



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## PLANNING COMMISSION Staff Report

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**DATE:** September 4, 2018

**FILE:** A-004-18

**ITEM:** 1

**PUBLIC NOTICE:** Notice of Public Hearing was published in the Pacifica Tribune on August 22, 2018, and mailed to 203 surrounding property owners and occupants.

**APPLICANT/OWNER:** Tyler Brennan  
295 Pinehaven Way  
Pacifica, CA 94044

**PROJECT LOCATION:** 295 Pinehaven Way (APN 018-021-090) - West Fairway

**PROJECT DESCRIPTION:** A Home Occupation Permit application was submitted requesting authorization to allow outdoor dog agility training, as well as administrative operations in an existing residence, and to kennel up to one (1) dog for a fee overnight. On July 23, 2018, the Zoning Administrator approved the Home Occupation permit, but conditioned the approval to not allow outdoor training and overnight kenneling due to possible adverse impacts on the neighborhood. The applicant has appealed the Zoning Administrator's decision to apply conditions to the permit that do not allow outdoor agility training and kenneling up to one (1) dog per night.

**SITE DESIGNATIONS:** General Plan: Low Density Residential (LDR)  
Zoning: R-1 (Single Family Residential)

**RECOMMENDED CEQA STATUS:** Not applicable under CEQA Guidelines Section 15060(c)(2).

**ADDITIONAL REQUIRED APPROVALS:** None. Subject to appeal to the City Council.

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**RECOMMENDED ACTION:** Deny the appeal and uphold the Zoning Administrator's decision.

**PREPARED BY:** Helen Gannon, Assistant Planner

## **PROJECT SUMMARY, RECOMMENDATION, AND FINDINGS**

### ***ZONING STANDARDS CONFORMANCE:***

The applicant is not proposing any development or change to the existing structure. The criteria of a valid home occupation, as discussed in Sec. 9-4.3101, will be discussed later in this report.

### **A. PROJECT SUMMARY**

#### **1. General Plan, Zoning, and Surrounding Land Uses**

The General Plan designation for the site is Low Density Residential (LDR) and the zoning is R-1 (Single Family Residential).

The same General Plan designation and zoning apply to the parcels in the vicinity of the project site. The project site is located in the West Fairway neighborhood of Pacifica, which is characterized by low density single family residential development. Land uses surrounding the project site include the Sharp Park Golf Course to the north, Mori Point national park land to the south and west, and Highway 1 and residential properties to the east.

#### **2. Background**

The property at 295 Pinehaven Way is currently a developed one-story single family residence with an attached garage. Per County records, the original residence on the site was constructed in 1956 (prior to the City's incorporation in 1957) and sits on a corner lot.

On July 23, 2018, the Zoning Administrator made a decision on the Home Occupation Permit application, described below. After consideration of the proposed business, the Zoning Administrator approved the Home Occupation permit with conditions that denied outdoor training and overnight kenneling due to possible adverse impacts to the neighborhood. The Zoning Administrator did approve the home office for administrative operations of a dog training business. It was found that the administrative operations of the proposed business would adhere to the parameters of the home occupation requirements.

The Zoning Administrator's denial for the home occupation was appealed to the Planning Commission.

### **3. Project Description**

The project site is a 5,376 sf parcel located at the corner of Seaside Drive and Pinehaven Way. Currently the site contains a 1,080 sf, one-story single family residence. No development is proposed at this time and parking will remain the same.

The applicant's original request was to allow for dog obedience and dog training as well as single dog boarding within the residence. The applicant also requested that the permit include a home office for the administrative operations of the dog training business.

### **4. Municipal Code**

Per PMC Section 9-4.3101, an occupation carried on by the occupants of a dwelling unit as a secondary use to the customary residential purpose or an occupation carried on by a renter with the written consent of the landlord or his agent, is subject to securing a home occupation permit.

The required findings for a home occupation permit are discussed in Section A.5 below.

### **5. Required Findings**

**Home Occupation Permit A-004-18** - Pursuant to PMC Section Sec. 9-4.3101, a home occupation permit may be granted only upon making all of the following findings. All required findings can be found in Attachment E. The findings relevant to this home occupation application are:

*(1) It shall not unreasonably generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located. No more than three (3) people per day, including customers and sales persons shall come to and from the dwelling in conjunction with the home occupation. Music teachers and other teachers may be permitted additional commercial clientele upon approval by the Planning Administrator and conformance with conditions limiting the number of hours of commercial activity. In such case, adjacent owners and resident shall be notified prior to approval of the home occupation.*

Discussion:

According to the applicant, the training will occur primarily off-site; however, agility training in the backyard as well as boarding for a single dog is proposed at the property. The owner of the property does not anticipate having more than three (3) clients visiting the residence per day.

*(iv) It shall not involve more than two hundred (200') square feet of the dwelling unit floor area, whether the home occupation use is conducted within the dwelling, or in an accessory building, or a combination of both.*

Discussion:

Management of the dog training business will take place in the smallest bedroom, which is the designated office space and is approximately 85.5 square feet. Storage of dog related equipment (collars, leashes, harnesses, food, bedding, etc.) will be in cabinets or storage bins, approximately 12 square feet, while the agility obstacles will remain outdoors.

*(vi) In no way shall the appearance of the structure or premises be so altered, or the conduct of the occupation within the structure or premises be such, that the structure or the premises may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, noise, vibration, or the like). In particular, a home occupation shall not cause any adverse impacts such as offensive odors or excessive noise, lighting, or traffic which are incompatible with the residential area, or in violation of the provisions of any applicable laws or regulations.*

Discussion:

There is currently no development or alterations to the existing structure being proposed. Therefore, the appearance of the structure or premises will not be recognized as serving a nonresidential use. However, it has been determined by the Zoning Administrator that the home occupation will result in adverse impacts to the neighborhood. Staff believes that the business could have the potential to cause an annoyance and have a negative impact on the surrounding neighbors in terms of noise.

*(viii) A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or is an accessory building. A home occupation may not be conducted within an accessory building which is located within a*

*required setback area, unless storage is the only proposed use. The Zoning Administrator, after a notice to adjoining landowners located within two hundred (200') feet of the subject property, may authorize a home occupation in other than an enclosed building upon the determination that the home occupation will not damage neighboring properties.*

Discussion:

Although the home occupation permit was denied to allow outdoor agility training and kenneling of up to one (1) dog at a time overnight, the Zoning Administrator did approve the home office for administrative operations of the dog training business. It was found that the administrative operations taking place inside the main building would adhere to the parameters of the home occupation requirements. However, staff believes that the agility training and kenneling could have the potential to cause an annoyance and have a negative impact on the surrounding neighbors in terms of noise. Public notice of the home occupation permit was sent to adjoining landowners located within two hundred (200') feet of the subject property. Two public comment letters were received; one owner was not in favor of the proposal and the other had no objection so long as the noise is kept under control. Staff has also sent public noticing to all property owners/tenants within a 500 foot radius prior to the Planning Commission appeal hearing.

*(x) A home occupation shall not involve the employment of help other than resident members of the family within the residence. No provisions of this article shall be deemed to prohibit service occupations carried on off the premises, nor to prohibit the employment of persons off the premises. Where special conditions exist and are disclosed on the application, the Zoning Administrator may modify this requirement.*

Discussion:

The home occupation will not involve the employment of help other than the resident members of the family within the residence.

**5. CEQA Recommendation**

The project is not subject to the California Environmental Quality Act (CEQA) because the

activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, as provided in CEQA Guidelines Section 15060(c)(2).

## **6. Alternate Resolution**

After holding the public hearing and considering all testimony, the Planning Commission may want to uphold the appeal and approve the home occupation permit without conditions disallowing training and kenneling. If the Commission does decide to uphold the appeal, staff has attached an alternate resolution (Attachment C) for consideration which includes alternative findings and conditions of approval for this application.

## **7. Staff Summary**

The proposed project would include outdoor agility training as well as the kenneling of one dog at the existing residence. The home office for administrative operations of the dog training business was approved by the Zoning Administrator; however, the request to allow outdoor agility training and request to kennel up to one dog overnight was denied. The home occupation, as proposed, was found to result in adverse impacts to the neighborhood. The neighborhood is not an appropriate venue for the business. Thus, staff recommends that the Planning Commission deny the appeal.

## **B. COMMISSION ACTION**

### **MOTION FOR DENIAL:**

Move that the Planning Commission find that the application is not subject to the California Environmental Quality Act and; **DENY** Administrative Permit A-004-18.

### **MOTION FOR APPROVAL:**

Move that the Planning Commission find the application is not subject to the California Environmental Quality Act; **APPROVE** Administrative Permit A-004-18 by adopting the resolution included as Attachment C to the staff report including conditions of approval in Exhibit A of the

resolution and, incorporate all maps and testimony into the record by reference.

**ATTACHMENT LIST:**

- Attachment A Land Use (PDF)
- Attachment B Draft Resolution Upholding the Zoning Administrator's Decision (DOCX)
- Attachment C Draft Resolution Upholding the Appeal (DOCX)
- Attachment D Zoning Administrator Determination Letter (PDF)
- Attachment E Findings (DOCX)