



## REGULAR MEETING MINUTES

**Date:** 06/07/2021

**Time:** 7:00 p.m.

**Meeting Location:** [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

### A. Call To Order

Chair Henry Riggs called the meeting to order at 7:01 p.m.

### B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Cynthia Harris, Camille Gonzalez Kennedy; Henry Riggs (Chair), Michele Tate

Staff: Nikki Nagaya, Public Works Director; Karen Pachmayer, Senior Civil Engineer; Matt Pruter, Associate Planner; Corinna Sandmeier, Senior Planner

### C. Reports and Announcements

Senior Planner Corinna Sandmeier reported the City Council at its June 8, 2021 meeting would hold a public hearing on the City's proposed Fiscal Year 2021-2022 budget and the Capital Improvement Plan with approval of those scheduled for its June 22<sup>nd</sup> meeting.

### D. Public Comment

Pamela Jones, Menlo Park, commented on housing and jobs imbalance in Menlo Park and encouraged the Planning Commission to support housing at all income levels throughout the City.

### E. Consent Calendar

- E1. Approval of minutes from the May 10, 2021, Planning Commission meeting. ([Attachment](#))

ACTION: M/S (Chris DeCardy/Michael Doran) to approve the May 10, 2021 Planning Commission meeting minutes; passes 5-0-2 with Commissioners Cynthia Harris and Michele Tate abstaining.

### F. Public Hearing

- F1. Use Permit and Architectural Control/O'Connor Tract Co-operative Water Company/211 Oak Court: Request for a use permit and architectural control to add a new manganese treatment system to an existing public facility water treatment system located in the R-1-U (Single Family Urban Residential) zoning district. The new system would include a 20,000-gallon raw water blending tank, a 10,000-gallon backwash storage tank, a multimedia filter system, a 192-square-foot equipment and controls building, and associated equipment. The existing diesel generator is proposed to be replaced, and sodium hypochlorite would be used for the water treatment, both of which require use permit review for the use and storage of hazardous materials. The application also includes a use permit request to exceed Noise Ordinance noise levels along the right property line for monthly testing of the

generator. ([Staff Report #21-028-PC](#))

Staff Comment: Associate Planner Matt Pruter said staff had no additions to the written staff report.

Applicant Presentation: Peter Haase, Project Engineer, Sherwood Design Engineers, and Engineer of Record for O'Connor Tract Co-Operative Water Company, provided a visual presentation. He said the Company was a non-profit organization and served domestic water supply to 343 connections for over 3,000 residents in Menlo Park and East Palo Alto. He said they also supported fire service in the area. He explained that the project was a requirement of the State Department of Drinking Water, and the proposed treatment system was conventional and used worldwide.

Replying to Chair Riggs, Mr. Haase said sodium hypochlorite would be stored in 55-gallon barrels in a second containment area.

Chair Riggs opened the public hearing.

Public Comment:

- John Hanley said the Company provided a wonderful supply of clean drinking water and he supported the project.
- Ana Pedreiro, Oak Court resident, said she and her neighbors supported the project and were excited it was close to hopefully being approved.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner DeCardy asked if the applicant had reached out to neighbors and particularly those who might be impacted by the generator noise.

David Jones, President of the Water Company, said the neighbor directly next to the property that might have noise impact was aware of the project. He said the noise level was half a decibel above the 60-decibel noise limit. He asked if Manny Nathenson had spoken with the neighbor. Mr. Nathenson said they had not discussed the noise level. He said in the past that neighbor had told them the noise levels from the existing generator were bothersome. He said the new generator would be moved away from that residence about 30 feet and it was expected that the noise level would be much more acceptable to the neighbor.

Replying to Commissioner DeCardy, Mr. Haase noted that the site was in a reservoir and below grade and that the new tanks would be lower than the existing one.

Commissioner DeCardy said staff and the applicant had provided him with requested information related to the use of a diesel generator. He said it was clear to him that the applicant and the affected community had broadly researched other solutions. He said the diesel generator unfortunately in this case made the most sense. He encouraged exploration of synthetic fuels in the future as those became available.

Chair Riggs asked about the finish of the proposed 20,000-gallon tank. Mr. Haase said it was a polyethylene tank that would be painted probably dark green. Chair Riggs said the Rincon report indicated the pumps would run above 60 decibels. Mr. Haase said the pumps would be enclosed. Mr. Nathenson said they had never received complaints about the noise level of the pumps noting the noise measurements referred to had been made close to a small vent next to the pumps. He said the noise would be contained within the pump house. Mr. Haase said he could clarify with Rincon, but he believed that the noise measurement was not made at the property line but right next to the building.

Planner Pruter referred to E-13 and a graphic showing the equipment and controls building in figure 4. He said the contour lines for noise representation emanated from the building. Chair Riggs said it also showed noise level of 50-decibels out to the property line. Replying to Chair Riggs, Mr. Haase said the pumps ran on demand.

Chair Riggs said the noise levels studied were based on the new generator but asked about the noise levels for the existing generator. Mr. Haase said they had done some measurements in 2019 and it was 95 to 96 decibels at the source. Chair Riggs said they had sound pressure at 23 feet and asked if they had sound pressure at the source for comparison. Mr. Haase said it depended on how much it was running, and it varied. Chair Riggs said it seemed the noise level would be less, and it did not seem like pressing for an enclosure was needed.

**ACTION:** M/S (Doran/Kennedy) to approve the item as recommended in the staff report; passes 7-0.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Adopt the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the proposed building, generator, and associated equipment is in keeping with the character of the neighborhood. The proposed exterior materials and finishes for the building would be high quality in nature and will match the existing building fabric.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City. The project will help meet the regulatory requirements.
  - c. The proposed building, generator, and associated equipment will follow the pattern of development on the site generally and the use will not impair the desirability of investment or occupation in the neighborhood.
  - d. The site provides adequate parking spaces and appropriate access, as required in all applicable city ordinances.

- e. The subject site is not part of a specific plan area.
4. Approve the use permit and architectural control subject to the following **standard** conditions:
- a. The applicant shall be required to apply for a building permit within one year from the date of approval (by June 7, 2022) for the use permit to remain in effect.
  - b. Development of the project shall be substantially in conformance with the plans prepared by Sherwood Design Engineers, consisting of 13 plan sheets, dated received May 26, 2021, and approved by the Planning Commission on June 7, 2021, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
  - c. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - d. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
  - e. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering, and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
  - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
  - g. All applicable public right-of-way improvements, including frontage improvements and the dedication of easements and public right-of-way, shall be completed to the satisfaction of the Engineering Division prior to building permit final inspection.
  - h. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition, or building permits.
  - i. Post-construction runoff into the storm drain shall not exceed pre-construction runoff levels. The applicant's design professional shall evaluate the Project's impact to the City's storm drainage system and shall substantiate their conclusions with drainage calculations to the satisfaction of the City Engineer prior to building permit issuance.
  - j. Simultaneous with the submittal of a complete building permit application, the applicant shall provide documentation indicating the amount of irrigated landscaping. If the project proposes

more than 500 square feet of irrigated landscaping, it is subject to the City's Water Efficient Landscaping Ordinance (Municipal Code Chapter 12.44). Submittal of a detailed landscape plan would be required concurrently with the submittal of a complete building permit application.

- k. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance and the arborist report prepared Advanced Tree Care, dated received May 26, 2021.
  - l. Prior to building permit issuance, the applicant shall pay all applicable City fees. Refer to City of Menlo Park Master Fee Schedule.
  - m. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.
  - n. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, East Palo Alto Sanitary District, Menlo Park Building Division, or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
  - o. If the entity discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new entity submits a new hazardous materials information form and chemical inventory to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials information form and chemical inventory are in substantial compliance with the use permit.
5. Approve the use permit and architectural control subject to the following ***project-specific*** conditions:
- a. Prior to building permit issuance, the applicant shall submit the final Hazardous Materials Business Plan (HMBP) to be reviewed by the Menlo Park Fire Protection District, East Palo Alto Sanitary District and the San Mateo County Environmental Health Services Division, and submit revised plans as necessary addressing any comments from reviewing agencies.
  - b. Prior to building permit final inspection, the applicant shall demonstrate that all necessary Bay Area Air Quality Management District (BAAQMD) permitting has been obtained for the proposed diesel generator, along with completion of parental notification, subject to review and approval of the Planning Division.

## **G. Regular Business**

- G1. 2021-22 Capital Improvement Plan/General Plan Consistency:  
Consideration of consistency of the 2021-22 projects of the Five-Year Capital Improvement Plan with the General Plan. ([Staff Report #21-029-PC](#))

Staff Comment: Senior Civil Engineer Karen Pachmayer highlighted a project in each category of Exhibit A of the proposed resolution making the finding of consistency with the General Plan.

Chair Riggs asked about sidewalk improvement in the Flood Triangle neighborhood. Ms. Nikki Nagaya, Public Works Director, said they had a list for the Sidewalk Repair and Replacement Program and asked if there was a particular area of the Flood neighborhood. She said they could do minor modifications. She said to replace an entire block length of sidewalk they might need to look at prioritizing that through another mechanism. Chair Riggs said there was a 50 to 100-foot stretch of extreme sidewalk disrepair near Van Buren.

Commissioner Andrew Barnes referred to the project description. He said in the past he had asked for detail as to which district projects were located and asked if that were something that could be done. Ms. Pachmayer said she thought that was possible in the future. She said currently on the City's website was a map that showed where capital improvement projects were located in the City. Commissioner Barnes said he would also like to see that detail on the CIP list of projects each year. He moved to make the finding of consistency with the General Plan.

Chair Riggs opened the item for public comment.

Public Comment:

- Pamela Jones, Menlo Park, said many of the projects listed were being paid for through development agreements and not funded by the City, and she thought that should be made clearer.

Chair Riggs closed the public comment period.

Commission Comment: Commissioner DeCardy quoted the third paragraph of the draft resolution proposed for Commission adoption: *WHEREAS, the Planning Commission of the City of Menlo Park has determined that all of the current CIP projects correlate with adopted goals of the City's General Plan, as shown in the attached Exhibit A and should be prioritized to address areas of our community disproportionately impacted by the pandemic and the resulting economic dislocations.* He asked what criteria was used to do the prioritizing and who applied it. Ms. Nagaya said her understanding was that language in the draft resolution was requested for addition by the Planning Commission last year. She said last year they were able to direct resources related to projects in the downtown area using capital funds directed by Council to install temporary street closures and other projects supporting downtown businesses as well as resources to meet milestones of the Menlo Park Community Campus (MPCC) project. She said they added sidewalk on Pierce Road to complete sidewalk gaps to connect to the Ringwood Avenue pedestrian/bicycle overcrossing. She said of the 60 projects proposed for funding next fiscal year at least half were carryover projects that would continue downtown projects, the MPCC project and other projects as prioritized by Council. She said there was not a set of criteria to apply to that request from the Planning Commission.

Commissioner DeCardy said it was important to have that language. He said he thought it was reasonable to interpret it and that it did not necessarily require specific criteria. He said he thought it would be valuable with the projects to be more explicit about who was in the most impacted aspects of the community and to show the balance between business community impacts and residents who had been impacted. He expressed appreciation to staff for applying the language to capital improvement projects during the pandemic. He said Commissioner Barnes and Ms. Jones' suggestion for increased transparency would be useful.

Ms. Pachmayer said the map of the Capital Improvement projects would show the different categories of projects being done and the link to that had been emailed to Ms. Jones.

Commissioner Tate suggested excluding the third "Whereas." She said the language was added last year by the Planning Commission's request and this year the Commission seemed to be having trouble understanding who was disproportionately impacted as that was not spelled out in the report.

Chair Riggs said he agreed with Commissioner Tate. He said he would like to keep it simple to consider consistency of the Capital Improvement projects with the General Plan until they had something more explicit regarding how the desired prioritization was done.

Commissioner DeCardy said he agreed with Commissioner Tate's assessment that there was lack of clarity. He said that he thought it was much better to have the language than to not have it.

Replying to Chair Riggs, Commissioner Barnes removed his motion to approve.

Commissioner DeCardy moved to approve as recommended in the staff report. Commissioner Camille Kennedy seconded the motion.

ACTION: M/S (DeCardy/Kennedy) to adopt Resolution No. 2021-03 determining that the five-year Capital Improvement Plan's projects for Fiscal Year (FY) 2021-22 are consistent with the General Plan (Attachment A); passes 5-2 with Commissioners Riggs and Tate opposed.

G2. Selection of Planning Commission Chair and Vice Chair for June 2021 through April 2022 ([Staff Report #21-030-PC](#))

Chair Riggs opened the item for public comment and closed the public comment period as there were no speakers.

ACTION: M/S (Tate/DeCardy) nominating Vice Chair Doran as Chair; passes 7-0.

ACTION: M/S (Tate/Harris) nominating Commissioner DeCardy as Vice Chair; passes 7-0.

**H. Informational Items**

H1. Future Planning Commission Meeting Schedule

- Regular Meeting: June 21, 2021

Planner Sandmeier said the June 21 agenda would have the Menlo Uptown project for final entitlements and a project of two single-family homes on a lot.

- Regular Meeting: July 12, 2021

Commissioner Barnes asked if there was a project planned for a vacant lot at the corner of Woodland and Middlefield Road noting it was an eyesore. Planner Sandmeier said the use permit for an office building there had expired. She said she did not think the developer had submitted another project. She said she would verify and get back to Commissioner Barnes.

## **I. Adjournment**

Chair Riggs adjourned the meeting at 8:35 p.m.

Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on July 12, 2021

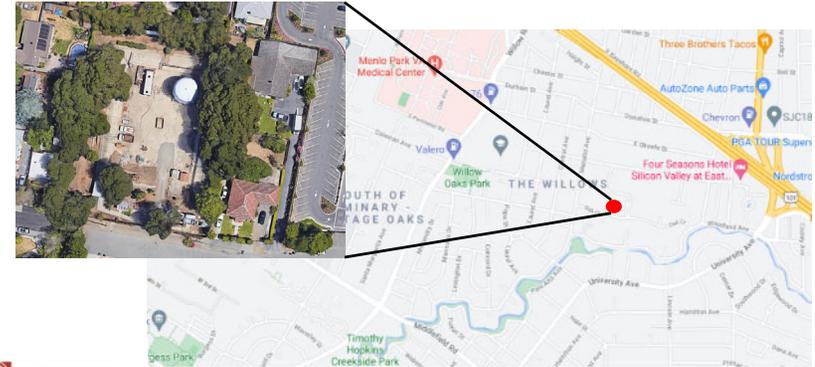
# Groundwater Treatment Project O'Conner Tract Co-Operative Water Company

Peter Haase, MS, PE  
Principal Engineer

June 2021



## Site Location and View



## Background

- O'Connor Tract Co-Operative Water Company is a non-profit organization
- Founded On January 31, 1921
- Serves domestic water supply to 343 connections in both Menlo Park and East Palo Alto
- Provides domestic water to over 3,000 residents



Service Area Map



## Water System

- O'Connor Tract relies on two deep water supply wells as the source of the drinking water.
- Groundwater is pumped to a 100,000 gallon elevated tank,
- Booster Pump System conveys water to the water distribution system and to the service connects that includes private homes and multi-residential developments in the service area.



