

**MINUTES**

**CITY OF PACIFICA  
PLANNING COMMISSION  
COUNCIL CHAMBERS  
2212 BEACH BOULEVARD**

February 21, 2017

7:00 p.m.

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

**ROLL CALL:** Present: Commissioners Baringer, Evans, Nibbelin, Clifford and Chair Gordon  
Absent: Commissioners Campbell and Cooper

**SALUTE TO FLAG:** Led by Commissioner Clifford

**STAFF PRESENT:** Planning Director Wehrmeister  
Assistant Planner Smith  
Contract Planner Aggarwal

**APPROVAL OF ORDER OF AGENDA** Commissioner Clifford moved approval of the Order of Agenda; Vice Chair Nibbelin seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford and Chair Gordon  
Noes: None

**APPROVAL OF MINUTES: FEBRUARY 6, 2017** Commissioner Clifford moved approval of minutes of February 6, 2017; Commissioner Vice Chair Nibbelin seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford and Chair Gordon  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING:**

Planning Director Wehrmeister stated that the EQ basin project was appealed a liaison is needed for the meeting of March 13 for that appeal.

Vice Chair Nibbelin stated that, if he is still on the Commission at that time, he would be happy to serve as the liaison.

**ORAL COMMUNICATIONS:**

None.

**CONSENT ITEMS:**

None

**PUBLIC HEARINGS:**

- 1, UP-078-16**                      **SPECIAL USE PERMIT UP-078-16**, filed by applicant, Paul King, for installation of an ozone generation trailer, approximately twenty (20) feet wide by twenty (20) feet long by six (6) feet high, and associated temporary power pole approximately sixteen (16) feet high, to perform soil remediation at a former service station, site located at 2251 Oceana Boulevard, Pacifica (APN 016-242-090). Recommended California Environmental Quality Act (CEQA) status: Class 8 and Class 30 Categorical Exemptions.

Contract Planner Aggarwal presented the staff report.

Commissioner Clifford referred to mention that it was a pilot test program, and he asked if it will be done again after two years if it works or was it to remediate the problem and he questioned the use of the pilot test. He also stated that the report mentioned the trailer, the fence, power pole and six wells, but he had no description of what the wells are like, such as whether they are 4-inch holes or large enough to need a cover on them. He stated he would like to know what they are. He asked what breaking down the oil products into biodegradables turns into and whether it escapes from the ground or latches on to the dirt and stays there.

Contract Planner Aggarwal referred to the first question, stating that the materials submitted to staff were through the website where land water protection program comments are posted and this was listed as a pilot test to see the mediation through ozone injection in the ground and the work plan submitted specified an 18-month time period, but to allow flexibility in case it doesn't get accomplished during that time frame, the special use permit for the installation of equipment on the site granted by Pacifica was for a two-year period. She asked if that answered his question.

Commissioner Clifford responded sort of, then referred to the wells.

Contract Planner Aggarwal stated that they were on the site before this came before the Planning Department. She thought they were created when they were digging to see what the contamination was and she thought they were about 25 feet deep.

Commissioner Clifford asked what the diameter was on them.

Contract Planner Aggarwal thought it was about 18 x 18 inches.

Commissioner Clifford concluded that someone could go down into the wells if not properly covered.

Contract Planner Aggarwal stated that they have a cover on them.

Commissioner Clifford asked if the covers will remain in place.

Contract Planner Aggarwal stated that they should, but she thought the applicant may be able to address that further.

Commissioner Clifford asked what the decomposition process turned the hydrocarbon product of oil and gas into once the degrading has taken place.

Contract Planner Aggarwal stated that she didn't think she could answer the question in the detail she thought he would want because that process was overseen by the groundwater protection program but she stated that the byproducts seeping out of the ground would be carbon dioxide and oxygen, and she thought the degradation would take place in the subsurface.

Commissioner Clifford asked if those were the only products that would come up from the wells through the ground.

Contract Planner Aggarwal stated that was her understanding.

Commissioner Clifford understood but asked if there was someone with a technical background present who could confirm that.

Contract Planner Aggarwal stated that she would defer that to the applicant and geologist.

Vice Chair Nibbelin stated that he wanted to follow up on the noise study mentioned in the report. He understood that the expectations for the noise generated by this unit would not exceed the ambient noise. He thought the provision for an additional noise study was a good thing, but he asked if they already had the consultant to do the second one and asked if it would be the same consultant who did the first study or another person designated to undertake that study.

Contract Planner Aggarwal assumed it would be the same consultant, mentioning that the applicant would have to provide them with the second study and they already had the consultant who provided staff with the first study.

Vice Chair Nibbelin referred to the condition of approval that they were going to have the additional study to assess the noise levels and, if necessary, outline a noise attenuation plan and he asked if there was an arbiter to assess whether a noise attenuation plan was necessary, adding that he would like that to be crystal clear.

Planning Director Wehrmeister responded that it would be the Planning Director.

Vice Chair Nibbelin suggested they tweak the language to be clear that it was not only approving the plan but determining whether the plan was necessary.

Commissioner Baringer referred to the noise issue, stating that he had a concern as the condition appeared to be fairly vague as the ambient noise level could vary depending upon the time of day it was performed, such as a higher number when performed during the peak of traffic on Highway 1 than when performed at 2:00 a.m. He hoped they could have a maximum decibel level. He thought it should be a fairly low level as they will be running it 24/7 for 18 months, adding that if he were a resident in the vicinity, he would not want to listen to it for 18 months. He asserted that he would want a fairly low level, possibly 25-30 decibels. He was also concerned about the odors

from the ozone. He assumed that, as they were pumping it into the ground, some odors would permeate the area. He asked if there was any technical data on what that escape level would be and what they are doing to mitigate that. He thought it might be a better question for the applicant to answer.

Contract Planner Aggarwal stated that they will have Teflon tubes that will be inserted to the bottom of the wells in which to inject the ozone and the potential for the ozone rising up as it is involved in the biodegradation of the petroleum was not significant.

Commissioner Baringer asked if they were saying that there would be zero odors emanating from the facility, adding that your tolerance level can vary if you have to live next door to it so he felt that we would want to guarantee zero odors emanating from this and, if that was not technically possible, they need to know what the levels would be to make an informed decision. He then asked if staff will get copies of the reports as the mediation efforts are underway to see what is going on.

Planning Director Wehrmeister responded affirmatively.

Commissioner Baringer stated that he would like the conditions to be tighter on the sound and odor part, deferring to his fellow commissioners for their input.

Commissioner Clifford stated that Commissioner Baringer asked most of his questions. He then stated that he looked at a dBA chart before the meeting but forgot to bring it. He stated that the chart looked like conversational level was around 60 dBAs.

Commissioner Baringer stated that was a loud conversation.

Commissioner Clifford agreed, but added that it was in the middle of the lot and that might not be a problem. He did agree that they needed more information on the dBA level and needed to have a chart to refer to in which they have comparisons as to what that dBA number means.

Commissioner Evans asked if there was anything out there with which they can measure odors, adding that he did not know of any and that was why he was asking.

Planning Director Wehrmeister stated that she was not aware of any.

Commissioner Evans understood, reiterating that he was not aware of anything and that would make it difficult to put on paper anything on odor.

Contract Planner Aggarwal stated that the Bay Area Air Quality Management District did have an odor complaint program with a place on their website where people can call in with odor complaints and the agency will then investigate and address it.

Commissioner Evans stated that he only knows about a sniffer which he thought was just for particulates in the air so he didn't know how you would check on that.

Commissioner Baringer stated that it would be subjective.

Chair Gordon stated that he had background questions about the parcel itself. He concludes that the current status was that it was contaminated and not useable.

Planning Director Wehrmeister stated that the site needs to be remediated prior to re-use was the process it was going through at this time.

Chair Gordon concluded that there was a lead agency that would decide when the contamination has been adequately remediated.

Planning Director Wehrmeister agreed.

Chair Gordon concluded that has been its state since the leak was discovered in 1988, and until the agency gives it the okay, nothing is going on the land.

Planning Director Wehrmeister stated that it was required to be remediated and it was costly to remediate it, so you won't see much use of these sites until that is completed.

Chair Gordon asked if there has been a change in ownership since the leak was discovered.

Planning Director Wehrmeister stated that she did not know, and didn't know if staff had any history.

Paul King, applicant, appreciated the opportunity to speak, and he would address some of the questions raised. He referred to Commissioner Clifford's question regarding the reason for the pilot test. He explained that they wanted to see if the technology they were using was a feasible technology. If they do something and it doesn't work, they have to do something else, so this pilot test was a feasibility test. He stated that these tests take time, and that was why they were looking for 18 months. He stated that the GPP of the county stated they would only give them six months, but if this technology is demonstrated to be feasible, they will want to go further, but they don't know how long they will need yet which was what the feasibility, in part, will tell them. He then stated that the wells were two inches in diameter and they need a tube placed in the ground to deliver the ozone into the ground. He stated that each well was covered with an irrigation vault that had a bolt to keep the cover secure. He added that they are effective in keeping people out because they aren't that curious. He stated that they were 25 feet deep and had a screen interval from the 15 foot depth to the bottom of the well at 25 feet, and anything placed in the well was coming out at least at the 15 foot depth which gave them a heavy buffer between where the ozone comes out and the surface. He then referred to the question of what the gasoline becomes, explaining that they were trying to accelerate a natural process called bioattenuation or biodegradation, with naturally occurring bacteria in the earth which uses oxygen and does metabolism in which it takes gasoline and combines it with oxygen. The final byproducts of this metabolism are carbon dioxide and water but he said there are interim decomposition byproducts. He stated that, if this technology is feasible, it will become carbon dioxide and water, and these decomposition products will go into the earth. He then referred to Vice Chair Nibbelin's question about using the same consultant for the noise study, and he stated that they will, adding that there is a lot of value in consistency. He stated that, on the subject of the Planning Director determining what was appropriate, they were available to provide any information needed. In reference to Commissioner Baringer's suggestion of a maximum decibel level, he asked that they work together in respecting and honoring the needs of the neighbors while working to make the parcel usable again. He referred to the question regarding whether

they can use the parcel, and he explained that, with the present contamination levels, they aren't able to use the parcel and until they reduce the present levels of contamination, they will continue not being able to use it. He felt it was to everyone's benefit to work together and come up with a solution that is feasible while also taking care of the neighbor's needs. He stated that he is a professional geologist and has been doing this type of work since 1985, and has worked on multiple projects with ozone generators, including one installed next to a trailer park and ten feet from a mobile home. He stated that he offered this fact as a ray of hope that they will be able to get through this parcel, back to a place where it can be used by the entire community. He then mentioned Commissioner Baringer's concern about ozone odors, and he reiterated the fact that it will be injected at a depth of 15 feet, the ozone has a typical life of two days and will have decomposed by the time it filters to the surface. He stated that they use a sniffer or ozone detector and check the area outside and inside the trailer, the well heads to check that there is no fugitive emission of ozone from any of the wells or any of the parts on the trailer, adding that this was to protect the workers, community and equipment. He explained that, when they have experienced a leak, they have patched it with concrete and that stops the leak. Referring to the question as to whether the city will get copies of the reports, he explained that all reports are posted on geotracker and were available to anyone who wanted to read them. In addressing Commissioner Evans' question about a way to measure odor, he stated that they do have odor detectors that can measure organic vapors and will give them a reading of total organic concentration. While they don't tell them specifically what the odors are, it can give them some information. Regarding Chair Gordon's question as to whether the pollution made the property unusable, he affirmed that it did. He stated that there has been no change in ownership of the property since the contamination has been discovered, although there is a prospective buyer but it cannot be sold until they get the problem cleaned up. He then asked if they had any other questions.

Commissioner Evans stated that he was involved in a gas station where they didn't use ozone but dug it out, adding that was the only way he knew about.

Mr. King stated that it was one of the most effective ways, but stated that there were a few other technologies, such as jamming electrodes into the ground and zapping electricity in to heat it up. He stated that, to do that on this property, would be a cost of several million dollars, which was beyond the value of the property or available resources. He stated that another technology was to inject a chemical, adding that they are injecting a chemical, ozone, which was composed of three oxygen atoms. He stated that, when ozone decomposes, one of those oxygen atoms comes off and you are left with two together which was the oxygen we are breathing. The single atom floats around and attaches itself to the earth or iron creating rust or combine with another oxygen which was what they would prefer happen, combining with another loose oxygen atom to form another oxygen molecule, be consumed by bacteria and bunch up the contamination in the ground. He stated that they can try and cook it out of the ground and have spent time and money injecting a chemical into the ground, called persulfate. He stated that the soil in the ground was clay. You have to fracture the clay with high pressure and they were not always successful, and they had to look for another technology. He explained that the chemicals are only active for 30 or 60 days, and it was very expensive. They are looking at installing the wells and have a continuous feed of oxygen into the earth which will create a biozone in the earth and that will allow the biodegradable process to accelerate. He referred to mention of the option of digging it out. He agreed that they could, but with this site, they would have to dig down 25 feet and it would not be a cost effective solution.

Commissioner Evans mentioned that it might have seeped underneath Oceana Boulevard.

Mr. King agreed, adding that just digging it out would go to the edge of Oceana Boulevard. He hoped that, with this feasibility test, they will create a large biozone which will diffuse under Oceana Boulevard and create a much larger area of cleanup than just on the property.

Commissioner Evans stated that their project took out two lanes on West Grand Avenue in Oakland but two lanes of Oceana is Oceana.

Commissioner Clifford referred to this being called a pilot test, but he thought it was clear they have done this before and they must have a track record of how this works. He asked if their expectation was of a success and based on their track record, he asked what their potential was for success.

Mr. King stated that this could potentially take longer than they want because the clays are tight. He thought the way they fix this is that they will have to diffuse oxygen into the clay to allow the indigenous bacteria to decompose the gasoline. He stated that the technology was to be evaluated for these site specific conditions, and they have a unique geochemistry, PH-available nutrients and a unique set of bacteria at this site, but they don't know how this will work site to site. He mentioned that, through experience, doing it in sand goes a lot faster and, by going to 25 feet, there is a lot of sand and things are cleaner. They were focused on a zone of a depth between 7 and 8 feet and 22 feet where there is a lot of clay with the stuff locked up in the clay, and they were trying to figure out how to get it out. They want to see if this technology will give them enough hope to get them to where they need to be, concluding that they don't know until they actually try it.

Commissioner Clifford asked confirmation that he was saying the wells were only two inches in diameter.

Mr. King stated that was correct.

Commissioner Clifford stated that he was hearing 18 inches before which made him concerned that a child could actually fall into it. He acknowledged that a pet might get in, but they have it capped.

Mr. King further clarified that they will be securing a top, gluing a T to the top of the PVC pipe with a screw cap on the top of the T, and another piece of pipe glued into the side. He stated that they will bury the pipe. He stated that the question came up of how they are getting the ozone from the trailer to the wells and he explained that they were going to cut a trench, bury a pipe and in the pipe they will put in individual tubes to the wells with a solid connection from the trailer. He stated that no one will be able to get into wells even if they take the cap off because they will have to take out the individual screws. He stated that the caps will be air tight and they will not end up with fugitive emissions. In addition, they will use the ozone detectors to ensure that they don't have any fugitive emissions at the well heads.

Commissioner Clifford asked how often they will be inspecting the site.

Mr. King stated that typically they were out a minimum of monthly with the initial startup being three times a week, then weekly and back to monthly.

Chair Gordon asked how long he has been involved in the property.

Mr. King stated that it has been a while, with his signature on reports going back to 2004.

Chair Gordon asked what other approaches have been tried that he was aware of.

Mr. King stated that the first selection was the most cost effective solution to pump the water out of the ground, getting about one gallon per minute down where the sand was but that wasn't where the contamination was, but further up in the shallower zones where they can get only 0.1 gallon per minute which wasn't very effective. They concluded that this was not going to be a cost effective solution. They also considered trying to vacuum air out of the ground, called soil vapor extraction but with very low water rates, they would also get low air flows so they didn't spend the money to bring the equipment out for this test. They then attempted to inject persulfate at multiple locations which when it comes in contact with gasoline, it causes the gasoline to decompose to carbon and hydrogen and become carbon dioxide and water. He stated that the problem with injecting was that it required fracturing which will then allow the chemicals to move into areas where the gasoline was located and the amount of fracturing required was not going to be cost effectively done with this technology. The next step which they originally contemplated now looked like the best option which was to just accelerate the natural process of biodegradation which is the oxygen injection.

Chair Gordon thanked him for the history, as he wondered what had been tried before. He then asked if the level of contamination has been remediated at all since the leak other than through natural causes.

Mr. King responded affirmatively, explaining that there was an original consultant and they actually excavated soil from the site. They were not able to excavate enough and they still have elevated concentration. He stated that, when they pumped water out of the ground, it had gasoline and they reduced the amount of contaminants in the property. He stated that they injected the persulfate three different times for a week's duration and substantially reduced the amount of contaminant present, restating that there are limitations on that solution. While he cannot quantify the amount of mass they reduced, they did reduce it. They determined that the amount of injections, chemicals and the days they would have to perform it was not a cost effective solution.

Chair Gordon acknowledged that it was tough, being almost 30 years.

Mr. King stated that it has been a long time and it has been difficult getting it done. He did say he was excited that the industry, regulatory agency and all parties involved are heading in the same direction with a mutual desire to get the property cleaned up, adding that they have the blessing of the GPP which was important in being able to move this forward.

Commissioner Baringer referred to this being a pilot program, and asked if they feel a need to scale it up if it proves successful or will the present configuration be the one they continue to live with for the duration of the project.

Mr. King stated that it was an interesting question, but he didn't know the answer at this time. He stated that they installed six wells in a row, ten feet apart with six irrigation boxes side by side



along Oceana. He added that they also have other wells at the site which they have monitored for quite some time, and they have historical data out of them with trends. He stated that he wanted 18 months for this pilot program, but the GPP says they have to do it in six months. He will be collecting samples from those other wells and he will see what kind of radius of influence he will have from the zone he is injecting and will see how the concentrations change from those nearby wells. He stated that, if the graphs show it going down, he could conclude that this will be enough. He referred to an idea called a permeable reactive barrier which was another remedial solution, where you cut a trench and fill it up with material that will cause anything flowing through the trench to be decomposed. He stated that he was trying to create a permeable reactive barrier without digging a trench. He stated that he will be looking at that, being a radius of influence. He stated that, if he can see a healthy change at a good distance from the injection area and the GPP agrees with him that the wells are adequate, they will be fine. If he can show he is reducing contamination, getting oxygen and ozone into the formation where the contamination is but not reaching as far as they thought it would, they may have to add another set of wells, but they won't know that until they get data from their feasibility testing.

Commissioner Baringer asked if he would have to come back to expand the scope of the facility.

Mr. King deferred to city staff.

Planning Director Wehrmeister thought any expansion of the trailer would need to come back but she didn't think they would have to come back for additional wells.

Commissioner Baringer asked if Mr. King would be able to live with the size of the trailer configuration or would that need to be expanded as well.

Mr. King stated that he would have to see what kind of results they get from the feasibility test and, if they decide they need a larger area of delivery for the ozone and oxygen, he would need to revisit that. He would like to think that they don't have to come back to the Planning Commission.

Chair Gordon acknowledged that they have done this previously, and he asked if he felt six months was enough time to see the chemical breakdowns needed to determine the efficacy.

Mr. King stated that he has performed 30-day pilot tests and seen results that were very favorable, reducing the contaminate concentrations at the injection well, but he was looking at the big picture of a site wide remediation which was why he told the GPP that he wanted 18 months to thoroughly evaluate this technology. He said that, if this technology is going to work, they will see reductions very quickly. They will be sampling the wells immediately before they start injecting, three months after and then six months after when they will have a baseline and he will hopefully be able to show reductions each time as well as similar trends at the wells where they aren't injecting, and they will get an idea of the rates at which concentration is coming down. He stated that with that limited information, they will be able to begin making projections as to how long this will take.

Chair Gordon opened the Public Hearing.

Erin Macias, Pacifica, stated that she hadn't come to the meeting for this subject, but remediation was something that was part of her vernacular. She stated that her concern was for the neighbors

of contaminated property, stating that it was important to remediate the situation effectively and expeditiously. She suggested that staff, the owner and neighbors get a diagram of the plume going off the property. She stated that the most effective way was to dig it out, and if they have tried that and there is still more, then there is more contamination than they realize. She stated that, if it is going into the neighbors' properties, they need to know that. She emphasized the importance of getting a plume diagram which means drilling and finding out where the contamination is.

Louie Payne, Pacifica, stated he is the owner of the property next to this one and lived there when this was still a gas station. He thanked the Planning Commission for asking all the questions, many of which he was going to ask. He has a suggestion for the owner, questioning if anyone knew who the owner was because he keeps asking and no one knows. He commented that someone is pumping money into it and will want that money back. He stated that the old owner was Alex, who had trouble with the mortgage which he couldn't solve and he just left the problem for others. He stated that, for health issues, they should study his property as he is the only one right next to this property. He stated that previously, he had complained about what they were putting into the ground, stating that it smelled like sulphur which he was allergic to, and was told by, he thinks, Mr. King that it was sulphur. He had to take time away from the area. He did question the issue of odor and noise and thought he should be tested. He stated that he has been told his property is okay, but he didn't believe that. He thought as a good neighbor policy, if he was the owner, he would do tests to make sure he is okay since he is the closest resident to the property.

Chair Gordon closed the Public Hearing.

Mr. King referred to the first speaker's concerns, stating that they have made swiss cheese with a lot of bore holes. He referred to the layout of the property, and stated that they have chased the plume all the way to the Pacific Coast Highway, jumped to the other side and drilled some holes but found no contamination on that side. He stated that they also have a ground water monitoring well on the west side of Pacific Coast Highway that was installed in a location specified by the GPP and believed that they have defined the extent of contamination to the satisfaction of the oversight regulatory agency and were working with them on solutions to clean up what they all agree needs to be cleaned up. He then told the neighbor that he was the person he spoke to when they were putting in the persulfate injections. He stated that they were concerned and made sure he got away for the weekend while they finished the injection project. He mentioned that there was a groundwater monitoring well located near his property. He stated that the information on their work was available, and he can access the website and keep informed. He mentioned that just until a few years ago, there was no detection of gasoline in the water. He stated that they used the information from their testing for the GPP to determine whether there was a risk to his property. He stated that the GPP asked them to get soil samples around the property, including near his property in the vicinity of that water well. Based on those sample results, the GPP concluded that the risk posed to his property was an acceptable level of risk. He stated that "an acceptable level of risk" sounds somewhat callous but he assured him that it was a term used to state that there is risk in everything we do. He stated that the agencies have developed standards accepted for this country, prior to the election, by clean up communities that were acceptable in our lives if we live near a site that has contamination. He reiterated that the agencies have determined that the level of contamination was acceptable for all neighboring properties, including his. He offered this information in the hope that it gives him some reassurance. He

also reiterated that he will be happy to walk him through the process of getting access to those reports.

Commissioner Clifford thanked the applicant for the detailed answers to questions. He stated that all of his questions except the one about the noise have been answered. He did read that staff will look at it as they go forward but he was not convinced that he had enough data to vote on this item as he didn't know what the actual noise level will be.

Vice Chair Nibbelin felt the staff report was very well put together, the presentation was very well given and based on good science. In referring to Commissioner Clifford's concern about the noise issue, he was comfortable that staff would ensure that this conforms to the city's minimum requirements and he believed the Planning Director would look at this closely and be concerned about the noise and he felt confident that they can move forward and he would support it.

Commissioner Baringer agreed and was willing to move forward with it. He was comfortable with the good judgment of staff to come up with a criteria that was ascertainable and enforceable. He was a little uncomfortable with the ambient characterization as he didn't think that was clear enough, as he thought you could easily measure the decibel levels and he deferred to staff on how they enforce it rather than wait for a complaint from a neighbor as he would prefer to keep the level low enough to avoid having complaints. He stated that all his questions have been answered clearly and he was ready to move forward.

Planning Director Wehrmeister referred to a consideration to amend the conditions regarding noise levels, stating that she thought the studies for this report stated that it should be at 45 decibels at the property line.

Commissioner Baringer concluded that, being at 45 dBA at the property line, it would probably be up to 60 dBA beyond the fence. He was thinking more of 35 dBA at the fence and would have a more substantial buffer, as it could sound louder depending on temperatures or humidity.

Planning Director Wehrmeister assumed he was referring to 35 dBA at the fence surrounding the trailer.

Commissioner Baringer suggested that anyone in the area could walk up with a decibel meter and stand at the fence and, if it was more than they had determined to allow, they would have to do something to mitigate that. He didn't know what that would be, but he assumed the noise would come from some kind of pump driven by a gasoline engine.

Chair Gordon stated that he would like to approve an application where, if they get a complaint from a neighbor, staff will have the authority to report to the applicant that the noise level was unacceptable and they need to reduce it to a specified level, rather than numbers that may or may not cross the line. He reiterated that he would like to address the issue as they receive complaints.

Commissioner Evans asked if they have to open up comments to ask the applicant a question or can they ask him a question now.

Planning Director Wehrmeister thought it was counsel's direction to open it back up.

Commissioner Evans thought, if the applicant has used this technology before, he would know how loud the unit is, which was the question he was going to ask him.

Chair Gordon asked the Commission if they were in favor of opening up the public hearing again. The vote was 5-0 in favor of opening up the public hearing.

Mr. King appreciated the ability to address all concerns as it was to everyone's benefit to get this moving forward to address a lot that has been vacant for a long time, and make it usable again. He stated he was ready to answer any questions.

Commissioner Evans reiterated that, if he has used this technology before, he should have an idea on what the sound levels were. He assumed it was an electric pump.

Mr. King responded affirmatively.

Commissioner Evans asked if he had any idea on that.

Mr. King stated that he did, explaining that at or near the trailer, they typically see about 65 dBA, and what they find near the trailer depends on the materials and space surrounding the trailer. In this situation, they have a large space surrounded by fences on two sides and open to the freeway on a third side. He was optimistic that they will see substantial attenuation upwards, across the property itself, by the fences on two sides of the property, including trees in some areas between the trailer and one of the residential properties. He reiterated that he was optimistic on the amount of attenuation. He explained that it is surrounded with a fence with slats that will cause the sound to go up rather than out. He stated that, if they determine it is not enough, there are other ways to further reduce the noise. He hoped that, with the site attenuation, it will be adequate and they won't need to go further, but if necessary, they have at least two other solutions they can use with the trailer and the current proposed configuration.

Commissioner Evans stated that he was happy with that answer.

Vice Chair Nibbelin stated that the Planning Director suggested that they will likely see the noise at a 40 decibel level at the property line, anticipating what they have set up there.

Planning Director Wehrmeister stated that it states that what is commonly accepted is that anything at the 45 dBA or below was not considered a nuisance at the property line. She stated that, if it goes above that level, the average person could consider it a nuisance.

Vice Chair Nibbelin asked the applicant if he was amenable to a condition that states 45 dBA at the property line was the minimal acceptable standard, acknowledging that the decision would be at the discretion of the Planning Director.

Mr. King stated that it was acceptable.

Commissioner Clifford stated that if the cap at the property line was 45 dBA, he was comfortable with that, adding that there could be more mediation if someone complains that they can't sleep at night at the level.

Chair Gordon closed the public hearing.

Commissioner Nibbelin stated that he was ready to make a motion but would like to propose an amendment to condition 2 that applicant will provide an additional noise study addendum to assess actual noise levels from the ozone generation equipment and, if in the judgment of the Planning Director, it was necessary to outline or modify noise attenuation plan upon final installation of the ozone generation equipment, subject to approval of the Planning Director. He stated that he would also like to add the sentence, in no event will the project generate noise that exceeds 45 dBA at the property line.

Commissioner Nibbelin moved that the Planning Commission finds the project is exempt from the California Environmental Quality Act; APPROVES UP-78-16 by adopting the attached resolution, including conditions of approval in Attachment B as amended; and incorporates all maps and testimony into the record by reference; Commissioner Baringer seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford and  
Chair Gordon  
Noes: None

Chair Gordon declared that anyone aggrieved by the action of the Planning Commission has ten (10) calendar days to appeal the decision in writing to the City Council.

#### **STUDY SESSION:**

##### **2. TA-105-17**

**TEXT AMENDMENT TA-105-17**, initiated by the Planning Department of the City of Pacifica to amend various Pacifica Municipal Code provisions to conform with amendments enacted by the California Legislature to Government Code section 65852.2 concerning accessory dwelling unit (i.e., second residential unit) permitting by local agencies. The text amendment to be discussed would affect residential property citywide.

A study session allows the Planning Commission to receive input from the public and provide direction to staff regarding this future text amendment. The study session is open to the public, although it is not a public hearing and the Planning Commission will take no formal action.

Planning Director Wehrmeister presented staff report, asking for a continuation.

Commissioner Nibbelin moved that the Planning Commission continue this item until the March 20, 2017 Planning Commission meeting; Commissioner Evans seconded the motion.

The motion carried **5-0**.

Ayes: Commissioners Baringer, Evans, Nibbelin, Clifford and  
Chair Gordon  
Noes: None

#### **COMMISSION COMMUNICATIONS:**

Commissioner Clifford stated that he received an email stating that Pacifica will be losing the City Manager who is moving on to Benicia. He stated that he will miss her, adding that she has done a good job. He was looking forward to seeing what comes next.

**STAFF COMMUNICATIONS:**

Planning Director Wehrmeister stated that they will have a study session with City Council on March 6 regarding marijuana legislation, adding that the meeting will start at 6:30 p.m. She stated that Matthew Visick has also given notice that he is leaving his firm, effective February 24. Nira Doherty is going to be the regular staff counsel.

**ADJOURNMENT:**

There being no further business for discussion, Commissioner Clifford moved to adjourn the meeting at 8:25 p.m.; Commissioner Nibbelin seconded the motion.

The motion carried **5-0**.

Ayes:	Commissioners Baringer, Evans, Nibbelin, Clifford and Chair Gordon
Noes:	None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister