

#### SPECIAL AND REGULAR MEETING MINUTES

Date: 7/9/2024

Special City Council Meeting 5:30 p.m. Time:

Regular City Council Meeting 6:00 p.m.

Locations: Teleconference and

**City Council Chambers** 

751 Laurel St., Menlo Park, CA 94025

### **Special Session**

#### Α. Call To Order

Mayor Taylor called the meeting to order at 5:30 p.m.

#### B. Roll Call

Present: Combs (Remote - Brown Act), Doerr, Nash, Taylor

Absent:

Staff: City Manager Justin I. C. Murphy, City Attorney Nira Doherty, Assistant to the City

Manager/City Clerk Judi A. Herren

#### C. Closed Session

C1. Conference with legal counsel – existing litigation

Paragraph (1) of subdivision (d) of §54956.9

Name of case: City of Menlo Park v. Florence Lane Ventures Case No. 23-CIV-

05524

C2. Closed session conference with labor negotiators pursuant to Government Code §54957.6

regarding labor negotiations with the Police Officers Association

Attendees: City Manager Justin I.C. Murphy, City Attorney Nira Doherty, Administrative Services Director Brittany Mello, Human Resources Manager Charla Freckmann, Assistant City Manager Stephen Stolte, Legal Counsel Charles Sakai

### **Regular Session**

#### D. **Call To Order**

Mayor Taylor called the regular meeting to order at 7:14 p.m.

#### E. Roll Call

Present: Combs (Remote – Brown Act), Doerr, Nash, Taylor

Absent: Wolosin

Staff: City Manager Justin I. C. Murphy, Assistant City Manager Stephen Stolte, City

Attorney Nira Doherty, Assistant to the City Manager/City Clerk Judi A. Herren

### F. Report from Closed Session

No reportable actions.

### G. Agenda Review

Staff requested to pull Consent Calendar item J3.

### H. Public Comment

None.

#### I. Presentations and Proclamations

11. Proclamation: Parks and Recreation Month (Attachment)

Mayor Taylor introduced the proclamation (Attachment).

Library and Community Services Supervisor Tricia Mullan accepted the proclamation.

12. Presentation: Annual Environmental Quality Commission report out (Attachment)

Environmental Quality Commission (EQC) Chair Jeff Schmidt made the presentation (Attachment).

- Adina Levin spoke in support of the proactive work of the EQC.
- Jenny Michel spoke in support of the EQC work and increased tree canopy design.

The City Council discussed engaging Menlo Park youths.

### J. Consent Calendar

- J1. Accept the City Council meeting minutes for June 18 and 25, 2024 (Attachment)
- J2. Waive the second reading and adopt an ordinance adding Chapter 13.32 (Wireless Facilities in the Public Right-of-Way) to Title 13 (Streets, Sidewalks and Utilities) of the Municipal Code and adopt an uncodified ordinance adopting certain fees relating to the wireless facilities permit and site license fee (Staff Report #24-122-CC)

**ACTION**: Motion and second (Taylor/ Nash) to waiving the second reading and adopt ordinance adding Chapter 13.32 (Wireless Facilities in the Public Right-of-Way) to Title 13 (Streets, Sidewalks and Utilities) of the Municipal Code; adopt uncodified ordinance adopting certain fees relating to the wireless facilities permit and site license fee, passed 3-1-1 (Taylor dissenting and Wolosin absent).

J3. Repeal and replace City Council policies and procedures and approve updates to the City Council Procedures Manual (Staff Report #24-130-CC)

Staff pulled item J3. and continued it to Aug. 13.

J4. Adopt a resolution updating the recreation scholarship policy (Staff Report #24-124-CC)

**ACTION**: Motion and second (Doerr/ Nash), to approve the consent calendar, except items J2. and J3., passed 4-0-1 (Wolosin absent).

### K. Public Hearing

K1. Adopt resolutions 1) denying an appeal and upholding the Planning Commission's approval of a use permit, architectural control permit and below market rate housing agreement for an eight-unit residential building on a substandard lot with regard to minimum lot width in the R-3 (Apartment) zoning district at 1220 Hoover St. and 2) approving the tentative map to subdivide the property into eight condominium units and one common area parcel (Staff Report #24-123-CC)

Senior Planner Chris Turner made a presentation (Attachment).

The Applicant Brian Shepherd made a presentation (Attachment).

The Appellant Margaret Neff made a presentation (Attachment).

Mayor Taylor opened the public hearing.

- Kimberly Lytikainen spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.
- Cheryl Giudicessi spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.
- Michael Giudicessi spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.
- John Wu spoke in in spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.
- Sepi Ghafari spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.
- Josh Weiner spoke in support of denying the appeal and upholding the Planning Commission's approval of the project.
- Malery Lassen spoke in support of denying the appeal and upholding the Planning Commission's approval of the project.
- Ross Silverstein spoke in support of denying the appeal and upholding the Planning Commission's approval of the project.
- Galaxy spoke on concerns to residents' health and safety resulting from the project.
- Adina Levin spoke in support of affordable housing and in support of denying the appeal and upholding the Planning Commission's approval of the project.
- Shravani spoke in opposition of denying the appeal and upholding the Planning Commission's approval of the project based on health and safety concerns.

Mayor Taylor closed the public hearing.

The City Council took a recess at 8:49 p.m.

The City Council reconvened at 8:59 p.m.

The City Council received clarification on discretion available to the City Council for this project, Senate Bill (SB) 330, rental and ownership units with below market rate (BMR) considerations, appeal process, noise ordinance and mitigation and appeal timeline and scheduling.

The City Council discussed the Planning Commission approval requirements, health and safety concerns, electric vehicle (EV) charging conditions to project, considerations to current residents, including quiet gate locking and shades on both sides of the building and encouraging developer and architect to create more privacy for neighbors.

### ACTION: Motion and second (Combs/ Nash), to

- 1. Adopt a resolution denying the appeal, and upholding the Planning Commission's approval of a use permit, architectural control and BMR housing agreement with an update to project-specific condition of approval 2.u to apply to both the left and right sides of the building; and
- 2. Adopt a resolution approving a tentative map for a major subdivision to create eight condominium units and one common area parcel,

passed 4-0-1 (Wolosin absent).

### L. Regular Business

L1. Adopt a resolution calling an election in the City of Menlo Park to be consolidated with the City's next general municipal election on November 5, 2024 and submitting to the electors a ballot measure to increase the City's transient occupancy tax from twelve percent (12%) to fifteen and one half percent (15.5%) by amending Menlo Park Municipal Code Chapter 3.16 (Transient Occupancy Tax), establishing the policies and procedures for such an election, requesting that San Mateo County provide election services, directing the city attorney to prepare an impartial analysis, and authorizing the filing of rebuttal argument (Staff Report #24-127-CC)

Assistant City Manager Stephen Stolte made the presentation (Attachment).

- Stanford Park Hotel representative Avi Haksar spoke in opposition of the proposed ballot measure and in support of a phased increase.
- Rosewood Sandhill Managing Director Philip Meyer spoke in opposition of the proposed ballot measure and in support of a phased increase.
- Jenny Michel spoke in support of the proposed ballot measure and other revenue generation.
- Adina Levin spoke in support of the proposed ballot measure.

The City Council received clarification on estimations on occupancy rates, short-term rental transient occupancy tax (TOT) revenue, phased-in increase and approach, baseline budget projections compared to interventions and the emergency contingency fund.

The City Council discussed discontinuation of revenue sources, neighboring cities TOT and impacts to short term rental owners.

The City Council directed staff to pursue revenue generating options with city contracts that include revenue sharing.

**ACTION**: Motion and second (Doerr/ Combs), to adopt a resolution calling an election in the City of Menlo Park to be consolidated with the City's next general municipal election on November 5, 2024 and submitting to the electors a ballot measure to increase the City's transient occupancy tax from twelve percent (12%) to fifteen and one half percent (15.5%) by amending Menlo Park Municipal Code Chapter 3.16 (Transient Occupancy Tax), establishing the policies and procedures for such an election, requesting that San Mateo County provide election services, directing the city attorney to prepare an impartial analysis, authorizing the filing of rebuttal argument and including the updated ballot measure question

language and including in the ordinance language allowing the City Council to amend the rate via resolution, 4-0-1 (Wolosin absent).

L2. Adopt a resolution to amend the salary schedule effective July 14, 2024, and adopt a resolution to approve a side letter of agreement with the Service Employees International Union Local 521 to incorporate these salary schedule changes and appropriate additional funds (Staff Report #24-128-CC)

Administrative Services Director Brittany Mello made the presentation.

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

**ACTION**: Motion and second (Nash/ Doerr), to adopt a resolution to amend the City of Menlo Park salary schedule and adopt a resolution to approve a side letter of agreement with the Service Employees International Union, Local 521 (SEIU) to incorporate these salary range adjustments and appropriate an additional \$248,522 from the General Fund unassigned fund balance in the fiscal year 2024-25 budget, 3-1-1 (Taylor dissenting and Wolosin absent).

#### M. Informational Items

- M1. City Council agenda topics: August 2024 (Staff Report #24-129-CC)
- M2. Belle Haven Community Campus operational updates (Staff Report #24-125-CC)
- M3. Communitywide electrification program: Home Upgrade Services progress report (Staff Report #24-126-CC)

The City Council spoke in support of staff work and collaboration with Peninsula Clean Energy (PCE) and Senator Josh Becker.

### N. City Manager Report

City Manager Justin Murphy reported out on the summer break and the next City Council meeting on August 13.

### O. City Councilmember Reports

City Councilmember Nash reported out on the South Bayside Waste Management Authority (SBWMA) and PCE meetings.

### P. Adjournment

Mayor Taylor adjourned the meeting at 11:05 p.m.

Assistant to the City Manager/ City Clerk Judi Herren

These minutes were approved at the City Council meeting August 13, 2024.



### Parks and Recreation Month - July 2024

**WHEREAS**, parks and recreation are an integral part of all communities, and promote wellness while improving physical and mental health; and

**WHEREAS**, parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS**, park and recreation professionals foster a sense of belonging in their community by providing welcoming and inclusive programs, essential services for all ages and abilities, and safe, accessible spaces to build meaningful connections; and

**WHEREAS**, parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS**, parks and recreation provides well-maintained, safe places for the community to engage and play such as the Belle Haven Community Campus and newly renovated Burgess and Willow Oaks Parks; and

**WHEREAS**, parks and recreation are essential and adaptable infrastructure that help our communities be resilient in the face of natural disasters and climate change; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month, and the City of Menlo Park recognizes the benefits derived from parks and recreation resources; and

NOW, THEREFORE, BE IT PROCLAIMED I, Cecilia Taylor, Mayor of the City of Menlo Park, on behalf of the City Council and City, recognize July as Park and Recreation Month in the City of Menlo Park, California.

Cecilia Taylor, Mayor July 9, 2024



# ENVIRONMENTAL QUALITY COMMISSION

Annual update - July 2024 Chair Jeff Schmidt

### **AGENDA**

EQC role and priorities

Looking back - Review of EQC activities

Public comment

Looking forward - EQC plans

Seeking guidance from City Council

# Environmental Quality Commission

Advise City Council on matters involving climate change, environmental protection, and sustainability

### Commissioners

Nancy Larocca Hedley

Susannah Hill (new)

Brian Kissel

John McKenna (Vice Chair)

Zachary Meyer (new)

Eduardo Pelegri-Llopart

Jeff Schmidt (Chair)

### Roles and Responsibilities

The EQC is committed to helping the City of Menlo Park be a leading sustainable city that inspires institutions and individuals and that is well positioned to manage present and future environmental impacts, including the grave threat of climate change

The EQC is charged primarily with advising the City Council on matters involving climate change, environmental protection, and sustainability

### **Commission Priorities**

- 1) Climate Action Plan Advise and recommend on the next phase of implementation for the climate action plan
- 2) Climate Resilience and Adaptation Ensure that our most vulnerable communities have a voice in policies and programs to protect their communities from environmental impacts
- 3) Urban Canopy Leverage best practices to advise/recommend on the preservation of heritage trees, city trees and expansion of the urban canopy; and make determinations on appeals of heritage tree removal permits
- **4) Green and Sustainable Initiatives** Support sustainability initiatives, as needs arise, which may include city-led events, habitat protection, healthy ecology, environmental health protection, healthy air, surface water runoff quality, water conservation, and waste reduction

### Looking back Review of EQC activities

### Priority #1: Climate Action Plan (CAP) Implementation and Updating CAP Scope of Work for 2025 to 2030

- Updated scope of work for all six actions in the plan
  - 1. Building electrification
- 4. Reduce vehicle miles traveled
- 2. Electric vehicle adoption
- 5. Eliminate fossil fuels in city operations
- 3. Electric vehicle charging
- 6. Sea level rise and flooding
- ► Each action was discussed by full commission. Subcommittees were formed to develop new recommendations
- ► Each action was updated according to new research or creative approaches used by other cities
- Updates to the plan were finished May 15, and staff will present

### to city council this Summer

- ▶ The EQC prioritized actions 1, 3, 5 for CAP implementation during fy 23-24:
  - Recommended Zoning Ordinance amendments to make it easier for residents to go electric by allowing equipment in garages and in setbacks
  - Recommended partnership with Peninsula Clean Energy (PCE) to disburse \$4.5 million state grant for community electrification in Belle Haven
  - Recommended participation in PCE solar and storage for public buildings program

## Review of EQC activities

### Priority #2: Climate Resilience and Adaptation

- Climate changes today (heat, health, storms) has just as large an impact on our community as the impacts we're mitigating for that are happening over time (e.g. temperature rise, sea level rise)
- Comment example If it's 95 degrees this summer, where can I go to get cool and be protected from that heat?
- ➤ To further address these "here now" impacts, the EQC has recommended an expansion of CAP 6 from just sea level rise to a full suite of adaptation and resilience actions to protect our residents

### Review of EQC activities

### Priority #3: Urban Canopy

- City made Urban Forest Management Plan (UFMP) Tier 1 priority / budgeted as \$250,000 CIP project
- Staff update to EQC in Feb 2024 on creation of an UFMP
- City has been consistently planting trees from 2018 to 2024
- <u>Rationale</u>: health impacts in Belle Haven, the example of East Palo Alto's UFMP, tree benefits - climate, health, community
- Separately, in March 2024, EQC listened to its first heritage tree ordinance appeal remove a coast live oak at 219 Durham Street

### Review of EQC activities

### Priority #4: Green and Sustainable Initiatives

### **EQC Discussions and Actions**

Jan 2024 - Police Department Tesla patrol pilot update

Action: Continue studying results and officer utilization impacts

Mar 2024 - Electrification permit streamlining and fee waiver

Action: Presented to city council on May 21 and extension approved

May 2024 - Metrics and progress report

Action: EQC and staff to collaborate on types of metrics and reporting desired to show progress

A high-functioning partnership - EQC benefits from a strong collaboration between city staff and commissioners

Example: Zero Emission Landscaping Equipment

EQC recommended policy changes and incentive program in April 2023. Staff built out proposal. Reviewed by city council and approved. Staff developed RFP and is implementing the program.

### Review of EQC activities

### Other Activities

- Attended Arbor Day Celebration + Mayor's Tree Planting with Canopy
- Attended Love Our Earth Festival
- ▶ Letters from Miss Ward's 4<sup>th</sup> grade class at Oak Knoll
  - Student suggestions for EQC and City Council
- Funding deployment for Belle Haven home electrification
  - Recommended contract with Peninsula Clean Energy
- Zero Emission Landscaping Equipment
  - Recommended a policy and an incentive plan
- Developing Annual Work Plan
  - Subcommittee established. Plan to be approved by EQC before Sept. 18
- New subcommittees forming around implementation priorities
  - ► E.g. Trees subcommittee to support urban canopy work

## Other Activities

### Sample of 2024 comments from community members

- Pam D. Jones
  - Spoke on concerns related to program accessibility for the Belle Haven community electrification initiative
  - ➤ Spoke on concerns related to groundwater and sea level rise in relation to the Urban Forest Management Plan, Belle Haven Community Climate Change team (BHCCCT) work on a vulnerability study, and on concerns related to community engagement
- Brian Schmidt
  - Spoke in support of Red Cross and Community Emergency Response team (CERT) as potential partners in adaptation and resilience work, and recommended including heat resilience in the climate adaption plan
- Arlene Nunez Garcia
  - Spoke on concerns related to staff capacity and project timeline for the UFMP
- Scott Marshall
  - Spoke in support of the Urban Forest Plan

## Public Comments

# Looking forward EQC plans

### A CAP-focused scope of work and set of plans

- Focus on goal #1 <u>building electrification</u>, goal #4 <u>reduce vehicle miles traveled</u>, goal #6 <u>climate resilience</u> and adaptation
- With new subcommittees

### **Cross-Commission Collaboration**

- Opportunity for more project integration and planning across city commissions, e.g. planning, housing, climate
- Meaningful action on parts of the CAP require a more integrated perspective, e.g. vehicle miles traveled
- Interest to explore options around cross-commission collaboration

# Commission plans

### **Heritage Trees**

- Ordinance not currently under review. Reviewing and updating administrative guidelines
- Citizen feedback period
- An opportunity to engage residents on importance of trees to climate, health, and quality of life in our community

### Future ideas and new ways of operating

- Host future meeting in Belle Haven Community Campus
- Share ideas and best practices with Menlo Park City School District for their Climate Action Plan
- Deepen student engagement in EQC teacher collaboration
- Metrics and simplified communications (less technical, e.g. count number of buildings electrified)
- Public comment idea Habitat enhancement
- Public comment idea Increase amount of collaboration and outreach with nonprofit partners

# Commission plans

How do you feel about our progress on city priorities? Do you have any feedback for the EQC and staff?

Are you hearing other concerns from the community that we should incorporate into our Climate Action Plan Update?

# Seeking guidance

### THANK YOU







### RECOMMENDED MEETING FORMAT

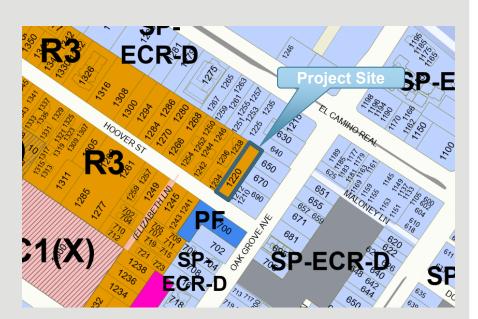
- Appeal public hearing
  - Introduction by staff
  - Presentation by applicant
  - Presentation and rebuttal by appellant
  - Rebuttal by applicant
  - Clarifying questions from City Council
  - Public comment
  - Deliberation and vote by City Council
- Action on major subdivision





### **PROJECT LOCATION**

- Located in R-3 "around downtown"
  - Minimum density
  - Higher maximum density
- Promote housing in and around downtown







### 1220 HOOVER ST. PROJECT

- Eight (8) residential units
  - Condominium subdivision
  - Seven (7) market-rate, one (1)
    BMR (below market rate)
- Subject to SB 330
- State Density Bonus Law (SDBL) waivers
  - Height
  - Paving
  - FAR







### RECENT PROJECT HISTORY

- Planning Commission action April 15:
  - Conditionally approved:
    - Use permit
    - Architectural control
    - BMR housing agreement
  - Recommended approval of subdivision map
    - Flexibility included in BMR agreement
- Appeal of Commission's actions received April 26





### **PROJECT APPEAL**

- Full appeal letter is included in the staff report as Attachment A Exhibit I
- Appellant concerns:
  - Planning Commission failed to analyze significant health, safety, and architectural concerns
    - Planning Commission wrongly determined it could not deny the project
    - A new public hearing was required to review conditions of approval





### **RESPONSE TO APPEAL**

- Full responses included in staff report
- In summary:
  - Planning Commission properly analyzed potential health and safety concerns
  - Evaluated against objective design standards
    - Unlimited waivers under SDBL
  - Planning Commission conditionally approved the project
    - No requirement for hearing on final conditions

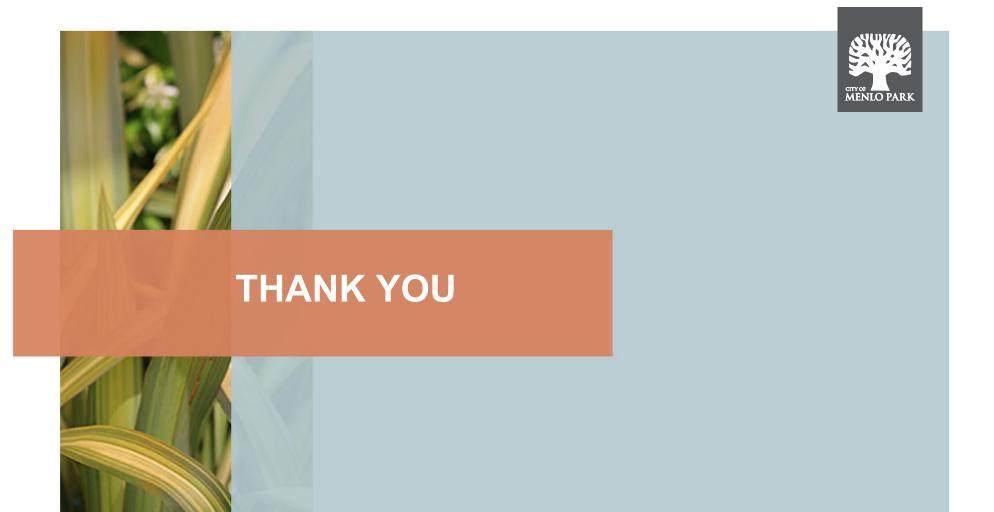


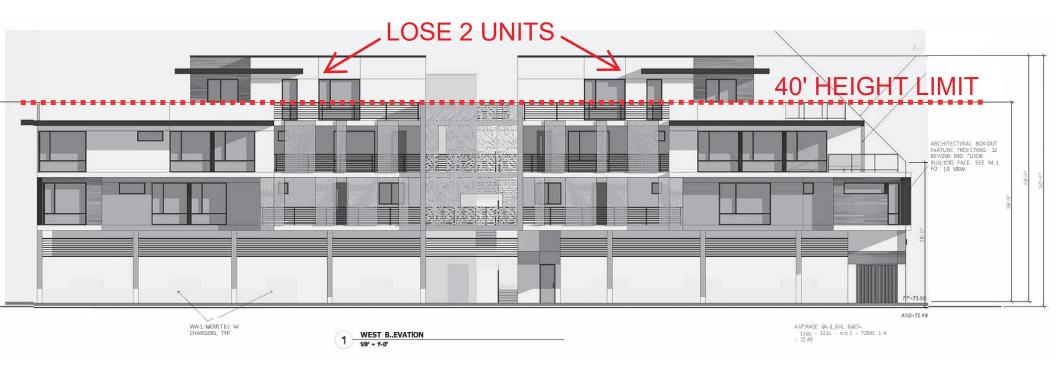


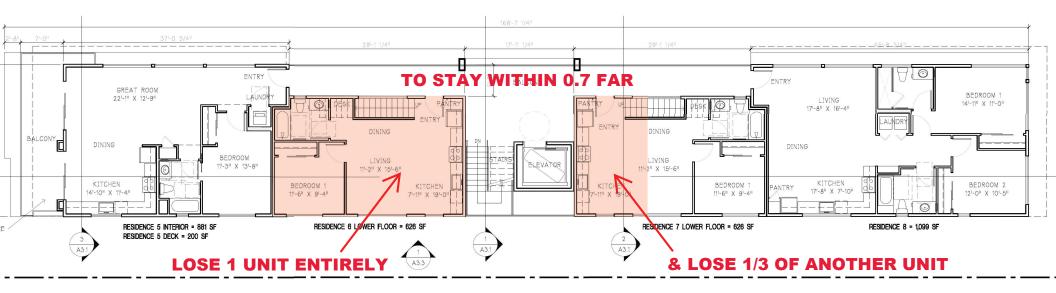
### RECOMMENDATION

- Recommended actions
  - Adopt a resolution:
    - Denying the appeal and upholding the Planning Commission's action approving:
      - 1) Use permit
      - 2) Architectural control permit
      - 3) BMR housing agreement
  - Adopt a resolution:
    - Approving a tentative map for major subdivision

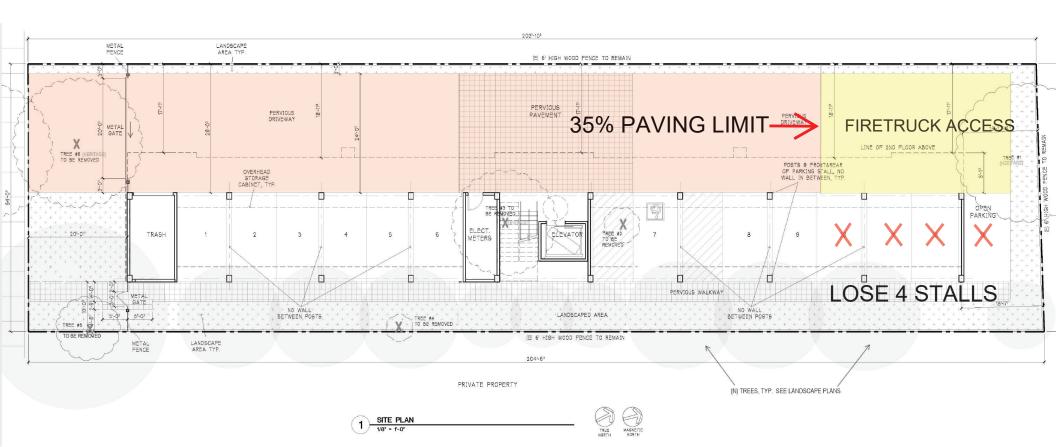
The above actions are subject to conditions of approval.







FLOOR PLAN 3 1/8" = 1'-0"











### CITYWIDE ENGAGEMENT

- Over the past several months, the City has engaged scores of residents and community members, to gather feedback on local services, priorities, and overall quality of life.
- According to a recent independently commissioned community survey:
  - 85% of residents are satisfied with Menlo Park's high quality of life
  - 77% of residents are satisfied with Menlo Park's local services
- Thank you to our community and residents for participating and sharing your valuable input!





### CITY SERVICE NEEDS & PRIORITIES

Menlo Park residents cite an interest in maintaining essential services and have identified the following local priorities:

- ✓ Maintain street and pothole repair
- ✓ Enhance emergency preparedness for storms, flooding, and wildfires
- ✓ Maintain parks, open spaces, sports fields, and children's play structures at City parks
- ✓ Keep public areas healthy, safe, and clean
- ✓ Maintain park and recreation programs
- ✓ Maintain 911 emergency response and preparedness



### **MENLO PARK'S QUALITY OF LIFE**



- Additional local funds are needed to maintain and provide services at the levels our community expects and deserves.
- Over two-thirds of residents show interest in increasing the Transient Occupancy Tax (TOT) to maintain our high quality of life. This type of measure is only paid by hotel and lodging guests.
- ➤ A voter-approved measure gives Menlo Park control over local funds for local needs. This allows Menlo Park to remain self-reliant, requiring proposed voter-approved funding to be spent for Menlo Park residents and local priorities.
- Voter-approved funding cannot be taken by Sacramento.





### FISCAL ACCOUNTABILITY

- Menlo Park has a strong record of fiscal accountability.
- Any additional voter-approved funds will continue our high standards for fiscal accountability and transparency.
- This includes citizen oversight, independent financial audits, and yearly reports to the community to ensure City funds are spent responsibly for the community's priorities.





### RECOMMENDATION

- Without an additional source of local funds, the City may be forced to reduce or cut services – affecting our high quality of life.
- Staff recommends the City Council place a locally controlled Transient Occupancy Tax (TOT) measure on the November 5, 2024 ballot for voter consideration, to address community priorities and maintain local services.
- The proposed measure would increase the TOT from 12% to 15.5% and generate an additional \$3.6 million dollars per year for local needs.
- Again, the TOT is paid <u>only</u> by hotel, motel and short-term rental guests visiting Menlo Park.

