

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

MS Word Export To Multiple PDF Files Software - Please purchase license.

**DATE:** October 4, 2001

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA01-0059 for Coastal Development Permit

**PROPOSAL:** Expansion of an existing boat sales and service business, Duffy Electric Boat Company, by adding additional display area and parking area on an adjacent vacant lot. The Coastal Development Permit includes a request for an off-street parking modification to permit only 3 parking spaces when the off-street parking regulations require a total of 7 parking spaces for the existing business and the proposed expansion.

**LOCATION:** In the community of Sunset Beach, at the northeast corner of Pacific Coast Highway and 16th Street. The site address is 16746 Pacific Coast Highway. Second Supervisorial District.

**APPLICANT:** Michael Griffith and Duffy Electric Boat Company

**STAFF CONTACT:** William V. Melton, Project Manager  
Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA01-0059 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The existing property is within the Sunset Beach Specific Plan/Local Coastal Plan (SBSP) and has a land use designation of SBT "Sunset Beach Tourist". This site is located at the intersection of Pacific Coast Highway and 16<sup>th</sup> Street. The existing site measures approximately 60 feet by 60 feet in size, has a one-story structure containing offices used for sales and an outdoor boat display area. The current business was legally established on September 3, 1998. The existing building was previously used for boat sales and repair under the business name of "Sunset Marine". The site had no parking spaces at that time and was non-conforming as to parking. No on-site parking was required when Duffy Electric Boat Company was issued a "tenant improvement" building permit moved their business into the building.

A vacant adjoining site, also measuring approximately 60 feet by 60 feet, is being acquired for use as additional outdoor boat display area and with parking spaces provided for three vehicles. The applicant currently uses this site for boat storage. Both sites are adjoining the Sunset Beach Waterway. An existing boat dock is located in the waterway adjacent to the existing structure. A new boat dock is proposed on

the adjoining property, but is not part of this permit. A Coastal Development Permit approved by the California Coastal Commission and a Public Property Permit from the County will be required prior to construction of a new dock.

Duffy Electric Boat Company markets battery operated electric boats. According to the applicant, Duffy Electric Boat Company has been in business in Southern California for 30 years and located at their Sunset Beach site since 1998. Another sales and display business is maintained in the City of Newport Beach. The Sunset Beach office is staffed with two full time employees and two service technicians. The company employees currently park on the adjoining public streets. Most service on client’s boats is preformed at the clients dock. The applicant claims that a large percentage (30 percent) of their clients arrive by boat and that 3 on-site parking spaces area adequate for customers who do arrive by car.

**SURROUNDING LAND USE:** (assumes PCH runs north/south)

<b>Direction</b>	<b>Land Use Designation</b>	<b>Existing Land Use</b>
Project Site	SBT “Sunset Beach Tourist	Boat sales business with open display area
North	SBT “Sunset Beach Tourist	Residential, legal non-conforming
South	SBR “Sunset Beach Residential”	Residential
East	SBW “Sunset Beach Waterways”	Waterway
	SBR “Sunset Beach Residential”	Residential adjacent to the waterway
West	SBT “Sunset Beach Tourist	Business uses

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development regulations also require mailing of the notice to the resident of a dwelling within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application along with a copy of the proposed site plan was distributed for review and comment to seven County divisions and the Sunset Beach LCP Review Board.

As of the writing of this staff report, only one comment raising a substantial issue with the project has been received from other County divisions. Subdivision and Grading Services Division/Traffic Review Section commented that the three parking spaces proposed were not adequate for the use proposed and recommend denial of the proposal. The Sunset Beach LCP Review Board reviewed the proposal at their September 18, 2001 meeting and recommended approval of the expansion and the parking modification.

**CEQA COMPLIANCE:**

Negative Declaration No. PA010059 (Exhibit 2) has been prepared for this proposal. It was posted for public review on August 3, 2001 and became final on August 23, 2001. Prior to project approval, the Zoning Administrator must find this ND adequate to satisfy the requirements of CEQA. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The boat sales and outdoor display are both permitted uses in the SBT District. There are no issues with the use proposed. The only substantial issue is the amount of parking proposed. The SBSP is quite clear on the parking required for this proposal, as indicated in Chart 1 below. The Zoning Code is clear on the expansion of a nonconforming structure. Section 7-9-151 (3) “Additions or enlargements” states:

*“A nonconforming structure which conforms to use but which does not conform to the development standards, may be added to or enlarged only to the extent that such addition or enlargement fully complies with the existing development standards.”*

Section 7-9-151 (3) explains that when Duffy Electric Boat Company moved into the building the use was nonconforming because of the lack of on-site parking, but was conforming as to use (the previous business also dealt with boat sales and service). The new business was legally permitted without the need to add any new on-site parking because the business did not expand the existing non-conformity. However, the addition of new display area expands the nonconformity of the site and must “fully comply with the existing development standards”. Therefore Section 7-9-151 (3) requires the entire site to comply with all existing site development standards, which includes the off-street parking requirements. The parking regulations of the SBSP have a parking requirement for 7 spaces for this proposal. This required parking is calculated as follows:

**CHART 1**

USE	SQUARE FOOTAGE	PARKING REQUIRED	SPACES REQUIRED
Existing boat sales office	1,500 gross square feet <sup>1</sup>	One parking space for each 400 square feet of gross floor area	4
Boat display area (existing and proposed)	3,000 square feet (excluding parking area, driveway and handicap walkways) <sup>2</sup>	One parking space for each 1,000 square feet of open display area	3

<sup>1</sup> There are two rooms shown on the site plan at the rear of the building indicated as storage. If these areas are exclusively for storage, the building gross square footage would be reduced 300 square feet to a total of 1,200 square feet and the parking reduced from 4 spaces to 3 spaces for the structure and reduce the overall site parking to 6 spaces.

<sup>2</sup> The existing boat display area is approximately 1,680 square feet in area. The proposal adds an additional 1,320 square feet of display area.

The applicant is proposing a total of 3 parking spaces, one handicap and two standard. The applicant was originally proposing to submit the planning application with no on-site parking reasoning that adequate parking was available on both adjacent PCH (up to 5 parking spaces available) and 16<sup>th</sup> Street (up to 3 parking spaces available). **Note:** 16<sup>th</sup> Street is a dead-end street with a length equal to the depth of the subject site, going from PCH to the Sunset Beach Waterway). Additionally, the applicant noted that with the type of product offered, a number of clients visit the site by boat and tie up at the existing dock. Staff made a suggestion to the applicant during a pre-filing meeting that some amount of on-site parking would be required and indicated that a minimum of 3 or 4 fully accessible parking spaces (which is the minimum requirement for the existing office structure) should be provided on the site plan when the proposal was submitted for planning review. Staff also requested the applicant to explain in required Letter of Explanation the rationale for the request in a reduction of parking spaces from the parking standard.

The applicant explains that the parking provided on the current proposal will be adequate. In telephone conversations with Mr. Kevin M. Kearns, Vice President, National Sales Manager, that from experience with the Newport Beach facility (located at 2001 West Coast Highway), approximately 30 percent of the people visiting the site arrive by boat. The Newport Beach facility has a smaller sales office but a larger display area (over 20,000 square feet) compared to the proposed facility in Sunset Beach (approximately 3,000 square feet). The site in Newport Beach has 8 parking spaces. He further explained that the type of boat sold by Duffy Electric Boat Co. is not intended for the average recreational boater since their boats are only used in inter waterways and are not designed for open ocean use. Exhibit 1a is a brochure from the company to provide additional information of the products produced and sold by Duffy Electric Boat Co.

While it is true that currently there are parking spaces available on the public streets, the purpose of the Sunset Beach parking regulations, as well as the County parking regulations, is to insure that parking for any use on a site is adequate to address the needs of the business and the needs of the visitors to the site during the business hours of operation. In some instances, the street parking may not be available to meet the parking demand. The question the Zoning Administrator must answer before taking final action on this proposal is whether or not the 3 parking spaces proposed are adequate for the type of use on site and meet the demands of site visitors and site employees.

Regarding the two sales people and two technicians previously mentioned, the applicant gave the following additional details to staff. Under normal daily operation, only one sales person is on site at a time. During special Sunset Beach events and certain holidays, two sales people may be at the site at the same time. The two service technicians arrive at the site in one vehicle, a pick-up truck. One tech stays at the site to service boats driven to the site. The other tech picks up the day's assignments at the office and then drives the vehicle to the clients boat location. The normal demand for long term employee parking would be only one parking space. To address the two on-site employees that are normally at the site at a given time, staff is recommending the following Condition of Approval 13 as shown in Appendix B.

*Duffy Electric Boat Company employees must use available public street parking, when possible, prior to using the on-site parking.*

The Sunset Beach LCP Review Board is familiar with the existing business and its operation. A Board member explained to staff that their only concern was the parking issue. After reviewing the proposal at their September 18, 2000, the majority of the members decided that because of the type of boats sold at

the site, that there was little actual demand for additional parking than is proposed. They recommended project approval noting that the 3 on-site spaces, together with the on-street parking was adequate for the existing business and the proposed expansion.

The Sunset Beach LCP Review Board is satisfied with the proposal. Staff agrees with the Sunset Beach LCP Review Board that 3 parking spaces should be adequate for the type of business at the site. Staff is of the opinion that the expansion of the display area with 3 parking spaces makes for a better project than the existing business with no on-site parking. On the other hand, Subdivision and Grading Services/Traffic Review commented that they could not support the proposal and recommended denial of the site plan as submitted. They recommended configuring the site plan to provide additional parking and a vehicle turn-around area at the rear of the parking. Staff agrees with Traffic Review that revisions to the parking area are required. Staff met with Traffic Review staff and a final determination was made that if a decision was made to permit 3 parking spaces, that conditions should be incorporated to address the proposed parking area and improvements be made to 16<sup>th</sup> Street.

With regards to parking lot design, the supplementary off-street parking regulations of the Zoning Code addresses ingress and egress to commercial parking areas specific to this site in two sections. Section 7-9-145.4(b)(3) says in part that dead end driveways to five or more parking spaces are required to have a turnaround area. Since there are only three parking spaces proposed at the end of the dead end driveway, no turnaround would be required by code. However, PCH is an arterial highway and Section 7-9-145.2(d)(1) says that the parking area be designed so the motor vehicles may enter the arterial highway traveling in a forward directions. Therefore, even though the parking area for this proposal has less than 5 spaces, the maneuvering must be designed to provide a turnaround so that vehicles can safely exit in a forward direction. Staff has included the following Condition of Approval No. 12 to address the parking. Additionally, Condition of Approval No. 15 (shown below) is recommended to address Traffic Review's recommendation for improvements to 16<sup>th</sup> Street.

12 *A. The proposed parking area design, including a turnaround, the maneuvering area, and required striping shall be reviewed and approved by the Managers of Subdivision and Grading Services Division and Current Planning Services Division. The parking spaces, the driveway to the parking area and the maneuvering area behind the parking spaces shall be kept clear of any boats or vehicles.*

*B. A sign, no larger than six (6) square feet in area and no more than three (3) feet in height, shall be placed at the parking area driveway indicating the entrance to the parking area, in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.*

15. *Prior to the issuance of a grading permit or prior to the issuance of a use and occupancy permit, whichever comes first, the applicant shall design and construct the ultimate half-width street improvements, including curbs, gutters and drainage, for 16th Street in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.*

In conclusion, staff, along with the Sunset Beach LCP Review Board, with the incorporation of the conditions above, supports the proposal for the increased boat display area and the modification to the off-street parking standards to provide three new parking spaces. As staff previously mentioned it is staff conclusion that the 3 parking spaces proposed, makes for a better proposal than the exiting site conditions

with no on-site parking. Staff is of the opinion that the Zoning Administrator is able to make the parking modification findings numbers 13 and 14, and alternate development standard number 15 contained in Appendix A in order that the proposal can be approved. Staff submits a recommendation as follows.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA01-0059 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief  
CPSD/Site Planning Section

WVM

Folder: C:\Documents and Settings\meltonw\My Documents\Sunset Beach\PA01-0059 Staff --- Duffy Boats.doc

**APPENDICES:**

- A. Recommended Findings
- B. Recommended Conditions of Approval

**EXHIBITS:**

1. Applicant's Letter of Explanation
  - 1a. Company brochure
2. Environmental Documentation
3. Site Photos
4. Site Plans

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.