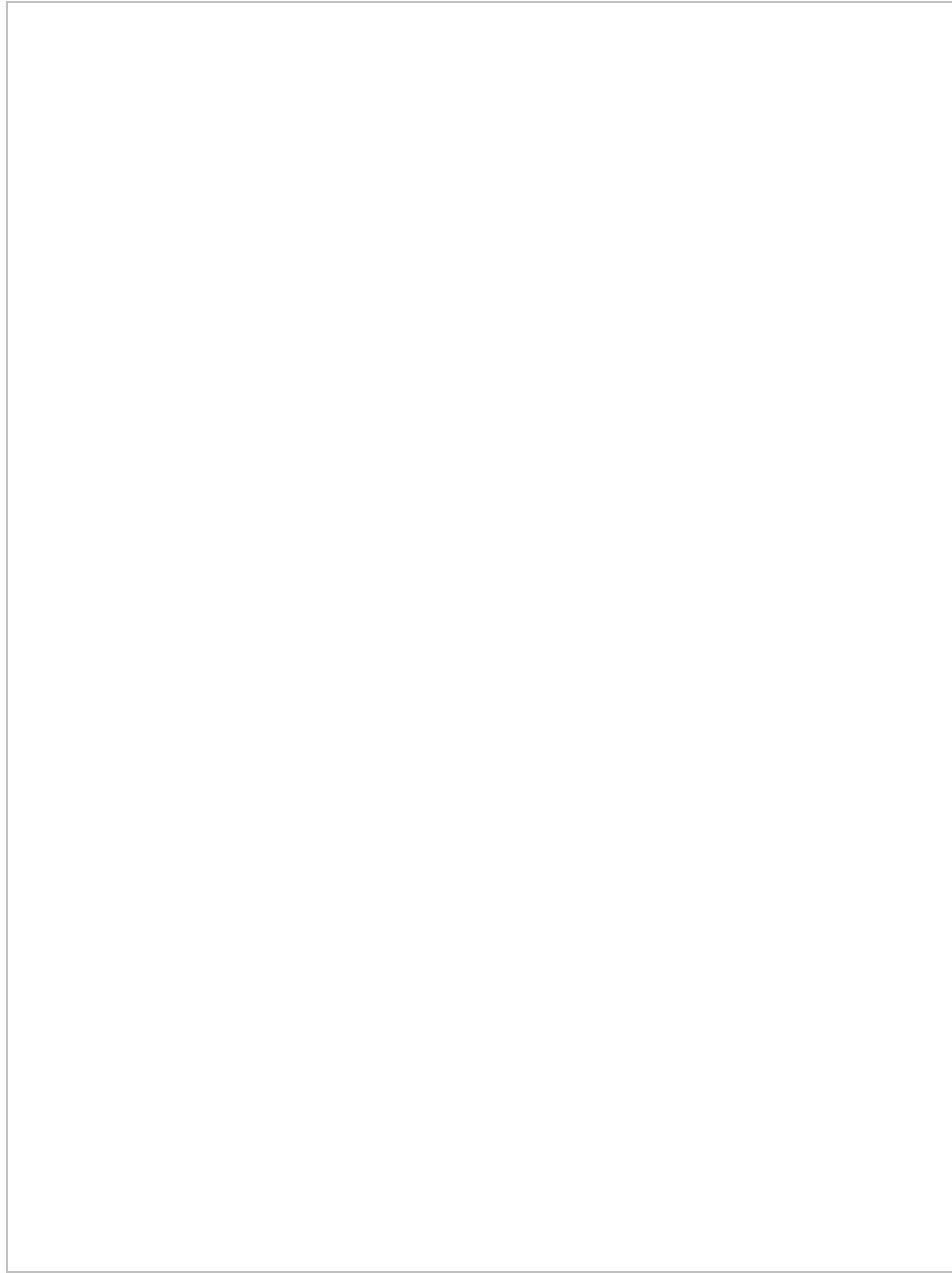


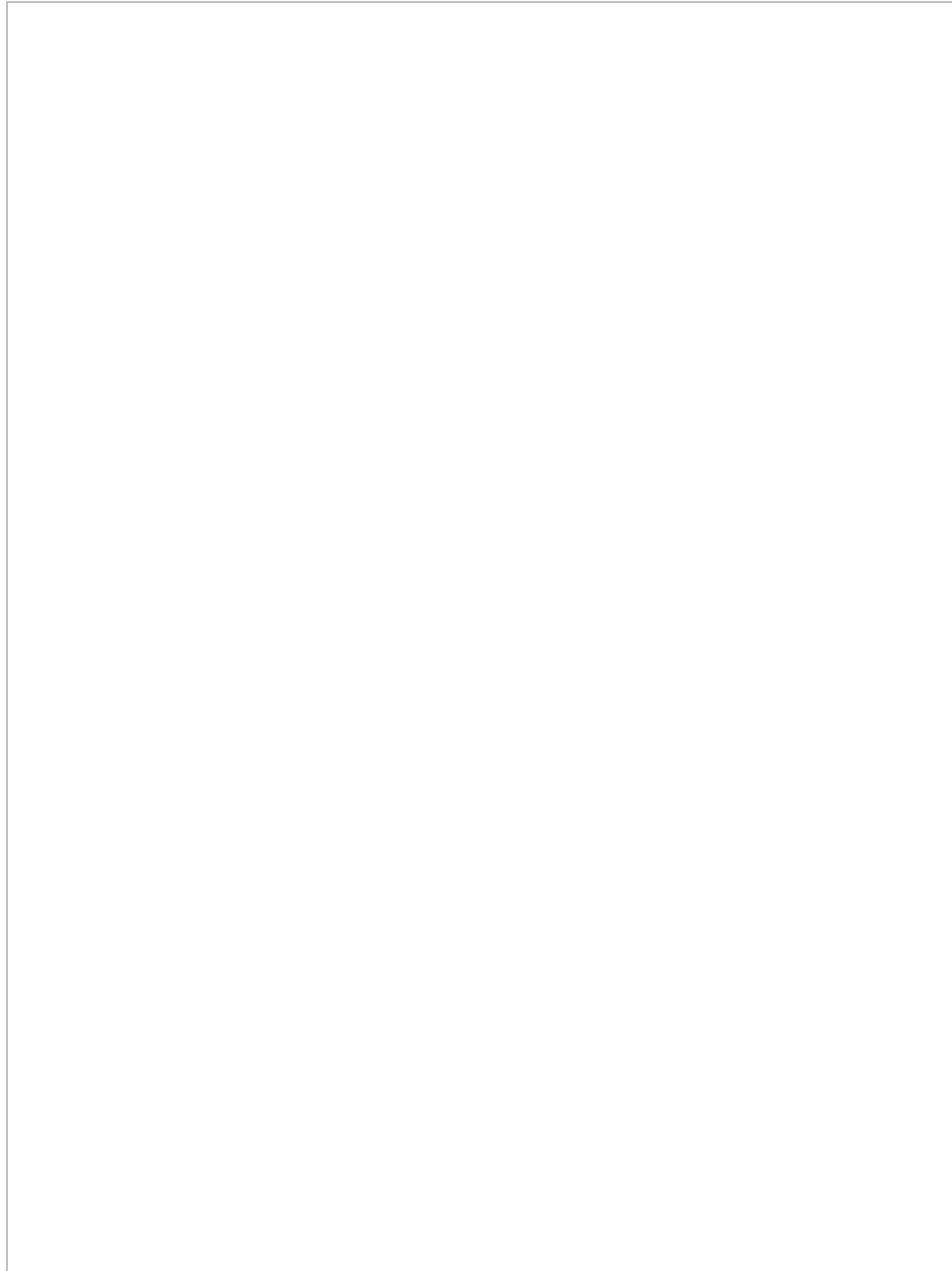












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**FW: ENCAMPMENT ON GREAT OAKS**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Mon 12/16/2024 12:16 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

---

**From:** Barbara Gallaty [REDACTED]

**Sent:** Monday, December 16, 2024 12:12 PM

**To:** Dhanya Rajan [REDACTED]

**Cc:** Stanton, Garrett <Garrett.Stanton@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; HomelessConcerns <homelessconcerns@sanjoseca.gov>; beautifysj <beautifysj@sanjoseca.gov>; [REDACTED] Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Hertzberg, Keith <Keith.Hertzberg@sanjoseca.gov>; parking.compliance <parking.compliance@sanjoseca.gov>; [REDACTED]

[REDACTED] Kamath, Sudha

<Sudha.Kamath@sanjoseca.gov>; Dang, Tara <Tara.Dang@sanjoseca.gov>; Donohue, Stephen <Stephen.Donohue@sanjoseca.gov>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>; Senator.Cortese@sen.ca.gov; Rois, Joseph <joseph.rois@sanjoseca.gov>; Stanton, Garrett <Garrett.Stanton@sanjoseca.gov>; [REDACTED]

**Subject:** Re: ENCAMPMENT ON GREAT OAKS

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

I agree. Went to Target this week end and that area is so bad much more tents and garbage Piled in the streets.  
It's like wack a mole.

Barbara

Sent from my iPhone

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City Leaders and media,

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[REDACTED]

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Maguire, Jennifer <[jennifer.maguire@sanjoseca.gov](mailto:jennifer.maguire@sanjoseca.gov)>; Hertzberg, Keith <[Keith.Hertzberg@sanjoseca.gov](mailto:Keith.Hertzberg@sanjoseca.gov)>; parking.compliance <[parking.compliance@sanjoseca.gov](mailto:parking.compliance@sanjoseca.gov)>; [REDACTED]  
[REDACTED]  
Stanton, Garrett <[Garrett.Stanton@sanjoseca.gov](mailto:Garrett.Stanton@sanjoseca.gov)>; Kamath, Sudha <[Sudha.Kamath@sanjoseca.gov](mailto:Sudha.Kamath@sanjoseca.gov)>; Dang, Tara <[Tara.Dang@sanjoseca.gov](mailto:Tara.Dang@sanjoseca.gov)>; Donohue, Stephen <[Stephen.Donohue@sanjoseca.gov](mailto:Stephen.Donohue@sanjoseca.gov)>  
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*Barbara Gallaty*  
*Ace Seal LLC*

[REDACTED]

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**Subject:**







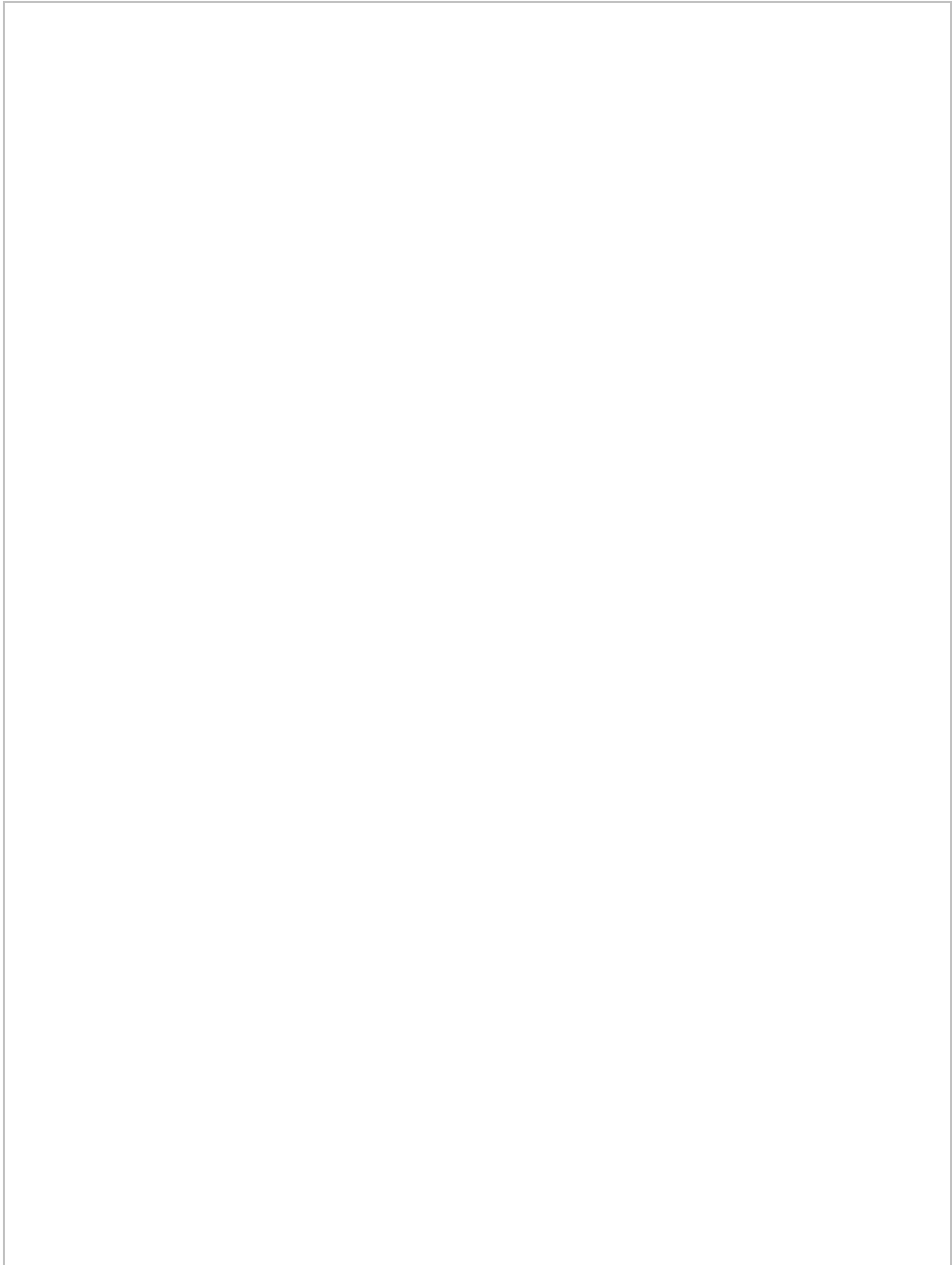












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- <image001.jpg>
- <image002.jpg>
- <image003.jpg>
- <image004.jpg>
- <image005.jpg>
- <image006.jpg>
- <image007.jpg>
- <image008.jpg>



Outlook

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**Fw: ENCAMPMENT ON GREAT OAKS**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>**Date** Tue 12/17/2024 10:30 AM**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Tuesday, December 17, 2024 10:21 AM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** FW: ENCAMPMENT ON GREAT OAKS

---

**From:** Barbara Gallaty [REDACTED]**Sent:** Tuesday, December 17, 2024 10:17 AM**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; Solivan, Erik <Erik.Solivan@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; HomelessConcerns <homelessconcerns@sanjoseca.gov>; beautifysj <beautifysj@sanjoseca.gov>; [REDACTED] Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Hertzberg, Keith <Keith.Hertzberg@sanjoseca.gov>; parking.compliance <parking.compliance@sanjoseca.gov>;

[REDACTED] Stanton, Garrett

&lt;Garrett.Stanton@sanjoseca.gov&gt;; Kamath, Sudha &lt;Sudha.Kamath@sanjoseca.gov&gt;; Dang, Tara &lt;Tara.Dang@sanjoseca.gov&gt;; Donohue, Stephen &lt;Stephen.Donohue@sanjoseca.gov&gt;

**Cc:** [REDACTED]**Subject:** FW: ENCAMPMENT ON GREAT OAKS

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I get this is a challenge. But you and the mayor said by the end of Dec. We are all waiting and watching. I get that the mayor dosen't make any decisions, but when he is out doing meet and greets he needs correct information.

Otherwise what is he doing wasting our time. And it's the city officials who need to give him correct informtion, otherwise what is your jobs.

This area, if you haven't seen it up close will take a long time to get done. It should of been started earlier. You had 90 days to start it, and no visible action has been taken. And it wont be competed by Jan.

We all appreciaite correct information that is given to all of us who are trying to get this area cleaned up. Its gone on to long. 4 years, and no end in sght.

I would like the newspapers to go out and take pictures. Print it. Lets let all of South San Jose see what is in their neighborhoods. Maybe all of California needs to see so it dosen't end up in their neighborhoods.

This s what we are dealing with. We need some action.

*Barbara Gallaty*  
*Ace Seal LLC*



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---

**From:** Barbara Gallaty [REDACTED]  
**Sent:** Sunday, December 15, 2024 2:04 PM  
**To:** Mahan, Matt <[Matt.Mahan@sanjoseca.gov](mailto:Matt.Mahan@sanjoseca.gov)>; Kamei, Rosemary <[Rosemary.Kamei@sanjoseca.gov](mailto:Rosemary.Kamei@sanjoseca.gov)>; Jimenez, Sergio <[sergio.jimenez@sanjoseca.gov](mailto:sergio.jimenez@sanjoseca.gov)>; Candelas, Domingo <[Domingo.Candelas@sanjoseca.gov](mailto:Domingo.Candelas@sanjoseca.gov)>; Torres, Omar <[Omar.Torres@sanjoseca.gov](mailto:Omar.Torres@sanjoseca.gov)>; Cohen, David <[David.Cohen@sanjoseca.gov](mailto:David.Cohen@sanjoseca.gov)>; Davis, Dev <[dev.davis@sanjoseca.gov](mailto:dev.davis@sanjoseca.gov)>; Ortiz, Peter <[Peter.Ortiz@sanjoseca.gov](mailto:Peter.Ortiz@sanjoseca.gov)>; Doan, Bien <[Bien.Doan@sanjoseca.gov](mailto:Bien.Doan@sanjoseca.gov)>; Foley, Pam <[Pam.Foley@sanjoseca.gov](mailto:Pam.Foley@sanjoseca.gov)>; Batra, Arjun <[arjun.batra@sanjoseca.gov](mailto:arjun.batra@sanjoseca.gov)>; Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)>; Wilcox, Leland <[Leland.Wilcox@sanjoseca.gov](mailto:Leland.Wilcox@sanjoseca.gov)>; Solivan, Erik <[Erik.Solivan@sanjoseca.gov](mailto:Erik.Solivan@sanjoseca.gov)>; City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>; District 10 <[District10@sanjoseca.gov](mailto:District10@sanjoseca.gov)>; District2 <[District2@sanjoseca.gov](mailto:District2@sanjoseca.gov)>; HomelessConcerns <[homelessconcerns@sanjoseca.gov](mailto:homelessconcerns@sanjoseca.gov)>; beautifysj <[beautifysj@sanjoseca.gov](mailto:beautifysj@sanjoseca.gov)>; [REDACTED]  
Maguire, Jennifer <[jennifer.maguire@sanjoseca.gov](mailto:jennifer.maguire@sanjoseca.gov)>; Hertzberg, Keith <[Keith.Hertzberg@sanjoseca.gov](mailto:Keith.Hertzberg@sanjoseca.gov)>; parking.compliance <[parking.compliance@sanjoseca.gov](mailto:parking.compliance@sanjoseca.gov)>; [REDACTED]  
[REDACTED]  
Stanton, Garrett <[Garrett.Stanton@sanjoseca.gov](mailto:Garrett.Stanton@sanjoseca.gov)>; Kamath, Sudha <[Sudha.Kamath@sanjoseca.gov](mailto:Sudha.Kamath@sanjoseca.gov)>; Dang, Tara <[Tara.Dang@sanjoseca.gov](mailto:Tara.Dang@sanjoseca.gov)>; Donohue, Stephen <[Stephen.Donohue@sanjoseca.gov](mailto:Stephen.Donohue@sanjoseca.gov)>  
**Subject:** ENCAMPMENT ON GREAT OAKS

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Below are pictures taken today behind the church on Great Oaks. 95119  
Nothing has changed maybe worse. More fence has been broken down and the church is still feeding them.

I was assured months ago by The mayor himself at a local meeting and by Garrett that it would take 90 days to get this cleaned up, and that would happen  
By the end of December.

We have two weeks left. Any progress, NO.

What is happening?

This area is so bad. And its deep inside.

These homeless are roaming all thru our businesses and shopping centers all day and night. They need to be placed somewhere else.

**Maybe in your neighborhood.....**

So whats the plan????

I've seen nothing happen in 3 months. Who pays for all the broken fencing, our tax dollars? Thats not right either.

How do we get action on this now?

*Barbara Gallaty*  
*Ace Seal LLC*

[Redacted]

---

**From:** Barbara Gallaty [Redacted]  
**Sent:** Sunday, December 15, 2024 1:39 PM  
**To:** Barbara Gallaty [Redacted]  
**Subject:**



















Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

- <image001.jpg>
- <image002.jpg>
- <image003.jpg>
- <image004.jpg>
- <image005.jpg>
- <image006.jpg>
- <image007.jpg>
- <image008.jpg>

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Outlook

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**Fw: Letter to City Council Re: Animal Shelter**

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**From** Agendadesk <Agendadesk@sanjoseca.gov>**Date** Wed 12/18/2024 1:32 PM**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

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**From:** City Clerk <city.clerk@sanjoseca.gov>**Sent:** Wednesday, December 18, 2024 1:04 PM**To:** Agendadesk <Agendadesk@sanjoseca.gov>**Subject:** FW: Letter to City Council Re: Animal Shelter

---

**From:** Kendra O'Donoghue [REDACTED]**Sent:** Wednesday, December 18, 2024 11:58 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Cc:** Franchesca Facio [REDACTED]

Dan Benj [REDACTED]

Christina Ramos [REDACTED]

Antonia Romo

Guadalupe Rivas [REDACTED]

**Subject:** Letter to City Council Re: Animal Shelter

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You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Councilmembers,

On behalf of the youth in EYP at Opportunity Youth Academy, I am submitting this letter for public comment.

Best,  
Kendra

Dear San Jose City Council,

We are students at Opportunity Youth Academy, and we are residents of San Jose and we are proud members of Envision Your Pathway (EYP). As young people who truly deeply care about the welfare of animals in our community, we are writing to share our concerns about the conditions in San Jose's animal shelters and we would like to advocate for changes that will ensure better outcomes for these vulnerable animals.

It has come to our attention that many of our local shelters are struggling with issues such as overcrowding, insufficient funding, and inadequate resources to provide necessary care. These challenges not only impact the quality of life for the animals but also hinder the shelter's ability to connect pets with loving homes. We believe San Jose can and should be a leader in ensuring humane and effective care for animals in need.

As youth who are invested in the well-being of our community, we urge the City Council to consider the following actions:

1. Increase funding for animal shelters to ensure they have all the resources to provide proper care, medical treatment, and most importantly staff support.
2. Launch community outreach and education programs to promote adoption, spay/neuter initiatives, and responsible pet ownership and educate youth that want to work with animals in their future.
3. Expand partnership with local nonprofits and rescue groups to improve adoption rates and reduce shelter overcrowding.
4. Provide mental health and wellness resources for shelter staff/ volunteers, as they face high levels of stress and emotional burnout in this line of work.

By addressing these issues, San Jose can create a more compassionate and effective shelter system that benefits animals, shelter workers and volunteers, and our entire community.

Thank you for your time and attention to this important issue. We would love the opportunity to discuss these ideas further or participate in future initiatives to improve the welfare of animals in San Jose.

Sincerely,


Franchesca Facio, Reina T, Daniel Benitez, Carlos Reyes, Our Teacher Kendra and the EYP staff

--

**Kendra Fujino O'Donoghue** (she/her)

**Executive Director**

Envision Your Pathway

Watch our video 

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**FW: Appeal to Remove Homeless Encampment**

**From** City Clerk <[redacted]>  
**Date** Fri 12/20/2024 9:16 AM  
**To** Rules and Open Government Committee Agendas <[redacted]>

📎 10 attachments (3 MB)  
IMG 1850.jpg; IMG 1851.jpg; IMG 1853.jpg; IMG 1854.jpg; IMG 1855.jpg; IMG 1856.jpg; IMG 1858.jpg; IMG 1860.jpg;  
IMG 1861.jpg; IMG 1863.jpg;

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**From:** [redacted] <[redacted]>  
**Sent:** Thursday, December 19, 2024 5:39 PM  
**To:** The Office of Mayor Matt Mahan <[redacted]> Maguire, Jennifer  
<[redacted]> Passons, Omar <[redacted]>  
<[redacted]> City Clerk <[redacted]> District2 <[redacted]>  
**Cc:** Dang, Tara <[redacted]> 'Phil Gregory' <[redacted]> 'John Winter'  
<[redacted]> 'Francois Gauthier' <[redacted]>  
**Subject:** RE: Appeal to Remove Homeless Encampment

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I have received the information and have been email most if not all the organization below but it looks more like a pink ping game between agencies. At the end, nothing has been done. See attached picture from yesterday. Most of these vehicles has been there for months (4-6 months) and the trash, feces is getting worse. Something needs to be done soon. The Owners in copy are starting to mentioned that we might be better off moving our manufacturing facility from San Jose to Sparks (Nevada). It is sad, as San Jose would love over 40 jobs and over \$40K of municipal taxes/year. Is this what the city wants. I understand that this is a problem in many area of San Jose and we need a comprehensive solution the this growing homeless issue but for the time being , we need this problem to be off our Street ASAP.

In addition, our employees and visitors do not feel safe. I implemented a Workplace Violence Prevention Plan last year but unfortunately, because of this issue, we are no longer able to ensure that the plan is adequate and it looks like there is nothing we can do about it.

Tara, thanks again for your effort in highlighting the issue we are faced here.

Looking forward to a quick , satisfying resolution (Have all the trash removed and vehicle and people gone) to this growing problem

See attached pictures taken yesterday



Regards

**Francois Gauthier**  
VP Operations



[REDACTED]

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Please consider the environment before printing this email

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**From:** City of San Jose Mayor's Office <[REDACTED]>  
**Sent:** Thursday, December 19, 2024 4:11 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Appeal to Remove Homeless Encampment

Hi Jerry and Francois,

I got 2 email from Francois on the 311 Service numbers. Not sure if you have received the following information yet. I apologize.

There are several services that have been established to address the issue as follow.

1. Please use the [Report an Encampment](#) function on the City's website to report all encampment related concerns.
2. For matters related to illegal dumping, vehicle concerns, right of way issues, and other general concerns, use [SJ311](#).
3. To report a spill, leak, release, or discharge to the storm drain or street gutter, use the Storm Drain Discharge [Complaint Form](#) or call (408) 945-3000.
4. In case of an emergency, please always dial 9 1 1 for immediate support. For non emergency law enforcement and safety concerns, use the non-emergency number (408) 277-8900.
5. In case of mental illness, substance abuse, domestic violence, please dial the County line 9 8 8

After all the reporting, please keep the reporting numbers and you can email to the following parties to voice your frustrations. Please let me know if you have any questions. Thank you!

[REDACTED]

Remember to copy me in a [tara.dang@sanjoseca.gov](mailto:tara.dang@sanjoseca.gov). The more emails from different business owners, the better.

Beginning Jan 1, 2025, we will have a newly elected councilmember for District 2, Pamela Campos. Her email will be [REDACTED].

Best regards,

**Tara Dang**

Community Outreach Coordinator  
Mayor's Office  
City of San Jose  
200 E. Santa Clara Street, 17<sup>th</sup> Floor, San Jose, California 95113  
p: (408) 886-8996 | e: [REDACTED]

On Thu, 19 Dec at 12:20 PM , zz 1491 San Jose Charter Park Dr Site <[REDACTED]> wrote:

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Hello Tara,

Thank you for the information you provided in the email.

Just to update you, we see that the situation is not getting any better. They are lighting fires at night, setting up tent in NK Technologies' property, trash scattered and they even clogged the drains when it rained over the weekend that semi-flooded the street. Although they cleaned it up, they still left the trash along the curbside leading to the drainage.

At any rate, we will try to reach out to the different agencies and departments and hopefully get action as far as removing the encampment here is concerned.

Thank you again for taking the time last week to meet with us.

All the best,

jerry bennett | store manager | [extra space storage](#)

[REDACTED]



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From: City of San Jose Mayor's Office <[REDACTED]>  
Sent: Tuesday, December 17, 2024 4:50 PM

**To:** zz 1491 San Jose Charter Park Dr Site <[REDACTED]>  
**Subject:** Re: Appeal to Remove Homeless Encampment

Hi Jerry and all (I don't have all emails of the gentlemen that were in the meeting, except Francois),

I forwarded the information and pic to BeautifySJ and Captain Donohue. I though the following information would help with reporting. Please let me know if you have any questions.

1. Please use the [Report an Encampment](#) function on the City's website to report all encampment related concerns.
2. For matters related to illegal dumping, vehicle concerns, right of way issues, and other general concerns, use [SJ311](#).
3. To report a spill, leak, release, or discharge to the storm drain or street gutter, use the Storm Drain Discharge [Complaint Form](#) or call (408) 945 3000.
4. In case of an emergency, please always dial 9-1-1 for immediate support. For non emergency law enforcement and safety concerns, use the non emergency number (408) 277-8900.
5. In case of mental illness, substance abuse, domestic violence, please dial the County line 9-8-8

Thank you and Happy Holidays!

Best regards,

**Tara Dang**

Community Outreach Coordinator

Mayor's Office

City of San Jose

200 E. Santa Clara Street, 17<sup>th</sup> Floor, San Jose, California 95113

p: (408) 886-8996 | e: [REDACTED]

On Mon, 9 Dec at 10:30 AM , zz 1491 San Jose Charter Park Dr Site <[REDACTED]> wrote:

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You don't often get email from [REDACTED]. [Learn why this is important](#)

Hello Tara,

Thank you, once again for reaching back with regards to our serious concern here in our street.

I spoke to the business owners such as NK Technologies, Myo CrossFit Gym and Canna Culture and they are available on

Wednesday morning at 11AM for a meeting and a walk of the properties affected. Please let me know if the schedule works with you.

Best,

jerry bennett | store manager | **extra space storage**



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From: City of San Jose Mayor's Office  
<[redacted]>  
Sent: Wednesday, December 4, 2024 5:39 PM  
To: zz 1491 San Jose - Charter Park Dr Site  
<[redacted]>  
Subject: Re: Appeal to Remove Homeless Encampment

Hi Jerry,

Thank you for reaching out to Mayor's Office on your concerns of the lived in vehicles homeless. My name is Tara Dang and I serve as a community outreach coordinator here. I hear and feel for you and the businesses/residents who are being negatively impacted by homelessness. i have forwarded your concerns over to SJPD Captain Donohue and BeautifySJ asking for their responses.

For future reporting, it would be helpful to use the following platforms to get prompt attention. Your reporting will help city departments to assign proper resources in addressing your concerns and also for future pilot programs/projects addressing the homeless crisis.

For reporting on homeless concerns, please use this link:  
[https://www.sanjoseca.gov/your-government/departments\\_offices/parks\\_recreation\\_neighborhood-services/report-an-encampment](https://www.sanjoseca.gov/your-government/departments_offices/parks_recreation_neighborhood-services/report-an-encampment)

For blight and illegal dumpings, please report on 3-1-1

app online using this link on your iPhone and/or computer <https://311.sanjoseca.gov>

For public safety concerns, please call 9-1-1 to report and obtain a report number.

I would like to take a walk with you in the area together with other business owners/managers. Please let me know your time availability.

Thank you!

Best regards,

**Tara Dang**

Community Outreach Coordinator  
Mayor's Office  
City of San Jose  
200 E. Santa Clara Street, 17<sup>th</sup> Floor, San Jose, California 95113  
p: **(408) 886-8996** | e: [REDACTED]

On Wed, 4 Dec at 4:14 PM , zz 1491 San Jose Charter Park Dr Site

<[REDACTED]> wrote:

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[Learn more](#)]

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**Honorable Mayor Matt Mahan**  
**City of San Jose**  
**California**

Dear **Mayor Matt Mahan**,

My name is Jerry Bennett. I am currently a Store Manager for a self-storage facility here in San Jose. The company is Extra Space Storage and my property is located at 3510 Charter Park Dr. San Jose, CA.

I am writing to you in the hope of getting your support with regards to dealing with the problem of homeless people who are living in their vehicles that are illegally parked here along the street since September 2024. It has actually become a

homeless encampment along the street. I am aware that this issue I am raising is a small speck among the myriad of problems you are handling, but we are confident that you will give heed to our legitimate concern.

We understand that the current economic situation is making it impossible for a lot of people to rent apartments and so they live in their cars. However, if the homeless start causing problems that are non-existent before, there is need for us to deal with it. And so, we are reaching out with confidence that you, as our Mayor, one who advocates for ending street homelessness, public safety, beautification and common-sense laws will be able to support our urgent appeal.

Allow me to enumerate the issues that we are dealing with that pose serious threat to the health, safety and security of our storage facility and the neighboring businesses here. I am reaching out on behalf of the other companies doing business in this location such as NK Technologies and Crossfit Gym. We all agree that the homeless encampment along our street needs to go to a place or area provided by the City of San Jose.

The issues are:

1. HEALTH - Hygiene and cleanliness. Charter Park Dr, as you know, is an industrial and business area and the street has always been clean. For us who work and live in the storage facility, it is part of our job to keep our premises, both inside and outside clean. However, the homeless who have parked here have made a mess. Drive along the street and you will see plastic bags, discarded food wrappers, food items, pieces of garbage and at one time, even human waste on the curbside. I know this for a fact because I was the one who had to pick them up and sanitize the area. I am reporting as well that garbage bags are sometimes left in our curbside and we never had these

problems before. We are always the ones who clean up after. Also, as a result of this, we have started to have rodents within and outside our property and this is something we never had before. We are a storage facility and having rodents and pests are a huge risk for us that will affect our business.

2. SAFETY - Another serious issue is risk to our lives and property. I have noted on three (3) occasions already that they start a fire at night, possibly to cook and or to warm themselves. And on one recent evening, they put up a fire right beside a wooden plank and this might cause a fire. What they are doing is clearly a fire hazard. And this is not far-fetched as we have seen report after report of fires linked to homeless encampments in the State of California..

3. SECURITY - We also would like to bring to your attention that at night, we would hear shouting and even quarrelling. There was an instance one late afternoon when a car parked in the middle of the street and out came 4 young people in masks and we had a scare as they acted menacingly towards the people in the homeless encampment.

Our tenants are starting to complain about this problem and some have already moved out, citing this as a reason. They just don't feel safe coming over, especially at night to the storage area when they see the situation on the street. If our tenants see this as a safety concern, please imagine how we who live on-site feel and so pray for our safety.

I believe that NK Technologies have already called the City for help about 3 or 4 times and was told that the vehicles cannot be towed as people are living in them. We pity NK Technologies because these homeless individuals use their well-kept grass garden area as their own place, brazenly placing bicycle parts, bags, carts

and even letting their unleashed dog play even during office hours. They have totally disregarded basic courtesy and respect for private property. NK Technologies also shared with me that they saw one of the people living in one of the vehicles trespass in their parking area. We have had the same incident here as well and once again; this is a serious risk of break-ins, a clear security issue.

Mayor Matt, we understand their plight and the misfortune of having to live in the street and sleeping in their vans and box trucks, but if their actions negatively impact on the those who live here and do business here, particularly on issues of health, safety and security, we simply cannot continue to ignore this and thus need to be addressed, sir.

Our kind appeal is for these homeless who have illegally parked along Charter Park Dr be relocated by the City to a shelter or an area where they can get help and not pose risks to residences and businesses.

I would consider it a privilege to provide more information and your office is more than welcome to reach back to me for any questions you may have regarding our concern by replying to this email or calling (408) 309-0390 during office hours which are Monday to Friday 9:30AM to 6PM and Saturdays from 9AM to 5:30PM.

We are looking up to you with the sincere gratitude for the help that you will be able to provide us here.

Thank you and all the best to you and your beautiful family,

**jerry bennett | store manager | extra space storage**

[Redacted signature block]



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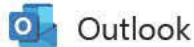












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**FW: Letter in support of David Pandori for interim D3 seat**

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**From** City Clerk <city.clerk@sanjoseca.gov>

**Date** Mon 12/23/2024 12:00 PM

**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

1 attachment (16 KB)

David Pandori for D3.pdf;

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**From** [REDACTED] m [REDACTED]

**Sent:** Monday, December 23, 2024 11:50 AM

**To:** Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Letter in support of David Pandori for interim D3 seat

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*All you leave behind are memories -- make them good ones*

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December 23, 2024

San José City Council  
200 E Santa Clara Street  
San José, CA 95112

Dear Councilmembers,

My name is Davide Vieira, and I am writing this letter in support of David Pandori for the interim position representing District 3.

I have known David for decades. When he represented District 3 as our Councilmember, he went above and beyond in his dedication to his constituents. One story immediately comes to mind.

There was a dive bar on E Santa Clara St in our neighborhood that was a menace. There was as much or more happening outside the bar in the residential neighborhood as there was inside the bar. David was invited to spend a Saturday night inside the home of a nearby resident to personally witness the prostitution, drug sales, public drinking, urination and defecation.

After David saw what was happening around the bar, it was shut down permanently to the relief of our neighborhood.

I urge you to approve David Pandori as our District 3 interim councilmember. He has already demonstrated his ability to represent us. Please give him that opportunity again.

Sincerely,

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

Davide Vieira  
Roosevelt Park/Little Portugal Neighborhood



Outlook

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**FW: Big Rigs Parked on Las Colinas San Jose CA 95119**

---

**From** City Clerk <city.clerk@sanjoseca.gov>**Date** Mon 12/30/2024 9:44 AM**To** Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

9 attachments (1 MB)

12.30.2024.PNG; 12.30.2024.jpg; 12.2024.6.jpg; 12.2024.5.jpg; 12.2024.4.jpg; 12.2024.3.jpg; 12.2024.2.jpg; 12.2024.1.jpg; 12.2024.jpg;

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**From:** Barbara Gallaty [REDACTED]**Sent:** Monday, December 30, 2024 9:19 AM**To:** Mahan, Matt <Matt.Mahan@sanjoseca.gov>; parking.compliance <parking.compliance@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; beautifysj <beautifysj@sanjoseca.gov>; [REDACTED]

Stanton,

Garrett &lt;Garrett.Stanton@sanjoseca.gov&gt;; Kamath, Sudha &lt;Sudha.Kamath@sanjoseca.gov&gt;; Dang, Tara &lt;Tara.Dang@sanjoseca.gov&gt;; Donohue, Stephen &lt;Stephen.Donohue@sanjoseca.gov&gt;;

**Cc:** Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; Doan, Bien <Bien.Doan@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Batra, Arjun <arjun.batra@sanjoseca.gov>; Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>; Wilcox, Leland <Leland.Wilcox@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; [REDACTED]**Subject:** Big Rigs Parked on Las Colinas San Jose CA 95119

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So am I the only one who sees the irony here!

This big rig has parked here for years and lives in Morgan Hill. He comes and puts cones around his "spot" when he delivers and drops off his rig afterwards.

I have reported it many times and also the other small businesses on this street have also, and today I see a notice that it is in compliance from 311, your reporting tool you are having the public use.

Right next to the other picture of the 2 hr. parking sign.

Why is this person so special that he doesn't have to pay to store his vehicle or park it in front of his own home or business in Morgan Hill?

Why does he get to park on a narrow street along with the other big rigs across from it, that makes it a problem to get down this street for regular cars. We usually have to stop and let the on coming car go by first, because the street is not wide enough for all these big rigs you are allowing to park here also for free.

Why is this area the dumping grounds?

I actually had to stop and wait for a driver who had his big rig door open into the lane while talking on his phone in the middle of the street. Kind of like he owned the road. And threw his hands in the air, when I tried to pass.

Me, trying to get to my job, him, parking where he shouldn't. What is happening....We are not enforcing any laws?

Why, please explain to all of us.

Newspapers, do your jobs. Start reporting what we are seeing. Or we will never get it cleaned up. We are slowly starting to look like a

third world country. Oh, Yes, I have also attached the pictures of the 20 Great Oaks encampment the mayor told me would be cleaned up in 90 days, by the end of December, now they are saying January. He didn't keep his word. And its much worse then it was months ago. These pictures were from Saturday.

I think they thought we would forget!

Barbara Gallaty President  
Ace Seal LLC


[REDACTED]

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6:00



The new Vehicle Concerns service is now live. 



Our records show that the City recently completed investigating this vehicle on 11-04-2024 and the vehicle was in compliance with parking rules and regulations. To ensure equitable service delivery Citywide, the vehicle is not eligible for re-investigation for 60 days.

**End process here and  
return to SJ311 home**

**Email me when this  
vehicle becomes eligible  
for re-investigation**

Or type in the license plate number  
not include special characters



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