

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA DENYING THE APPEAL AND UPHOLDING THE ZONING ADMINISTRATOR'S DECISION TO APPROVAL OF HOME OCCUPATION PERMIT A-004-18 (FILE NO. 2018-043), WITH CONDITION TO NOT ALLOW OUTDOOR AGILITY TRAINING OR THE KENNELING OF UP TO ONE (1) DOG OVERNIGHT AT 295 PINEHAVEN WAY (APN 018-021-090), AND FINDING THE PROJECT NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Initiated by: Tyler Brennan (“Applicant”)

WHEREAS, an application for a Home Occupation was submitted requesting to allow outdoor dog agility training, as well as administrative operations in the existing residence, and to kennel up to one (1) dog for a fee overnight at 295 Pinehaven Way (APN 018-021-090); and

WHEREAS, on July 23, 2018, the Zoning Administrator made the decision to approve the Home Occupation Permit to allow for administrative operations of the dog business, with conditions to deny the outdoor agility training and the kenneling of up to one (1) dog per night; and

WHEREAS, on July 30, 2018, the applicant filed an appeal to appeal the Zoning Administrator’s decision to deny the outdoor agility training and the kenneling of up to one (1) dog per night; and

WHEREAS, the Pacifica Municipal Code Section 9-4.3106 states that the Planning Commission will hear appeals of Zoning Administrator decisions; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on September 4, 2018, 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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the project is not subject to the California Environmental Quality Act (CEQA) so long as 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).

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica makes the following findings pertaining to Home Occupation Permit A-004-18, pursuant to PMC Section Sec. 9-4.3101:

(I) 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, this finding cannot be made because it has been determined by the Planning Commission that the outdoor dog training and boarding may result in adverse impacts to the neighborhood including having 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. Public notice of the home occupation permit was sent to adjoining landowners located within two hundred (200') feet of the subject property.

This finding cannot be made because it has been determined by the Planning Commission that the outdoor dog training and boarding may result in adverse impacts to the neighborhood including having a negative impact on the surrounding neighbors in terms of noise.

(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.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby deny the appeal and uphold the Zoning Administrator's decision to approve the Home Occupation Permit, with conditions to deny outdoor agility training and the kenneling of up to one (1) dog per night.

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PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 4th day of September, 2018.

AYES, Commissioners:

NOES, Commissioners:

ABSENT, Commissioners:

ABSTAIN, Commissioners:

Richard Campbell, Chair

ATTEST:

APPROVED AS TO FORM:

Tina Wehrmeister, Planning Director

Michelle Kenyon, City Attorney