

RESOLUTION NO. 969

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA APPROVING SPECIAL USE PERMIT UP-78-16, SUBJECT TO CONDITIONS, FOR INSTALLATION OF AN OZONE GENERATION TRAILER WITHIN APPROXIMATELY TWENTY (20') FEET WIDE BY TWENTY (20') FEET LONG BY SIX (6') FEET HIGH ENCLOSURE, AND ASSOCIATED TEMPORARY POWER POLE APPROXIMATELY SIXTEEN (16') FEET HIGH, TO PERFORM SUBSURFACE REMEDIATION AT A FORMER SERVICE STATION SITE, AT 2251 OCEANA BOULEVARD (APN 016-242-090).

Initiated by: Paul King ("Applicant")

WHEREAS, an application has been submitted for installation of a 16 foot high temporary power pole and ozone generation trailer on a currently vacant lot (formerly a service station) for remediation of petroleum contamination in soil and groundwater at 2251 Oceana Avenue; and

WHEREAS, a notice of public hearing to consider the project was sent to all property owners and occupants within a 300 foot distance of the project via US Mail; and

WHEREAS, the project requires approval of a Special Use Permit pursuant to Sec. 9-4.2306 of the PMC; and

WHEREAS, the Planning Commission has determined, based on the analysis contained in the staff report, that the project is exempt from the California Environmental Quality Act (CEQA) as a Class 30 "Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances" categorical exemption per Section 15330 of the CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on February 21, 2017, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference;

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

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BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the following findings pertaining to a Special Use Permit:

Sec. 9-4.2306 stated that a Special Use Permit is required for uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. Approval of a Special Use Permit confers consistency with the zoning and General Plan designations of the subject property. The Planning Commission may grant the approval of a Special Use Permit only if the proposal conforms to all of the following criteria and to any special conditions which may be applied. The following discussion supports the Commission's findings in this regard.

(1): *That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic.*

Discussion: The project involves the installation of a 6 foot high trailer 72 square feet in area enclosed in a 6 foot high fenced enclosure, which will enclose a total area of 400 square feet. These installations on site are minimal when compared to the development permitted by the R 2 zoning district regulations with respect to bulk, scale, coverage and density, and development in the vicinity.

The site will not originate or attract traffic other than one weekly trip by a technician to evaluate ozone trailer system operations as per the information provided by the applicant regarding project operations. As a result, the project would be compatible with permitted residential uses in the district, which are likely to generate daily trips.

A noise study was conducted to evaluate potential noise generation from the ozone generation equipment. The study found it unlikely that the noise levels generated by the equipment will be above current ambient conditions. However, it recommends additional monitoring of ambient noise levels upon final equipment installation, and identifies measures for noise abatement such as installation of acoustical treatment, in the event unanticipated overages to current ambient noise levels are discovered. A condition of approval requires that an additional noise study/addendum to assess actual noise levels from ozone generation equipment be performed and, if necessary, a noise attenuation plan be prepared, upon final installation of the ozone generation equipment.

(2): *That the proposed development will enhance the successful operation of the community or will provide a service to the community.*

Discussion: The proposed development includes installation of remediation equipment to remove petroleum pollutants from the ground, which will serve to improve the environment. As such the project will benefit and provide a service to the community.

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(3): That particular attention is given to the provision of buffering of uses from the surrounding neighborhood.

Discussion: The project proposes containing the noise generating equipment inside a trailer, which is in turn placed in a fenced enclosure along with the power pole. The ozone generation trailer is separated from nearby residential uses as follows: 40 feet to the north, 73 feet to the east, and 40 feet to the south. Oceana Boulevard is located to the west of the site and no residential uses are located across from the site along this road. The surrounding neighbors will therefore be buffered for the proposed operations of the remediation work. The conditions of approval also include that an additional noise study/addendum report is submitted to assess actual noise levels from once the ozone generation equipment is in operation. be performed and, if necessary, a noise attenuation plan be prepared upon final installation of the ozone generation equipment to ensure that the surrounding neighborhood is buffered from potential noise from the project operations..

(4): That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and

Discussion: The project is located in the R2 zoning district and meets all the standards for this district. Zoning regulations in the R2 zoning district require a minimum fifteen (15') feet front and twenty (20') feet rear set back. Minimum required side setback is five (5') feet, however a ten (10') foot setback is required on the street side of a corner lot. The regulations allow a maximum of fifty (50%) percent site coverage by all structures and require a minimum of twenty (20%) percent in landscaped area. The maximum height permitted for structures on the site is thirty five (35') feet.

The lot is currently unpaved and the proposed project does not propose any paving or permanent structures on the site. The fenced enclosure covers 400 sf. area on an 11,400 sf site (3.5% site coverage). This enclosure is setback from the property lines as follows: 20 feet from the front property line along Oceana Boulevard, 73 feet from the rear property line, and 40 feet from the side property line. The power pole is 16 feet in height above grade. Landscaping is identified as a requirement in this zoning district, however as part of this special use permit, staff are satisfied that the installation will be sufficiently screen for this temporary period. Landscaping is therefore not require as part of the project approved.

(5): That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.

The proposed project is consistent with the goals and policies of the General Plan. It is intended to abate petroleum pollution in the ground, which would improve the environment and be beneficial to the community residents and serve a primary General Plan goal of providing protection to the public's health and safety. As conditioned, the

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project would also be consistent with Land Use Element Policy No. 8 that related to protecting and enhancing the character of each neighborhood.

The project is located in the East Sharp Park Neighborhood, which is not in the coastal area and thus not subject to the local coastal plan. The project proposes ample setbacks from neighboring properties and includes a fence to shield the ozone generation trailer. As conditioned, the project would maintain consistency with the applicable Design Guidelines, which require that buildings be cited to take into account potential impacts on neighboring properties and screen equipment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica approves the Special Use Permit UP-78-16, to allow installation of an ozone generation trailer within approximately twenty (20') feet wide by twenty (20') feet long by six (6') feet high enclosure, and associated temporary power pole approximately sixteen (16') feet high, to perform soil and groundwater remediation at a former service station site located at 2251 Oceana Boulevard, Pacifica (APN 016-242-090), subject to conditions of approval attached as Exhibit A.

* * * * *

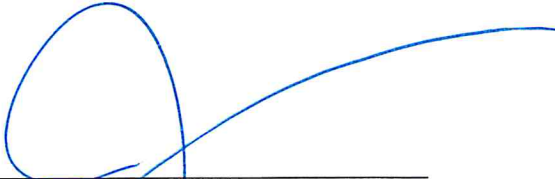
PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 21st day of February, 2017.

AYES, Commissioners: BARINGER; CABELL; NIBBLEN; EVANS; GORDON.

NOES, Commissioners: N/A

ABSENT, Commissioners: CABELL; COOPER.

ABSTAIN, Commissioners: N/A



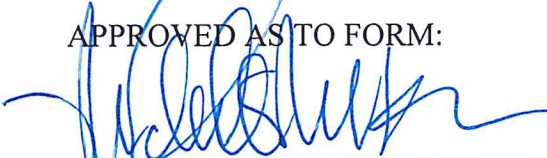
Josh Gordon, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney