

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SAN LUIS OBISPO, CA 95060
 TEL: (805) 749-127-4863
 FAX: (805) 749-5200
 TDD: (805) 749-5200

W3a



RECORD PACKET COPY

Page 1 of 5
 Permit Application No. 3-01-072
 Staff: MW-SC
 Date: October 26, 2001

ADMINISTRATIVE PERMIT

APPLICANT: Doug Redican

PROJECT DESCRIPTION: Remodel and addition to the existing Rose's Landing restaurant. The project includes new visitor serving retail shops on the lower level, a public plaza, viewdeck, and restrooms on the upper level and expansion of public lateral access along the bayfront.

PROJECT LOCATION: 725 Embarcadero Street, Morro Bay, San Luis Obispo County (APN 066-322-001) See Exhibit 1 & 2.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

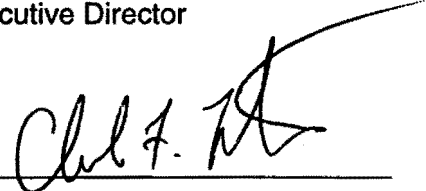
Commission meeting of **November 14, 2001** beginning at 9:00 a.m., at the **Hyatt Regency Los Angeles, 711 South Hope Street, Los Angeles, CA 90017.**

IMPORTANT – Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
 Executive Director

By: 
 Rick Hyman, District Chief Planner

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to standard and special conditions as attached, the said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the City of Morro Bay to implement a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

The proposed project involves the remodel of an existing 5,776 square-foot two story restaurant (Rose's Landing) and a 3,915 square-foot addition that includes visitor-serving retail shops, a public plaza, viewdeck, and restrooms on a City-owned lease site located on the waterfront along the Embarcadero in the City of Morro Bay. Project plans are attached to this report as Exhibit 3.

The project is located on a 16,341 square foot lot (10,691 sq. ft land and 5,650 sq.ft water) at 725 Embarcadero along the waterfront in Morro Bay, San Luis Obispo County. Please see Exhibit 1 for a regional location map and Exhibit 2 for a site location map. Expansion of the current structure is necessary to create the public plaza and accommodate the viewdeck, restrooms, public access, and other ancillary uses. The City of Morro Bay Local Coastal Program Waterfront Master Plan designates the area in which the project is located as the Embarcadero Visitor Planned Development (PD) Area. The current use at the project site is a restaurant, a primary visitor-serving use that is encouraged in the Waterfront (WF) zone. To the

north and south of the site are existing restaurants. The applicant proposes to add the visitor-serving retail shops and a public plaza to attract visitors to Rose's Landing and the surrounding eateries.

Coastal resource issues raised by the project include potential adverse impacts associated with the elimination of public parking spaces, impacts upon public access and views, and potential adverse impacts to coastal waters associated with construction activities.

The issue of parking is the greatest area-wide concern due to the high attraction of the Embarcadero and unavailable or unsuitable sites for establishing parking along the Embarcadero. Expansion of Rose's Landing will result in a net decrease of 12 public parking spaces. The Waterfront Master Plan states that no parking should be placed in front or side yards, which interrupts the street continuity required and pedestrian passage. The existing parking lot between Rose's Landing and the Flying Dutchman to the south is in direct conflict with the above policy. A parking management plan was established pursuant the City's LCP that allows an applicant to pay an in-lieu parking fee at a rate of \$4,000 per space to pay for future parking improvements. The City recently purchased a blufftop lot that provides 41 free parking spaces and stairway access to the Embarcadero with monies collected via the in-lieu fee. Likewise, the City has conditioned its approval of the proposed project requiring the applicant to submit a total of \$48,000 as mitigation for the lost parking spaces. With this condition, and recognizing that the proposed project expands public access opportunities along the Embarcadero, in combination with the City actively purchasing property to provide adequate free public parking opportunities to the Embarcadero, the project is consistent with the Chapter 3 policies of the Coastal Act.

In addition to the parcel being in public ownership, as proposed, the project includes a public plaza, viewdeck, restrooms, expansion of sidewalks, and handicap access that guarantees the public's right to access along the waterfront. The existing 8' wide lateral access around the building was a Condition of Approval when the existing bar and cocktail lounge was approved by the City of Morro Bay Planning Commission in 1975. The deck will be accessed from either the elevator and stairs off the Embarcadero or public outdoor stairs off the plaza. The public will not be required to purchase food or drinks in these areas. Signing will be conspicuously posted to reinforce the public right to access the plaza and viewdeck. A handicap ramp will be constructed to replace the steps from the plaza down to the bar and patio and public balcony. The bar and patio will be similarly signed, confirming that the public is welcome. The applicant also proposes to widen the existing 5-foot sidewalk to 8 feet, and install planter boxes along the restaurant frontage. Creating wider sidewalks will significantly increase pedestrian circulation.

Therefore, as proposed and approved by this permit, the project includes, expands, and enhances public access to and along the waterfront at Rose's Landing and is consistent with Section 30210 of the Coastal Act.

Impacts to public views are also a concern as the project lies between the first public road and the sea. In this case, Rose's Landing restaurant is located at the foot of Front Street and is partially suspended over Morro Bay. Directly across the bay lies the Morro Bay sand spit. One block up from Embarcadero on Front Street is the Centennial Stairway; which provides blufftop access to Morro Bay Boulevard. This public accessway is heavily used and affords views from Morro Rock south along the spit. The City's waterfront plan requires that public views be protected and/or enhanced by new development.

Currently, the view from the Centennial Stairway is somewhat obstructed by Rose's Landing built-up Mansard flat roof and screening. In keeping with the WF plan, the flat roof will give way

to a gabled and hipped-style roof. The new roof, sloping with a minimum 4 in 12 pitch, actually increases the views to and along the Bay and spit. The moderate sloping roof opens views to the bay immediately north and south of the restaurant. The applicant also proposes a 34' wide public view corridor along the southern area of the property. The proposed view corridor (i.e., plaza) will terminate at the bay's edge and will offer a new handicap access ramp down to the lateral public accessway that circumscribes the building. Access to the bayside path on the north side of Rose's Landing will also be made handicap-compatible. Thus, as proposed, the project will not adversely impact any public views, and is consistent with Section 30251 of the Coastal Act.

The site is within the Coastal Commission's permit jurisdiction by virtue of being located on historic tidelands associated with the historical extent of Morro Bay and the Pacific Ocean. These tidelands were previously filled and a seawall erected in order to elevate the site and protect the surrounding area above the high tide mark.

In terms of potential adverse impacts associated with construction activities in and around coastal waters, the proposed plan does not call for any construction activities in the leased area over Morro Bay. In fact, all construction and renovation of the existing structure will take place on the landward side of the lot. Nevertheless, the Coastal Act provides that the biological productivity of coastal waters shall be maintained and where feasible restored by controlling runoff, minimizing waste water discharges, and employing material containment measures. Morro Bay is a prime example of a biologically productive estuarine system that has along part of its shores a semi-urban community. Consequently, the potential for adverse impacts to its coastal waters associated with urban development is great. As a result, Special Condition #2 is necessary to ensure that material containment measures are implemented to minimize and/or eliminate the threat of fouling of coastal waters associated with the renovation of Rose's Landing. Therefore, as conditioned, and recognizing that the project constitutes renovation of an existing developed structure (as opposed to new development along the waterfront), the project is consistent with Coastal Act Sections 30231 and 30232 of the Coastal Act.

SPECIAL CONDITIONS

1. Compliance with Local Conditions of Approval. All development must occur in strict compliance with the terms of the City of Morro Bay Permit No. CUP 72-00 (attached as Exhibit 4). Any changes to the project, or modifications to the terms of CUP 72-00, shall require an amendment to this permit unless the Executive Director determines that no amendment is required. Any questions regarding the interpretation of these terms, or the project's compliance with these terms, shall be referred to the Executive Director for resolution.
2. Material Containment Measures. Particular care will be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals, etc.) from entering the harbor or any other state waters. Where additional wood preservatives must be applied to cut wood surfaces, the materials, wherever feasible, shall be treated at an onshore location to preclude the possibility of spills into the Harbor or other state waters. A designated staging area shall be used for refueling equipment and vehicles, mixing and storing materials, debris collection and disposal, and containing runoff from any materials that may be used or stockpiled during the project. A floating containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed wharf decks, heavy-duty

mesh containment netting shall be maintained below all work areas where construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or clean up of foreign materials not properly contained.

3. Final Project Plans. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit two sets of City-approved revised final project plans for the Executive Director's review and approval, including site plan, elevations, landscaping, public access, signing, parking, and view analysis.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I acknowledge that I have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

CDBW-88K-C

94-12

Fog
Location


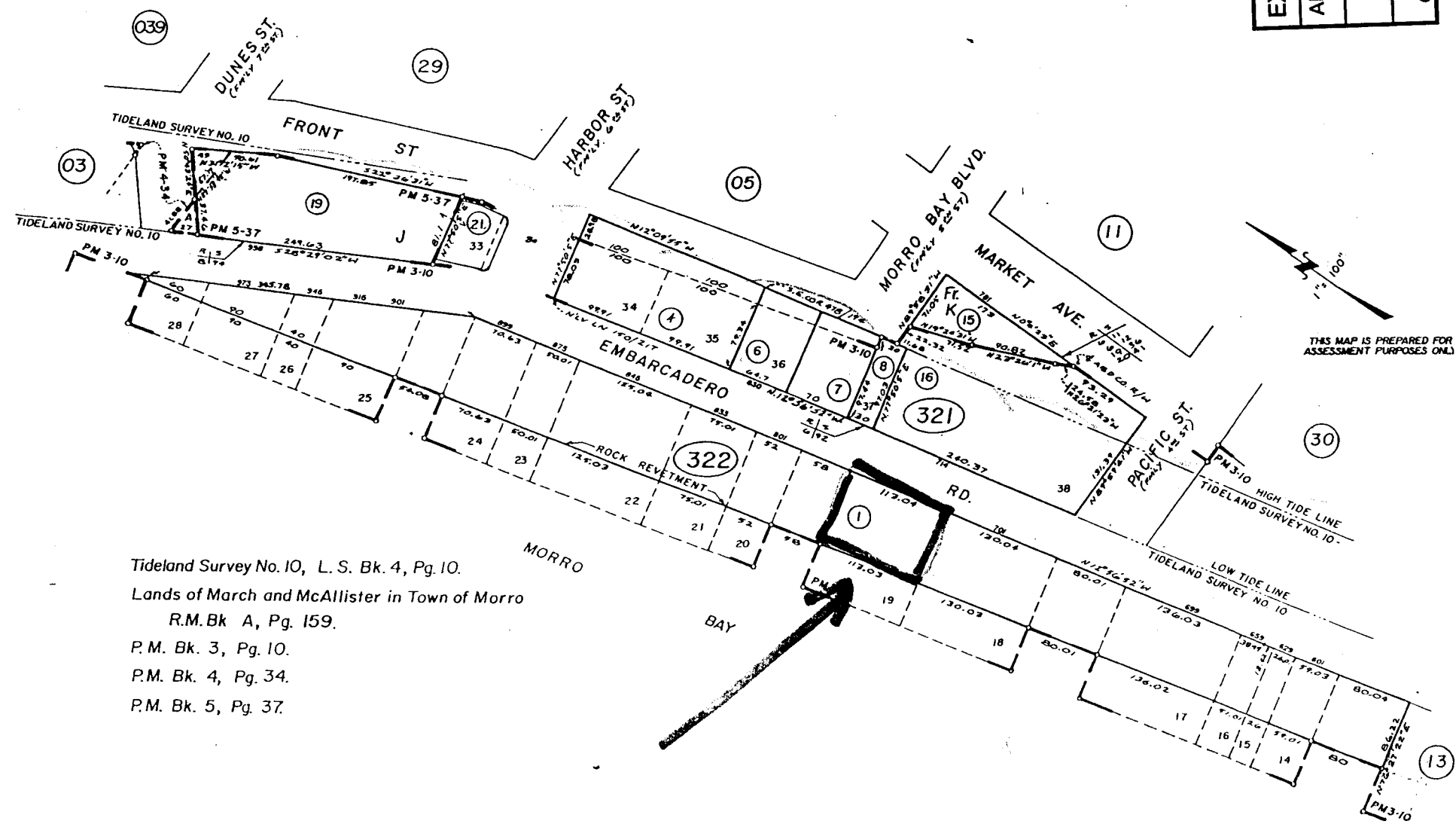
EXHIBIT NO. /
APPLICATION NO. 3-01-072
<i>Aerial Photo</i>
 California Coastal Commission

EXHIBIT NO. 2
 APPLICATION NO. 3-01-072
 Parcel Map
 California Coastal Commission

Lands of MARCH and McALLISTER in TOWN of MORRO



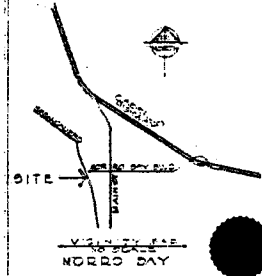
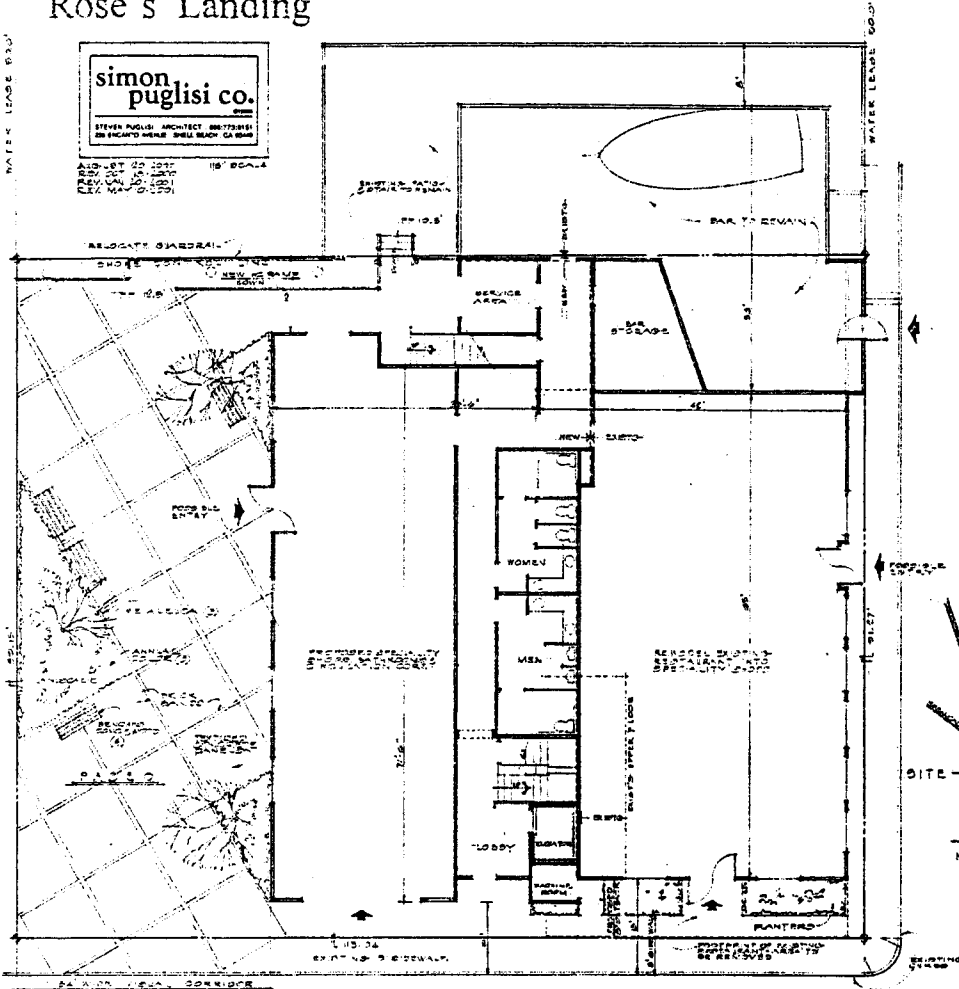
Tideland Survey No. 10, L. S. Bk. 4, Pg. 10.
 Lands of March and McAllister in Town of Morro
 R.M. Bk. A, Pg. 159.
 P.M. Bk. 3, Pg. 10.
 P.M. Bk. 4, Pg. 34.
 P.M. Bk. 5, Pg. 37.

REV 7-16-79 10-4-93
 3-16-93 10-6-94
 8-10-93 10-7-94

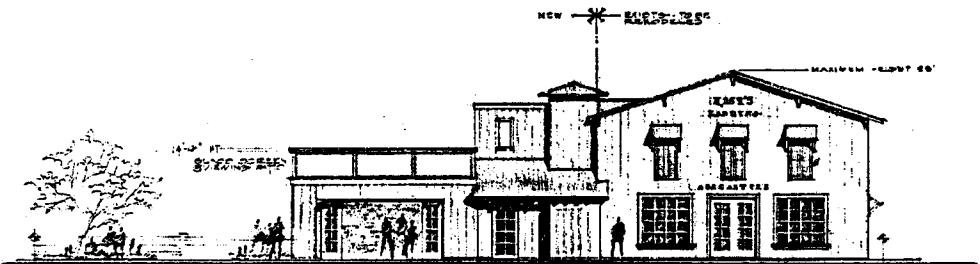
CITY OF MORRO BAY NOV 04 19
 Assessor's Map 66 - Pg. 32
 County of San Luis Obispo, Calif.

Rose's Landing

simon puglisi co.
 STEVEN PUGLISI ARCHITECT 8867738181
 280 HIGHTWAY 1018, SUITE 100
 SAN FRANCISCO, CA 94133
 TEL: 415.774.1200
 FAX: 415.774.1201



CABARCADERO SITE PLAN



CABARCADERO VIEW

EXHIBIT NO. 3
APPLICATION NO. 3-01-072
Site Plans
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 California Coastal Commission

RECEIVED
 NOV 27 2008
 City of San Francisco
 Planning Department



NORTH SIDE

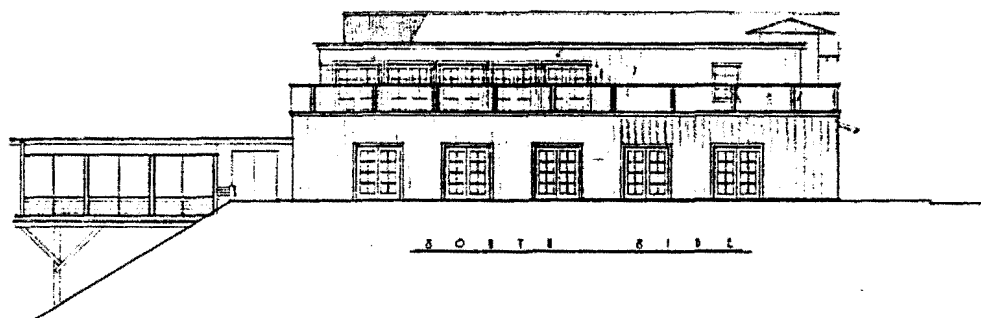
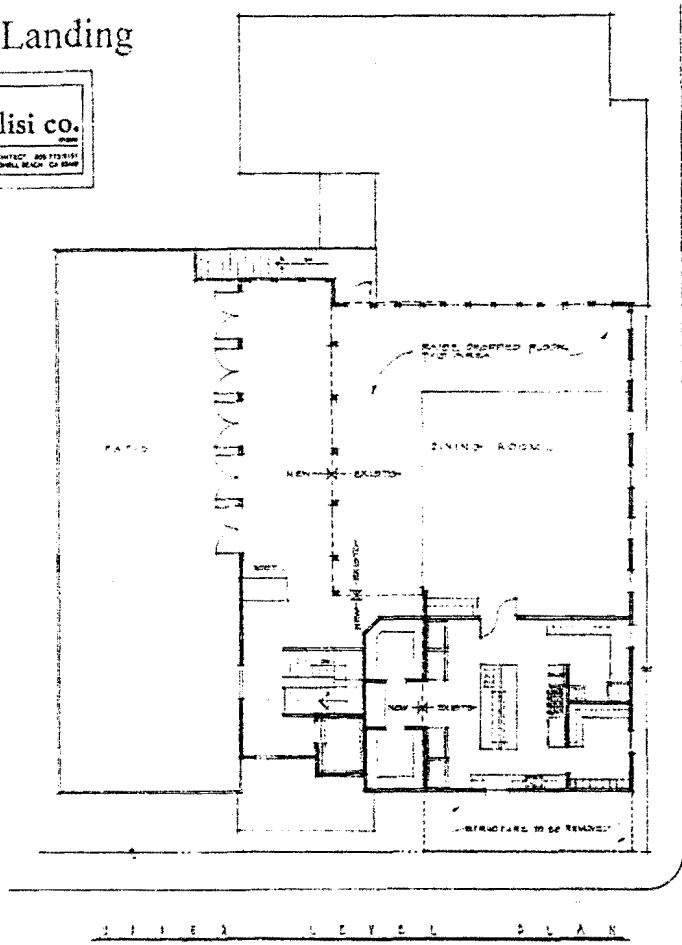
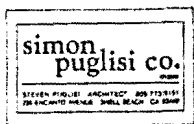
SITE AREA	0.07 LAND + 0.60 WATER
BLDG FOOTPRINT	ENGRS 3,100
	PROPOSED 3,100
TOTAL	6,200
BLDG AREA	ENGRS 3,100
	PROPOSED 3,100
TOTAL	6,200
DECK AREA	ENGRS 1,554
	PROPOSED 1,554
TOTAL	4,654
70% COVERAGE	1st FLOOR 3,000 / 1,000 = 30% OK
	2nd FLOOR 3,000 / 1,000 = 30% OK

PARA-NEW	EXISTING REQUIRED/GRANTED
RESTAURANT	74.16
DANCING	0.00
PATIO DINING	3.00
TOTAL	77.16
PROJECT REQUIRED	
RESTAURANT	01
RETAIL	10.17 PUBLIC RESTROOMS
PATIO DINING	11.50 (ENCLOSED)
REARER	12
TOTAL REQ	24.22
LEFT	52.94
PROJ PND	5.57

BLDG HEIGHT 28'
 VISUAL CORRELATE 20% OF 10' BLDG REQUIRED
 VISUAL SCREENING 80.0% SEE 15'-25' AC
 DESIGN 3-DIMENSIONAL WATERFRONT MASTER PLAN
 UNOBSTRUCTED VIEW REQUIRED 75.0%
 PROPOSED 1100 SQ FT

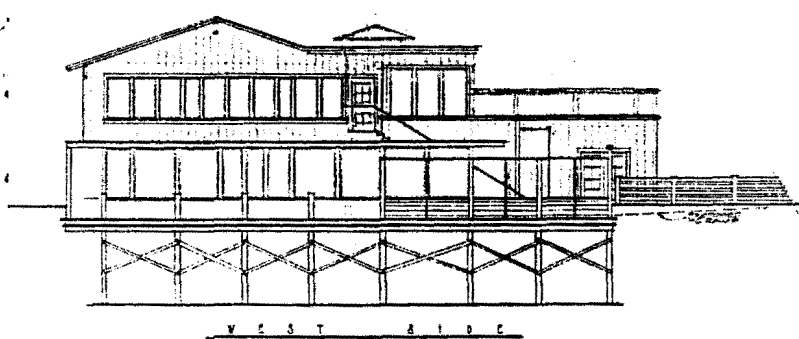
* CHANGED DATED MAY 12, 2001

Rose's Landing



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NOV 27 2008
REV MAY 10 2008

EXHIBIT NO. 3
APPLICATION NO.
3-01-077
Site Plans
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California Coastal Commission



AGENDA NO. <u>B-1</u>
Meeting Date: <u>June 11, 2001</u> Action: _____



City of Morro Bay Administrative Report

TO: Honorable Mayor and City Council **DATE:** June 11, 2001

SUBJECT: Approval of Concept Plan for the remodel and addition to Rose's Landing located at 725 Embarcadero.

RECOMMENDATION

Approve the Mitigated Negative Declaration in accordance with CEQA, along with Conditional Use Permit 72-00.

DISCUSSION

Rose's Landing is an existing restaurant that has been located on the waterfront for many years. The two-story structure lies on a City-owned lease site, and consists of a downstairs bar in the rear, along with a restaurant use upstairs. The applicant is requesting to remodel the 5,776 square-foot building, along with replacing an existing parking lot with a new 3,915 square-foot two story retail/restaurant use, and a new public plaza. On April 16, 2001, the Planning Commission made a recommendation of approval to the City Council for the Concept Plan. However, due to public view shed concerns, the Planning Commission (PC) required that changes be made to the new addition. More specifically, the PC required the removal of the proposed second floor office, storage room and employee area along the front elevation to preserve public views of the harbor from the Centennial Stairway. The applicant has revised this area by extending the proposed second floor view deck, which will be open to the public. Also, the proposed elevator shaft has been shifted closer to the existing structure to the north, and the roof of the lobby area has been changed to a flat roof.

By far, the issue of parking is the greatest area-wide concern and the issue that draws the most complaints from residents and visitors. However, parking does exist in the form of private, on-site parking for some businesses, public parking on City streets, and several public parking lots. A Parking Management Plan was created as outlined in Zoning Ordinance Section 17.44.060. This management plan was established pursuant to the City's Coastal Land Use Plan. Zoning Ordinance Section 17.44.020(A)(7) allows an applicant to pay in-lieu parking fees at a rate of \$4,000 per space into a special fund that will pay for future parking improvements. Chapter 5 of the Waterfront Master Plan, Category 2, No. 2 states that "no parking should be placed in front or side yards which interrupts the street continuity required and pedestrian passage."

The existing use provides 15 on-site parking spaces. This existing parking lot lies between The Flying Dutchman and Rose's Landing, and is in direct conflict with the above-stated criteria. By eliminating the parking lot, the new construction will make a positive step in maintaining a consistent street frontage by providing continuous pedestrian-oriented design. The majority of the parking lot will be used for the new public view corridor. Staff conducted a detailed analysis of the parking requirements. By today's standards, the existing uses require 87 parking spaces. The proposed project as revised requires 99 parking spaces. This results in a parking deficit of 12 parking spaces, which calculates to a total of \$48,000 in parking in-lieu fees.

CONCLUSION

The applicant is requesting that the City Council review and approve the Concept Plan for a remodel, addition, and... new public plaza to Rose's Landing.

ATTACHMENTS

- A. Planning Commission Staff Report
- B. Letters from public

Prepared by: <u>Matt Everling, Associate Planner</u> Department Review:
City Manager Review: <u>R</u>
City Attorney Review: _____

EX 4
3-01-072
Pl of 19



CITY OF MORRO BAY PLANNING COMMISSION

April 16, 2001

AGENDA ITEM: XI-E
ACTION: _____

FILE NUMBER:
CUP72-00

ADDRESS:
725 Embarcadero

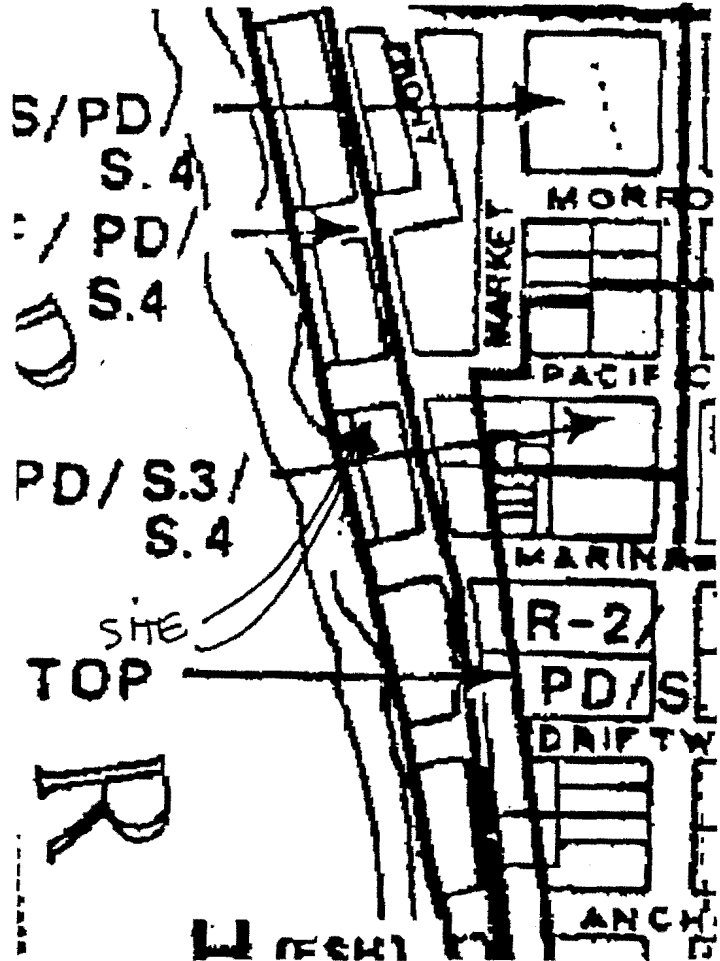
LEGAL DESCRIPTION
Lease sites 82-85, 82W-85W

APN
066-322-01

APPLICANT:
Doug Redican
708 Dolliver Street
Pismo Beach, CA 93449

AGENT:
Steve Puglisi
226 Encanto Avenue
Shell Beach, CA 93449

- ATTACHMENTS:**
1. Findings, Exhibit A
 2. Conditions, Exhibit B
 3. Graphics/Plan Reductions, Exhibit C
 4. Mitigated Negative Declaration, Exhibit D



ISSUE SUMMARY: A request to remodel an existing 5,776 square-foot two story restaurant, along with replacing an existing parking lot with a new 4,640 square-foot two story retail/restaurant use and a new public plaza on a City-owned lease site located on the waterfront along the Embarcadero.

STAFF RECOMMENDATION

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s): _____

- Approve the Mitigated Negative Declaration (Exhibit D) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.), and adopt the Findings included as Exhibit "A", including findings required by the California Environmental Quality Act (CEQA).
- Approve CUP 72-00 subject to the Findings and Conditions included as Exhibits A & B and the site development plans dated February 1, 2001.

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3-01-012
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ENVIRONMENTAL DETERMINATION: Approve the Mitigated Negative Declaration (Exhibit D) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.), approve the development plans based on the findings in Exhibit A and Conditions in Exhibit B.

BACKGROUND

Rose's Landing has been a waterfront landmark for many years. The existing two story wood-sided building is used as a restaurant and bar, and over time has become in need of repair. The restaurant has been in existence since approximately 1966, and the existing bar and cocktail lounge was approved by the Planning Commission in December, 1975. The building possesses the look of traditional "nautical" old fishing village architecture. With the adoption of the Waterfront Master Plan in 1996, many aspects of the site have become non-conforming.

In November 2000, the applicant submitted an application to remodel the existing 5,776 square-foot two story restaurant, along with replacing an existing parking lot with a new 4,640 square-foot two story retail/restaurant use, along with creating a new public plaza.

On December 4, 2000, the Planning Commission was introduced to this proposal with a brief staff presentation. Staff received feedback from the Commission, and met with the applicant to make revisions to the project as recommended by the Commission. The following issues were discussed:

- Parking
- Building height – (putting up posts to simulate what the height will be)
- Public/lateral access
- Adjacent properties
- Public plaza – (possibilities for public art, public seating, potential artisan locations)

The existing site is located in Area #3 of the Waterfront Master Plan. This area has been designated as the Embarcadero Visitor Area. The primary concerns of this area are to :

- Locate a series of observation/information area explaining the natural wonders of the bay and its history and the animals that inhabit it;
- Extend lateral access along the bay front of commercial buildings;
- Preserve & enhance scenic vistas at street ends.

The objective and design intent of Area #3 is to enhance the positive characteristics while improving the access and parking situation. New development should not significantly change the apparent scale of the area. As new buildings are built and old ones rehabilitated, they should be developed to enhance access to the water and provide for pedestrian amenities.

The property lies on land that is owned by the City within the WF/PD/S.4 zone. The applicant leases two portions of land from the City: the land portion and the water portion. The adopted Waterfront Master Plan regulates development along the Embarcadero. The Planned Development Overlay (PD) district grants the Planning Commission the authority to modify or exempt certain zoning restrictions if such action would result in better design or other public benefit. The S.4 Special Treatment Overlay zone requires any project to withstand architectural review.

Conceptual Plan Process

In essence, when a project lies within the Planned Development Overlay (PD) zone, and lies on land that is owned by the City, a Conditional Use Permit and Conceptual Plan is required. This process requires that a formal application be made, with a formal public hearing before the Planning Commission. If the Commission determines to approve the plan, it shall report such findings and recommendations to the

Doug Rodican/Steve Puglisi
CUP 72-00

Planning Commission
April 16, 2001

City Council. A formal City Council meeting with a public hearing is then required. Upon approval by the City Council of a Concept Plan, the applicant must then submit a formal Coastal Development Permit (CDP) application to the California Coastal Commission (CCC) for review and approval. Once approval is obtained from the CCC, a Precise Plan is then submitted to the Planning Commission. The Planning Commission must make a finding of substantial conformance with the Concept Plan as approved by the City Council.

Adjacent Zoning/Land Use			
North:	WF/PD/S.4 - Waterfront, Planned Development, Architectural Overlay	South	WF/PD/S.4 - Waterfront, Planned Development, Architectural Overlay
East:	C-VS/PD/S.4 - Visitor Serving Commercial, Planned Development, Architectural Overlay	West:	Navigable Harbor

Site Characteristics	
Site Area	.36 acres
Existing Use	Restaurant/ Parking lot
Terrain	Level
Vegetation/Wildlife	None
Archaeological Resources	N/A

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Mixed Uses (Harbor)
Base Zone District	Waterfront
Zoning Overlay District	Planned Development
Special Treatment Area	Architectural Overlay
Combining District	N/A
Specific Plan Area	Waterfront Master Plan
Coastal Zone	Coastal Commission Original Jurisdiction

ANALYSIS

Development Standards

Setbacks

The WF/PD/S.4 zoning standards are as follows:

Setbacks	Required	Proposed
Front yard	5-foot 1 st floor, 10-foot 2 nd floor	30 feet
Rear yard	0 feet	10 foot rear from water lease line
Side yard	0 feet	0 feet
Lot coverage	70% maximum	62% 1 st floor, 58% 2 nd floor
Height	14, 17, or 25 feet	25 feet

Doug Rodican/Steve Puglisi
CUP 72-00

Planning Commission
April 16, 2001

Site Plan & Design

Uses and parking

The existing 5,776 square-foot building is currently used as a restaurant and bar. The applicant proposes to leave the bar area in its current location. The kitchen will be moved upstairs, and the area will be remodeled for retail use with primary access from the Embarcadero. The first floor of the new 4,640 square-foot two story building will be used for retail use, with primary access from the Embarcadero. New public restrooms and an interior circulation area are also proposed. The second floor will house additional indoor dining area, restaurant storage, an office, and will create a new uncovered outdoor dining patio area with a view of the bay. The existing outdoor dining area that is over the water will remain unchanged.

By far, the issue of parking is the greatest area-wide concern and the issue that draws the most complaints from residents and visitors. However, parking does exist in the form of private, on-site parking for some businesses, public parking on City streets, and several public parking lots. A Parking Management Plan was created as outlined in Zoning Ordinance Section 17.44.060. This management plan was established pursuant to the City's Coastal Land Use Plan. Zoning Ordinance Section 17.44.020(A)(7) allows an applicant to pay in-lieu parking fees at a rate of \$4,000 per space into a special fund that will pay for future parking improvements. Chapter 5 of the Waterfront Master Plan, Category 2, No. 2 states that:

"No parking should be placed in front or side yards which interrupts the street continuity required and pedestrian passage."

The existing use provides 15 on-site parking spaces. This existing parking lot lies between The Flying Dutchman and Rose's Landing, and is in direct conflict with the above-stated criteria. By eliminating the parking lot, the new construction will make a positive step in maintaining a consistent street frontage by providing a continuous façade. A portion of the parking lot will be used for the new public view corridor.

By today's standards, the existing uses require 87 parking spaces. The proposed project requires 93 parking spaces. This results in a parking deficit of 6 parking spaces, which calculates to a total of \$24,000 in parking in-lieu fees. Staff has added Condition of Approval No. 20 requiring the applicant to fund such monies to the City prior to the issuance of any building permits.

Architecture

The existing structure gives the look and feel of old fishing village. It is comprised of batt and board siding, with a built-up Mansard flat roof with screening to hide existing roof-mounted equipment. The proposed building will incorporate the same "nautical" architectural style. However, in keeping with the WF plan, the roof system will change dramatically. The flat Mansard built-up roof will disappear, and give way to much needed vertical articulation in the use of metal corrugated gable and hipped styled roof systems similar to that of the Flying Dutchman. The new roofs will be sloping with a minimum 4 in 12 pitch. The eaves of the new roof will be moderate, and will incorporate elements such as wood corbels. The maximum height of the structure will be 25 feet.

The front elevation facing the Embarcadero will greet residents and visitors with the liberal use of first and second floor windows and french doors. The doors and windows will be true divided light windows in keeping with the old nautical style of architecture. In keeping with the WF plan, the areas immediately adjacent to the sidewalk will open up to the passing pedestrian both on the northern and southern ends of the structure. A built-in wall niche will be constructed next to the main entry in the center of the front elevation for use as a menu display for the upstairs restaurant. The windows along the second floor will be vertical in style and offer various coverings such as knee-braced awnings and individual gable dormers. To break up the front façade, approximately 1/2 of the elevation will be covered by a roof overhang complemented by additional wood corbels.

EX. 4
3-01-072
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The north elevation will incorporate the same style windows, with the addition of planter boxes along the ground level windows. A gable roof element will be added over the new entrance to the bar to give interest, and to better identify the long-time bar use. As stated before, the interior of the bar area is not proposed to change, and the roof will remain as a flat roof. This flat roof will not be visible from the Embarcadero, or from the south, as well as the bluff. It will still remain visible from the north and from the bay.

The south elevation adds additional vertical articulation to the project due to the varying roof treatments in the foreground and background. This side of the building will offer views from the uncovered second floor outdoor dining area. The view through the clear lexan railing will reveal true divided light french doors that will add more architectural interest to this elevation. The use of the same style doors on the ground level retail shops will add continuity and balance to the building, and will open up to the view corridor. The existing service area that fronts the sidewalk will disappear, and the new trash enclosure/service area will be located in the rear of the site.

The west, or bay elevation will offer the most in horizontal and vertical articulation due to the shifting floor plan and varying roof styles and heights. This is the only elevation of the building that will not use true divided light windows for view preservation purposes.

Because the proposed building will be similar to that of existing buildings on the same site, along with its ability to satisfy the Waterfront Master Plan, staff supports the chosen architectural style.

Public Views, Access, and Significant Benefit

The WF plan requires that public views be protected and enhanced by new development. The applicant is proposing a 34-foot wide public view corridor along the southern area of the property. The WF plan requires a view corridor at least 30% of the width of the lot for lease sites that are 50 feet or more in width. The proposed view corridor, or plaza, will incorporate amenities such as public benches, low-level landscaped planters, trash containers, public telephones, visitor/information kiosks, low-level lighting, and such elements as public art displays by local artisans. The plaza will replace a majority of the parking lot, and will create a sense of place for pedestrians. The surface treatment of the plaza, such as brick, stamped concrete, etc. is not yet decided. Staff has added Condition of Approval No. 21, that prior to approval of the Concept Plan by the City Council, the applicant shall submit a landscape plan.

The view corridor will terminate at the bay's edge, and in keeping with the WF plan, will offer a new handicapped access ramp down to the lateral public access that travels around the building. The existing 8-foot wide lateral access around the building was a Condition of Approval when the bar and cocktail lounge was approved by the Planning Commission in 1975. It should be noted that the public access along the north side of the bar is 5 feet wide. However, the WF plan only requires 8 feet of lateral access along the actual waterfront portion of the site.

The WF plan requires an 8-foot minimum sidewalk width. The existing part of the building currently stands at the back of the 5-foot wide sidewalk the entire length of its frontage, which during peak pedestrian times is very narrow and difficult to negotiate. To eliminate this problem, the applicant proposes to "push" the front façade of the existing building back 8 feet, which will give the structure an 8-foot front yard setback. The WF plan requires an average 5-foot front yard setback for the first floor. The applicant also proposes to widen the existing 5-foot sidewalk to 8 feet, and install planter boxes along the store frontage. The WF plan requires that second floors be set back 10 feet from property line. Since this portion of the building already exists, the second floor will not be set back an additional 2 feet.

The first floor of the new structure to the south will be set back 5 feet from property line, which will provide for an 8-10-foot wide sidewalk. The submitted plans show the second floor to be set back only 8 feet, where 10 feet is required. Therefore, the applicant must revise the concept plans to show a 10-foot front setback for the second floor.

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Creating wider sidewalks will significantly increase pedestrian circulation, which is a much need public benefit. Pushing the building back from the property line, adding landscaped planters, and creating architectural interest in a structure that enhances the physical and visual experience of the Embarcadero is a definite positive benefit along the Embarcadero.

Height

The Waterfront Master Plan allows for an increase in height above the 17-foot limit via a Conditional Use Permit in the Planned Development Overlay zone. The PD zone allows the Planning Commission to approve a 25-foot maximum height is significant public benefit can be achieved. The Commission must make the finding that the overall viewshed characteristics will be improved or, at a minimum, not diminished from the public viewing locations established within the WF plan (see Exhibit C). Additional requirements put on the project are as follows:

1. 80% of all roofs for both one and two stories shall be sloping with a minimum 4 in 12 pitch;
2. Incorporate view corridors;
3. Encourage provision of public (non-customer) viewing areas of the bay and waterfront in the form of outdoor decks or balconies accessible from the lateral accessway;
4. Regardless of any findings for significant public benefit, the maximum height cannot exceed 25 feet.

In terms of height, the most dominating portion of the building will be the north elevation. It must be said that this portion of the structure already exists. The new elevator shaft will also be 25 feet to the top of ridgeline. The hip roof element to the south is proposed to be 24 feet in height.

Water

The existing water retrofit program has been terminated by the City Council. On March 5, 2001, the City Council adopted new guidelines for water usage. Net new water usage for development (historical usage less projected new usage) shall continue to be calculated by the Planning & Building Division staff. The existing bar, restaurant, and outdoor dining area require 5.80 Water Equivalency Units (WEU's). The new restaurant area will require 6.46 WEU's, and the new retail area will require .71 WEU's. The total new WEU's for the site will be 7.17, for a net gain of 1.37 WEU's.

Signage

The existing large neon sign that is mounted on the east elevation has been there since November, 1968. Prior to installation of any sign on-site, a sign program shall be approved by the Planning Commission in conformance with MBMC Chapter 17.68. The sign program shall be submitted for Planning Commission review in conjunction with precise plan approval for this project. A sign permit is required prior to the installation of any sign.

PUBLIC NOTICE: Notice of this item was published in the San Luis Obispo Telegram-Tribune newspaper on April 6, 2001 and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION: The proposed project would be consistent with all applicable development standards of the Zoning Ordinance, and applicable provisions of the General Plan, Local Coastal Plan, and Waterfront Master Plan. No modifications or exceptions to City development requirements are proposed. A Mitigated Negative declaration has been prepared for this project.

Report prepared by: Matt Everling, Associate Planner

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EXHIBIT A: FINDINGS

CUP 72-00, A request to remodel an existing 5,776 square-foot two story restaurant, along with replacing an existing parking lot with a new 4,640 square-foot two story retail/restaurant use on a City-owned lease site located on the waterfront along the Embarcadero.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. CUP 72-00 is subject to a Mitigated Negative Declaration based on soil and drainage issues present on the property. Any impacts associated with the proposed development will be brought to a less than significant level through the Mitigated Negative Declaration.

Conditional Use Permit Findings

- B. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the commercial building is a permitted use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.
- C. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the commercial building will provide a public benefit while contributing to the in-lieu parking fund.
- D. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the City in that the commercial building is a permitted use within the zoning district applicable to the project site and said structure complies with all applicable project conditions and City regulations.

Waterfront Master Plan Findings

- E. The proposed project makes a positive contribution to the visual accessibility to the bay and rock and it:
- Meets the Waterfront plan height limit and maximum building coverage, bulk, and scale requirements in that the proposed project does not exceed the maximum height allowed.
 - In the case of granting height greater than 17 feet, the proposed project also provides significant public benefit pursuant to the Planned Development Overlay zone requirements in that the proposed project will create a new public plaza providing improved public access to the waterfront.
 - The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, and takes advantage of outward views and characteristics of the topography in that the roof elements were altered to allow for better bay views, and the parking lot will be converted to a public plaza.
 - The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will eliminate the existing unsightly parking lot.
 - The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and varied frontage that will enhance the pedestrian experience in that the new building will open up to the passing pedestrian via large entry doors, and the existing parking lot will be removed.
 - The project gives its occupants and the public some variety in materials and/or application in that the building will consist of metal roofing, new vertical windows, and wood siding with planter boxes.

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- g. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the existing building will be remodeled, more horizontal and vertical articulation will be added to the elevations, and the public will be invited into the space via a new public plaza.
- h. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition to its immediate neighbor in that the existing and new construction is and will be very similar to that of the Fish Bowl restaurant to the immediate north in architectural style, massing, materials, scale, and use. The new public plaza will significantly contribute to the pedestrian transition over to the Flying Dutchman to the immediate south.

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EXHIBIT B: CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated April 16, 2001 for the projects depicted on the attached plans labeled "Exhibit C" February 1, 2001 and on file with the Public Services Department, as modified by these conditions of approval.
2. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Planning and Building Department.
3. Precise Plan Approval Required Within One Year: Unless a complete application for a precise plan is submitted to the City within one year of California Coastal Commission approval, this concept plan shall automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan, Waterfront Master Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
4. Changes: Any minor change may be approved by the Public Services Director. Any substantial change will require the filing of an application for an amendment to be reviewed by the Planning Commission.
5. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
6. Compliance with Conditions: By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, Beach Street Specific Plan, certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

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9. Water Saving Devices: Prior to final occupancy clearance, water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
10. Undergrounding of Utilities: Pursuant to MBMC Section 17.48.050, prior to final occupancy clearance, all on-site utilities including electrical, telephone and cable television shall be installed underground.
11. Screening of Equipment/Utility Meters/Fencing: All roof-mounted air conditioning, or heating equipment, vents, ducts and/or utility meters shall be screened from view in a manner approved by the Director of Planning and Building. Prior to building permit issuance, the approved method of screening shall be shown on the project plans.
12. Construction Hours: Pursuant to MBMC Section 9.28.030 (I), noise-generating construction related activities shall be limited to the hours of seven a.m. to seven p.m. daily, unless an exception is granted by the Director of Planning & Building pursuant to the terms of this regulation.
13. Exterior Lighting: Pursuant to MBMC Section 17.52.080, prior to building permit issuance, complete details of all exterior lighting shall be shown on the project plans for review and approval by the Director of Planning & Building. All exterior lighting shall be low level with a height of fixture not to exceed a maximum of 17 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; shielded to minimize on-site and off-site glare; provide adequate on-site lighting; limit fixture height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
14. Dust Control: Prior to issuance of a grading permit, a method of control to prevent dust, construction debris, and wind blown earth problems shall be submitted to and approved by the Building Official to ensure conformance with the performance standards included in MBMC Section 17.52.070.
15. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation and implementation of any protective measures as determined by the Director of Planning & Building.
16. Property Line Verification. It is owner's responsibility to verify lot lines. Prior to foundation inspection the lot corners shall be staked and setbacks marked by a licensed professional.
17. UBC Compliance. All setbacks and openings in exterior walls shall comply with all provisions of the 1994 UBC. Occupancy separation as per Section 310.2.2, 1994 UBC.
18. Applicable Codes. Codes currently in use are:
 - UBC - 1994
 - UMC - 1994
 - UPC - 1994
 - NEC - 1993

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19. Precise Plan Requirements: Prior to Building Permit issuance, Precise Plan approval from the Planning Commission is required. The Precise Plan for the project shall include all information required by MBMC Section 17.40.030 G.1 and any other information deemed necessary by the Director of Public Services.
20. In-lieu parking fees: Prior to the issuance of building permits, the applicant shall pay an amount equal to \$24,000 dollars to the City of Morro Bay for parking in-lieu fees in conjunction with the deficit of 6 required parking spaces for the proposed use.
21. Landscaping: Prior to City Council approval of the Concept Plan, the applicant shall submit a landscape plan to the Public Services Director or designee. The landscape plan shall illustrate proposed landscaping for the proposed view corridor, or plaza area, along with additional landscaping in the planter boxes and front façade.
22. Timing of Landscaping: Prior to issuance of a final Certificate of Occupancy, all required plantings, groundcover and irrigation systems shall be in place to the satisfaction of the Director of Public Services. The landscape consultant shall provide a watering schedule and certify that all plantings and irrigation systems have been installed pursuant to the approved plans prior to issuance of the final Certificate of Occupancy.
23. Coastal Commission Review: Prior to Precise Plan approval, the project shall be reviewed and approved by the California Coastal Commission. Any modifications to the project required by the Coastal Commission shall be subject to review and approval by the City as part of consideration of the Precise Plan.
24. Required Plan Modifications: Prior to submittal of the Precise Plan, the project plans shall be modified as follows:
 - a. The new second floor shall be set back an additional 2 feet to meet the 10-foot front yard setback.
25. Colors and Materials: Prior to issuance of a building permit, the Public Services Director shall ensure compliance of all exterior colors and materials, including fencing materials. All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
26. Signage: Prior to installation of any sign on-site, a sign program shall be approved by the Planning Commission in conformance with MBMC Chapter 17.68. The sign program shall be submitted for Planning Commission review in conjunction with precise plan approval for this project. A sign permit is required prior to the installation of any sign.

PUBLIC WORKS CONDITIONS

27. Engineering Checking and Inspection Agreement: Prior to first plan check submittal to the Engineering Division the Applicant shall enter into this agreement for reimbursement to the City Engineering Division for the direct cost of checking, inspection, and other services which may be required by the contract City Engineer.

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- 28. Circulation Element Requirements: The applicant shall construct or contribute to mitigation in accordance with City policy established in the Circulation Element of the General Plan. The contribution fee shall be proportionate to the percentage increase in peak traffic flows generated by this project. Of the Sequence of Major Street Improvement Priorities shown at Table 3, p. III-64 of the Circulation Element, those locations that would be impacted are Morro Bay Blvd - Quintana - Hwy 1 intersection, Atascadero Rd. - Main Street, and Main St. - Radcliff.
- 29. Traffic Impact Fee: \$1913.63. Pursuant to the Circulation Element of the General Plan and prior to the issuance of a building permit, the Applicant shall pay to the City an impact fee of \$1913.63 toward the construction of future improvements at the intersections of Morro Bay Blvd - Quintana - Hwy 1, Atascadero Rd. - Main Street, and the Main St. - Radcliff intersection. Said fees are proportionate to the increase in peak traffic flows at these locations which will be generated by the proposed project.
- 30. Fees: Fees shall be paid at the Public Services Department, Engineering Division. (Make checks payable to the City of Morro Bay)
- 31. Encroachment Permits: Are issued at the Public Services Department by the Engineering Division, prior to construction in or use of land in the City right-of-way and may be required prior to map recordation, building permit issuance, or as required by the City.

Standard Encroachment Permit, Required for standard construction per City standard specifications. Current fee \$71.82.

Special Encroachment Permit, Required for non-standard work or encroachments in the City right-of-way. The owner submits a completed Special Encroachment Permit, including drawings, notarization and insurance indemnifying the City. After review, approval, and recordation, the Permit and insurance requirements continue with the current and future owners. Current fee \$35.91 plus applicable direct costs checking, administration, and recording.

Sewer Encroachment Permit, Required for sewer work in the City right-of-way. Current fee \$71.82.
- 32. Repair & Replacement of Public Improvements: Prior to project completion the Applicant shall repair curb, gutter, street, or other public improvements which were damaged as a result of construction operations for this project.
- 33. Drainage: Route roof and site runoff in conduit under sidewalk through curb to the street in a non-erosive manner and do not concentrate runoff onto adjacent properties.
- 34. Grading/Erosion Provisions: If grading operations extend into the rainy season, November 1 through March 31, erosion and sedimentation control measures shall provide protection against erosion of adjacent property and prevent sediment or debris from entering adjacent properties, any harbor, waterway, ecologically sensitive area, or public roadway.
- 35. Water Pressure Reducer: The Applicant's plumber shall install a pressure reducer on private property if the water pressure is 80 psi or more.
- 36. Water Backflow Prevention Device: If required, the Applicant is responsible for the installation of an approved domestic water backflow prevention device per MBMC chapter 13.08. Devices are generally not required for single family homes. Devices are usually required for irrigation systems on a dedicated water meter; systems which use may change in character of use (commercial rentals, etc.); gray water systems; or any plumbing system which has cross-

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connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. The installation shall occur prior to building permit completion approval by the City.

Should the Applicant need further information, the City's contracted inspection provider can be reached at: (805) 781-5544, Office of Cross-Connection Inspector, S.L.O. County Health Agency, 2156 Sierra Way, San Luis Obispo, Ca. 93406.

37. Sewer Backwater Valve: Prior to project completion the sewer lateral shall be provided with a backwater valve on private property to prevent a blockage of the municipal sewer main from causing damage to the proposed project.

FIRE DEPARTMENT CONDITIONS

38. **Building and Address Identification**

Approved address numbers shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 5" high with a ½ " stroke.

39. **Security Gates and Openings**

When access gates or doors obstruct access to a development or structure, a key box or special approved padlock shall be provided at the point of obstruction. The key box shall be a type approved by the Chief and shall contain keys to gain access. Approved key switches may be used for electrically-controlled access.

Typically, a flush-mounted Knox Box (key box) mounted no higher than 7 feet, and appropriate keys for emergency Fire Department access is sufficient. Box must be obtained through the Fire Department and installed prior to occupancy release. It takes approximately 2 weeks for delivery. For more information call the Fire Prevention Bureau at 772-6242.

40. **Water Supply and Fire Hydrants**

A. **Water Supply**

- 1) An approved water supply capable of supplying the required fire-flow for fire protection shall be provided to all premises. UFC Appendix III-A shall be used to establish requirements for specific buildings.

B. **Fire Hydrants**

- 1) Fire-hydrant spacing is a function of accessibility, required fire-flow, and required hydrant density as related to the land use. Where practical, all fire hydrants shall be placed within 10' of street intersections. If the distance to the intersection exceeds the allowed distance to a hydrant, a hydrant will be placed at the closest intersection and mid-block. Fire hydrants shall be provided in accordance with UFC Appendix III-B.
- 2) Fire hydrants shall be provided along both sides of "major roadways". The developer shall be responsible for the hydrants along his/her side. The following streets, roadways, or highways have been designated as "major roadways."

- 1) Highway 1
- 2) Highway 41
- 3) Main Street
- 4) Morro Bay Blvd.
- 5) Beach Street between Main and Embarcadero
- 6) Embarcadero
- 7) Piney Way

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- 8) Quintana
- 9) South Bay Blvd.

3) Hydrants shall be of an approved type and installed per City Standards. See the City Public Services Department, Engineering Division standard drawings for type and installation requirements and Engineering Standards.

C. On-Site Fire Hydrants

- 1) When any portion of a structure is more than 150' from a public street with hydrants per "B" above, "on-site" hydrant(s) and mains, capable of supplying the required fire-flow, may be required by the Fire Chief. For structures protected by an approved automatic fire-sprinkler system the distance may be increased to 300'.
- 2) Fire hydrants on private property or in parking areas shall have designated area "No Parking" zones identified by a red-painted curb, berm or stripe, at least 6" wide and 15' in each direction from the hydrant.
- 3) All fire hydrants must be installed and in operable condition prior to starting any combustible construction.

41. Fire Protection Equipment

A. Fire Extinguishers

- 1) Fire extinguishers shall be installed in accordance with the Uniform Fire Code Standard No. 10-1.
- 2) The minimum fire-extinguisher requirement shall be one portable, wall-mounted in such locations so that maximum floor travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Fire extinguishers listed above, will be required on site during construction.
- 3) All fire extinguishers shall be mounted in a conspicuous and readily-accessible location. The extinguisher should be mounted between 42" and 48" in height to center line of the fire-extinguisher valve handle from the floor.

B. Fire Alarm Systems - Are required as follows:

Automatic and Manual Fire-Alarm Systems

- 1) An approved fire-alarm system shall be designed and installed as specified in the Uniform Fire Code, Uniform Building Code, and National Electrical Code as amended by the State of California and local ordinances.
- 2) All fire-alarm systems shall be zoned as required by the Fire Department. Multi-story buildings shall be zoned per floor as a minimum. Multi-zone fire-alarm systems shall be provided with an approved graphic annunciator in a location acceptable to the Fire Department.

C. Automatic Fire Extinguishing Systems

- 1) **Installation Standard.** All fire-sprinkler systems shall be designed and installed in accordance with NFPA Standard 13 with modifications noted below, and maintained as

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required by the Uniform Fire Code. Additionally, all sprinkler-system hydraulic calculations shall include a minimum 10% reduction in the available water supply.

- 2) **Where Required** Sprinkler systems shall be installed in accordance with Morro Bay Municipal Code Section 14.60.200, in all new occupancies exceeding 5000 square feet in compliance with appropriate Uniform Building Code Standards, regardless of area separation or where required by National Fire Protection Association (NFPA) Standards, and other standards adopted by the jurisdiction.
- 3) **Unknown Building Use.** For speculative or general storage buildings, the sprinkler density shall be designed to a minimum of Ordinary Hazard Group 2.
- 4) **Required Flow Alarms.** All automatic sprinkler-systems shall be supervised by an approved central-station service listed by Underwriters Laboratories for receiving fire alarms. This includes all floor and system-control valves. All multi-floor structures or complex (where the activated sprinkler's location would be difficult to determine) single-story buildings shall be supervised by zones as determined by the Fire Department. Zone valves shall be provided as required by the Fire Department.

Exception: Residential sprinkler systems for single-family dwellings or duplexes.

D. Kitchen Hood and Duct Protection (if applicable)

- 1) **Where required:** A Class-I hood and approved fire-suppression system in accordance with the Mechanical Code shall be provided for the protection of commercial-type food heat-processing equipment that produces grease-laden vapors. Cooking facilities in assembly occupancies, educational occupancies and congregate residences shall be considered commercial-type food heat-processing equipment.
- 2) **Extent of protection:** The extinguishing system used for protection of commercial-type cooking equipment shall be installed so that the entire cooking surface, including deep-fat fryers, griddles, upright broilers, charbroilers, range tops and grills is protected. Protection shall also be provided for the enclosed plenum space within the hood above filters and exhaust ducts serving the hood.
- 3) **Type of System:** The system used for protection of commercial-type cooking equipment shall be either a system listed for application with such equipment or an automatic fixed-pipe system that is specifically designed for such application.

All systems shall comply with the requirements of the Mechanical Code, Fire Code and NFPA-96. Listed systems shall be installed in accordance with their listing and the manufacturer's instruction.

- 4) All automatic fire-extinguishing systems shall be interconnected to the fuel or current supply so that the fuel or current is automatically shut off to all equipment under the hood when the system is actuated.
- 5) Activation of the hood-suppression system shall be monitored by a central station fire-alarm system in accordance with NFPA-96.

E. Installation, Approval, Testing and Certification

- 1) **Approval and Testing.** All fire-alarm systems, fire-hydrants, fire-sprinkler systems, and other fire-protection systems shall meet the approval of the Fire Department as to

installation and location and shall be subject to such periodic tests as required by the Chief. Plans and specifications shall be submitted as follows:

- a) **Fire-Alarm Systems:** Plans for the complete submittal of the fire-alarm system shall be submitted for approval to the Building Division concurrent with submittal of building plans. Submittal shall include, but not limited to, the following:
- 1) Scale floor plan(s) showing locations of all proposed devices.
 - 2) Cut sheets for all devices, wiring, and appliances showing U.L. listing and CSFM approval.
 - 3) Written description or matrix chart to define the events which occur when various indicating devices are activated.
 - 4) Provide information pertaining to the number and type of circuits to be used for transmission of signals to a remote monitoring facility (U.L. listed central station).
 - 5) Voltage and battery calculations.
 - 6) Riser diagram.
 - 7) Conductor information including size, stranding, insulation type, etc.
 - 8) Testing requirements.
- b) **Fire Sprinkler Systems:** Plans for the fire-sprinkler system shall be submitted for approval to the Building Division concurrent with submittal of Building Plans. Submittal shall include, but not limited to, the following:
- 1) Scaled floor plan(s) showing location of the fire-sprinkler riser, fire-sprinkler mains with point loads specified and approved by the structural engineer, control valves for each floor, post-indicator valve/double-check assembly, Fire Department connection, existing or proposed public hydrants and any required on-site private hydrants, thrust blocks, sizing of thrust blocks, street valves and on-site valves for the fire main, depth of fire main, section/detail of trench, and tracer wire for underground main.
 - 2) Static pressure, residual pressure and hydrant flow.
 - 3) Design density and proposed use (i.e., storage, rack-storage, office, manufacturing, etc.).
 - 4) Preliminary calculations justifying the size of underground and overhead mains.
 - 5) Testing requirements.
 - 6) A complete fire-sprinkler submittal shall be submitted by the fire-sprinkler contractor for review and approval prior to installation of the overhead piping.

The Fire Department's complete fire-sprinkler plan-check list is available upon request.

- c) **Fire Hydrants:** Plans for on-site fire hydrants shall be submitted for approval to the Building Division concurrent with submittal of building plans. Submittal shall included the following:
- 1) Site plan showing location of public mains and fire hydrants, private mains and hydrants, existing and proposed valves, type of materials used, thrust blocks and sizing of thrust blocks, show the City Standard for fire-

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- hydrant type, depth of main, section/detail of trench, and tracer wire for underground main.
- 2) Hydraulic calculations showing how minimum-required hydrant flow is obtained.
 - 3) Cut sheets of materials and devices showing the U.L. listing.
 - 4) Testing requirements.
- d) **Kitchen Hood and Duct Protection (if applicable):** Plans for the kitchen hood and duct protection shall be submitted for approval to the Building Division concurrent with submittal of the building plans. Submittal shall include, but not limited to, the following:
- 1) Scaled floor plan(s) showing location of Class-I hood, pull-station(s), suppression system devices, gas valve shut-off, electrical panel, make-up air, supply air and appliances.
 - 2) Submit detailed plans showing size and location of piping for the suppression system, flow points, type of nozzles proposed, cylinder size and location, and fusible links.
 - 3) Cut sheets showing U.L. listing.
 - 4) Fire-alarm system monitoring.
 - 5) Shut-down of make-up air for make-up air supplied directly to hood.
- e) **Other Fire Protection Systems:** Plans for other fire-protection systems shall be submitted for approval to the Building Division concurrent with submittal of the building plans.
- 1) The Chief may require that all fire-alarms systems, fire-extinguishing systems (including automatic sprinklers) including engineering calculations for such systems, be approved by a State of California Registered Fire-Protection Engineer prior to submittal of plans to the Fire Department or prior to Fire Department approval of system plans and calculations.
- The Chief may require approved annunciator systems and panels to be installed in connection with any fire-alarm system, fire-detection system, or sprinkler system. The Chief shall designate the type and location of annunciator panels or display units.

42. Fire-Resistive Construction

A. Prohibition on Use of Wood Shake or Single Roofs

- 1) It is unlawful to install or cause to be installed, wood-shake or wood-shingle roofs on any building.

B. Flame-Resistance of Exterior Awnings

- 1) All exterior awnings connected or adjacent to buildings shall be made from fabric which has been flame-resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant fabric approved and listed by the State Fire Marshal for exterior use.
- 2) Certificates of flame-resistance or other documentation acceptable to the Chief shall be available on the premises to affirm the flame-resistance of all fabrics and materials used as part of exterior awnings. **Exception:** Single-family and small, two-family dwellings not exceeding two stories in height.

Doug Redican/Steve Puglisi
CUP 72-00

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43. **Disclosure of Hazardous Materials**

A. **Hazardous Materials Business Plan Requirements**

- 1) Any occupancy that will be conducting operations or storing materials that are hazardous, will have to acquire the appropriate permits from the Morro Bay Fire Department and San Luis County Department of Environmental Health. For additional information regarding permit fees and appropriate forms, please contact MBFD at 772-6242.
- 2) An environmental assessment may be required on sites with questionable past use, or sites where hazardous materials have been stored and/or used. Please note that it is the property owner's responsibility to adequately identify and assess these areas.