

**MINUTES**

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

September 4, 2018

7:00 p.m.

Chair Campbell called the meeting to order at 7:00 p.m.

**ROLL CALL:** Present: Commissioners Stegink, Clifford, Gordon, Nibbelin,  
Rubinstein and Chair Campbell  
Absent: Commissioner Kraske

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

**STAFF PRESENT:** Planning Director Wehrmeister  
Asst. Planner Gannon  
Contract Planner Aggarwal

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

The motion carried **6-0**.

Ayes: Commissioners Stegink, Clifford, Gordon, Nibbelin,  
Rubinstein and Chair Campbell  
Noes: None

**APPROVAL OF  
MINUTES:  
AUGUST 20, 2018** Vice Chair Clifford moved approval of minutes of  
August 20, 2018; Commissioner Nibbelin seconded the  
motion.

The motion carried **6-0**.

Ayes: Commissioners Stegink, Clifford, Gordon, Nibbelin,  
Rubinstein and Chair Campbell  
Noes: None

**DESIGNATION OF LIAISON TO CITY COUNCIL MEETING OF SEPTEMBER 10,  
2018:**

Chair Campbell stated that they would not need a liaison.

**ORAL COMMUNICATIONS:**

None.

**CONSENT ITEMS:**

None.

**PUBLIC HEARINGS:**

- 1. A-004-18** Home Occupation Permit Appeal to allow outdoor dog agility Training and the kenneling of up to one (1) dog per night at the Existing residence located at 295 Pinehaven Way (APN 018-021-090).

Planning Director Wehrmeister introduced the new assistant planner, Helen Gannon, who is replacing Rob Smith, adding that she will be giving the staff report.

Asst. Planner Gannon presented the staff report.

Commissioner Stegink asked if the office and dog agility clinic would be compatible, could one exist without the other or would the home office be useless without the dog agility.

Asst. Planner Gannon stated that she did not know but the applicant can speak to that, adding that the zoning administrator did decide to approve and felt the in home operation and management of the business would be compatible with the neighborhood.

Planning Director Wehrmeister added that it was staff's understanding that the option would be to train dogs at their residence but it wouldn't be at the residence of the applicant.

Commissioner Stegink asked her to repeat her explanation.

Planning Director Wehrmeister stated that there was an option for the business to be conducted that the home office is at the applicant's address but the applicant would go to his client's home to do the training.

Commissioner Stegink understood that, when they have a dog related issue, they have a lot of neighbors. Since he didn't see any neighbors he assumed it was noticed in a normal fashion to all the neighbors.

Planning Director Wehrmeister responded affirmatively.

Commissioner Gordon asked if there was any response from any of the neighbors.

Asst. Planner Gannon state that on the first go around, i.e, when the initial application was received and they noticed neighbors and occupants within 200 feet of the property and they received two written responses, one okay with the application as long as the noise was kept to a minimum and the other was not in favor of the application.

Commissioner Gordon asked if there was any way to get a copy of the correspondence.

Planning Director Wehrmeister stated that there was a separate process for home occupation and if there is an outdoor component there was a 200-foot noticing requirement but if only indoors they don't have to do that noticing.

Asst. Planner Gannon stated that she had both of them.

Commissioner Gordon asked if she could circulate it among them as he thought it would be interesting to read.

Commissioner Nibbelin concluded there was a component of agility training and obedience training as well as the boarding. He asked if the boarding was anticipated to occur within the four walls of the home.

Asst. Planner Gannon stated that the kenneling would take place indoors.

Commissioner Nibbelin concluded that the obedience and agility training would take place outdoors.

Asst. Planner Gannon agreed, adding that it would be in the back yard.

Commissioner Nibbelin asked if the applicant gave any thought as to whether it would be worthwhile to request that the boarding be permitted indoors as opposed to agility training and obedience training.

Asst. Planner Gannon stated that they did not make that specific request but they made it known that they were open to any changes to the application.

Commissioner Rubinstein asked if there were any other deviations from planning code regarding the amount of space required in the rear yard for agility training or having a dog.

Asst. Planner Gannon stated that there was not, explaining that there was a minimum requirement for the amount of square footage within a home and they met that, which would be the footage in the bedroom they will use for management and possibly kenneling.

Commissioner Rubinstein asked if the principal objection was barking dogs.

Asst. Planner Gannon agreed, clarifying that she thought that was the zoning administrator's main reason for denying or approving with conditions.

Commissioner Stegink asked if, when it first went before the zoning administrator, the dog training on site part was sent to the Planning Commission separately, specifically the home office was approved but they sent the training to planning or was the original recommendation that it also not be approved.

Planning Director Wehrmeister stated that the zoning administrator decision was looking at the entire project in totality and it was approved with conditions of not allowing the agility training and it did not need to come to the Planning Commission until appealed.

Commissioner Stegink stated that in the first letter they have no objections as long as there are not sustained dog barking and the second letter was objecting due to the constant dog barking for this specific applicant. He asked if the dog barking was the primary reason that they were denied.

Planning Director Wehrmeister stated that it was for the potential disturbance to the neighborhood.

Commissioner Stegink asked if there was a limit on how many dogs a regular citizen can have, such as 15 pets assuming they are properly housed.

Planning Director Wehrmeister stated that there was a limit which was in a separate section of the code. She thought the numbers 3 or 5 were sticking in her mind.

Asst. Planner Gannon thought that, after five, they need an animal permit.

Commissioner Gordon wanted clarification of the activities taking place indoors and outdoors. He thought the agility training was going to be outdoors on site and the kenneling indoors on site.

Asst. Planner Gannon agreed, adding that the portion that was approved was the indoor management of the business.

Commissioner Gordon stated that he was confused because even though the kenneling was going to be indoors, he asked if that part was approved or denied.

Asst. Planner Gannon stated that part was denied.

Commissioner Gordon asked confirmation that it was denied even though it was indoors.

Asst. Planner Gannon responded affirmatively.

Commissioner Gordon thought they were concerned about dogs barking indoors also being an annoyance.

Commissioner Nibbelin stated that he had a question if they were going to move in the direction of approving some aspects of the uses that were originally denied and whether there could be a limit on the total number of dogs, possibly smaller than the number that would require a kenneling permit, such as no more than two dogs in the residence. He asked if that would be within their authority as the Planning Commission.

Planning Director Wehrmeister thought he was correct.

Commissioner Nibbelin stated that he was unclear on whether there were actual complaints that have ever been received from this location as to barking dogs or stated as a potential concern.

Planning Director Wehrmeister understood it was just for the potential barking.

Commissioner Rubinstein thought this question might be for the applicant, and asked if there was a difference between agility training and behavioral training. He stated that he thinks of agility as dogs doing tricks which leads him to think they are already well behaved dogs versus problematic dogs that are trying to be fixed.

Planning Director Wehrmeister thought the applicant would need to address that.

Commissioner Stegink stated that he was thinking of the veterinarian establishment they approved earlier in the summer. He asked if they put a cap on the total number of overnight animals.

Planning Director Wehrmeister did not recall if they did.

Commissioner Stegink thought they had some weekly refuse pickup requirement.

Planning Director Wehrmeister responded affirmatively.

Asst. Planner Gannon referred to Commissioner Nibbelin's comments and referred to Exhibit A, attachment 1C, they have a condition that, if the applicant has more than five animals present at any given time, the applicant will need to apply for an animal permit required by their policy.

Commissioner Nibbelin thought they could adjust the number if they felt five was too many.

Asst. Planner Gannon responded affirmatively.

Tyler Brennan, applicant, stated that he wanted to clarify a few things regarding the operation that he will be attempting to perform, the number of dogs, etc. He then detailed their behavior as compared to a small child, and explained how to modify their behavior. He stated that he understood reservations of the Commission and community members as typically dog training included dogs barking, owners yelling, etc. He stated that his proposed operation was going to be much smaller with a single dog boarding and a single dog agility and obedience training, and there would not be dogs unattended but very much a one on one tutoring situation. He referred to the question on the difference between agility training and basic obedience. He stated that there was a difference but training a dog was similar to training a muscle as it has to be worked until it is in great shape and kept up. He stated that it takes a lot of time and maintenance to train dogs but once it is up there, those were the types of dogs they want in our communities. He referred to the adverse effects that the business would have to the surrounding community, and stated that it would be minimal. He stated that the daily traffic and noise generated from the business would be much less than their proximity to Highway 1 or a human day care center which they have in their proposed neighborhood. He stated that this was going to be a small operation and the addition of one dog occasionally in their home would be very minimal in terms of disturbance to the neighborhood, considering that their block has ten permanent canine residents. He stated that dogs are going to bark, they need to run and jump, but in a situation where the animals are kept stimulated and monitored constantly, he didn't think it would be an overwhelming experience. He mentioned that he has two dogs and has done agility training with them in his back yard for the past 2 to 2 ½ years and have not received any formal complaints or informal knocks on the doors from neighbors about noise control, odors, lighting, etc. His proposed operation will take place during daytime hours only and were not planning on putting up any signage electrical or otherwise, additional lighting, nothing that should affect their neighboring communities. He stated that he had some printouts with pictures of the agility equipment that he has with referenced to the dogs that will be using them.

Chair Campbell thought handing the handouts to staff would be good.

Mr. Brennan stated that the equipment in the pictures was relatively small in size with the largest being a wooden frame shaped like an A that dogs go up and down. He stated none of the equipment will exceed the sightline of the fence and will not have the ability to damage any property or generate more than minimal noise. He stated that maintenance was big and he didn't

like outdoor potty areas and had a spray that breaks down the urine and defecation smell so other dogs do not mark.

Commissioner Nibbelin stated that it sounded as the total number of dogs would not exceed three on the premises.

Mr. Brennan stated that he was correct, and it would include his own two dogs.

Commissioner Nibbelin referred to his statement that the activities outdoors would be during daytime hours, and he asked if he would be prepared to be specific on the time.

Mr. Brennan thought there would probably be no time after 6:00 p.m. He stated that he has a day job in San Francisco to do job training and this would not happen 5 or 7 days a week. He did not anticipate ever getting out of bed to do agility training before 10 a.m. and they are talking about 8 hours a day such as 9-6.

Commissioner Nibbelin asked how long he has been a dog trainer.

Mr. Brennan stated that professionally it has been two years.

Commissioner Nibbelin asked how someone becomes a dog trainer.

Mr. Brennan stated that he got into dog training through his dogs, going to a facility in San Francisco called Smarty Pup and he took his dogs to various places around the area and was into it and decided that it was more interesting than his regular job and he made the change. He stated that there was no regulated government body issuing certifications for dog training and was primarily self-study.

Vice Chair Clifford stated that it looked like all his equipment was portable, and he heard staff say he was willing to go to the clients' homes.

Mr. Brennan stated that he was willing to go to his clients' houses for obedience training but while the agility equipment was somewhat portable, most was extremely heavy.

Vice Chair Clifford stated that he heard him say he was only planning on kenneling one dog plus his dogs, and he asked if he was going to put them in a crate or give them free run of the home.

Mr. Brennan stated that he did not like the term kenneling because it has connotations of big operations where dogs are left in a crate or kennel on their own for several hours a day. He was offering a personal experience as the dogs being boarded will be treated as members of the family. He stated that dogs who are not housebroken or proven their ability to be on their own will be crated during times when not 100% supervised such as nighttime or when he has to leave for an emergency or other engagements.

Vice Chair Clifford asked how many dogs he will be training at one time, as he saw a difference in the kenneling and the training.

Mr. Brennan stated that they would be mutually exclusive but he would not have a dog boarded or kenneled at the same time as inhouse training would be going on, and it would be a maximum of one client at a time at the home.

Vice Chair Clifford concluded that he will never have more than three dogs, just his two and one dog to be trained.

Mr. Brennan responded affirmatively.

Commissioner Stegink asked if he has any other pets over five pounds on the premises.

Mr. Brennan stated that he did not.

Commissioner Stegink asked if the pictures were his actual physical location.

Mr. Brennan stated that it was and those were his dogs.

Commissioner Stegink asked if they were two Germans or a Belgian and a German.

Mr. Brennan stated that they were two Germans.

Commissioner Stegink concluded they weren't family pets but working dogs.

Mr. Brennan stated that they were family pets.

Commissioner Stegink asked if he was training dogs for a specific industry or training family pets.

Mr. Brennan stated that he was training family pets, not police canines or agility competition but more a family setting and learn how to train and bond with their animal.

Commissioner Stegink asked if he primarily trains German shepherds.

Mr. Brennan stated that he wasn't biased towards the dog breeds.

Commissioner Stegink noted that the county allows up to ten cats and dogs on a location and Pacifica was quite limited.

Commissioner Gordon stated that once neighbors were given notice emails were sent in and he asked if he was familiar with the contents of them.

Mr. Brennan stated only in so far as what he heard earlier.

Commissioner Gordon read part of one which mentioned that he and a neighbor behind him with dogs have done nothing to keep their dogs quiet, and he asked him for his response, adding that the noise annoyance issue in a residential neighborhood was probably what influenced the decision by the administrator.

Mr. Brennan stated that the complainant points out that he has not done anything to hamper his dogs from barking, but he stated that it was hard to fix a problem when it was not known that a problem exists. He questioned how, if no one complains, he is to know there's a problem. He stated that it was not a business complaint but complaining about his residential dogs who have not always been supervised as he has to go to work. He stated that German shepherds are primarily used as guard dogs and are very territorial when the UPS, mailman, etc., and they are going to bark. He stated that it was not excessive and continuous and as soon as the "disturbance" has moved on they stop barking. He was aware of his neighbor on Bradford Way who has a Coon hound who loves to talk to through the fence to his shepherds. He stated that he would be happy to address the issue and keep them indoors more or work them more in accordance with whatever the Commission wishes, but he reiterated that it was hard to correct a problem if no one reports it.

Commissioner Gordon stated that the notion of having a dog training business in a residential neighborhood was odd to him and he asked him if he has considered carrying his business in a commercial location where there are stores instead of homes.

Mr. Brennan stated that he has but the training he is doing is not one of the most popular versions and the amount of space he would need in a commercial area to get it done would be outside of the financial means that he was trying to achieve with the business. He wasn't looking to get into Petsmart mega-world agility training but more of a personal one on one which was why he was starting with all the basic equipment, concluding that he wasn't reaching for that scale.

Chair Campbell referred to the kenneling components, and asked if that dog would be kenneled outside when he is at work or would that be an option.

Mr. Brennan stated that there would be no kenneling or tethering outside. He stated that any time the dogs are left alone it would be in an emergency situation only. He would take the dog to work with him. He works in a dog training facility in San Francisco and they would not be left on their own. He stated that, if he left them alone, they would be crated indoors and not left outdoors.

Chair Campbell asked if that was the dog he would be responsible for kenneling and training.

Mr. Brennan responded affirmatively.

Chair Campbell concluded that his two dogs stay outside when he is gone.

Mr. Brennan stated that his dogs have indoor/outdoor access and are not restricted to one or the other.

Chair Campbell opened the public hearing and, seeing no one, closed the public hearing.

Commissioner Nibbelin assumed it was self-evident, but asked if these permits were specific to particular applicants and not the kind of thing that runs with the property.

Planning Director Wehrmeister responded affirmatively.



Commissioner Nibbelin asked, if they wanted to issue a permit for a limited period of time such as a year to see how it goes, if they could do that. He asked how the permits were handled, such as forever or use discretion when they are trying to feel their way to issue a permit for a shorter period of time to revisit how things are going.

Planning Director Wehrmeister stated that the code does contain suspension, revocation provisions and if the Commission wanted to give it an annual review they could do that.

Vice Chair Clifford stated that he has had several dogs and has one now and all have been through training and none of that training took place in a residential setting, done in school parking lots. He was a little nervous about approving dog training in a neighborhood and wanted to be careful about setting a precedent of setting up offices with the business having outdoor activity in a residential area. He also has a business out of his home but no one comes to it as he goes to the customer. He was a little concerned about allowing a dog training facility in a neighborhood.

Chair Campbell stated that they had a recent decision in Rockaway.

Planning Director Wehrmeister stated that it was on Harvey.

Chair Campbell stated that they allowed a vet.

Commissioner Nibbelin thought it had outdoor relief areas.

Chair Campbell thought it might have been zoned commercial at Rockaway but it was basically in a neighborhood.

Planning Director Wehrmeister stated that it was in a commercially zoned area that was transitioning with a mix of commercial and ongoing residential uses.

Commissioner Rubinstein stated that he liked the idea as there will be a business license and he will have to pay a business fee for a home office and if they have a revocation component where, if there are numerous complaints, they can revisit it. He stated that it didn't sound like there were too many complaints considering he has two German shepherds. He thought the fact that he was only going to be training one dog at a time didn't seem excessive at all to him. He liked this project with those conditions.

Chair Campbell got the sense that, with an annual review, the applicant might pay more mind to the barking of his German shepherds as no one will make the distinction when they register a complaint.

Commissioner Gordon thought Commissioners Rubinstein and Campbell were barking up the wrong tree. He was on the other side of the fence as he didn't see the compatibility of dog training happening outdoors in a residential neighborhood. He thought there were complaints about excessive dog noise but it was being posted on NextDoor and not going to Mr. Brennan or his neighbor. He stated that he is not a dog owner and he has had problems with neighbors who have had loud dogs. He stated that he has addressed those issues by directly talking to the neighbors and they have brought their dogs inside and dealt with that. He felt, on principle, it wasn't the kind of use that belongs in a residence. He appreciated the commissioners' attempts at

compromising by having a one-year renewal which he thought was a reasonable approach, but he didn't think it was a smart move and doesn't belong in a residential neighborhood.

Commissioner Nibbelin stated that, in this case, he disagrees with Commissioner Gordon. He thought Commissioner Rubinstein was on the right track. He thought people have been training dogs in residential neighborhoods for a long time and he didn't think this was much more than an incremental risk of additional noise and he thought the point was well made that a notion of an annual review may decrease the total amount of noise as he thought it was an innovative idea and was entrepreneurial. He thought, to the extent they can be comfortable with performance standards including limiting the hours and not dealing with outdoor activities after a certain time and revisit it on a periodic basis, it was an idea he can get behind.

Chair Campbell stated that he has had trainers come to his house and train one of his dogs and it happens in the neighborhood setting, although he was not saying it happens every day. He liked Commissioner Nibbelin's approach of an hourly set time of start and stop.

Commissioner Stegink thought an annual review might work, and he asked if it would be similar to the annual review placed on 7-Eleven.

Planning Director Wehrmeister responded affirmatively.

Commissioner Stegink referred to talking about 7-Eleven at the last meeting and they were told they couldn't change any of the terms of the permit without it going through City Council first and he asked if that would be the case in this situation.

Planning Director Wehrmeister stated it would not, adding that they would need to determine first if the Planning Commission felt that there were grounds to amend the permit in any way and then they would re-notice and it would come back after proper notification of the actual action the Commission would be taking.

Commissioner Stegink stated he was inclined to agree with Commissioner Nibbelin that this was a valuable service and it was not overbearing on the neighbors. He stated that the applicant seemed to be a good citizen who was attempting to produce a product in the best way possible. He stated that he has several neighbors with double this number of dogs on their property and he was pretty sure they were not aware there was a five dog limit. He stated that the county's limit was ten dogs for a kennel or cattery but he thought this was a reasonable use. He would put a one year cap on it and take a look at it and if he is now aware that his neighbors have complained and he was inclined to approve this.

Commissioner Rubinstein reiterated the quality of the applicant, stating that he obviously knows what he is doing and is not just a haphazard type of business. He thought they may want to have a posting of the annual review so neighbors have a chance to respond if there is an issue and not rely on NextDoor or something else. He felt it helps keep his own dogs in check because no one will be able to distinguish between a kennel dog, a dog in training and his own dogs. He liked the fact that he was coming before the city to ask for this permit and use where other people would probably be doing it in their backyard. He felt they were able to monitor it, control it, tax it and he agreed that it was a good neighborhood serving use.

Commissioner Gordon asked if there were currently dog training businesses approved for use in residential neighborhoods in Pacifica.

Planning Director Wehrmeister stated that they did not go back and do a historical review. She stated that in her three years in Pacifica this was the only request they have had.

Commissioner Gordon stated that several commissioners have said they have had dog trainers come into their house and train and he was trying to see this as a neighbor of the applicant and his experience would be whether he would want to approve this. He stated that it wasn't about having a dog at his house and he has a trainer coming to his house once or twice a year and his neighbors have to deal with that, but there will be training happening on a regular basis next door and he questioned how he would feel about that. He understood that the applicant said there were a lot of dogs in the neighborhood and a lot of noise from Highway 1. He thought that was a fair point and he felt he was on the losing side of this and won't belabor it but it didn't seem like the right fit to have a dog training facility approved for use in a residential neighborhood.

Commissioner Nibbelin referred to Commissioner Rubinstein's well framed comments and observations, and he wondered about an additional condition of approval requiring notice for the appeal to the same neighbors who got noticed in the first instance about the fact that the permit had been approved and the proper process for lodging concerns along with the statement that the matter will be reviewed in a year and everyone who received notice will know that, while they can feel free to post on NextDoor but if they want to express concerns about the matter, the Planning Commission will consider it and if it becomes a nuisance in a legal sense, they don't have to wait a year to deal with issues as it was within staff's ability to deal with issues with respect to noise that was significant enough that something should be done before it comes back in a year. He thought a condition of approval could be that the applicant will be required to fund this notice about the approval and how to express concerns that come up over the course of the next months.

Chair Campbell asked if that was possible.

Planning Director Wehrmeister responded affirmatively.

Chair Campbell liked that approach as they could have these facilities where they get a bunch of dogs and you are next door and he wants to be sensitive to that. He thought Commissioner Gordon raised a good point.

Vice Chair Clifford stated that he agrees with Commissioner Gordon and he won't be voting for actual training on site. He was happy for them to have their office there but not interested in going down that road. He stated that he has been a neighbor to people who have had too many dogs and he didn't want to risk doing that to somebody else.

Commissioner Nibbelin moved 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, adding a condition that would limit the hours of outdoor agility training to hours before 6:00 and nothing prior to 8:00 a.m., and an annual review of the permit being a condition of

approval and finally notice to all neighbors within 200 feet radius that the permit has been granted and the process for sharing information regarding concerns with city staff.

Chair Campbell added that the training not happening before 10:00 a.m. was from the applicant.

Commissioner Nibbelin stated that he would amend his motion of that was the understanding as 10 a.m. is fine.

Commissioner Stegink noticed that the resolution says up to one dog for a fee overnight whereas the discussion was almost solely on no more than three dogs.

Commissioner Nibbelin stated that it was three dogs total, and he would add to the resolution that there be no more than three dogs on the premise at any time.

Commissioner Rubinstein seconded the motion.

The motion carried **4-2**.

Ayes: Commissioners Stegink, Nibbelin, Rubinstein and  
Chair Campbell

Noes: Commissioners Clifford and Gordon

Chair Campbell 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.

- 2. CDP-399-18** Remodel and enlarge a 643 square foot (sf) first floor dwelling unit by 974 sf within the existing footprint of a two-story, three unit multi-family residential building on a 7,500 sf parcel at 1 Carmel Avenue (APN 016-012-190).

Contract Planner Aggarwal presented the staff report.

Vice Chair Clifford asked how many bedrooms would be in existence after the remodel.

Contract Planner Aggarwal stated that it would be three.

Vice Chair Clifford asked if it was a one-bedroom now.

Contract Planner Aggarwal responded affirmatively.

Vice Chair Clifford asked what it does to the parking requirements.

Contract Planner Aggarwal stated that there were two cars required with one unit and for two bedrooms or more there was two cars required and they would have the two cars.

Vice Chair Clifford asked how many cars are required for the whole building now.

Contract Planner Aggarwal stated that there were six.

Vice Chair Clifford asked if there are six parking spaces.

Contract Planner Aggarwal responded affirmatively.

Derek Vinh, applicant, stated that the project was to enlarge one of the units within the existing envelope. He stated that they were expanding mainly into storage. He stated that one of the areas was a laundry area and they are keeping the laundry area for the common use of the tenants. He stated that the only facade change was on the side of the property to include two exterior doors that leads to the bedroom for light, ventilation and egress. Open space is met with existing deck and patio on the property. He reiterated that the area into which they are expanding are existing storages and the better use was for a family to have a bedroom than storage.

Commissioner Rubinstein asked if the previous tenant who used to live in this unit was evicted.

Mr. Vinh stated that the tenant was not evicted. He stated that the current tenant could answer that question.

Lance Sorenson, tenant, stated that he was the current tenant on the property. He stated that Mrs. Qiu bought the property in November and he rents from her. He was a property manager in the Bay Area. Michael Bell was the old owner. He was an architect and had tons of storage in the building and there was an art studio and a lot of places that are not useable. He stated that it looked like at one time he took square footage away from the building and there was a lot of extra storage now. He felt this would be a better fit and allow him to move in instead of staying in a one-bedroom and there would be a little more square footage for his family.

Chair Campbell opened the Public Hearing and, seeing no one, closed the Public Hearing.

Vice Chair Clifford stated that it seemed like a straightforward project and would not add any more needs for parking off street. He stated that he was there when Mike Bell owned the place and he thought it was a good use of the space to make it a three-bedroom and make it a more comfortable living arrangement for the manager.

Commissioner Gordon concurred, adding that it was a great project. He stated that the historical background was appreciated and it makes a lot of sense. He stated he was ready to make a motion unless there were more comments.

Commissioner Stegink asked if the mentioned art studio and unused areas are currently permitted.

Planning Director Wehrmeister stated that an architect owned it formerly and all the necessary permits were obtained.

Commissioner Stegink concluded that the art studio is permitted.

Planning Director Wehrmeister responded affirmatively.

Commissioner Gordon moved that the Planning Commission find the project is exempt from the California Environmental Quality Act; APPROVE Coastal Development Permit CDP-399-18 by adopting the attached resolution, including conditions of approval in Exhibit A; and incorporate all maps and testimony into the record by reference.

Planning Director Wehrmeister stated that it be with the note that the two conditions 9 and 12BI that the reference to Olympian Way is changed to Carmel.

Commissioner Gordon agreed to the condition.

Commissioner Rubinstein concluded that it was a nomenclature for the address.

Planning Director Wehrmeister stated that it was noting that there was a mistake on some of the conditions that the wrong street is listed.

Commissioner Clifford seconded the motion with the notation regarding the problems with the address in terms of Olympian Way versus Carmel.

The motion carried **6-0**.

Ayes: Commissioners Stegink, Clifford, Gordon, Nibbelin,  
Rubinstein and Chair Campbell  
Noes: None

Chair Campbell 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.

**COMMISSION COMMUNICATIONS:**

Commissioner Stegink mentioned that in February it was brought up whether any commissioners were interested in scheduling a study session to consider expediting routine residential construction permits of less than 50% additional square footage. He was interested in taking a vote on agendizing a study session to see if there was anything they can do to move some of the residential permits ahead at a faster rate by possibly using some of the benefits they have used with ADUs and he was curious if any other commissioners were interested in that before they take a vote.

Commissioner Nibbelin stated that he would be curious regarding the scope and scale, as he thought a study session along the lines as mentioned would make sense but he was curious about the timelines and the volume of work they would be addressing. He thought it was a worthy thing to pursue but he was curious about the scope and scale.

Planning Director Wehrmeister stated that she would need to do a little more research and determine how much staff time and energy would be needed to make meaningful changes and then talk to the City Manager about the Council's work plan and whether or not that fits in or if that was something to go into a future work plan. She definitely thinks it was worth looking at if the Commission was interested.

Vice Chair Clifford stated that one thing he wants to caution them was voting on anything that was not on the agenda.

Commissioner Nibbelin thought they could just give some guidance to staff about something they would like to see on a future agenda.

Commissioner Stegink stated that the Commission bylaws state a study session can be called at any time by a majority of the Planning Commission which would be four of them.

Chair Campbell thought he should know that as the chair.

Commissioner Rubinstein added that he would be in favor of a study session to help streamline the process. He was curious as to what the Planning Commission to not see these projects.

Planning Director Wehrmeister stated that staff does not try to bring these to the Planning Commission and make applicants go through this. She stated that they try when there is an interpretation involved to err on the side of somebody trying to improve their property. She stated that this case involves development in the Coastal Zone which was stricter and more draconian than any other location and they tried hard to find an exemption for this one but because of interior walls they could not. She stated that there was a lot of opportunity in the code to streamline and make things easier and building the department's trust with the community and the Commission is something she has been working toward. So the fact that they ask them to do this, she was happy to have the request. She just needs to figure out how it works into the Council's work plan and moving that forward. She stated that it was not something that staff does not welcome but it was a good conversation to have for the community.

Commissioner Stegink stated that he was going to call for a vote on agendizing a study session for this and they can figure out the schedule at any time, such as next year.

Chair Campbell asked if they need a vote.

Commissioner Stegink stated that they need a vote to agendize the item.

Commissioner Nibbelin asked if by consensus they can ask staff as a group feel it is an appropriate thing. He was concerned because it was not an agendized matter. He recognize that the by-laws may provide for something like that, but he would be comfortable with the idea of giving staff their desire to see something agendized at some point in the reasonably near future to talk about the matter.

Chair Campbell stated that he thought that was all they need to do.

Commissioner Stegink understood that but he thought if they don't make it a priority it will never become a priority. He understands that there were certain things here, and maybe anything in the Coastal Zone is not applicable but there were certain things they have seen where applicants are spending \$6,000 to \$10,000 to get a very quick thumbs up from the Commission and he thought there were other procedures that cost money that don't add a lot of value to the public beyond basic building.

Chair Campbell suggested they ask Council whether they have the time and the resources and see where that goes and bring it back at the next meeting to see what happens and they can see if they need to take a vote.

Commissioner Stegink stated that he would still like to take a vote on it.

Chair Campbell disagreed.

Commissioner Stegink asked if the City Attorney was not present.

Planning Director Wehrmeister stated that she was not.

Commissioner Stegink thought it was within the by-laws for him to call a vote and he understands the reasons for not doing it.

Commissioner Nibbelin stated that he would be opposed to voting in favor of something he might be more comfortable voting in favor of at a future meeting if they can get a little more information.

Commissioner Stegink stated that it was to agendize it for a future meeting.

Commissioner Nibbelin didn't think they need a vote to request that the matter come back to them at a future meeting.

Chair Campbell again agreed that they won't call for a vote but maybe at the next meeting.

Commissioner Stegink stated that he was going to call for a vote and everyone can vote against it or for it but he was going to call for a vote.



Vice Chair Clifford stated that, if there is a vote, he was abstaining.

Commissioner Rubinstein concluded that they were voting to put this on an agenda in a certain period of time.

Commissioner Stegink stated that they were voting to approve a study session for that at a time that the Planning Department would deem suitable.

Commissioner Rubinstein agreed with it but he didn't know if procedurally it was the right thing to do or not.

Commissioner Stegink stated that he was willing to withdraw it if they will discuss it in the future and make a good faith effort to achieve this because he thought there were a lot of people renovating their property and having permits approved shouldn't be the toughest part of building renovation on their home.

Chair Campbell stated that, to be clear, it was a good idea and he thought it should be explored. His hope is that it gets agendized by the City Council but he didn't think they need a vote.

Commissioner Stegink stated that, to be clear, he was not calling a vote because it seems that the vote would not pass.

Chair Campbell thanked him for raising it.

Chair Campbell welcomed Ms. Gannon to the city.

#### **STAFF COMMUNICATIONS:**

Planning Director Wehrmeister stated that they have another sea level rise adaptation planning community meeting on September 15 at noon to 3 p.m., after they are done with coastal cleanup. They will be talking about draft policies and will be coming before the Planning Commission in November. She was giving them a heads up that because of schedules, priorities and statutory requirements and timelines, they will have a busy agenda on their September 17 meeting, such as their first cannabis business use permit, 7-Eleven coming back and some wireless facilities.

#### **ADJOURNMENT:**

There being no further business for discussion, Vice Chair Clifford moved to adjourn the meeting at 8:10 p.m.; Commissioner Nibbelin seconded the motion.

The motion carried **6-0**.

Ayes: Commissioners Stegink, Clifford, Gordon, Nibbelin,  
Rubinstein and Chair Campbell  
Noes: None

Respectfully submitted,

Barbara Medina  
Public Meeting Stenographer

APPROVED:

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Planning Director Wehrmeister