



# Item No. 1 Town of Atherton

## **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: THE HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: ROBERT OVADIA, DIRECTOR OF PUBLIC WORKS  
NEAL MARTIN, PLANNING CONSULTANT**

**DATE: FEBRUARY 5, 2020**

**SUBJECT: AUTHORIZATION FOR THE CITY MANAGER TO APPLY TO THE  
PLANNING COMMISSION FOR A CONDITIONAL USE PERMIT AND  
DEVELOPMENT AGREEMENT RECOMMENDATION FOR A  
PROPOSED STORMWATER CAPTURE FACILITY PROJECT AT  
CARTAN FIELD**

### **RECOMMENDATION**

Authorize the City Manager to submit a Planning Commission Application for a Conditional Use Permit (CUP) and recommendation on a proposed Development Agreement for a proposed Stormwater Capture Facility Project at Cartan Field.

### **BACKGROUND**

The need for a stormwater detention/storage facility was identified in the Town-wide Drainage Study Update prepared in 2015 to reduce flooding associated with the Atherton Channel. Approximately 10 acre-feet of detention/storage capacity is needed to manage a 10-year storm event to minimize flooding associated with the existing Marsh Road box culvert. Additionally, the Town is required to comply with the Municipal Regional Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board. The MRP requires all permittees to implement green infrastructure improvements to reduce the amount of mercury and polychlorinated biphenyl (PCB) in stormwater discharges to the San Francisco Bay. Caltrans has agreed to contribute funding to the Town of Atherton for the construction of a stormwater capture and treatment facility in the Town, to assist with their stormwater permit requirements.

The 2015 Town-wide Drainage Study Update identified three possible sites to capture stormwater from the Atherton Channel: Las Lomas Elementary School, Holbrook-Palmer Park, and the JL Dixon Stables. Because of the complexity of working with a privately-owned site at some distance from the Channel, the Town chose not to locate the project to the JL Dixon Stables. The Town first attempted to work with the Las Lomas Elementary School District on a

stormwater capture project at the school. However, the Town was not able to come to an agreement with the School District for the use of their site. The Town also considered locating the facility at Holbrook-Palmer Park, however that site was ultimately rejected. Following discussions around a facility at Holbrook-Palmer Park, the Council opted to research alternative locations. The Council directed staff to look into the possibility of a facility in partnership with Menlo College and Menlo School. After initial consultation with the schools, engineering concept designs were developed for a stormwater capture facility located in the outfield of the Menlo College baseball diamond at Cartan Field.

The Town hired TetraTech Inc. to prepare preliminary engineering concept designs for a stormwater capture facility at Cartan Field, 30 Alejandra Avenue, adjacent to the campuses of Menlo College and Menlo School. The project would include a diversion structure to re-direct dry-weather urban runoff, and low-flow wet-weather runoff from the Atherton Channel through a pre-treatment device to remove trash, debris, and sediment before conveying the water into a buried multi-chambered storage/infiltration facility with a targeted storage capacity of up to nine (9) acre-feet. The facility would also be managed to reduce peak flows from forecasted high-flow storm events.

Based on the preliminary engineering concept designs, the Town prepared an environmental document consisting of an Initial Study / Mitigated Negative Declaration (IS/MND) for the project. The IS/MND consists of a project description and an identification and analysis of the potential environmental effects of the project. The environmental report concludes with the finding that although the proposed project could have a significant effect on the environment, the design features, best management practices, and mitigation measures incorporated into the project will avoid potentially significant impacts. The Town is the Lead Agency and proponent for the project. The public review period for the IS/MND is from January 8 to February 24, 2020.

The Atherton Planning Department and Public Works Department hosted a Community Informational Meeting concerning a proposed Stormwater Capture Facility at Cartan Field on Tuesday, January 21, 2020 in the Pavilion at Holbrook-Palmer Park. Staff, along with the environmental consultant provided an overview of the proposed project and outlined the processes for the environmental document review, Planning Commission consideration of a Conditional Use Permit for the project, and adoption of the Development Agreement. The Community Informational Meeting was attended by one member of the public, two City Council Members and one representative from the San Mateo County Office of Sustainability. There was some discussion of project components and questions regarding noise generated by the pumps and air compressor associated with the project. In general, comments about the project were favorable.

Upon conclusion of the public review period on February 24, 2020, MIG, the Town's environmental consultant will prepare responses to written comments and verbal comments

made at the Community Informational Meeting. Those responses will be incorporated into the Draft IS/MND for consideration by the Planning Commission and City Council when they consider the Conditional Use Permit and Development Agreement.

### **ANALYSIS**

Atherton Municipal Code Section 17.36.030 (Public Facilities and Schools Zoning District) provides that “Public utilities and facilities, uses, and structures” land uses require Planning Commission approval of a Conditional Use Permit prior to construction or installation. The proposed Stormwater Capture Facility is such a “public facility”. The Town is the project proponent and as such, must make application to the Planning Commission for CUP approval.

The Town is also proposing to enter into a Development Agreement with the Cartan Field property owner (Menlo College and Menlo School) under which the property owner would grant an easement to the Town for construction, maintenance and operation of the facility.

Atherton Municipal Code Chapter 17.07 (Development Agreement Adoption Procedure) provides that an application for a proposed Development Agreement must first be reviewed by the Planning Commission; who may subsequently recommend to the City Council approval, disapproval, or changes in the Development Agreement. The Town is the project proponent and as such, must make application to the Planning Commission for Development Agreement recommendation.

Staff requests that the City Council authorize the City Manager to submit the Planning Commission Application for a Conditional Use Permit (CUP) and recommendation on a proposed Development Agreement for the proposed Stormwater Capture Facility Project at Cartan Field.

### **POLICY FOCUS**

The California Environmental Quality Act, California Public Resources Code §21000 et seq requires the preparation and adoption of an environmental document (i.e. EIR, Initial Study and Negative Declaration or Mitigated Negative Declaration, or Exemption) prior to a local agency or State agency approving or carrying out a project subject to its jurisdiction. A Stormwater Capture Facility is a project under the CEQA definition and it is under the jurisdiction of the Town and other State and Federal agencies. Authorization of the City Manager to submit the Planning Commission Application will allow the process to move forward, including the public process of Planning Commission consideration and possible action on the CEQA document, Conditional Use Permit and Development Agreement recommendation to the City Council.

The City Council retains the authority to approve, modify or reject the project subsequent to adoption of the CEQA document.

**FISCAL IMPACT**

All costs associated with this project are paid for by the Town of Atherton from the Stormwater Capture Project budget that may be reimbursed by the State of California.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service provides (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_ has or X has not been before a Town Committee or Commission.

- \_\_\_ Audit/Finance Committee (meets every other month)
- \_\_\_ Bicycle/Pedestrian Committee (meets as needed)
- \_\_\_ PMC - Civic Center Advisory Committee (meets as needed)
- \_\_\_ Environmental Programs Committee (meets every other month)
- \_\_\_ Park and Recreation Committee (meets each month)
- \_\_\_ Planning Commission (meets each month)
- \_\_\_ Rail Committee (meets every other month)