

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Tu15d



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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number 3-01-039 Seymour

Applicant Valerie Seymour

Project location 1140 Front Street, Morro Bay, CA 93442, San Luis Obispo (APN 066-034-12)
See Exhibits 1 & 1a.

Project description Construction of a 7,665 square foot two-story, visitor-serving, commercial building including two retail shops on the ground level and a full bar and restaurant on the second floor.

Local approval City of Morro Bay: CUP 47-00 / MUP 15-99.

File documents Coastal Development Permit 3-01-039 (Seymour); City of Morro Bay certified LCP; City of Morro Bay Planning Commission Staff Report (2/5/01); Soil Engineering Report prepared by GeoSolutions, Inc. (April 1999).

Staff recommendation... Approval

Summary: The Applicant proposes to construct a 7,6656 square-foot two-story commercial building along the Front Street frontage in the City of Morro Bay. The property is located within the City's visitor-serving commercial, planned development overlay zone. The proposed project represents an infill of an existing 6,118 square foot vacant parcel, which has existing development on both parcels directly north and south of the subject lot. The proposed project site is level with Front Street and slopes upward approximately 30 feet to the top of the bluff. The proposed project has been approved by the City and complies with all of the required development standards except the front yard setback and lot coverage requirements.

The architectural style was designed to blend in and be compatible with the surrounding structures as well as contribute to the fishing village character of Morro Bay. The primary goal of the planning and architecture is to create a pedestrian friendly destination and connecting walkway along Front Street. The applicant proposed to use brick, wood, and stucco materials together with ample windows, window mullions, and wood doors to give the building the look and feel of traditional nautical fishing village.

The design of the building includes two retail shops on the ground level and a full bar and restaurant on the second floor. The total combined parking requirement for the bottom level retail space and second



California Coastal Commission
August 2001 Meeting in Redondo Beach

Staff: M. Watson Approved by: *RSH*

floor restaurant and bar is 44 spaces. Because of site constraints the applicant will not be able to provide any parking on-site. Parking within the Embarcadero area of the City is extremely limited and thus, the City has required the applicant to pay an in-lieu fee as part of an established program which will pay for future parking opportunities in the area. Since the height of the building has been restricted to below the top of bluff, no visual impacts are associated with the project. Impacts from landform alteration have been addressed in the grading and drainage plan submitted by the applicant. The project will not affect public access.

Thus, the project, as proposed and conditioned, is consistent with Chapter 3 of the Coastal Act. Staff recommends approval.



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I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-039 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.



II. Conditions of Approval

A. 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.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. 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.

B. 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 File No. CUP 47-00 / MUP 15-99 (as attached as Exhibit 2). Any changes to the project or modifications to the terms of CUP 47-00 / MUP 15-99, 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. **Compliance with Geotechnical Recommendations.** Final project plans and project construction shall conform to and incorporate the recommendations contained in the Soil Engineering Report prepared for the subject project by GeoSolutions, Inc., dated April, 1999. PRIOR TO THE TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for Executive Director review and approval, the mitigation measures for Clearing and Stripping, Preparation of Building Pads, Preparation of Paved Areas, Structural Fill, Excavating Conditions, Foundations, Slab-on-Grade Construction, Retaining Walls, Pavement Design, Underground Facilities Construction, and Surface and Sub-Surface Drainage and, accompanied by written evidence that a licensed Geotechnical Engineer will be retained for consultation, review, and inspection of said mitigation plan(s).



III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The Applicant proposes to construct a 7,6656 square-foot two-story commercial building at 1140 Front Street frontage in the City of Morro Bay, San Luis Obispo County (APN 066-034-012). The property is located within the City's visitor-serving commercial, planned development overlay zone. The proposed project represents an infill of an existing 6,118 square foot vacant parcel, which has existing development on both parcels directly north and south of the subject lot. The proposed project site is level with Front Street and slopes upward approximately 30 feet to the top of the bluff.

The applicant proposes to create two retail establishments on the bottom level of the building and a restaurant and full bar on the second floor which is consistent with the City's visitor-serving commercial, planned development zoning (C-VS/PD) for the site. As mentioned above, the proposed development represents an infill between existing development that will provide a logical connection along Front Street. See Exhibit 3.

B. Coastal Development Permit Determination

The site is within the Coastal Commission's original permit jurisdiction by virtue of being located on historic tidelands associated with Morro Bay. A revetment was built and the tidelands filled in order to develop the surrounding Embarcadero into the waterfront area that currently exists. Therefore, the standard of review for this project is the Coastal Act. The City has a certified Local Coastal Program, which includes recommendations for development on the waterfront, that may be consulted for guidance. The coastal resource issues raised by the proposed development include urban infill, parking, and landform alteration of the bluff.

1. Development

The Coastal Act requires that new commercial development be located within existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. Section 30250 of the Coastal Act states in part:

Section 30250 (a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The subject site is located in an existing developed area as described above. The proposed project



complies with all of the City-required development standards with the exception of the front yard setback and lot coverage. The applicant has proposed a zero front yard setback instead of the required 10 foot setback to create a connection between the parcel in question, the Adventure Inn building to the north, and the Tyler building to the south. Imposing a 10-foot setback would interrupt the flow of the storefronts and require an 18-foot wide sidewalk. The 10-foot setback would also deprive the applicant use of additional leaseable space that adjacent property owner currently enjoy. Exhibit 3.

The applicant requested an allowance to increase the lot coverage from 60% to 64% to house the service area waste containers (dumpsters) in an enclosed area out of site of public view. Since access is not feasible from the rear of the site, the delivery service area and trash storage area needs to be combined. Though total site coverage could be reduced to 59% by placing it outside, it would be in public view and may contribute to health issues.

In both cases, the proposed development and requested allowance will not have any adverse effects, individually or cumulatively, on coastal resources. Therefore, the proposed project is consistent with Coastal Act Section 30250.

2. Access & Parking

Coastal Act Sections 30211, 30212(a), and 30212.5 requires that maximum public access and public parking facilities be provided and distributed throughout an area to ensure that development not interfere with the public's right of access to the sea and that impacts from crowding or overuse are minimized.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects ...

Section 30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The design of the building includes two retail shops on the ground level and a full bar and restaurant on the second floor. The total combined parking requirement (as per City code) for the bottom level retail space and second floor restaurant and bar is 44 spaces. Because of site constraints, the applicant will not be able to provide any parking on-site. Parking along Embarcadero and Front Street in the City is extremely limited and thus, the City has required the applicant to pay an in-lieu fee of \$4000 per space, which will pay for future parking opportunities in this area. The Commission has general concerns about the use of in-lieu fees to meet the applicable requirements for on-site parking. For instance, one concern



is that development itself may ultimately preclude the purchase of public parking opportunities. Coastal properties are very valuable and scarce, thus, the City's ability to find an appropriate lot for a reasonable price will eventually be eliminated. Similarly the Commission is concerned that in-lieu fees collected for potential impacts from parking may not be being used for securing public parking in areas where it is most needed.

However, these concerns are not warranted in this instance. The City of Morro Bay still has a number of vacant lots in the waterfront area. Furthermore, the City has implemented a parking in-lieu fee program to provide additional required parking at another location in lieu of the applicant providing the required off-street parking. Section 17.44.020 7 (b) requires that parking be provided within a reasonable distance from the contributing project or in close proximity to public transit providing access thereto. The ordinance requires that all collected fees be used for the purpose in which they were intended (i.e., purchase or lease land for public parking).

Appropriately, the City of Morro Bay has been very active in securing properties to be used as public parking lots with the monies collected through in-lieu fees. In recent weeks the City has purchased a blufftop lot above Embarcadero and plans to provide free public parking with a staircase leading down the bluff to the waterfront. Thus, it would appear that the in-lieu fee program is working in the City of Morro Bay for the purposes in which it was intended, -to provide for adequate public parking and access to coastal areas. Therefore, as conditioned by the City, the project is consistent with Coastal Act Sections 30211, 30212(a), and 30212.5.

3. Bluff Alteration

Section 30253(2) requires that new developments not cause significant geologic instability or substantially alter natural landforms along bluffs and cliffs. Coastal Act Section 30253(2) states:

Section 30253(2). New development shall:

Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The initial study performed on the proposed project indicated there was a potential for significant impact to result from grading and landform alteration. The proposed project is located between two developed lots abutting a coastal bluff. Development will require grading of the bluff face and site to situate the building in position. The rear setback is 20 feet and as such will protect the top of the bluff and at least part of the bluff face. However, 1,500 cubic yards of grading at the base of bluff and bottom slope of the bluff will need to occur. Though a significant amount of grading and landform alteration will take place, the cut will be retained and the bluff integrity preserved. As mitigation for potential impacts, the applicant is required to incorporate all the recommended measures presented in the Soil Engineering Report prepared by GeoSolutions Inc., in April 1999. The Soil and Engineering report identified



construction methods, material containment measures, and design recommendations that would minimize impacts associated with development in the bluff face. With this condition, and recognizing that the project constitutes infill within an existing developed area (as opposed to development in an undeveloped coastal bluff), the project is consistent with Coastal Act Section 30253 (2), which requires that new development assure stability and not create geologic instability that would substantially alter natural landforms along bluffs and cliffs.

4. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal that are incorporated into this finding, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). Any public comments regarding this project have been addressed in these findings. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



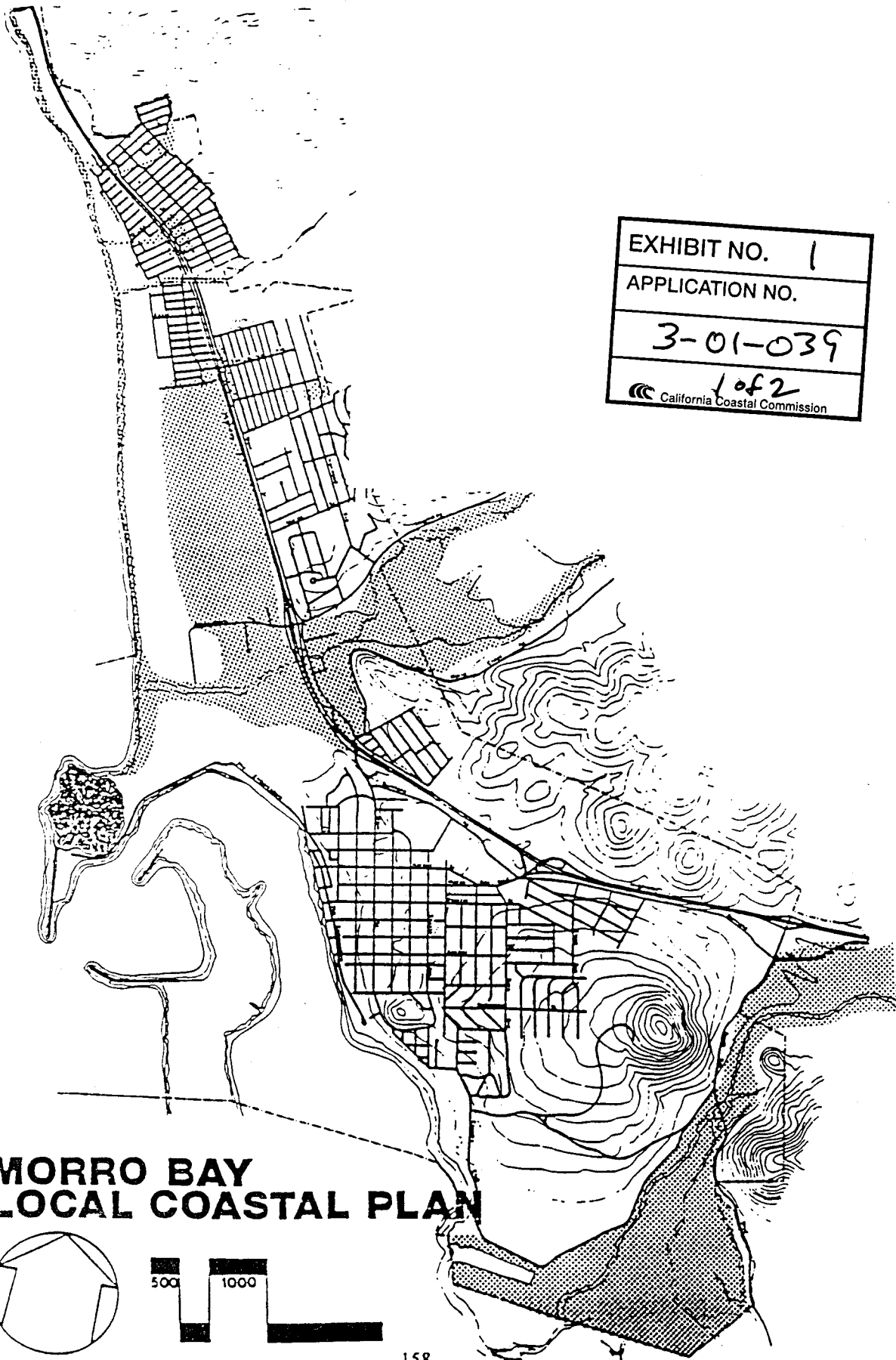
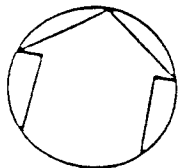


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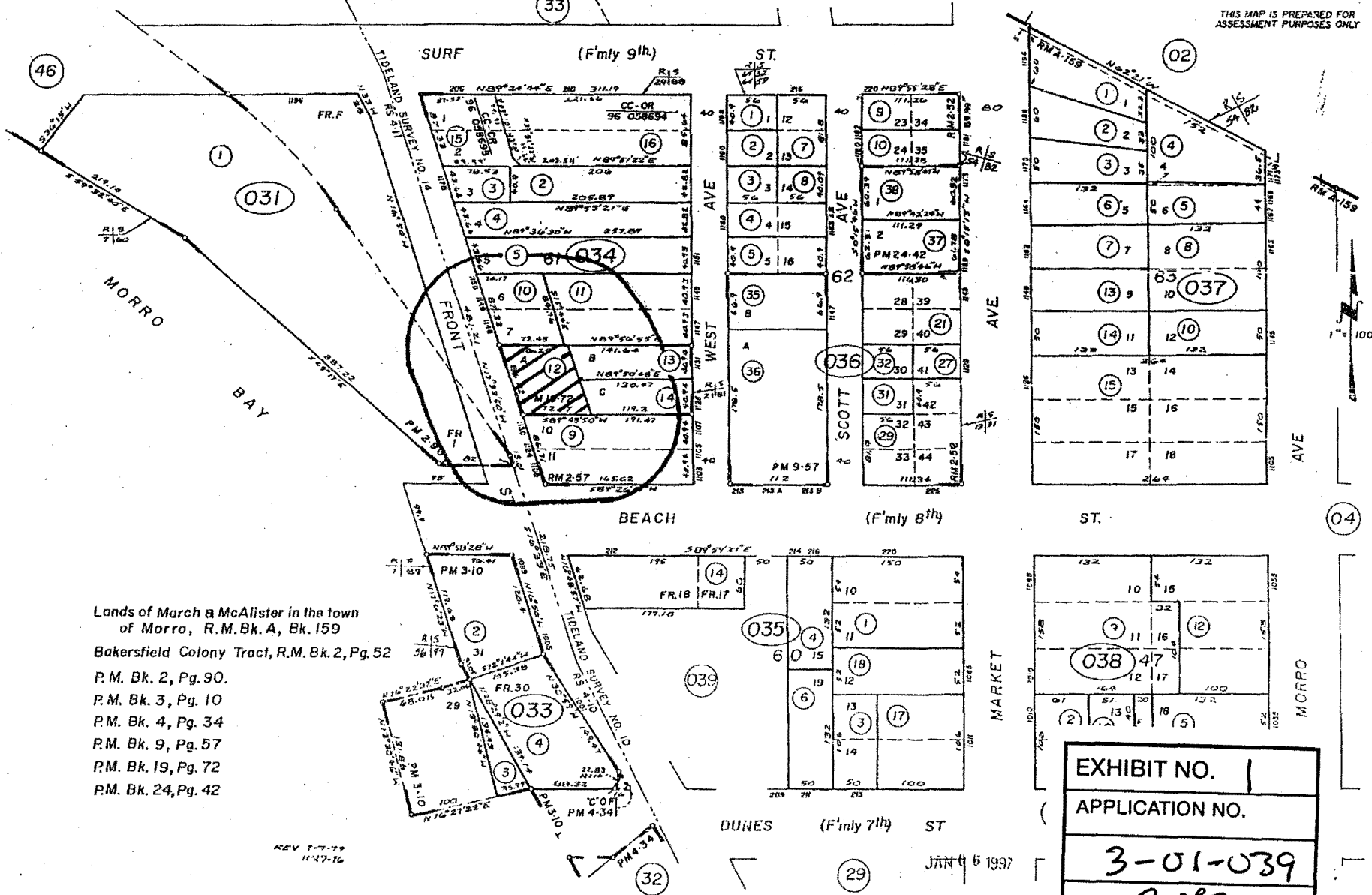
MORRO BAY LOCAL COASTAL PLAN



H & McALLISTER in the TOWN of MORRO

66-03

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY



Lands of March & McAllister in the town of Morro, R.M. Bk. A, Bk. 159
 Bakersfield Colony Tract, R.M. Bk. 2, Pg. 52
 P.M. Bk. 2, Pg. 90.
 P.M. Bk. 3, Pg. 10
 P.M. Bk. 4, Pg. 34
 P.M. Bk. 9, Pg. 57
 P.M. Bk. 19, Pg. 72
 P.M. Bk. 24, Pg. 42

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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 February 5, 2001 for the projects depicted on the attached plans labeled "Exhibit C" January 19, 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. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will 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 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.
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.

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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 20 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

PLANNING CONDITIONS

19. Locked gate: Prior to issuance of building permits, the applicant shall revise the plans to include a locked gate at the top of the stairs, of sufficient height to prevent the general public entering and climbing the bluff.

20. Coastal Development Permit from California Coastal Commission: Prior to issuance of a building permit, the applicant shall submit to the Public Services Department a written confirmation indicating the project has been reviewed and approved by the California Coastal Commission (either a copy of an approved Coastal Development Permit or a permit waiver). Any modifications to the project or conditions of approval shall be reviewed by the Public Services Director to determine whether the change is in substantial conformance with the City's approval. Substantial changes will require review of an amendment by the Planning Commission pursuant to Condition 4.
21. Landscaping: Prior to the issuance of building permits, the applicant shall submit revised landscape plans for the bluff face which shall be reviewed and approved by the Public Services Director or designee. All drought-tolerant plant materials shall not exceed the top of bluff elevation, and shall be maintained diligently to ensure proper health, growth and appearance. In the future, replacement materials shall have similar functional characteristics as those existing.
22. In-lieu parking fees: Prior to the issuance of building permits, the applicant shall pay an amount equal to \$176,000 dollars to the City of Morro Bay for parking in-lieu fees in conjunction with the 44 required parking spaces for the proposed use.
23. View Deck: Prior to the issuance of building permits, the applicant shall pay an amount equal to \$2.00 dollars per linear-foot of property fronting along the toe of the bluff or \$100.00, whichever is greater, shall be paid to the City for the purpose of designing, constructing, and/or maintaining a public view deck to be constructed on Surf Street or other such location deemed appropriate by the City. With a lot frontage of 86.77 linear feet, the total fee would be \$173.54.
24. Bar Service: The applicant shall require that all alcohol servers are trained in Responsible Beverage Service by the ABC. Proof of training shall be sent to the Public Services Director, and shall be kept on the premises at all times.

PUBLIC WORKS CONDITIONS

25. Off-Site Public Improvements: Are required as set forth in MBMC Section 14.44. Prior to building permit issuance the Applicant shall (1) submit a public improvement plan designed by a civil engineer registered in California. The plan shall be for construction of the frontage improvements and shall indicate proposed elevations for future tie-in of curb and gutter to the frontage of the lots to the north. The curb improvements along the property frontage shall be painted red. (2) include the general notes provided by the City upon the improvement plans. (3) submit cost estimates calculated on the City provided Engineering Estimate Worksheet of the off-site improvements for review by the Engineering Division. (4) deposit a financial security with the City in the amount of 150% of the estimated construction cost of the public improvements. (5) complete the City's improvement agreement. Existing public improvements which are in need of repair, or do not meet City specification, shall be repaired or replaced by Applicant prior to project completion. The Applicant shall install the following improvements: Sidewalk, end ramp, curb and gutter and adjacent street section as required, water meter box in sidewalk and through curb drains.
26. 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.

27. 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.

28. 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.

29. Fees: Fees shall be paid at the Public Services Department, Engineering Division. (Make checks payable to the City of Morro Bay)

30. 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.

31. 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.

32. 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.

33. 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.

34. Water Pressure Reducer: The Applicant's plumber shall install a pressure reducer on private property if the water pressure is 80 psi or more.

35. 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-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.

- 36. 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

37. **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 1/2" stroke.

38. **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.

39. **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

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- 7) Piney Way
 - 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.

40. **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 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-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.

41. **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**

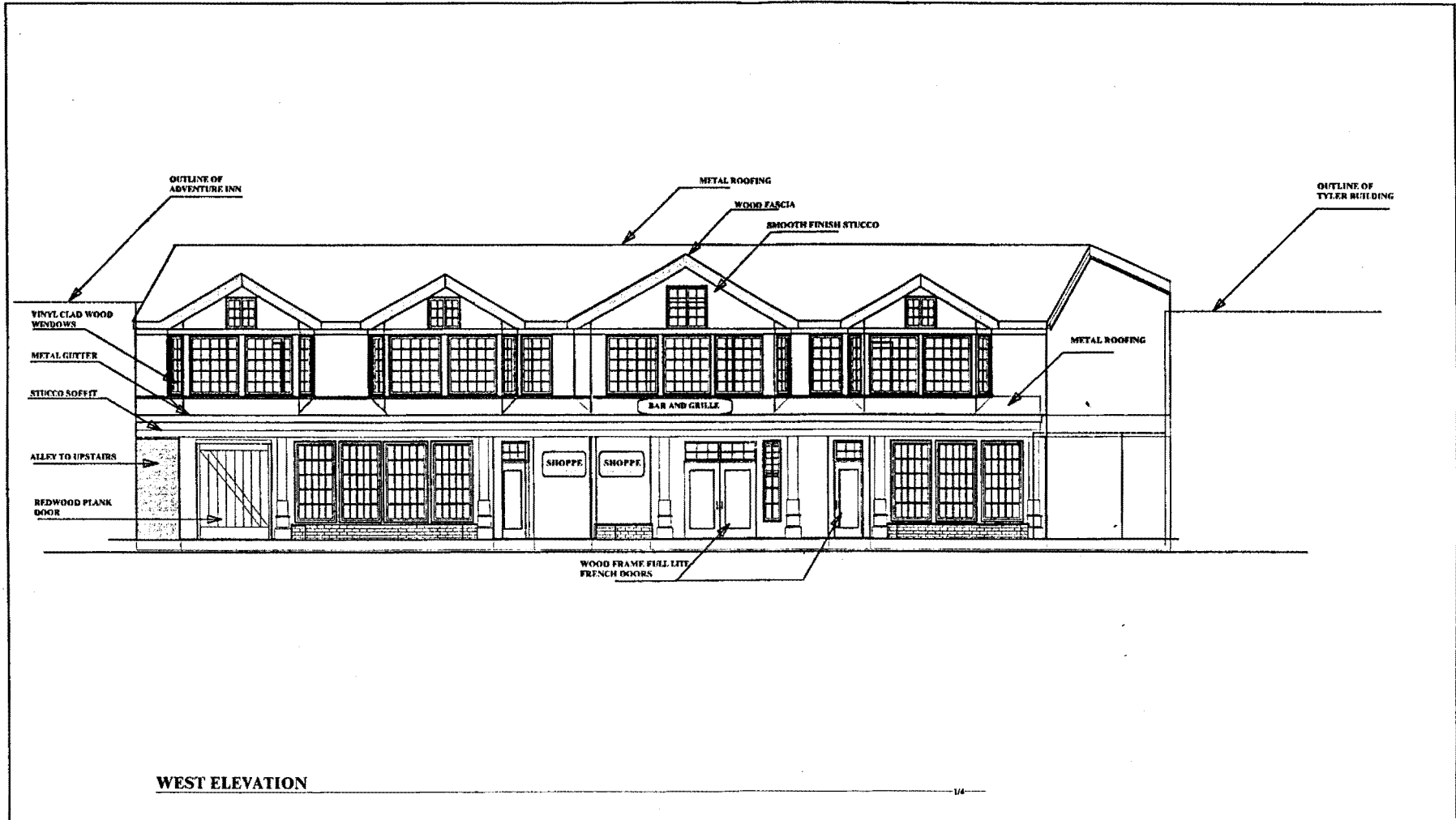
- 1) All exterior awnings connected or adjacent to buildings shall be made from fabric which has been flame-resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant fabric approved and listed by the State Fire Marshal for exterior 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.

42. **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.

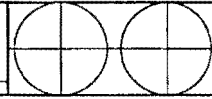


WEST ELEVATION

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1140 FRONT STREET
MORRO BAY

REV	NO.	DATE	REVISIONS / SUBMITTALS



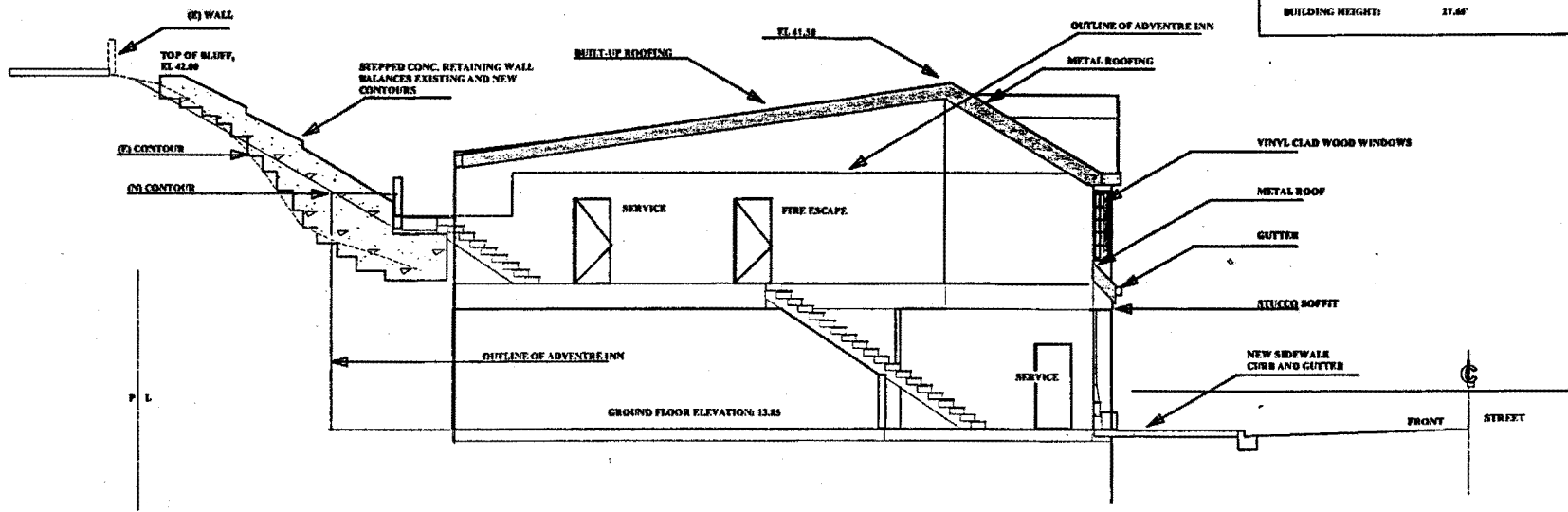
Thomas Laune
780 Monterey Avenue, Suite B
Morro Bay, CA 93442
Phone: 805 772-5038

Jonathan McAlpin, Architect
805 772 8920

1140 Front Street
Morro Bay

EXHIBIT NO. 3
APPLICATION NO.
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California Coastal Commission

HEIGHT CALCULATIONS:	
FRONT STREET FLOW LINE:	12.85
CURB:	13.85
GROUND FLOOR:	13.85
RIDGE:	41.50
TOP OF BLUFF:	42.80
BUILDING HEIGHT:	27.65'

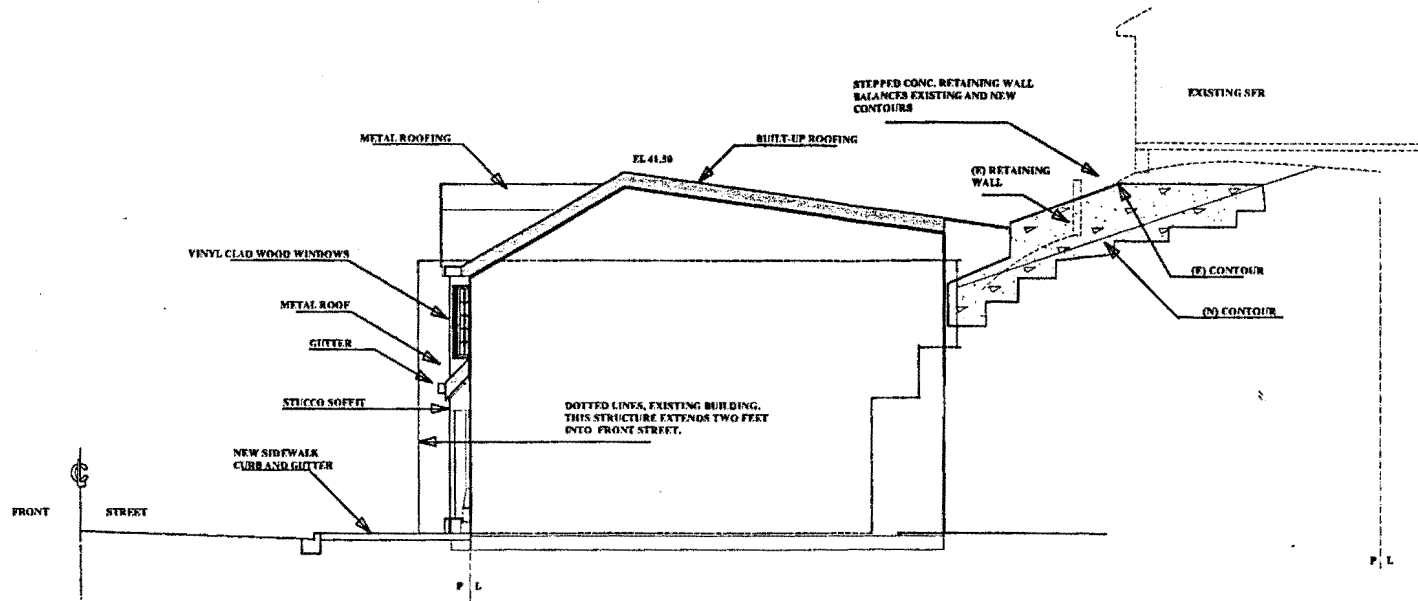


NORTH ELEVATION

1140 FRONT STREET MORRO BAY				Thomas Laune 780 Monterey Avenue, Suite B Morro Bay, CA 93442 Phone: 805 772-9038	1140 Front Street Morro Bay
Rev. No.	Rev. Date	Revision Note		Jonathan McAlpin, Architect 805 772-8920	

EXHIBIT NO. 3
APPLICATION NO.
3-01-039
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 California Coastal Commission

EXISTING WALL
AND NEW



SOUTH ELEVATION

1140 FRONT STREET
MORRO BAY

Rev.	By	Date	Revision / Submittals		Thomas Laune 780 Monterey Avenue, Suite 8 Morro Bay, CA 93442 Phone: 805 772-5938	1140 Front Street Morro Bay
Jan.					Jonathan McAlpin, Architect 805 772-8920	

EXHIBIT NO. **3**

APPLICATION NO.

3-01-039

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EXHIBIT NO. 4
APPLICATION NO.
3-01-039
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 California Coastal Commission

