



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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### APPLICATIONS INVOLVING HAZARDOUS MATERIALS

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The City of Menlo Park has adopted a policy for reviewing the use of hazardous materials by a business. The City coordinates its review process with the Menlo Park Fire Protection District, the San Mateo County Environmental Health Services Division, applicable sanitary districts, the City of Menlo Park Building Division, and other agencies and departments as deemed necessary based on the specifics of each individual project. The majority of the City is served by the West Bay Sanitary District (West Bay), but small areas of the City are served by the East Palo Alto Sanitary District, and the Fair Oaks Sewer Maintenance District. Applicants should coordinate with the appropriate sanitary district prior to submitting a use permit application.

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#### I. Policy for Applications Involving Hazardous Materials

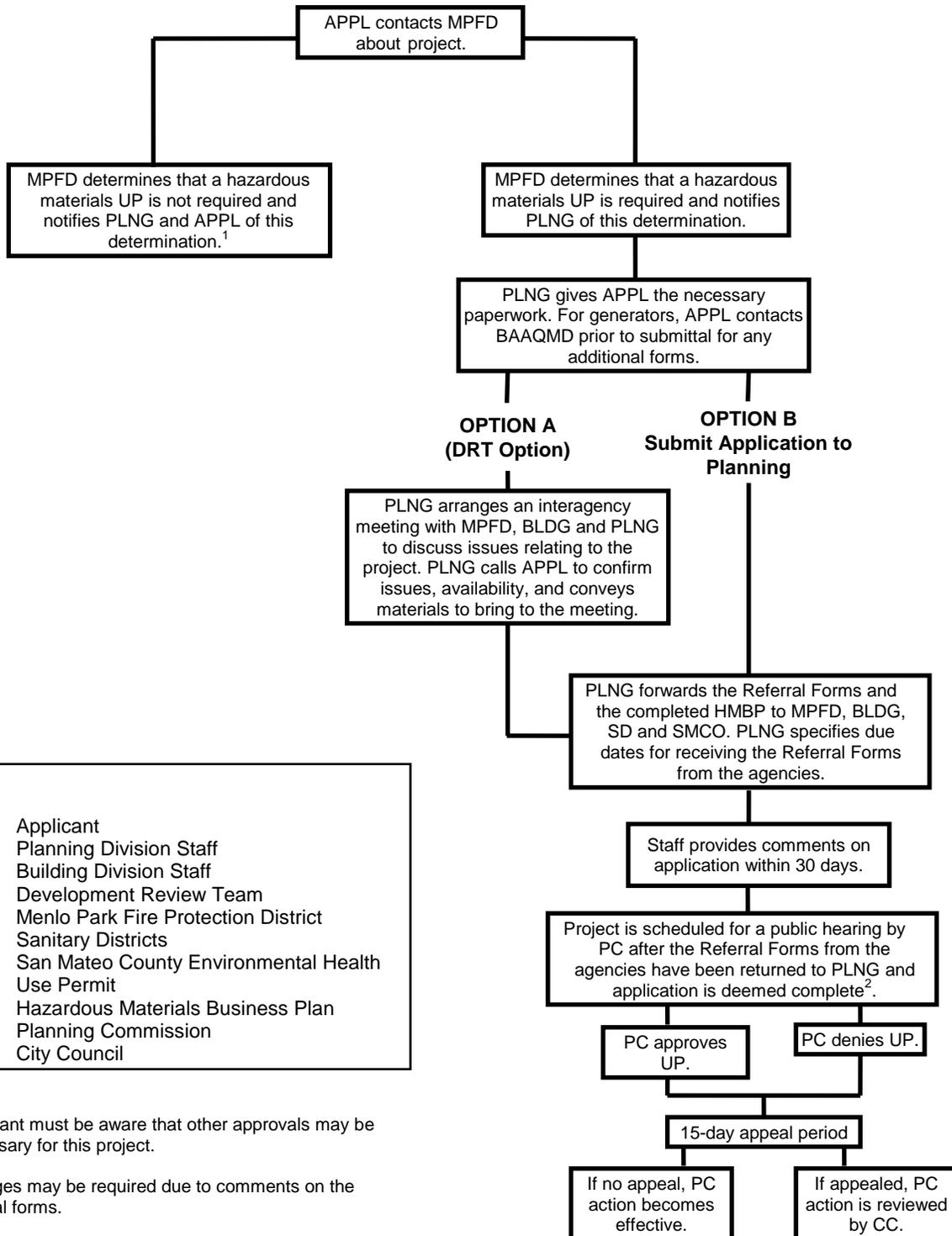
1. The City of Menlo Park has a use permit process for the use of hazardous materials. The Planning Division relies on the Menlo Park Fire Protection District to determine whether a use permit is required for a project. The Fire District has established threshold levels to define the maximum amount of hazardous materials that would be allowed before a use permit is required.
2. All applicants must contact the Fire District and describe the type and amount of hazardous materials they will have on-site at the start of their operations. The Fire District is responsible for notifying the Planning Department, in writing, whether a use permit is required for the project.
3. A "finding" included with Planning Commission approvals for a use permit will state that the Building Official, Fire District, San Mateo County Environmental Health Services Division, applicable sanitary districts, and any other applicable agencies have reviewed the application and that any conditions recommended by these entities are included in the conditions of approval.

## **I. Policy for Applications Involving Hazardous Materials (cont'd.)**

4. The Planning Commission appreciates the fact that the Fire District and County Environmental Health Services Division monitor users who have obtained a use permit to use hazardous materials. The Planning Commission requests that the Fire District and San Mateo County Environmental Health Division inform the City of any situations where the use and quantities of hazardous materials have changed. The Fire District's annual visits to users could reveal situations where the types or volumes of materials have changed enough to warrant Planning Commission review of a revision to the previously approved use permit. Inspections by the County Environmental Health Services Division could reveal similar situations. The applicant is responsible for dealing directly with the County Environmental Health Services Division if there are any revisions to the Hazardous Materials Business Plan (HMBP), which is a County requirement

## II. FLOW CHART

### APPLICATION PROCEDURE FOR PROJECTS INVOLVING HAZARDOUS MATERIALS



**KEY:**

APPL Applicant  
 PLNG Planning Division Staff  
 BLDG Building Division Staff  
 DRT Development Review Team  
 MPFD Menlo Park Fire Protection District  
 SD Sanitary Districts  
 SMCO San Mateo County Environmental Health  
 UP Use Permit  
 HMBP Hazardous Materials Business Plan  
 PC Planning Commission  
 CC City Council

<sup>1</sup> Applicant must be aware that other approvals may be necessary for this project.

<sup>2</sup> Changes may be required due to comments on the referral forms.

### III. Procedure for Applications Involving Hazardous Materials

An application involving the use of hazardous materials will follow either one of the two procedures described below.

#### **Procedure 1 (no use permit required):**

**Step 1:** The applicant contacts the Fire District and submits a hazardous materials inventory statement (HMIS), also referred to as a chemical inventory, identifying the anticipated types and quantities of hazardous materials proposed for use. The Fire District determines that a hazardous materials use permit is not required and notifies the Planning Division, in writing, of this determination. The applicant must be aware that other approvals may be required for the project.

#### **Procedure 2 - (use permit required):**

**Step 1:** The applicant contacts the Fire District and submits a HMIS or chemical inventory identifying the anticipated types and quantities of hazardous materials proposed to be used. The Fire District determines that a hazardous materials use permit is required and notifies the Planning Division, in writing, of this determination.

**Step 2:** The Planning Division gives the applicant the following items:

- [Application Submittal Guidelines](#)
- [Development Permit Application](#)
- [Generator Supplemental Form](#) (if project includes a generator)
- [Hazardous Materials Information Form \(HMIF\)](#)
- Other Applicable Zoning/Parcel Information

In addition, the applicant is required to provide the HMIS or chemical inventory identifying the type and amount of hazardous materials on-site at the start of operations and should account for long term uses when completing the list of materials. Prior to submittal, the applicant should contact the Bay Area Air Quality Management District (BAAQMD) to determine if the project is exempt from BAAQMD review or will require any forms or permits (typically applicable to projects that involve an emergency generator). The HMIS (chemical inventory) shall be organized by hazard class. The applicant shall provide two (2) copies of the HMIS with the use permit application. If there are multiple tenants using hazardous materials within the building, please provide an additional HMIS for the overall building. The building aggregate inventory statement may identify the total quantities for each hazard class, instead of individual chemicals.

The complete application submittal to the Planning Division should include the following:

- Development Permit Application;
- Plans, prepared in accordance with the City's Application Submittal Guidelines;
- Appropriate use permit application fee;
- Generator Supplement (if project includes a generator);
- Hazardous Materials Information Form (HMIF);
- Hazardous Materials Inventory Statement (HMIS) or Chemical Inventory; and
- Building Aggregate Inventory Statement (if other tenants in the building use and store hazardous materials).

### III. Procedure for Applications Involving Hazardous Materials (Cont'd)

**Step 3 (Optional)<sup>1</sup>:** At the request of the applicant, prior to submittal, the Planning Division can arrange for an interagency meeting with the Fire District, Building Division, and Planning Division. Interagency meetings give the applicant the opportunity to ask questions pertaining to submittal requirements or to discuss any other issues related to the project.

**Step 4:** The Planning Division Staff forwards the HMIF, HMIS, and Referral Forms to the Fire District, Building Division, San Mateo County Environmental Health and applicable sanitary districts and requests them to forward their response within 14 days. Agencies may submit comments, conditions, and suggestions to the Planning Division to be included in the report to the Planning Commission.

**Step 5:** The use permit is scheduled for consideration by the Planning Commission after the completed Information and Referral Forms have been returned to the Planning Division by the referring agencies and the application has been deemed complete (changes may be required post submittal).

**Step 6:** The Planning Commission may approve or deny the hazardous materials use permit. The 15-day appeal period begins once the Planning Commission has made its decision. If there is no appeal, the approved use permit will become effective after the 15-day appeal period has expired. The Planning Commission action can be appealed by the applicant or any other party. If appealed, the City Council will review and act on the project.

**Post Approval (Ongoing):** The applicant should be aware that the Fire Protection District's annual visits to users could reveal situations where the type or volume of materials has changed enough to warrant a revision of the use permit. Inspections by San Mateo County Environmental Health Services Division may reveal similar situations. The applicant is responsible for dealing directly with County Environmental Health Services Division if there are any revisions to the HMBP. The Planning Commission has requested that the Fire Protection District and the County Environmental Health Services Division inform the City of any changes that may require Planning Commission review.

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<sup>1</sup> Refer to Option A of the flowchart on page 3.

# APPLICATIONS INVOLVING HAZARDOUS MATERIALS

## INTERAGENCY APPLICATION REVIEW CONTACT PERSONS

### CITY OF MENLO PARK

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