



**REGULAR MEETING MINUTES**

**Date:** 5/23/2023  
**Time:** 6:00 p.m.  
**Locations:** Teleconference and  
City Council Chambers  
751 Laurel St., Menlo Park, CA 94025

**A. Call To Order**

Mayor Wolosin called the meeting to order at 6:03 p.m.

**ACTION:** Motion and second (Doerr/ Nash), to add an emergency item for the use of Assembly Bill 2449 (AB 2449) to the agenda, passed 4-0 (Combs absent).

**ACTION:** Motion and second (Nash/ Doerr), to approve the remote participation under AB 2449 Emergency Circumstances for Vice Mayor Taylor, passed 4-0 (Combs absent).

**B. Roll Call**

**Present:** Combs (arrived at 6:22 p.m.), Doerr, Nash, Taylor (remote – AB 2449 Emergency Circumstances), Wolosin  
**Absent:** None  
**Staff:** City Manager Justin I. C. Murphy, Assistant City Manager Stephen Stolte, City Attorney Nira F. Doherty, Assistant to the City Manager/City Clerk Judi A. Herren

**C. Agenda Review**

The City Council announced the reordering of items F2. and F1. after item D.

The City Council pulled items H2., H3., H4., and H5.

**D. Report from Closed Session**

No reportable action.

**F. Presentations and Proclamations**

F1. Proclamation: Gun Violence Awareness Day (Attachment)

- Leah Elkins spoke in support of safe storage.
- Paula Havciocia spoke in support safe storage and regulations.

Mayor Wolosin read the proclamation (Attachment).

Moms Demand Action representatives accepted the proclamation.

F2. Presentation: Menlo Park Youth Poetry Voices

Director of Library and Community Services Sean Reinhart introduced the item.

Youth poets read their poems.

**E. Public Comment**

- John Butler spoke in support of Mental Health Awareness month.
- Steven Soult spoke in support of labor negotiations and improving employee morale.
- Jom Sicat spoke in support of labor negotiations and recognizing impacts to staff.
- Suzanna Fong with donated time from Keith Dowdell spoke in support of labor negotiations and improving employee morale.
- Caitlin Shannon spoke in support of labor negotiations and considerations of internal promotional opportunities.
- Sokny Sy spoke in support of labor negotiations with the consideration of equity for employees.
- Dani O'Connor with donated time from Alan Acker spoke in support of labor negotiations and alternative solutions for employee benefits.
- Whit Loy spoke in support of fair and equitable wages for employees.
- Dimitri Katsaros spoke in support of labor negotiations, fair wages, and equity for employees (Attachment).
- Sally Cole requested the City Council fast track the pilot at the intersection of Menlo Avenue and University Dive.
- John Hickson spoke in support of the Farmers' Market.
- Chris Kummerer spoke in support of written, legal policies for planning and building.
- Fahteen Khan spoke in support of labor negotiations.
- Matt Pruter spoke in support of labor negotiations.

**G. Advisory Body Vacancies and Appointments**

G1. Consider applicants and make appointments to fill vacancies on the Finance and Audit Committee (Staff Report #23-122-CC)

City Clerk Judi A. Herren introduced the item.

- Lynne Bramlett provided more information for their application, in support of grant opportunities for the city, more stringent building codes, and additional community involvement.

The City Council made appointments to fill vacancies on the Finance and Audit Committee:

- Lynne Bramlett – term expiring April 30, 2025
- Jeyanta Dey – term expiring April 30, 2025

**H. Consent Calendar**

H1. Accept the City Council meeting minutes for March 28, 2023 (Attachment)

H2. Adopt a resolution authorizing the city manager to execute an agreement with Bigbreak, LLC (Chefables) in an amount not to exceed \$100,000 for the delivery of food services at the Belle

The City Council discussed a future request for proposals for food service vendors.

- H3. Adopt a resolution approving the preliminary engineer's report for the Menlo Park Landscaping Assessment District and adopt a resolution intending to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2023-24  
(Staff Report #23-119-CC)

The City Council discussed more public engagement with future items related to the Menlo Park Landscaping Assessment District.

- H4. Authorize the city manager to enter into a professional services agreement for audit services  
(Staff Report #23-120-CC)

The City Council received clarification on language definitions of "shall" and "must".

- H5. Adopt a resolution to support the 2023 Southeast San Mateo County Community Based Transportation Plan (Staff Report #23-121-CC)

- Julie Shanson spoke in support of pedestrian improvements.

The City Council discussed the pedestrian bridge lighting, reviewing the safety of both entrances, number of people using the bridge, adding sidewalks to all Bayfront streets, the timing/synchronization of the traffic light at Chilco Street and Bayfront Expressway, the need for speed feedback signs, and increased safety measures needed.

- H6. Authorize the city manager to execute an amendment to the professional services agreement with Optony, USA (Staff Report #23-124-CC)

**ACTION:** Motion and second (Doerr/ Nash), to approved the consent calendar, passed unanimously.

## I. Public Hearing

- I1. Consider a City Council call-up of the Planning Commission denial of a use permit to allow electric pool heating equipment to exceed the nighttime noise limit at 100 Terminal Ave.  
(Staff Report #23-123-CC)

Associate Planner Chris Turner and Senior Civil Engineer Theresa Avedian made a presentation (Attachment).

Vice Mayor Taylor made a presentation.

Mayor Wolosin opened the public hearing.

- Arlene Navarro spoke in support of the public engagement of the heat pump at the Menlo Park Community Campus.
- Maya Perkins spoke on concerns of the noise from the proposed heat pump.
- Donald Mendoza spoke in support of more public outreach for the Menlo Park Community

Campus.

- Siobhan Flynn spoke on concerns of the noise from the proposed heating pumps.
- Pam Jones spoke in support of additional resident notification.
- Peter Ojany spoke on concerns on proposed heating pumps.

Mayor Wolosin closed the public hearing.

The City Council received clarification on pool modeling, noise mitigations including sound wall options relative to resident property lines, solar thermal heating options, alternative heat pumps and solutions, pool cover options, differences from original proposed plan and tonight's proposal, heat pump locations, hybrid (gas and solar) pump options, community engagement and education, and the freeway sound wall project.

The City Council took a recess at 8:39 p.m.

The City Council reconvened at 8:51 p.m.

The City Council discussed noise from the freeway and gaps in the sound wall along highway 101, and the need to complete the sound wall at MPCC to mitigate impacts from the heat pumps and the PG&E substation, pursuing conversations with residents about the sound wall regardless of necessity, and broadening the radius of residents impacted by noise.

The City Council directed staff to move forward with the residential sound wall in the 2023-24 budget process, perform engagement and education with additional residents (outside the prescribed radius), and to include Vice Mayor Taylor in the public outreach.

**ACTION:** Motion (Wolosin/Taylor) to adopt a resolution to uphold the Planning Commission's denial of the Use Permit to allow the heat pumps to exceed the nighttime noise ordinance, passed unanimously

**ACTION:** Motion and second (Wolosin/ Doerr), to direct staff to install the heat pumps as currently designed, conduct live measurements of sound during the commissioning and testing period before the pool opening, no use of heat pump at night, broaden the radius of residents impacted by noise, and include Vice Mayor Taylor in the public outreach on potential sound wall design and location, passed unanimously.

12. Consider a City Council call-up of the Planning Commission's decision to approve a use permit for live entertainment, on-site consumption of alcohol, and outdoor seating until 2 a.m. for the proposed restaurant use and architectural control for exterior modifications to the existing commercial building, including modifications to the storefront along the El Camino Real frontage and a new deck and trellis area in the rear of the building to accommodate outdoor dining for the proposed restaurant located at 961 El Camino Real (Staff Report #23-131-CC)

Associate Planner Fahteen Khan made a presentation (Attachment).

City Councilmember Nash made a presentation (Attachment).

Applicant Jaime D'Alessandro made a presentation (Attachment).

Mayor Wolosin opened the public hearing.

- Ray Mueller spoke in support of the project.
- Judy Leep spoke in opposition of the 11 p.m. closure on weeknights.
- Cherie Zaslawsky spoke in opposition of the project and requested for earlier closing hours.
- Kristen Leep with donated time from Tom Leep spoke in opposition of the project and requested for earlier closing hours.
- Steve Eisner spoke on concerns related to residential parking impacts.
- Peter Colby spoke in opposition on the project and concerns on the proposed closing time.
- Lynne Bramlett spoke in opposition of the project and concerns on the proposed closing time and in support of updating the noise ordinance.
- Galaxy Starborn spoke on concerns of the proposed closing time.
- Adina Levin spoke in support of the project and requested City Council direct review of the parking and loading zones to the Complete Streets Commission (CSC).
- Vicki Vasilakos spoke in support of the project.

Mayor Wolosin closed the public hearing.

The City Council received clarification on modifications to the outdoor live entertainment and the alcohol permit through a compromise by the applicant. The revised condition of approval and resolution would reflect:

- A. The outdoor seating shall not exceed 32 seats.
- B. The outdoor seating area may be seated until 10 p.m. and shall be cleared by 11 p.m.
- C. Live entertainment shall be located indoors and acoustic (unamplified) and shall end by 11:30 p.m. Sunday through Thursday and shall end by 1:00 a.m. Friday and Saturday.

The City Council discussed the noise ordinance, directing CSC to review potential parking scenarios, and directing city staff to create a heat map of all establishments (gas station, restaurant) with any type of liquor license for both on-site and off-site sales.

**ACTION:** Motion and second (Wolosin/ Nash), to adopt the modified resolution of approval adopting findings for project use permit and architectural control including project conditions of approval, passed unanimously.

13. Consider the Planning Commission's recommendation to approve a request for a revision to an existing planned development permit to reduce the minimum required lot size, reduce the number of required onsite parking spaces from 360 to 315 spaces and modify percentage based development standards (e.g., building coverage and floor area ratio) associated with the reduction in site area (Staff Report #23-125-CC)

Associate Planner Fahteen Khan made a presentation (Attachment).

Mayor Wolosin opened the public hearing.

Mayor Wolosin closed the public hearing.

The City Council discussed increasing pedestrian and bike safety along the corridor.

**ACTION:** Motion and second (Doerr/ Nash), to adopt a resolution approving revisions to an existing planned development permit at 700-800 El Camino Real to reduce the lot size, reduce the number of required onsite parking spaces from 360 to 315 spaces, and modify percentage based development

standards based on the reduced lot size to allow for the future purchase of a portion of the existing site, currently used for parking, by the city of Menlo Park for the Middle Avenue Caltrain crossing project, passed unanimously.

**ACTION:** By acclamation, the City Council extended the meeting beyond 11 p.m.

## **J. Regular Business**

- J1. Adopt a Resolution to amend Resolution No. 6738 to remove the drought surcharge that corresponds to stage 2 drought measures from Menlo Park Municipal Water customer bills; Rescind stage 2 drought measures if/when the State Water Board ends its drought regulations that require Menlo Park Municipal Water to implement drought measures in its Water Shortage Contingency Plan (Staff Report #23-126-CC)

Senior Civil Engineer Pam Lowe made a presentation (Attachment).

The City Council received clarification on water saving devices in new homes across all water districts.

The City Council discussed limiting outdoor watering to two days a week.

**ACTION:** Motion and second (Wolosin/ Doerr), adopt a resolution to amend Resolution No. 6738 to remove the drought surcharge that corresponds to stage 2 drought measures from Menlo Park Municipal Water (MPMW) customer bills starting May 1; to rescind stage 2 drought measures when the State Water Board modifies or ends its drought regulations that require MPMW to implement drought measures in its Water Shortage Contingency Plan (WSCP), passed unanimously.

- J2. Resolution to reduce the Utility Users Tax (Staff Report #23-127-CC)

Administrative Services Director Brittany Mello made a presentation.

**ACTION:** Motion and second (Doerr/ Taylor), to adopt a resolution reducing the Utility Users Tax to zero percent (0%) pursuant to Section 3.14.130 of the Menlo Park Municipal Code, passed unanimously.

## **K. Informational Items**

- K1. City Council agenda topics: May 30 – June 27 (Staff Report #23-128-CC)
- K2. Progress report on implementing the 2030 Climate Action Plan (Staff Report #23-129-CC)
- John McKenna spoke in support of the declaration of a climate emergency and continued climate action.
- K3. Menlo Park Community Campus – preliminary staffing, operations and programming plan considerations (Staff Report #23-130-CC)

## **L. City Manager Report's**

City Manager Justin Murphy reported out on special joint Menlo Park Fire Protection District

meeting on May 30.

**M. City Councilmember Reports**

Mayor Wolosin reported out on the bike to anywhere day.

**N. Adjournment**

Mayor Wolosin adjourned the meeting at 11:34 p.m.

Judi A. Herren Assistant to the City Manager/City Clerk

These minutes were approved at the City Council meeting of June 27, 2023.



# CITY OF MENLO PARK EQUITY AND FAIR WAGES

Dear Menlo Park City Council Members,

We, the workers, and members of SEIU 521 Menlo Park Chapter, are writing to express our concerns about the current state of our workplace. We take pride in our commitment to serving the city and its residents, but we are facing several challenges that are impacting our ability to do our jobs effectively.

Our department is currently facing a severe lack of staffing, which has led to low worker morale and a sense of frustration among our team. This is compounded by the high cost of living in Menlo Park, which is one of the most expensive areas in the country to live. Many of us are struggling to afford our monthly expenses, including rent, utilities, and food, due to low worker pay.

We believe that all workers deserve equity and fair wages, and that the 30% rate of retention in our city of Menlo Park hurts our ability to provide quality services to our residents. We are committed to our jobs and to serving the city, but we cannot continue to do so if we are not being fairly compensated for our work.

We urge you to take action to address these issues and to ensure that all workers are paid a fair wage that allows us to live and work in Menlo Park. We believe that by investing in our workforce, the city can provide better services to its residents and improve the overall quality of life in our community.

Thank you for your attention to this matter.

Sincerely,  
 SEIU Menlo Park Chapter

FULL NAME	DEPARTMENT	SIGNATURE
Keith Dowdell	Parks	[Signature]
David Olson	Building Dept	[Signature]
John Peters	Utilities dept	[Signature]
Galina Fetuin	Parks	[Signature]
Leopoldo Perez	PARKS	[Signature]
JANICE DENG SAMPLE	BLOG	[Signature]
Alan Acker	Parks	[Signature]
Ismael Hurtado Jr	Parks	[Signature]
Gary Lundstrom	Streets	[Signature]
Zoe Pika	Streets	[Signature]
Jose Luis Jimenez Duran	Trees	[Signature]
ANDREW CONSUMERS	STREETS	[Signature]
DIMITRI KATSTROS	WATER	[Signature]
John Acker	Water	[Signature]
Anthony J Andrews	Water	[Signature]
Nelson Gutierrez	Streets	[Signature]
JERRY SEFIN	Trees	[Signature]
Raul Jimenez Duran	Trees	[Signature]
VICTOR NAVA	Trees	[Signature]
Karasa Collins	WATER	[Signature]
Hector Cipras	PARKS	[Signature]
Stephanie Enriquet	LCS	[Signature]
Isabel Valencia	LCS	[Signature]
HELENIA GUNMAN	SPRINGFIELD	[Signature]
Rosa Burquez	Belle Haven	[Signature]
Stephanie Harris	Belle Haven	[Signature]
Manuela Lopez	BHCDC	[Signature]
Ivy Chan	BHCDC	[Signature]
Angelica Criado	Police	[Signature]
Jocelyn Gonzalez	Police	[Signature]
Cassiea Heaman	Police	[Signature]
Anna Gutierrez	Police	[Signature]
Suzanna Fong	Police	[Signature]
Tatiana Ferris-Kelly	Police	[Signature]
Carolina Marceau	Police	[Signature]
JENNIFER MANNING	Police	[Signature]
MIKE HACKE	Police	[Signature]
Mary Ferguson	Police	[Signature]
Bonny Craig	Police	[Signature]
Dicki O'Connor	Police	[Signature]
Maura Lombardi	Police	[Signature]
Savina Krakowski	LCS	[Signature]
Avery Drake	LCS	[Signature]
Khalid Awadalla	LCS	[Signature]
Michael Steinberg	LCS	[Signature]
Steven Sault	IT-Admin Services	[Signature]
Caitlin Shannon	Building	[Signature]
Tyree Morse	Building	[Signature]
JANICE DENG SAMPLE	Building	[Signature]
Nicholas Yee	Public Works	[Signature]
Daniel Perse	Building	[Signature]
Hani Vaka	Engineering	[Signature]
Rum Tang	Finance	[Signature]
Sokny Sy	IT-Admin Services	[Signature]
Martin Perez	Finance	[Signature]
Rambh Hakhmaneshi	Engineering	[Signature]
Linda Wachu	Comm Dev	[Signature]
Sarah Sandorvil	CMO	[Signature]

FULL NAME	DEPARTMENT	SIGNATURE
DIMITRI KATSTROS	Utility	[Signature]
Anthony J. Andrews	Utility/Water	[Signature]
Joseph "Jim" SICAT	COMM DEV	[Signature]
Conniore Hochmeulier	Comm Dev	[Signature]
Camryn Chan	Comm Dev	[Signature]
Makela Karmelamela	Utility	[Signature]
ANDREA CONTRERAS	STREETS	[Signature]
Gary Lundstrom	Streets	[Signature]
Nelson Gutierrez	Streets	[Signature]
Keith Dowdell	Parks	[Signature]
Esther Jung	Public Works	[Signature]
Scott Jaw	Public Works	[Signature]
Leopoldo Perez	PARKS	[Signature]
Ismael Hurtado Jr	Parks	[Signature]
Mitchell Suran	CTD/PW	[Signature]
MZIKE ANJANG	PW	[Signature]
Alexander Duprey	LCS	[Signature]
Alan Acker	Parks	[Signature]
Maria Cecilia Bertubin	Senior Program	[Signature]
Isabel Gonzalez	Senior Program	[Signature]
Namir Davila	Senior Program	[Signature]
NORMA P. RAMOS	SENIOR PROGRAM	[Signature]
Divina Pachuca	Senior Program	[Signature]
RAMUNDO GARCIA D	SENIOR PROGRAM	[Signature]
AMISIA RUFUS	Front Desk	[Signature]
Andrew Fisher		[Signature]
Manuel A Melao	Senior Center	[Signature]
Michael Pagan	Front Desk	[Signature]
Juan Quintonez	Library	[Signature]
Andres Salas	Library	[Signature]
Simon Lee	Library	[Signature]
Mark Goren	LCS	[Signature]
Winnie Ng	LCS	[Signature]
Anthony Armentariz	Library	[Signature]
Lila Cantan	LCS	[Signature]
Sean Hecker	Library	[Signature]
Sarah Russell	LCS-Library	[Signature]
Stephanie Shen	Library	[Signature]
Eric Dean	Library	[Signature]
Ryan Russell	Library	[Signature]
Alondra Maldonado	Library	[Signature]
Breana Johnson	Library	[Signature]
Deah Carter	Library	[Signature]
Melody Jakobov	Gymnasium	[Signature]
Debbie Wong	Library	[Signature]
Arbana Melan	Library	[Signature]
Sarah Brater	Library	[Signature]
Michael Figueroa	Library	[Signature]
Jane Kopp	Library	[Signature]
Holly Kaplan	Library	[Signature]
Leah Saiton	Library	[Signature]
Brooklyn Jones	LCS	[Signature]
Ashley Walker	LCS	[Signature]
Jane Schmitt	Library	[Signature]
Karina Avila	LCS	[Signature]
Pauline Jensen	Library	[Signature]
Rosa Burquez	Belle Haven	[Signature]
Radina Philpaw	Belle Haven CC	[Signature]
Olivia Flores	Menlo Children Center	[Signature]
David Jimenez	Menlo Children Center	[Signature]
Dashawn Williams	Recreation	[Signature]
Maryn Moya	Recreation	[Signature]
HELENIA GUNMAN	BHCDC	[Signature]
Manuela Lopez	BHCDC	[Signature]
DAVID HILL	Agellaga Gym	[Signature]
Elaine Chun	Belle Haven CC	[Signature]
Ivy Chan	Belle Haven	[Signature]
Dawn Minor	Community Service	[Signature]
Iris Keenan	Library	[Signature]
Jorena Gonzalez	NCC	[Signature]
VICTORIA YAO	LIBRARY	[Signature]
KAREN HALVORSON	LIBRARY	[Signature]
TITLOCA BOLARINWA	LIBRARY	[Signature]





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# City audit shows \$28M surplus

BY ELAINE GOODMAN  
Daily Post Correspondent

The city of Menlo Park received \$110 million in revenue last fiscal year and paid \$82 million in expenses, meaning \$28 million more came in than went out, according to a recent financial report.

## But city officials don't like the word surplus

Some city officials don't like to use that word. They worry the public will think that excess money can be used for anything.

been asking for "quiet zones," in which trains would no longer blow their horns as they travel through town. To do that, the city would have to spend \$8.2 million to install special gates at the four Tullroad crossings in Menlo Park, or about \$4 million for two crossings. Councilwoman Betty Nash last month suggested that the city look into form-

In Menlo Park's case, residents have

[See SURPLUS, page 18]

# SURPLUS

ing an assessment district, in which residents would pay an assessment or tax for the quiet zone.

Menlo Park's latest Annual Comprehensive Financial Report sheds more light on what city funds are

restricted to certain uses vs. unrestricted. The report, released in March, covers fiscal year 2022, which ended on June 30, 2022.

The financial report looks at the city's overall net position: the difference between its assets and liabilities. That includes the city's governmental activities as well as its business-type activities, namely its water and trash services.

The \$28 million surplus was added to the city's net position at the end of fiscal year 2022, bringing the net position to \$529 million. Of that, \$358 million was tied up in capital assets such as land and buildings, \$93 million was considered restricted and \$78 million was unrestricted.

Drilling down into individual funds, the general fund, which is used for most of the city's day-to-day operations, had an unrestricted balance of \$34 million as of June 30.

### Funds can be moved into different categories

The city breaks down the unrestricted money into categories called "committed," "assigned" or "unassigned." The financial report notes that the City Council or city management move funds into the committed or assigned categories, and they can also reverse those actions.

Within the \$34 million general fund balance, committed funds included \$3.2 million for strategic pension funding, \$12 million for an emergency contingency and \$16 million for economic stabilization. The city has a policy to set aside money in the general fund to use in case of an emergency or economic troubles.

### Previous surpluses

The city's \$28 million surplus for fiscal year 2022 - defined as revenues minus expenses - follows surpluses of \$1.7 million in fiscal year 2021 and \$17 million in fiscal year 2020.

In fiscal year 2022, property tax revenue was \$33 million, up from \$28 million in the previous year. Property tax is the city's largest source of revenue, followed by hotel tax and sales tax.

Hotel tax revenue was \$8.4 million, rebounding sharply from \$3.2 million in fiscal year 2021. But hotel tax revenue was still below pre-pandemic high of \$10 million in fiscal year 2019.

Sales tax revenue dropped slightly, to \$6.5 million compared to \$6.6 million in the prior year.

# Proclamation

## NATIONAL GUN VIOLENCE AWARENESS DAY

**WHEREAS**, every day, more than 120 Americans are killed by gun violence and Americans are 26 times more likely to die by gun homicide than citizens of other high-income countries, with an average of more than 17,000 gun homicides every year; and

**WHEREAS**, California has an average of 3,253 gun deaths every year, a crisis that costs the state \$1060 per resident each year for a total of \$4 billion of which \$1 billion is paid by taxpayers; and

**WHEREAS**, cities across the nation, including in Menlo Park, are working to end the senseless violence with evidence-based solutions; and

**WHEREAS**, gun violence prevention is more important than ever as we see an increase in firearm homicides, and nonfatal shootings across the country, increased calls to domestic violence hotlines, and an increase in city gun violence; and

**WHEREAS**, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 2, 2023 to recognize the 26th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to Hadiya Pendleton and other victims of gun violence, and the loved ones of those victims; and

**WHEREAS**, the idea was inspired by Hadiya's friends, who asked their classmates to commemorate her life by wearing orange because hunters wear orange to announce themselves to other hunters when out in the woods, symbolizing the value of human life; and

**WHEREAS**, by wearing orange on June 2, 2023, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of people who should not have access to them, and encourage responsible gun ownership to help keep our families and communities safe; and

**NOW, THEREFORE, BE IT PROCLAIMED**, I, Jen Wolosin, Mayor of the City of Menlo Park, on behalf of the City Council and City, hereby declare the first Friday in June, June 2, 2023, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.



Jen Wolosin, Mayor  
May 23, 2023





## **CALL-UP OF THE PLANNING COMMISSION DENIAL OF A USE PERMIT TO ALLOW ELECTRIC POOL HEAT PUMPS TO EXCEED THE NIGHTTIME NOISE LIMIT AT 100 TERMINAL AVENUE**

City Council – May 23, 2023



## SCHEDULE

- Staff introduction/project background
- Presentation by applicant (Public Works)
- Presentation by Vice Mayor Taylor



## BACKGROUND

- MPCC and associated replacement of pool facilities approved in 2021 with direction for the building and pool facilities to be all electric.
- Building permit for construction of MPCC issued in winter 2021.
- Use permit application to exceed the nighttime noise limit was submitted in March 2022.
  - Use permit would only have allowed nighttime limit to be exceeded, as the equipment was projected to comply with daytime noise limits
- Planning Commission held public hearings in October 2022, February 2023, March 2023, and April 2023
  - Ultimately denied at the April 24, 2023 meeting, making findings that allowing the pool equipment to exceed nighttime noise limits would be detrimental to health and welfare of surrounding residents.



## CITY COUNCIL OPTIONS

- Project was called up to City Council after Planning Commission's action in accordance with Section 16.86.025
- City Council may affirm, reverse, or modify the decision of the planning commission.



## ADDITIONAL CORRESPONDENCE

- Three emails received after publication of staff report
  - Commenters express concerns with the potential noise impacts of ASHP even if they are compliant with Noise Ordinance.
  - Reference the Climate Action Plan and Environmental Quality Commission Work Plan
    - Transition to electric heat pumps (CAP) and Climate Resilience Adaptation priority in EQC work plan which strives to “ensure that perspectives from our most vulnerable populations are represented in EQC discussions and recommendations to Council.”
  - Suggestions to relocate pool heating equipment



## RECOMMENDATION

- Adopt a resolution to uphold the Planning Commission's denial of the Use Permit to allow the heat pumps to exceed the nighttime noise ordinance
- Direct staff to install the heat pumps as currently designed
- Conduct live measurements of sound during the commissioning and testing period prior to pool opening
- If the noise levels exceed the nighttime noise ordinance, staff will return to City Council for authorization to install mitigation measures





## UPDATE TO RESOLUTION

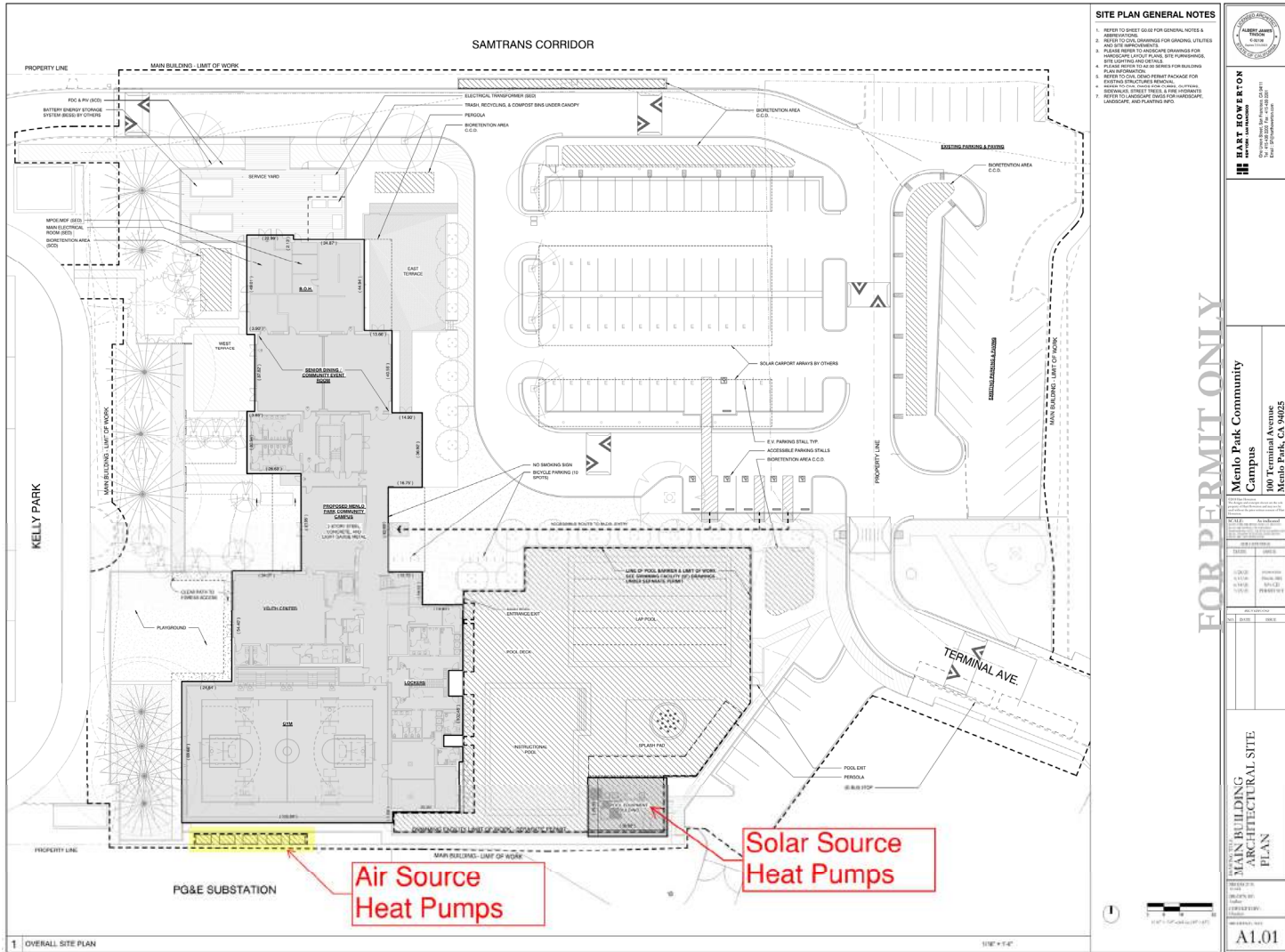
- Second page, third “WHEREAS” statement:
  - WHEREAS, the Planning Commission desires the project to be modified to include noise-reducing measures, such as relocation of equipment, noise-dampening enclosures, or alternate equipment, in order to reduce noise emanating from the pool heating equipment to below 50 dBA





## AGENDA

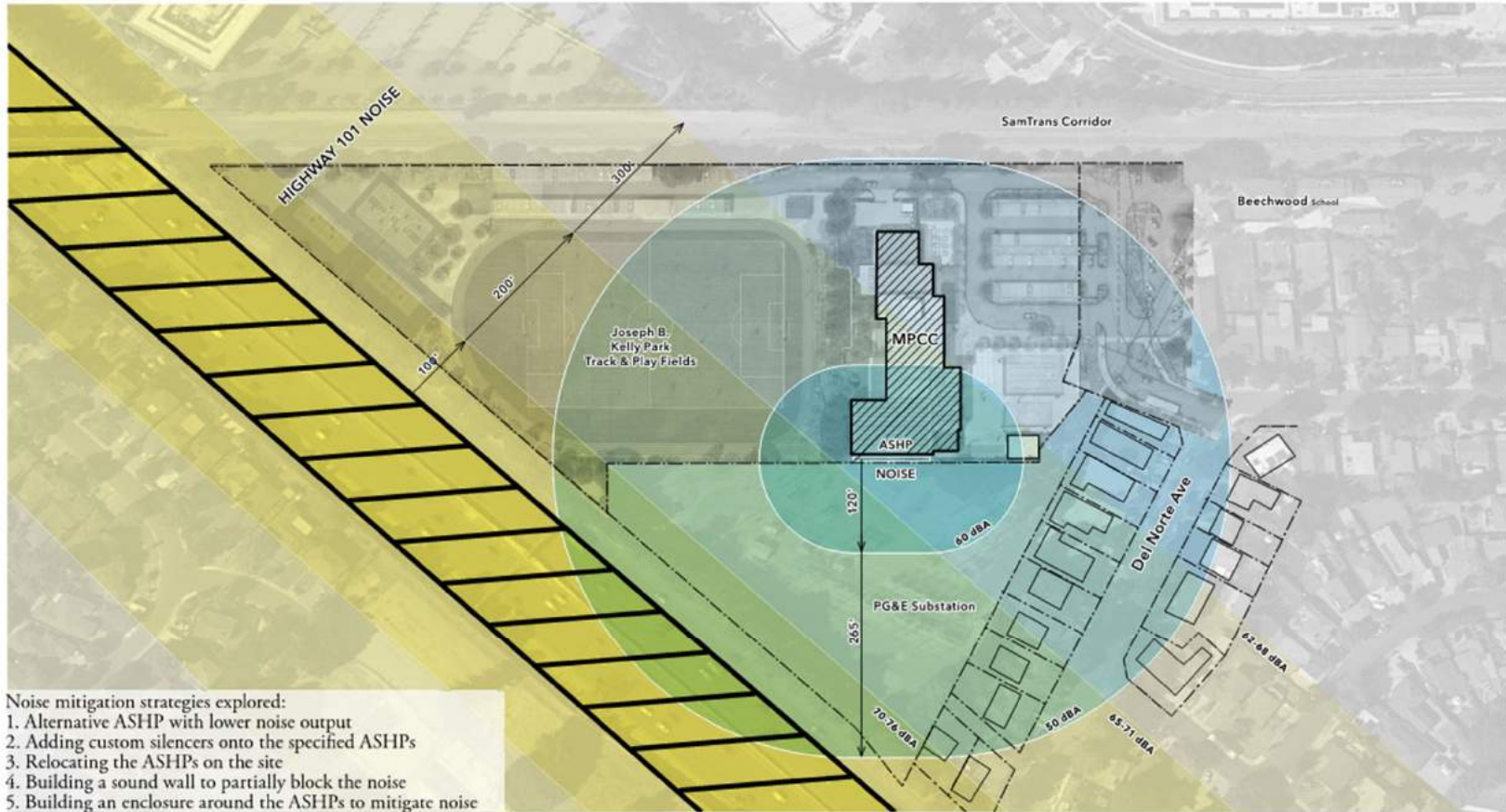
1. Review site plan
2. Highlight work that has been done since the Use Permit denial, to ensure the pool heating is in compliance with the noise ordinance at all times



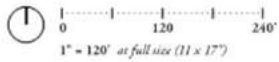


## MPCC POOL HEATING SYSTEMS

- Solar Thermal Heating System uses collectors that are attached to the photovoltaic panels. Water circulates through the collectors and is warmed by the sun. It is then pumped into the pool.
- Air source heat pumps (ASHPs) are powered by electricity. They operate by extracting heat from the outside air, increasing the heat with a compressor, delivering the heat to the water, and ejecting the cold air out the top of the unit.



- Noise mitigation strategies explored:
1. Alternative ASHP with lower noise output
  2. Adding custom silencers onto the specified ASHPs
  3. Relocating the ASHPs on the site
  4. Building a sound wall to partially block the noise
  5. Building an enclosure around the ASHPs to mitigate noise





## REFINEMENTS SINCE 4/24 PLANNING COMMISSION DENIAL OF USE PERMIT



Further refinement of pool modeling by consultant.

Further evaluation of potential mitigation measures:

1. Sound wall located at residential property line
2. Relocation of air source heat pumps (ASHPs) to Kelly Park track/sand pit area
3. Upsizing of solar thermal system



## INITIAL POOL MODELING – FEBRUARY 27 DATA



- Performed by PACE, the MPCC swimming pool designer
- Operational strategy – provide maximum flexibility in usage of ASHPs (ability to run at night if needed)
- Initial model was based on conservative assumptions
  - Used a single set point for heating
  - Used monthly average temperatures (as opposed to hourly or daily data)
- Initial model did not take into account:
  - Solar thermal heating system
  - The pool cover
- Provided maximum estimated run times for the ASHPs over a 24 hour period
  - Did not specify daytime or nighttime use

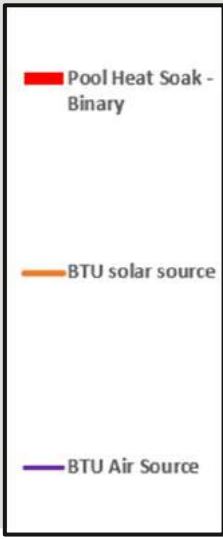
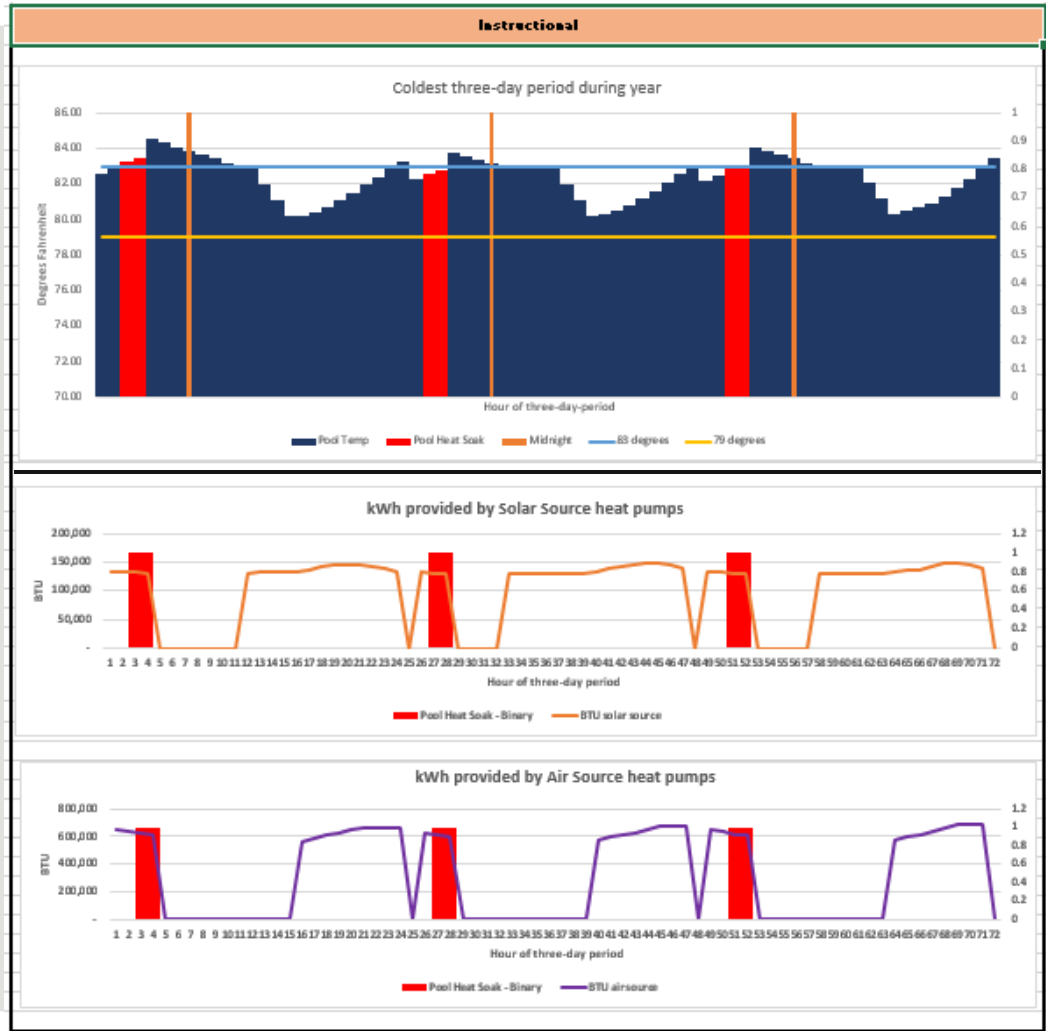




## REFINED POOL MODELING – CURRENT DATA



- Performed by Optony, the energy consultant using more precise data
- Based on the assumption that the heat pumps cannot be used during nighttime hours
  - Simulated estimated pool temperatures on an hourly basis
  - Included solar thermal heating system
  - Factored in the use of pool covers to retain heat
- In a normal weather year, the combined ASHPs plus solar thermal system can provide sufficient overnight heating without needing to run the ASHPs overnight
  - Perform overheating between pool close and quiet hours on colder months of year
  - ASHPs switched off during nighttime hours
  - Pools may not reach the desired temperatures by morning only in rare, extreme cold weather events - 5 times in 50 years





## SOUND WALL AT RESIDENTIAL PROPERTY LINE

- 7' high wooden fence with inner layer of mass loaded vinyl would provide a significant measure of noise mitigation
- Approximate cost of this fence type, approximately 540' in length, is \$200k
- Use Permit would be required if over 7' high.





## SOUND WALL AT RESIDENTIAL PROPERTY LINE

Estimated noise levels in decibels (dBA) with sound walls of various heights

Barrier Height	Estimated Noise Level at Nearest First-Story Listener	Estimated Noise Level at the Second Story of 1101 Del Norte <sup>1</sup>
6 feet	55 dBA	50 dBA
7 feet	49 dBA	
8 feet	48 dBA	43 dBA
10 feet	43 dBA	40 dBA
12 feet	40 dBA	39 dBA
14 feet	38 dBA	
16 feet	35 dBA	35 dBA
18 feet		
20 feet		

<sup>1</sup> 1101 Del Norte is the only home along the property line with a second story.



## SOUND WALL AT RESIDENTIAL PROPERTY LINE

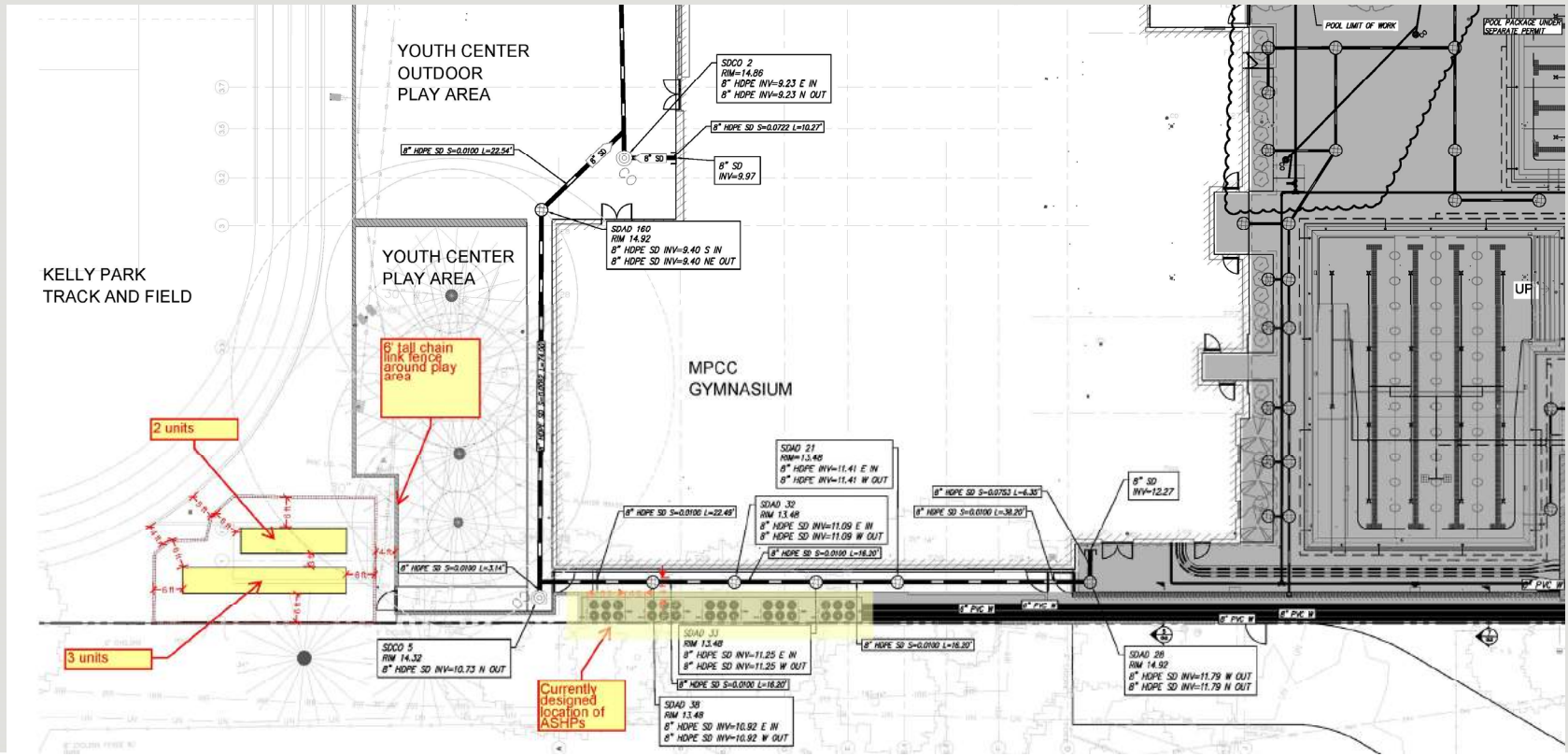
Illustrations of a typical mass loaded vinyl wooden fence.



The above examples illustrate the inner vinyl layering of this fence type, which is enclosed on both sides with wooden fence planks when finished. The concrete block base shown in this illustration is a retaining wall, and would not be needed for the proposed sound wall.



# RELOCATION OF ASHPS TO SAND PIT AREA





## UPSIZING SOLAR THERMAL HEATING SYSTEM

- Would reduce the need to run the ASHPs
- ROM is \$250k + electrical panel upgrade
- Schedule impacts – long lead time for collectors
- Building permit revision would be required
- Could affect pool opening date by ~6 months
- Can be retrofitted later
- Not recommended at this time





## PROJECT SCHEDULE

- Lap pool and associated underground piping has been constructed
- Instructional pool under construction
- The air source heat pumps were scheduled to be installed the week of June 23, with the concrete pad prep work starting on May 15.
- Contractor was directed to stop work on May 10<sup>th</sup>





## RECOMMENDATION

- Adopt a resolution to uphold the Planning Commission's denial of the Use Permit to allow the heat pumps to exceed the nighttime noise ordinance
- Direct staff to install the heat pumps as currently designed
- Conduct live measurements of sound during the commissioning and testing period prior to pool opening
- If the noise levels exceed the nighttime noise ordinance, staff will return to City Council for authorization to install mitigation measures



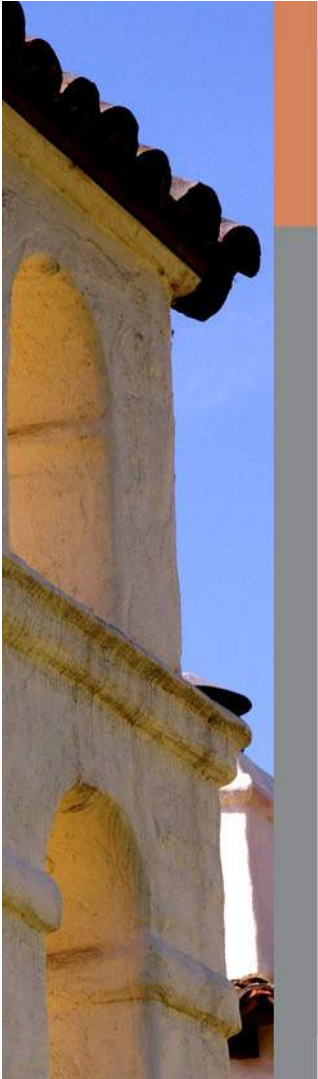
**THANK YOU**



# 961 EL CAMINO REAL CITY COUNCIL CALL UP

City Council - May 23, 2023 Staff Presentation

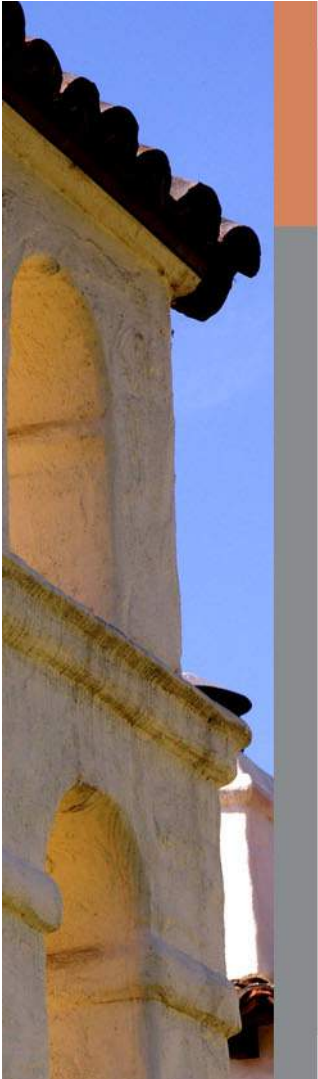




## CITY COUNCIL CALL-UP OF THE PLANNING COMMISSION ACTION



- Menlo Park Municipal Code §16.86.025 states the City Council or any member of the City Council may call up any final decision of the Planning Commission within 15 days of the Planning Commission action
- The City Council may uphold, modify or reverse the Planning Commission's action or deny the proposed project in whole or in part



## MEETING OVERVIEW

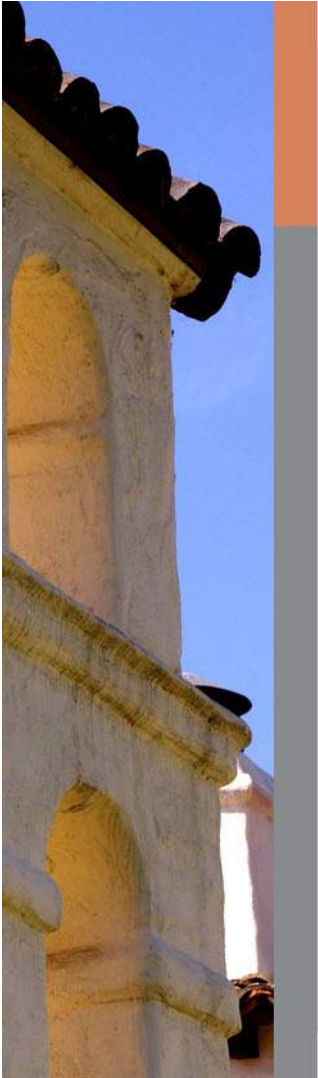
- Staff introduction and presentation
- City Councilmember Nash comments
- Applicant introduction and presentation
- Councilmember Nash comments
- Public comment
- City Council discussion
- Action and motion





## PROPOSED PROJECT

- Located at 961 El Camino Real
  - Former location of Clockworks
  
- Use permit requests associated with the restaurant:
  - live entertainment (indoor non-amplified)
  - on-site consumption of alcohol (associated with the restaurant use, ABC license type 47)
  - outdoor seating (approximately 32 seats)
  - hours of operation until 2 a.m.
  
- Architectural control:
  - exterior modifications to the existing commercial building, modifications to storefront along El Camino Real frontage
  - a new deck and trellis area in the rear of the building to accommodate outdoor dining



## PLANNING COMMISSION ACTION

- On April 10, the Planning Commission approved the use permit and architectural control requests, with a condition of approval
- Condition requires review twelve months after occupancy of complaints for disturbances related to the live entertainment use between 11 p.m. to 2 a.m.



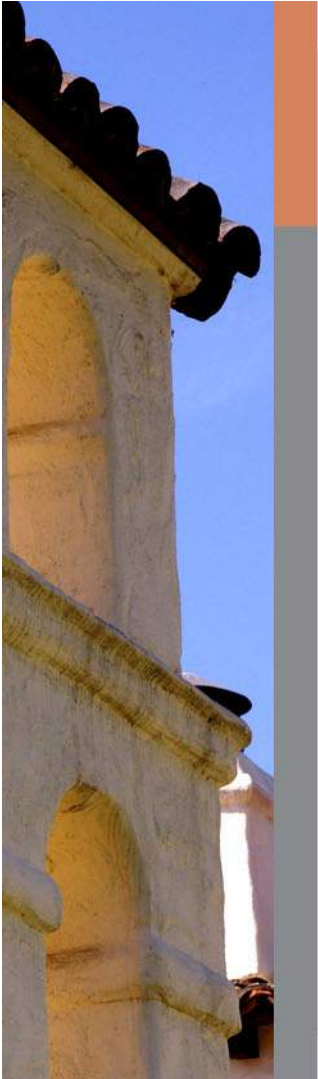


## STAFF RECOMMENDATION

- Staff recommends that the City Council uphold the Planning Commission's approval with modifications to end the indoor live entertainment at 11 p.m., as previously recommended by staff to the Planning Commission







## CITY COUNCIL ACTION

- City Council may:
  - Uphold, modify or reverse Planning Commission’s action
  
- City Council has the ability to consider additional performance standards, conditions, or limitations on the requests for:
  - live entertainment,
  - alcohol sales associated with the restaurant,
  - outdoor seating.





**THANK YOU**

## Use permits:

- Restaurant is permitted to operate until 2am, per the municipal code.
- Alcohol may be served until 2am.
- Outdoor seating:
  - Tables may be seated until 10pm; the outdoor area must be cleared by 11pm.
- Live entertainment:
  - Weekdays (Sunday through Thursday) live music ends at 11:30pm.
  - Weekend (Friday and Saturday) live music ends at 1am.

## Two minor clarifications about operations:

- All live entertainment will be indoors and acoustic, unamplified.
- Outdoor seating will be 32 seats, not eight tables (already reflected in the staff report).

The municipal noise ordinance applies at all times.

# Clock Works Restaurant Project City Council

May 23, 2023



# About Us



- Three local entrepreneurs who have lived in Menlo Park for a combined 50+ years
- Share a common vision to bring a high quality restaurant to downtown, adding to the vibrancy of Menlo Park
- Envision a concept of high quality food and beverage offerings with limited live entertainment offerings
- Partnering with existing building owner who is retiring after running his business out of the building for >40 years

# Project History



- Approved by a unanimous vote of the Planning Commission.
- No public comments were received at the Planning Commission regarding the project.
- The staff report indicates findings of approval for all project components, including outdoor seating and live entertainment. The findings specifically state that the project furthers the goals of the types of uses envisioned in the Downtown Specific Plan.
- Important to note that restaurants can operate in the downtown until 2 am without a use permit (by right, as a permitted use).
- Includes a COA that requires that within 1 year of operation, City staff review if there have been any complaints regarding project operations.
- Many letters have been submitted in support, since community stakeholders would like to be able to enjoy staying in town for this type of restaurant experience and feel the El Camino next The Guild and in within walking distance to other amenities in the downtown is the right location for this use.

## Downtown Specific Plan & Downtown Market Study



- The Downtown Specific Plan, includes the goals of ***revitalizing underutilized parcels and buildings; expanding shopping, dining and neighborhood services*** to ensure a ***vibrant downtown*** and ***maintain a village character*** unique to Menlo Park. Also, quoted in the Downtown Specific Plan many people “***Want more night life businesses so I can spend evenings in Menlo***”.
- The HdL Downtown Market study commissioned by the City in January 2022 evaluated the market conditions of the downtown and looked at the implementation of goals of the Downtown Specific Plan.
- The study shows that there is a gap in the number of full service restaurants in the city compared to the population and are one of the top opportunity uses to be able to contribute to the City’s economy.
- The study also lists that other than walkability, the two top contributors to a successful downtown are retail and dining, as well as popular nightlife options.
- Dining and other nightlife options are needed to create an 15-18 hour downtown (the optimum model to create vibrant downtowns) especially to compete with other downtowns and generate tax revenue.

# Concept Design







**700-800 EL CAMINO REAL  
PLANNED DEVELOPMENT PERMIT REVISION**  
City Council - May 23, 2023 Staff Presentation





## CITY COUNCIL ACTION



- Revisions to the planned development permit (PDP) require a recommendation from the Planning Commission to the City Council which involve changes to land uses, expansion or intensification of development, or a relaxation in the standards of development.
- The City Council should review the Planning Commission's recommendation and make a decision on whether to approve the proposed revisions.



# PROJECT SITE





## PROPOSED PROJECT



- Request for a revision to an existing planned development permit to:
  - reduce the minimum required lot size,
  - reduce the number of required onsite parking spaces from 360 to 315 spaces
  - modify percentage based development standards (e.g., building coverage and floor area ratio) associated with the reduction in site area

Development standards	Proposed	Existing/PDP standard
Lot size	239,777 SF	257,260 SF
Gross floor area (700 + 800 ECR)	101,832 SF	101,832 SF
Floor area ratio	42.5%	39.6%
Building coverage (percentage)	27.6%	25.6 %
Building coverage (square feet)	66,216	66,216
Parking spaces	315	353*

\*The property was originally approved with 360 parking spaces, which over the years were reduced to 353 spaces due to installation of accessible parking spaces and trash enclosures.



## PLANNING COMMISSION ACTION AND STAFF RECOMMENDATION



- At its meeting May 1, the Planning Commission reviewed the proposed revisions to the PDP and voted unanimously to recommend approval of the proposed revisions to the City Council
- Staff recommends that the City Council consider the Planning Commission's recommendation and adopt a resolution to approve the revisions to the planned development permit





**THANK YOU**

A scenic landscape photograph of a river or stream flowing through green hills under a cloudy sky. The image is framed by a blue horizontal band containing the text.

# REMOVE DROUGHT SURCHARGE RESCIND STAGE 2 DROUGHT MEASURES

May 23, 2023 – Pam Lowe



## DROUGHT SURCHARGE



- Adopted by City Council in May 2022
- \$1.40 per CCF (1 CCF = 748 gallons)
- Began in August 2022 (for July water use)
- Based on total metered water use
- Between April 2022 – March 2023, MPMW customers have reduced water use overall by 18% compared to pre-drought water demands.

Staff recommendation:

Remove drought surcharge retroactively to May 1<sup>st</sup>.





## STAGE 2 DROUGHT MEASURES



- May 2022 - the State adopted regulations for water agencies to implement stage 2 drought measures per their adopted Water Shortage Contingency Plan.
- The State also added a ban on irrigating “non-functional turf.”
- These measures expire on June 10, 2023 unless the State modifies/extends/ends them.
- May 2022 – City Council adopted Resolution No. 6738 which implemented a 2-day per week watering schedule, a requirement for newly constructed homes and buildings to irrigate with drip/microspray only, and the ban on irrigating “non-functional turf.”



## STAGE 2 DROUGHT MEASURES



- March 2023 - Governor issued an Executive Order to lift the requirement that water agencies must implement stage 2 drought measures.
- The State Water Board must take action for regulations to become law.
- On May 18<sup>th</sup>, the State issued a notice that by end-May they would extend the ban on irrigating “non-functional turf” for up to one additional year, to June 2024.

### Staff recommendation:

Rescind stage 2 drought measures if/when the State Water Board ends its requirement that water agencies implement stage 2 drought measures.



**THANK YOU**

