

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: September 24, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Recirculated Initial Study/Mitigated Negative Declaration and Use Permit Amendment, Design Review Permit, Planned Agricultural District Permit and a Grading Permit, to (1) expand the hours of operation to allow brunch and lunch service on Fridays and weekends only (93 seats only) and (2) legalize unpermitted exterior lighting and patios at a 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County, and (3) to allow access, landscaping and drainage improvements on adjoining parcels owned by the State of California Department of Parks and Recreation for a 21-space, gravel surface parking lot for beach users. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission.

County File Number: PLN 2006-00494 (La Costanera Restaurant)

PROPOSAL

The La Costanera Restaurant's hours of operation are restricted to "5:00 p.m. to closing time." The applicant, Farhad Mortazavi, proposes a Use Permit Amendment to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch, and dinner service), where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats. In addition, Mr. Mortazavi requests to legalize unpermitted lighting and patio improvements at the property and perform access, drainage and landscaping improvements on State of California Department of Parks and Recreation (State Parks) land for a 21-space, gravel surface parking lot for beach access only.

RECOMMENDATION

That the Planning Commission: (1) certify the Recirculated Initial Study/Mitigated Negative Declaration, (2) approve the Use Permit Amendment and Design Review Permit for modifications to the restaurant use and structure, and (3) approve the Planned Agricultural District Permit, Grading Permit and Design Review Permit for the improvement of State lands for a parking lot, by making the required findings and adopting the conditions of approval in Attachment A of the staff report.

BACKGROUND

The La Costanera Restaurant site consists of an 11,332 sq. ft. restaurant (189 seats) and two parking lots, Lots A and C, containing a total of 53 parking spaces. The current Use Permit restricts the hours of operation to “5:00 p.m. to closing time.” Before 5:00 p.m., all on-site parking is available for beach user parking. The applicant proposes to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch, and dinner service), where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats. The proposal will reduce parking available for beach users at the site during this time. The applicant also proposes to legalize unpermitted lighting added to the building and the construction of two outdoor patios, which are the subject of ongoing enforcement action by the County and the California Coastal Commission (CCC).

To address parking impacts resulting from the requested expanded hours of operation, the applicant proposes to re-stripe Lot C to accommodate 25 spaces (where 20 exist), increasing total parking to 58 parking spaces.¹ For brunch and lunch, the applicant proposes to provide all parking in Lot C with valet-only parking available, whereby parking for 31 cars (25 non-valet and 6 valet spaces) could be accommodated.

To address impacts to beach user parking, the applicant proposes to perform access, drainage, and landscaping improvements at an informal, historical beach user parking lot (Lot B) located immediately north of parking Lot A. The existing dirt lot would be graveled and provide 21 parking spaces exclusively for beach user access, where the site currently accommodates approximately 20 informal, unpermitted parking spaces. State Parks has signed a non-binding Letter of Intent acknowledging the proposed improvements on the subject State lands.

SUMMARY

Compliance with Current Use Permit (UP 20-77): County-issued UP 20-77 contained 10 conditions of approval. Based on complaints received and correspondence with CCC staff and representatives of the owner (A&G LLC), Planning staff has determined that the property owner has not consistently complied with these conditions, particularly with regard to hours of operation and unpermitted lighting, signage and construction.

State Permit Required: The CCC has Coastal Development Permit (CDP) authority over this project due to the CCC’s issuance of CDP P-77-579 for a remodel of a restaurant at this location in 1977. The applicant has applied to the CCC to amend CDP P-77-579, which will be processed after the County’s permitting process, where the Use Permit Amendment would be considered inactive until the CDP Amendment is granted.

Parking Analysis: With the introduction of brunch/lunch service on Fridays and weekends, total parking available for beach users at the subject properties will decrease

¹ While Lot A will be re-striped, the total number, 33 parking spaces, will remain the same.

by nine spaces with the loss of parking spaces in Lot C. The proposed hours of operation of 10:00 a.m. to 2:00 a.m. on Fridays and weekends would effectively eliminate public use of Lot C after 10:00 a.m. on these days. Planning staff proposes limiting brunch and lunch service to 10:00 a.m. to 2:00 p.m., allowing beach user parking in Lot C between 2:00 p.m. and 5:00 p.m.² The applicant has prepared a draft parking management plan (Attachment L of the staff report) to include monitoring of the exclusive beach use of Lot B. Condition No. 32 (Mitigation Measure 9) requires signage prohibiting parking by restaurant visitors in Lot B at all times and Lot A before 5:00 p.m. on any day.

Environmental Review: After the release of the original Initial Study and Mitigated Negative Declaration (IS/MND), the IS/MND was revised and recirculated (Recirculated IS/MND). The Recirculated IS/MND was released on February 27, 2014 with a 30-day public review period ending on March 31, 2014. The Recirculated IS/MND includes analysis of potential project impacts to archaeological resources, public access, soil and erosion, the Cabrillo Highway County-Designated Scenic Route, and pedestrian, bicycle and vehicle traffic (including a report prepared by Hexagon Transportation Consultants, Inc.). Comments were received from State Parks, CCC, Midcoast Community Council, Committee for Green Foothills, and other interested agencies and individuals. Comments largely focused on impacts to traffic and beach access parking and concerns regarding the difficulty of enforcing parking restrictions.

As discussed in the staff report, the project complies with the County's General Plan, Zoning Regulations related to the Coastside Commercial Recreation District and Planned Agricultural District, required findings for a Use Permit and a Grading Permit, and applicable design review standards.

County Counsel has reviewed and approved the materials as to form and content.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by increasing the diversity of recreational opportunities, improving access to parks, and improving connectivity between these destinations, within the Coastside community.

FISCAL IMPACT

Staff time would be required for project monitoring. As staff time is already included in the Department budget, no impact to Net County Cost is anticipated. Therefore, there is no fiscal impact to the County.

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² Staff recommends a closing time of 10:00 p.m. every day, maintaining the current closing time as shown on the restaurant website.

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: September 24, 2014

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Recirculated Initial Study/Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA); Use Permit Amendment, Design Review Permit, and Planned Agricultural District Permit, pursuant to Sections 6267, 6565.3 and 6353 of the San Mateo County Zoning Regulations, respectively, and a Grading Permit, pursuant to Section 8600 of the San Mateo County Ordinance Code to (1) expand the hours of operation to allow brunch and lunch service on Fridays and weekends only (93 seats only) and (2) legalize unpermitted exterior lighting and patios at a 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County, and (3) to allow access, landscaping and drainage improvements, involving 246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, on adjoining parcels owned by the State of California Department of Parks and Recreation for a 21-space, gravel surface parking lot for beach users. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission.

County File Number: PLN 2006-00494 (La Costanera Restaurant)

PROPOSAL

The La Costanera Restaurant site consists of an 11,332 sq. ft. restaurant (189 seats) and two on-site parking lots, Lots A and C, containing a total of 53 parking spaces. The applicant, Farhad Mortazavi, requests the following:

1. A Design Review Permit and an amendment to the current Use Permit (UP 20-77) for the restaurant (La Costanera Restaurant) in order to modify the subject building and operations as described below:
 - Expanded Hours of Operation: The current Use Permit, originally issued for a different restaurant at this location, restricts the hours of operation to "5:00 p.m. to closing time." The applicant proposes to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch, and dinner service),

where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats.¹

- Modification to Existing Restaurant Parking Lots: The applicant also proposes to re-stripe Lots A and C to accommodate 33 parking spaces in Lot A (same as existing) and 25 spaces in Lot C (where 20 exist currently), for a total of 58 parking spaces. For brunch and lunch, the applicant proposes to provide all parking in Lot C with valet-only parking available, whereby parking for 31 cars (25 non-valet and 6 valet spaces) could be accommodated.
- Legalization of Minor Modifications to the Restaurant Structure: Legalize unpermitted improvements to the property, including lighting added to the building (nine rooftop lights) and the construction of two outdoor patios (e.g., plexi-glass and wood wind screens).

And;

2. A Planned Agricultural District Permit and Grading Permit for the formalization of Historical Parking Uses by Beach Users at Adjoining Parcels Owned by the State of California Department of Parks and Recreation (State Parks): The applicant proposes to perform access and landscaping improvements, involving 246 cubic yards (c.y.) of fill and 5 c.y. of excavation, for a 21-space, gravel surface parking lot (Lot B) for beach user access anytime, where the site currently accommodates approximately 20 informal, unpermitted parking spaces. State Parks has signed a non-binding Letter of Intent (LOI) acknowledging the proposed improvements on the subject State lands.

State Permit Required: The applicant has applied to the California Coastal Commission (CCC) to amend its Coastal Development Permit (CDP), permit number P-77-579, originally issued by the CCC in 1977. The CDP amendment for the project will be processed by the CCC separately from the Use Permit requested from the County. Until the CDP amendment is granted, the Use Permit Amendment would be considered inactive.

RECOMMENDATION

That the Planning Commission: (1) certify the Recirculated Mitigated Negative Declaration, (2) approve the Use Permit Amendment and Design Review Permit, County File Number PLN 2006-00494 for modifications to the restaurant use and structure, and (3) approve the Planned Agricultural District Permit and Grading Permit, County File Number PLN 2006-00494, for the improvement of State lands for a parking lot, by making the required findings and adopting the conditions of approval in Attachment A.

¹ The recommendation of this report is to limit the hours of operation to 10:00 a.m. to 2:00 p.m. on Fridays and weekends and 5:00 p.m. till 10:00 p.m. every day.

BACKGROUND

Report Prepared By: Camille Leung, Project Planner, Telephone 650/363-1826

Applicant: Farhad Mortazavi, Mortazavi Consulting

Sphere-of-Influence: City of Half Moon Bay

Flood Zone: Project sites are located within Zone X (*Area of Minimal Flood Hazard*) with the exception of bluff areas in Zone D (*Undetermined Risk Areas*) and the northeast corner of the State Parks lot in Zone A (*Areas with a 1% Annual Chance of Flooding*); Community Panel 06081CO117E, effective date October 16, 2012.

State Parks Historical Parking Site

Property Owner: State of California Department of Parks and Recreation (State Parks)

APNs/Sizes: 036-046-410 (0.41 acre), 036-321-010 (16.6 acres)

Existing Zoning: Predominantly Coastside Commercial Recreation District/Design Review/Coastal Development District (CCR/DR/CD), with 3,000 sq. ft. located in the Planned Agricultural District/Coastal Development District (PAD/CD) Zoning District

General Plan Designation: Predominantly Coastside Commercial Recreation, with 3,000 sq. ft. located in areas designated for Public Recreation

Existing Land Uses: Undeveloped land, used historically for parking for beach users

Restaurant Site

Property Owner: A&G, LLC

Location: 8150 Cabrillo Highway, Montara

APNs/Sizes: 036-046-050, -310, -380, -390, and -400 (0.73 acre total)

Existing Zoning: Coastside Commercial Recreation District/Design Review/Coastal Development District (CCR/DR/CD)

General Plan Designation: Coastside Commercial Recreation

Existing Land Uses: Restaurant and associated parking

Water Supply: Water is currently provided to the site via an existing connection with the Montara Water and Sanitary District (MWSD). No changes are proposed.

Sewage Disposal: Sewage disposal is provided to the site via an existing connection with Montara Water and Sanitary District (MWSD). No changes are proposed.

Environmental Evaluation: Original Initial Study and Mitigated Negative Declaration (IS/MND) were issued with a public 30-day review period from December 21, 2012 to January 20, 2013. The Recirculated IS/MND, which includes among other edits an analysis of project impact to archaeological resources, was released on February 27, 2014 with a 30-day public review period ending on March 31, 2014.

Setting: The La Costanera Restaurant is located on the west side of Cabrillo Highway. The site consists of a restaurant and two on-site parking lots, Lots A and C. The site is bordered to the north by a 3,000 sq. ft. dirt lot used historically for beach user parking (Lot B) and the McNee Ranch State Park (pump station facilities separate the parking area from the State Park). A roughly 20-foot high cliff on the west side of the property separates the restaurant building and parking areas from the sandy beach and Pacific Ocean. An undeveloped portion of the Second Street public right-of-way borders the site to the south. Both properties are located along the Cabrillo Highway County-Designated Scenic Route.

Chronology:

<u>Date</u>	<u>Action</u>
1950	- The County approves a Use Permit for a 260-seat restaurant and 8-unit motel at the site. While the County had no parking requirements or standards at that time, a parking arrangement (including 53 parking spaces in the current configuration) was agreed upon by the applicant, the County and the State Parks Department.
June 14, 1977	- The County Board of Supervisors approves a Use Permit (UP 20-77) and an Off-Street Parking Exception (Exception 1-77) for the Charthouse Restaurant to remodel the existing restaurant and motel into a 189-seat restaurant, within the Limited Highway Frontage District (H-1) Zoning District. The Off-Street Parking Exception permitted 53 parking spaces where 75 spaces were required for the proposed use, based on CCC parking requirements. - At the time, the property consisted of two parcels separated by the unimproved First Street public right-of-way. An agreement was made between the County and the property owner to provide for the current property configuration (with the abandonment of First Street and consolidation of the right-of-way with the restaurant property directly south) and to require the reciprocal use of the new parking lot. Reciprocal

use called for the parking lot to be used during the day for beach user parking, when use is highest at the lot, and for the parking lot to be used for restaurant parking at night.²

- July 26, 1977 - The California Coastal Commission (CCC) approved a CDP (P-77-579) authorizing a restaurant remodel which transformed the “boxy,” stucco structure into its current shingled architectural style. P-77-579 was approved with five conditions including limited hours of operation to ensure adequate parking accommodations for the restaurant and public beach. The CDP limited the hours of operation between 5:00 p.m. and “normal closing hours,” “in order to assure adequate parking accommodations both for the restaurant and adjacent public beach.”
- May 11, 1981 - The CCC denied a proposed amendment to the CDP (P-77-579) that would have allowed day use of the restaurant on Sundays starting at 10:00 a.m., on the basis that the proposed use would reduce daytime beach user parking.
- February 27, 1984 - The County Zoning Hearing Officer approved a CDP (CDP 83-67) and amendment to the Use Permit (UP 20-77, Attachment L), which allowed the restaurant owner to place riprap on 460 lineal feet of ocean bluff, reconstruct parking lots, and install storm drainage in the parking lot of the existing restaurant. The condition of approval limiting the hours of operation to between 5:00 p.m. and normal closing hours was retained.
- 2002 - A&G LLC purchases the property.
- November 21, 2006 - Application for the subject Use Permit Amendment is submitted to the County. Application includes a change in the hours of operation to include a lunch service, but no proposal to address the reduction of beach user parking resulting from the proposed lunch service. The proposal also included a new second dwelling unit at the site and proposed repairs to riprap and associated drainage systems to the west of the restaurant site.
 - Application remains incomplete. During this time, the project description is revised to remove the second unit. Planning staff strongly encourages the applicant to seek parking

² The terms of the agreement are described in Coastal Commission records of a denied application made in 1981 by the restaurant to allow day use of the restaurant. Staff was not able to locate the agreement in County records.

solutions that would address the resulting reduction in daytime beach user parking caused by the subject proposal.

- 2006-2008 - County issues a Coastal Permit Exemption (PLN 2006-00490) and a building permit (BLD 2005-01462) to perform interior remodel work and minor exterior work, including construction of an Americans with Disabilities Act (ADA) ramp, relocation of an exit door, and removal of fin-like architectural features on the building facade.
- January 28, 2008 - County Building Inspection Section issues a Stop Work Notice (SWN 2008-00004) to the owner for exceeding the scope of a building permit (BLD 2005-01462), for the construction of patios and the installation of pavers within the patios. The applicant submitted a revision showing the extent of exterior pavers. The Current Planning Section's approval of the revision expressly prohibits outdoor seating until such time as the Use Permit is amended to allow such use and a Coastal Development Permit is obtained. The existing glass railings were not approved under this permit.
- September 2009 - La Costanera Restaurant occupies property.
- December 9, 2011 - In order to address the reduction in daytime beach user parking associated with the proposal to open for lunch, the applicant works with the County Parks and State Parks staff to facilitate applicant-funded improvements to the beach user parking on adjoining northern parcels, resulting in a signed Letter of Intent (Attachment K) between State Parks and the owner of the restaurant site.
- 2011-2014 - Applicant is notified by the CCC of violations at the property. In letters dated April 25, 2011, April 28, 2011, November 30, 2011, March 23, 2012, December 5, 2012, June 24, 2013, and April 25, 2014, Jo Ginsberg, Enforcement Analyst at the CCC, describes violations related to outdoor lighting, signs in the parking lot, and new patios for additional restaurant seating (further discussion in Section C of this report).
- December 29, 2011 - Applicant applies for a CDP from the CCC for the legalization of unpermitted lighting and patio improvements, and to erect parking signage indicating free public parking for beach use available at all times in the restaurant's parking lot. As of April 1, 2014, the application remains incomplete.

- December 10, 2012 - Applicant submits a traffic report prepared by Hexagon Transportation Consultants, Inc., to address potential project impacts to weekend traffic.
- December 21, 2012 - Original Initial Study and Mitigated Negative Declaration (Original IS/MND) are made publicly available and the 30-day public review period commences.³ After the release of the IS/MND, it is brought to staff's attention that the project site contains an archaeological site. Staff requires the submittal of an archaeological report.
- January 20, 2013 - Public review period for the Original IS/MND ends.
- March 26, 2013 - The applicant submits a cultural resources study prepared by Virginia Hagensieker and Janine Loyd of Tom Origer and Associates, dated March 5, 2013 (discussed in the Recirculated IS/MND, Attachment N).
- February 27, 2014 - A Recirculated IS/MND (IS/MND or Recirculated IS/MND), which includes analysis of project impact to archaeological resources among other minor edits, is released and the public review period commences.
- March 19, 2014 - Planning staff receives a comment letter from State Parks regarding concerns relating to proposed work beyond the unimproved parking area, parking lot drainage, public parking management, and the landscape plan (Attachment O).
- March 31, 2014 - Recirculated IS/MND public review period ends. Comments received by staff are discussed in Section D of this report.
- May 15, 2014 - Planning staff facilitates a meeting among the applicant and other project representatives, two staff members from State Parks and Planning staff to discuss how the applicant can resolve issues identified in the March 19, 2014 letter from State Parks.
- April 25, 2014 - Jo Ginsberg from the CCC sends most recent enforcement letter to the property owner (Attachment M). Enforcement actions by the CCC are listed in Section C of this report.
- August 18, 2014 - To address comments from State Parks, the applicant submits a revised landscape plan, revised drainage plan to

³ CEQA Section 15073 requires a 30-day public review period when a Mitigated Negative Declaration is required to be sent to the State Clearinghouse. A Mitigated Negative Declaration must be sent to the State Clearinghouse if one or more State agencies are a responsible agency for project permitting.

exclude repair of riprap and associated drainage system, and letter of review from project geotechnical consultant. A draft parking management plan was submitted previously. The applicant also meets with Building Inspection Section staff and submits plans to address Stop Work Notices issued in 2011 and 2014. Subsequently, the revised drainage plan is reviewed and approved by the Department of Public Works and the Planning and Building Department's Geotechnical Section.

September 24, 2014 - Planning Commission public hearing.

DISCUSSION

A. COMPLIANCE WITH CONDITIONS OF CURRENT USE PERMIT (UP 20-77)

Evaluation of Compliance with Original Conditions of Approval

Listed below are the current conditions of approval for the operation of the restaurant, as approved in February 1984. Following each condition is staff's assessment of compliance and a discussion of any proposed modification to the condition.

Table 1 Status of Restaurant Compliance with Original Conditions of Approval				
Original Condition	<u>Compliance with Condition?</u> UD = Undetermined		<u>Recommend to Retain Condition?</u>	New Condition No. ¹
1. Any additional work on shoreline protection shall be approved in accordance with Geotechnical Consultant Approval form (County Geologist).	No	Riprap and cement grout have been installed improperly and illegally at the base of the bluff of the restaurant site. As discussed in Section D.3.a of this report, legalization and repair of riprap require a complex authorization and permitting process. Therefore, shoreline protection work is not a component of the subject permit.	Yes, retained as Condition No. 4. Condition No. 17 added to require the restaurant site owner to coordinate with State Parks and CCC staff to permit and repair riprap west of the restaurant site within one year of the final approval date of this project.	Condition Nos. 4 and 17 of Att. A.
2. Construct an access ramp from the top of the bluff to the beach – plans for ramp to be approved by the California Department of Parks and Recreation and San Mateo County Planning Director.	Yes	The access ramp currently exists and is in adequate condition.	No, condition may be deleted as the ramp has been constructed. Maintenance of public access improvements is required by Condition No. 9 of Attachment A (original Condition No. 9).	N/A

Table 1
Status of Restaurant Compliance with Original Conditions of Approval

Original Condition	<u>Compliance with Condition?</u> UD = Undetermined		<u>Recommend to Retain Condition?</u>	New Condition No. ¹
3. Maintain public access to walkway on west side of restaurant connecting north and south parking lots. The entire walkway, with the exception of the ramp, shall be located a safe distance from the cliff so that handrails will not be necessary. This design shall be to the satisfaction of the Planning Director.	Yes	The walkway currently exists and is in adequate condition.	Yes, with modification to condition language to require recordation of an access easement to ensure public access to the walkway and public access to associated structures (e.g., ramp, stairs, railings) necessary for beach access for the life of the project. The access easement shall be recorded prior to the Current Planning Section's final approval of any building permit for this project.	Condition No. 5 of Att. A.
4. Submit performance bond to guarantee installation of landscaping and maintenance for two growing seasons.	UD	Staff is uncertain whether existing landscaping matches the previously-approved landscaping. Existing vegetation at the site consists mainly of ice plant. The applicant has submitted a proposed landscaping plan for the pathway through Lots A and B, which is included as Attachment H of this report.	Yes, with modification to condition language to require the owner to (1) install all approved landscaping and submit a maintenance surety deposit of \$1,000 to ensure that vegetation is watered and maintained in a healthy condition for two years, prior to the Current Planning Section's final approval of any building permits, and (2) to require maintenance of approved landscaping for the life of the project.	Condition No. 6 of Att. A.
5. Submit revised parking plan that provides the required minimum dimensions and accurately delineates the property line.	Yes	The applicant has submitted a revised parking plan proposing a total of 58 spaces.	No, the applicant has submitted a revised parking plan. Condition No. 8 of Attachment A requires compliance with the approved plan.	N/A
6. Submit written approval of California Department of Parks and Recreation for all riprap and drainage facilities located on State land.	No	Riprap and cement grout were applied improperly and without permits. Due to the complexity of the permitting process for such work, State Parks and County staff, including Geotechnical Section staff, support the removal of the riprap from the project description and has added Condition No. 17 to require the property owner to work with State Parks	Yes, requirement combined with original Condition No. 1 (Condition No. 4 in Attachment A).	Condition No. 4 of Att. A.

Table 1
Status of Restaurant Compliance with Original Conditions of Approval

Original Condition	<u>Compliance with Condition?</u> UD = Undetermined	<u>Recommend to Retain Condition?</u>	New Condition No. ¹
		and the CCC to draft a plan and submit the plan to the County within one year of the project final approval date for resolving the permit status of the riprap and grout work. ⁴	
7. Construct all improvements in accordance with approved plans.	Yes	Project was constructed as approved. However, the property owner has performed unpermitted improvements to the building (including lighting and patio construction) which have been included in this Use Permit Amendment proposal. The applicant is required to amend the CDP for the restaurant through the Coastal Commission application process.	Condition No. 7 of Att. A.
8. Maintain 53 parking spaces.	No	The property owner currently provides 52 parking spaces in Lots A and C.	Condition No. 8 of Att. A.
9. Maintain free public access through the parcel to the beach.	Yes	The property owner has maintained free public access through the parcel to the beach.	Condition No. 9 of Att. A.

⁴ A proposal to legalize and repair such work would require a CDP from the CCC and would require A&G LLC to obtain rights of trespass.

Table 1
Status of Restaurant Compliance with Original Conditions of Approval

Original Condition	<u>Compliance with Condition?</u> UD = Undetermined		<u>Recommend to Retain Condition?</u>	New Condition No. ¹
10. Hours of operation of restaurant/bar shall be limited to that period between 5:00 p.m. and normal closing time.	No	The County and CCC have received multiple reports of the restaurant operating prior to 5:00 p.m., most recently on August 25, 2014, where the restaurant operated at 2:30 p.m. for a private party.	Yes, with modification to allow hours of operation on Fridays and weekends from 10:00 a.m. to 2:00 p.m. (with 93 seats for brunch/lunch) and from 5:00 p.m. to 10:00 p.m. (with 189 seats for dinner service). Hours of operation on Mondays through Thursdays are limited to 5:00 p.m. to 10:00 p.m. (where seating is limited to 189 seats).	Condition No. 10 of Att. A.

¹ Changes to original conditions of approval are shown in strikeout and underline format in Attachment A.

Non-Compliance with Use Permit Conditions and Staff Recommendations for the Requested Use Permit Amendment

As illustrated in Table 1, the property owner has not consistently complied with the conditions of the original Use Permit. In Section C of this report, Planning staff describes ongoing enforcement action by the California Coastal Commission (CCC) regarding unpermitted development and use at the property. Based on past and current history of violations and in order to allow for closer monitoring of the project, staff recommends a Use Permit term of two years, whereby the applicant must demonstrate compliance with the approved conditions of approval for permit renewal of the brunch/lunch proposal. In addition to recommending a shorter permit term, staff recommends annual administrative reviews of the project (Condition No. 2) and posting of contact information for the Planning and Building Department Code Compliance Section on all parking lot signage (Condition No. 32). Planning staff will continue to work with Code Compliance staff, CCC staff, and interested members of the public to monitor the site and hold the property owner accountable for compliance with the approved conditions of approval.

B. COMPLIANCE WITH CURRENT COUNTY REGULATIONS

1. Conformity with General Plan

The San Mateo County General Plan land use designation for this property is predominantly Coastside Commercial Recreation, with 3,000 sq. ft. located in areas designated for Public Recreation. The original Use Permit request required conformity with these General Plan policies and were approved subject to conformity with said policies. Staff has determined that

the project continues to comply with all applicable General Plan policies, with specific discussion of the following:

a. Chapter 1 – Vegetative, Water, Fish and Wildlife Resources Policies

Policy 1.27 (*Regulate Development to Protect Sensitive Habitats*) calls for the County to regulate land uses and development activities within and adjacent to sensitive habitats in order to protect critical vegetative, water, fish and wildlife resources; protect rare, endangered, and unique plants and animals from reduction in their range or degradation of their environment; and protect and maintain the biological productivity of important plant and animal habitats. As discussed in the IS/MND (Attachment N), the project is located adjacent to the Montara State Beach and within proximity of the Fitzgerald Marine Reserve. Drainage improvements, minor grading and gravelling of the State Parks-owned parcel will occur in disturbed, undeveloped areas used historically for beach user parking. As proposed, the project would not result in impacts to plant or wildlife species or their habitats. According to the “Vegetation Map” prepared by TRA Environmental Sciences, Inc., no habitat for special-status species was found during TRA’s August 2012 site visit. Vegetation at the State site consists mainly of ice plants. Staff discussed the possible removal and replacement of the ice plants with non-invasive native vegetation with the County Planning and Building’s Geotechnical Consultant, who recommended against the removal of existing vegetation, which may result in further bluff erosion and instability. No mitigation measures are necessary.

b. Chapter 4 – Visual Quality Policies

Policy 4.16 (*Protections for Coastal Features*) calls for the County to regulate coastal development to protect and enhance natural landscape features and visual quality through measures that ensure the basic integrity of sand dunes, cliffs, bluffs and wetlands. A roughly 20-foot high cliff bluff on the west side of the property separates the restaurant building and parking areas from the sandy beach and the Pacific Ocean. Proposed changes to natural features involve minor grading associated with access, drainage and landscaping improvements on the State Parks property that will improve beach user access and safety and environmental stewardship of the property. Specifically, proposed landscaping will act as a buffer strip to prohibit parking along the ocean bluff, thereby helping to prevent further erosion of the bluff.

Policy 4.21 (*Scenic Corridors*) calls for the County to protect and enhance the visual quality of scenic corridors by managing the

location and appearance of structural development. The General Plan designates the portion of the Cabrillo Highway adjoining the project site as a County-Designated Scenic Route. The proposed improvements to the State Parks parking lot would not obstruct scenic views and would be minimally visible from residential areas across Highway 1. The project also involves legalization of two exterior patios that are located at the rear of the existing restaurant structure and would not be visible from Highway 1.

Policy 4.59 (*Outdoor Lighting*) calls for development to minimize exterior lighting in scenic corridors and, where used, employ warm colors rather than cool tones and shield the scenic corridor from glare. The lighting plan (Attachment G) includes the legalization of five 150-watt lights which illuminate Parking Lot A. As discussed in the IS/MND (Attachment N), staff conducted a nighttime field investigation and found only three of the five to be operational at the time. The three lights provided adequate illumination of the parking lot. In order to minimize light impacts to the Highway 1 County-Designated Scenic Route, Condition No. 34 (Mitigation Measure 11) requires the removal of two of the 150-watt light fixtures which illuminate Parking Lot A. While the applicant does not propose any new lighting in Parking Lot C, staff's field investigation revealed that existing lighting was not effective in illuminating the parking lot and created unnecessary ambient lighting visible from Highway 1. Condition No. 35 (Mitigation Measure 12) requires the applicant to replace or reposition existing light fixtures such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and total lighting fixtures does not exceed three. Condition No. 12 requires all exterior lighting at the property to be downward directed, limited to the site boundaries, and to employ warm colors and prohibit cool tones.

Policy 4.61 (*Parking and Paved Areas*) calls for development to integrate paved areas with their site and landscape and/or screen them to reduce visual impact from the scenic corridor. Views from Highway 1 of the proposed gravel parking lot on the State property will not change substantially from existing views of the dirt lot. The site will not be paved and will continue to be screened by intervening ground-level vegetation and development (the MWSD pump station and associated fencing).

c. Chapter 6 – Park and Recreation Resources Policies

Policy 6.9 (*Locate Suitable Park and Recreation Facilities in Urban Areas*) encourages all providers to locate active park and recreation facilities in urban areas, taking advantage of existing service infrastructure systems and maximizing the recreational use of limited

available land. The project involves formalization and improvements to a historical parking area located in an urban area. Proposed improvements to the State property will improve public safety and beach access by reducing the potential for erosion and instability at the bluff location.

Policy 6.11 b. (*Coastal Recreation and Access*) calls for the County to regulate development to increase public access to the shoreline and along the coast through measures which include, but are not limited to, establishing criteria for when and where access will be provided and how the access will be developed and maintained. The adjoining State property has been used historically for parking by users of Montara State Beach and can accommodate up to 20 vehicles, albeit informally with capacity varying based on random parking patterns. Parking at the site is not an approved use, nor has the bluff property been improved to accommodate such a use. Therefore, based on the reasons provided, staff credits the State lot with 10 existing parking spaces. As discussed in the IS/MND (Attachment N) and in Section B.5 of this report, formalization of parking at the State Parks property will increase parking available to beach users at the site from 10 spaces to 21 parking spaces. While project implementation will result in a decrease of nine spaces of beach user parking available at both properties between 10:00 a.m. to 2:00 p.m. on Fridays and weekends, the project will result in increased daytime parking Mondays through Thursdays and nighttime beach user parking, as well as other benefits, such as access, landscaping, and drainage improvements on the State Parks property that will improve beach user safety and environmental stewardship of the property. Condition Nos. 5 and 9 require easements and maintenance of access improvements by the owner of the restaurant site for the life of the restaurant project.

d. Chapter 8 – Urban Land Use

The San Mateo County General Plan designates Montara-Moss Beach-El Granada as an existing Urban Community. Policies 8.2 (*Land Use Objectives for Urban Communities*) and 8.5 (*Definition of Urban Community*) define Urban Communities as large, populated areas which contain a wide range of residential land use densities and a mix of land uses which provide services to surrounding areas and meet, in part, the internal shopping, employment and recreational needs of the community residents. The site has served as a commercial dining establishment to surrounding and regional areas since 1950 and will continue to provide this service. However, due to the limited availability of on-site parking and the need to protect the adjoining property's historical use by beach users for parking, the restaurant has been limited to dinner service only. The approval of

this project would allow for 21 formal, efficient parking spaces for beach users on two adjoining undeveloped parcels while allowing Lot C (25 on-site spaces, 31 under a valet scenario) to be available to brunch/lunch time customers of the restaurant for four hours a day on Fridays and weekends.

Policy 8.31(b) (*Overcoming Constraints to Development*) encourages improvements which minimize the dangers of natural and man-made hazards to human safety and property. The project involves the formalization of historical, albeit unpermitted, parking at the State Parks property, through access, landscaping, and drainage improvements that will improve beach user safety and help minimize bluff erosion. The applicant has submitted geotechnical reports, which have been reviewed and approved by the Planning and Building Department's Geotechnical Section, to ensure the safety of the proposed improvements to the State property.

Policy 12.12 (*Recreational Traffic to the Coastsides*) calls for the County to seek methods to mitigate the impact of peak recreational traffic to and along the Coastsides. The applicant has submitted a traffic report prepared by Hexagon Transportation Consultants, Inc. (Hexagon). As discussed in the IS/MND (Attachment N), the report estimates that the addition of lunch service at the La Costanera Restaurant, with 93 seats, would generate 19 trips during the peak one-hour lunch time period of the day on a typical Friday or Saturday. Hexagon compared the restaurant trip generation to the amount of traffic already on Highway 1 at lunch time. Hexagon estimates that nine project trips (five inbound and four outbound trips) would be added to Highway 1 north of the restaurant, and 10 project trips (six inbound and four outbound trips) would be added to Highway 1 south of the restaurant. Based on the small number of trips generated by the project at lunch time, Hexagon has concluded that Highway 1 has adequate capacity to accommodate additional trips generated by the restaurant at lunch time. Also, potential project-generated impacts to State Route 92 (SR 92) were evaluated. Based on the small number of trips generated by the project and the distance (almost 8 miles) between the restaurant and SR 92, the number of trips added to SR 92 would be negligible. Therefore, project traffic impacts are considered less than significant and do not require mitigation.

2. Compliance with the Regulations of the Coastside Commercial Recreation (CCR) Zoning District

a. Use

Restaurant Site: The project involves a 189-seat restaurant and bar use. Restaurants, defined as “commercial establishments (which may include bars) which primarily serve prepared food to the general public for immediate consumption on the premises,” are permitted in the CCR Zoning District, subject to the issuance of a Use Permit. A Use Permit was first issued by the County for this use in 1950. Project compliance with current Use Permit conditions of approval is discussed in Section A of this report. Project compliance with the Use Permit finding is fully discussed in Section B.6 of this report (below).

State Parks Site: The applicant proposes formalization of a parking use that is accessory to the primary park use at the Montara State Beach, adjoining the site. Public beach use at Montara State Beach is an existing legal use. The State Parks site has been used historically as a parking lot and the proposed formalization of the parking use will continue to support the public beach use in the same manner. No Use Permit is required for the accessory parking use.

b. Applicable Development and Performance Standards

Sections 6269 (*Development Standards*) and 6270 (*Performance Standards*) set forth the following requirements for all development within the CCR Zoning District (only those applicable to the project are listed below):

- (1) Coastal Access: Development may be required to provide easements or dedicated right-of-ways for trails or pathways connecting upland areas to established shoreline access points. Condition Nos. 5 and 9 require the owner of the restaurant site to maintain public access improvements necessary to access the beach for the life of the project through a maintenance agreement and through the recordation of an access easement to ensure continued public access.
- (2) Protection of Coastal Resources: Development shall be located and designed so as to provide maximum feasible protection of coastal resources including, but not limited to, marine views, significant natural landforms, major vegetation and marine, estuarine and riparian habitats. To achieve this objective, development must comply with the requirements of the Local Coastal Program (LCP) Sensitive Habitats and Visual

Resources Components. Appropriate restrictions, such as increased setbacks, may be imposed as conditions of Use Permit approval.

LCP Policy 8.4.b (*Cliffs and Bluffs*) calls to set back bluff top development and landscaping from the bluff edge sufficiently far to ensure it is not visually obtrusive when viewed from the shoreline except in highly developed areas where adjoining development is nearer the bluff edge, or in special cases where a public facility is required to serve the public safety, health, and welfare. The two outdoor patios proposed for legalization are east of the existing concrete pathway connecting Lots A and C. As there is adjoining development that is nearer the bluff edge than the patios, the patios are appropriately set back from the bluff. The proposed landscaping plan includes the planting of six Toyon bushes at the restaurant site which may be visually obtrusive. Condition No. 13 requires the applicant to revise the landscape plan to include a smaller shrub from the Montara State Beach Plant List for Revegetation or simply to eliminate the Toyon shrubs.

- (3) Yards Required: No front or rear setbacks are required, only minimum side yard setbacks of a combined total of 15 feet with a minimum of 5 feet on any side. There will be no change to the side yard setbacks.
- (4) Lighting: All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises. This requirement is incorporated into Condition No. 12.

3. Compliance with the Regulations of the Design Review (DR) Zoning District

As the project sites are located in the Design Review (DR) Zoning District, the design review standards, Section 6565.17 (*Design Review Standards for Other Areas*) of the County Zoning Regulations and the Community Design Manual (CDM) apply to the project. In the following sections, exterior modifications at the restaurant site and at the State Parks site are discussed separately in relation to applicable design review standards criteria:

- a. Restaurant Site: At the restaurant site, which includes the property containing the restaurant building and Lots A and C, the applicant proposes to legalize unpermitted modifications to the building, including lighting added to the building (nine rooftop lights) and the construction of two outdoor patios. The patios consist of dark grey and blue-toned, non-reflective tiling and dark wood and plexi-glass wind screens.

- (1) Open Space Preservation: The CDM calls for siting of structures to retain maximum open space and to reduce the visual impact in scenic open space areas. Similarly, DR standards call for structures to be set back from the edge of bluffs and cliffs to protect views from scenic areas below and for structures to be designed and situated so as to retain and blend with the natural vegetation and landforms of the site. Proposed patios will be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). Patios are attached to the restaurant building, blending in with the existing building in both color and materials. Patios are located on the west elevation of the structure behind the existing restaurant and, as such, do not add any mass to the structure as viewed from Highway 1. The clear plexi-glass wind screens allow for wind blocking without the appearance of bulk or massing in views of the restaurant from the beach.
 - (2) Color and Materials: The CDM calls for exterior colors and materials to blend with the natural setting and surrounding neighborhood. The patios consist of dark grey and blue-toned, non-reflective tiling and dark wood and plexi-glass wind screens. As constructed, the patios blend well with the existing building and its marine environment.
- b. State Parks Site: The proposed formalization of the historical parking use at the State Parks site will involve only minor grading and the application of gravel, associated with access, drainage, and landscaping improvements. Work at the site will not include the construction of any new structures or pipes and will largely maintain natural drainage systems. The following is a discussion of how the proposed formalization of the State Parks site complies with applicable design review standards and CDM design criteria:
- (1) Landscaping: Landscaping should have an informal character and provide a smooth transition between the development and adjacent open spaces. Tree and plant materials should be native to the area to assure against non-native plant intrusion, to reduce irrigation and maintenance requirements, and to minimize visual impact. Proposed landscaping, as illustrated in the landscaping plan (Attachment H), has an organic layout and will provide a smooth transition between the proposed gravel parking lot and the bluff and beach below. Landscaping will also act as a buffer strip to prohibit parking along the ocean bluff, thereby helping to prevent further erosion of the bluff. The landscape plan does not contain invasive species and is

consistent with the landscaping recommended by State Parks for Montara State Beach.

- (2) Grading: Grading and vegetation removal should be minimized and blend into adjacent landforms. The development of the gravel surface parking lot involves some minor leveling of the property and will blend in with adjoining landforms. The project involves minimal vegetation removal necessary for project grading and implementation of a native, non-invasive landscape plan. The existing vegetation has been identified as ice plants, an invasive species. Existing ice plants will remain to minimize further erosion.
- (3) Paved Areas: Small separate paved parking lots are preferred over large single-paved lots. Parking areas should be screened from residential areas and scenic roadways. Parking Lot B at the State Parks property will utilize a gravel surface and will not vary largely from existing views along Highway 1. Landscaping and a walking path proposed along the bluff of the State Parks property, as shown on the landscape plan (Attachment H) and as conditioned, will be minimally visible from Highway 1 and will result in a beneficial visual impact.
- (4) Drainage: Development should minimize alteration of streams and other natural drainage systems so as to prevent impacts to their character that would cause problems of drainage, erosion or flooding. As discussed in the IS/MND (Attachment N), the State property currently drains naturally, with riprap at the foot of the bluff. Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit requires treatment of all project-related stormwater. The applicant has submitted a drainage plan, which directs drainage to the proposed facilities along Highway 1, complies with Provision C.3, and has been reviewed and approved by the project geotechnical consultant.

4. Compliance with the Regulations of the Coastal Development (CD) Zoning District

This permit is subject to the issuance of a Coastal Development Permit (CDP) Amendment from the California Coastal Commission (CCC). See Section C of this report.

5. Compliance with Parking Requirements of Chapter 3 of the County Zoning Regulations

a. Restaurant Parking

Per Section 6119 (*Parking Spaces Required*) of the Zoning Regulations, one parking space is required for each three seats or stools. For the current hours of operation from 5:00 p.m. to closing with a total of 189 seats, 53 spaces are required under a parking exception granted by the County in 1977 (where 63 spaces would otherwise be required). For the proposed brunch/lunch service with a total of 93 seats, 31 parking spaces are required. The building code requires three accessible (handicapped) parking spaces to be provided within the total required parking.

The applicant proposes the following on-site parking:

Table 2 Proposed Restaurant Parking					
Parking Lot	Existing	Proposed		TOTAL	
	Standard	Standard	ADA	Dinner	Valet for Brunch/Lunch
Lot A	33	31	2	33	0
Lot C	20	24	1	25	31
TOTAL	53**	55	3	58	N/A

**53 parking spaces are required under the existing Use Permit, only 52 are provided currently.

As shown in Table 2, the applicant proposes to increase on-site restaurant parking from 53 spaces to 58 parking spaces through re-striping, creating compact and accessible (handicapped) parking. Lot C contains 25 parking spaces but can accommodate 31 parking spaces under a valet scenario (brunch and lunch only). All parking spaces in Lot C are compact size, with the exception of one accessible parking space. The brunch/lunch valet parking plan has been reviewed by Hexagon Transportation Consultants, Inc., with a recommendation that valet service should be required for parking in any space in Lot C during the lunch hour and that customers should be notified using signage showing when valet service is offered. Condition No. 11 incorporates these recommendations.

b. Beach User Parking

The General Plan and the Local Coastal Program (LCP) policies require development to preserve beach user access, including

parking. The project involves the formalization of historical parking uses by beach users at the State Parks property, which involves access, landscaping, and drainage improvements at the property. The proposal will improve beach access by making parking at the property more orderly and create one accessible (handicapped) parking space. However, the proposed dedication of Lot C to restaurant use during brunch/lunch service would result in a minor reduction in the amount of parking available to beach users in the daytime.

Calculation of Parking Available for Beach Users

The adjoining State property has been used historically for parking by visitors to Montara State Beach and can accommodate up to approximately 20 vehicles, albeit informally with capacity varying based on random parking patterns. Parking at the site is not an approved use, nor has the bluff property been improved to accommodate such a use. Therefore, based on the reasons provided, staff credits the State lot with 10 existing parking spaces. Combined with the parking at the restaurant site, total existing beach user parking before 5:00 p.m. is 63 parking spaces. After 5:00 p.m., total existing beach user parking is 10 parking spaces, as no beach user parking is available at the restaurant site during dinner operating hours.

Table 3 Existing and Proposed Parking for Restaurant and Beach Users		
	Parking Available for Beach Users	
	Before 5:00 p.m.	After 5:00 p.m.
Existing		
Restaurant Lot A	33	0
Restaurant Lot C	20	0
State Parks Lot B	10*	10
(E) TOTAL	63	10
Proposed		
Restaurant Lot A	33 <i>(No Change)</i>	0 <i>(No Change)</i>
Restaurant Lot C (Fridays and Weekends only)	0 <i>(Reduction)</i>	0 <i>(No Change)</i>
Restaurant Lot C (Mondays through Thursdays)	25 <i>(Increase)</i>	0 <i>(No Change)</i>
State Parks Lot B	21	21
(P) TOTAL (Fridays and Weekends)	54	21
(P) TOTAL (Mondays - Thursdays)	79	21
DIFFERENCE (Fridays and Weekends)	-9	+11
DIFFERENCE (Mondays - Thursdays)	+16	+11
*The State lot is credited 10 of a total possible 20 parking spaces, as the current parking use is informal, unpermitted, and unimproved to accommodate the use.		

As shown in Table 3, above, formalization of parking at the State Parks property will increase parking available to beach users at the site from 10 spaces to 21 parking spaces. However, with the introduction of brunch/lunch service on Fridays and weekends, total parking available for beach users at the subject properties will decrease by nine spaces with the loss of parking spaces in Lot C. However, Mondays through Thursdays, parking available to beach users will increase from 63 to 79 parking spaces.

To address the reduction of nine beach user parking spaces on Fridays and weekends, Planning staff proposes limiting brunch and lunch service on Fridays and weekends to 10:00 a.m. to 2:00 p.m., allowing beach user parking in Lot C between 2:00 p.m. and 5:00 p.m. The applicant proposed hours of operation of 10:00 a.m. to 2:00 a.m. on Fridays and weekends would effectively eliminate public use of Lot C after 10:00 a.m. on these days. To ensure no further loss of beach user parking spaces, the applicant has prepared a draft parking management plan (Attachment J) to include monitoring the exclusive beach use of Lot B and new informational signage. Condition No. 32 (Mitigation Measure 9) requires signage at all subject properties, prohibiting parking by restaurant visitors in Lot B at all times, signage at Lot A stating that that parking is only available to restaurant visitors after 5:00 p.m., and signage in Lot C to state that parking is only available to restaurant visitors after 5:00 p.m. and from 10:00 a.m. to 2:00 p.m. on Fridays and weekends only.

While project implementation would result in a decrease of nine spaces of beach user parking available at subject properties between 10:00 a.m. and 2:00 p.m. on Fridays and weekends, the project will result in increased daytime parking Mondays through Thursdays and increased nighttime beach user parking, as well as other benefits, such as access, landscaping, and drainage improvements on the State property that will improve beach user safety and environmental stewardship of the property.

Parking Available to Beach Users in the Project Area

The County has completed a report titled “Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach,” dated October 2012, which studies and provides recommendations for improving motor vehicle, pedestrian, and bicycle safety for Highway 1 and its surroundings between the Half Moon Bay Airport and the Devil’s Slide area, including areas surrounding Montara State Beach. The study identifies the need for more formalized parking areas for beach users to address safety concerns related to unsafe and informal pedestrian crossings of

Highway 1, illegal parking by beach users, and anticipated increased visitation to Rancho Corral de Tierra.

The project traffic report, conducted during lunch time on a Friday and Saturday in November 2012, notes that based on field observations there was plenty of parking available within the two restaurant parking lots and the State Parks property, as well as another public lot located just south of Lot C (which provides additional beach parking for about 10 cars).

As discussed in the IS/MND (Attachment N), in light of the small number and limited timeframe for which parking is reduced to beach users at the restaurant site, proposed access improvements at the State Parks site, the findings of the project traffic report, and ongoing planning and coordination efforts between the County and State agencies to fund implementation of study recommendations, potential project impacts to beach user access at the site are considered less than significant, with the implementation of Condition No. 32 (Mitigation Measure 9). The applicant is required to demonstrate compliance with this condition and the parking management plan prior to the Current Planning Section's approval of the associated building permit.

6. Compliance with Use Permit Regulations of Chapter 24 of the County Zoning Regulations

As previously discussed, restaurants are permitted to operate within the CCR Zoning District upon issuance of a Use Permit. The initial Use Permit for a restaurant at this location was issued by the County in 1950. For the Planning Commission to approve the Use Permit Amendment, the following finding must be made:

Find that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

As discussed in the IS/MND (Attachment N) prepared for the project, the proposed project would result in less than significant impacts to weekday and weekend traffic flows. As proposed, conditioned and mitigated, the project would result in less than significant impacts to bluff erosion, construction-related air quality impacts, stormwater flows, beach user parking, views from the Cabrillo Highway County-Designated Scenic Route, scenic views from Montara State Beach, and potential archaeological resources. All mitigation measures of the IS/MND have been included as Condition Nos. 24 through 37 of Attachment A.

7. Compliance with the Regulations of the Planned Agricultural District (PAD)

The State-owned historical parking area occupies a 0.41-acre parcel and encroaches onto a northern 16.6-acre parcel within the PAD Zoning District by approximately 3,000 sq. ft. The subject portion of the parcel is designated for urban use (although the rest of the parcel is designated for rural use), as shown in Attachment C. The project will not be located on lands defined as “Prime Agricultural Land” and would be located on lands meeting the definition of “Lands Suitable for Agriculture,” defined as Land Other Than Prime Agricultural Land on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting. The proposed parking lot would provide parking for visitors to the adjoining beach, which is a public recreational use. Per Section 6353 of the Zoning Regulations, public recreational uses are allowed on Lands Suitable for Agriculture with the issuance of a PAD Permit. Issuance of the PAD Permit by the Planning Commission is subject to the following applicable criteria:

General Criteria

- a. The encroachment of all development upon land which is suitable for agricultural use shall be minimized: The project site is located on a bluff top which is not suitable for agriculture due to concerns regarding bluff stability and erosion. The project site has been used historically for public parking. The project site adjoins Montara State Beach and McNee Ranch State Park, areas of protected habitat.
- b. All development permitted on a site shall be clustered: The proposed State parking lot will adjoin the existing northern restaurant parking lot (Lot A).
- c. Every project shall conform to the Development Review Criteria contained in Chapter 20A.2 of the San Mateo County Ordinance Code: The project will involve minimal vegetation removal and grading and will not impact sensitive habitat.

Criteria for the Conversion of Lands Suitable for Agriculture and Other Lands

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a PAD Permit unless all of the following criteria are met:

- a. All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable; continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner: The project’s bluff top location is unsuitable for agriculture

and contains a non-agricultural use, an informal public access parking lot.

- b. Clearly defined buffer areas are developed between agricultural and non-agricultural uses; the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and proposed use would not impair agricultural viability, either through increased assessment costs or degraded air and water quality: The area of the proposed parking lot is currently separated from other areas of Montara State Beach by existing vegetation and an existing chain-link fence that runs along the northern border of the parking lot. The project includes the containment and treatment of project surface runoff to stabilized drainage facilities and would not diminish the productivity of adjoining lands for agricultural use.
- c. For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions of the subsection are satisfied: As discussed above, the subject area is designated for urban use and the conditions are satisfied. As the subject area has been used historically for beach access parking, formalization and maintenance of this use would complete the neighborhood and contribute to the establishment of a stable limit to urban development.

C. REVIEW BY THE CALIFORNIA COASTAL COMMISSION (CCC)

1. Permit Jurisdiction for the Required Coastal Development Permit (CDP)

The CCC has permit authority over the CDP for this project due to the CCC's issuance of a CDP (P-77-579) for a remodel of a restaurant at this location in 1977. CDP (P-77-579) states that "Any change to the terms of P-77-579 (e.g., change in the hours of operation) will require an amendment to this permit approved by the Coastal Commission, preceded by local agency approval of the requested change."

During the CCC's processing of the CDP Amendment application(s), which will follow after the County's processing of the subject permits, the project will be reviewed for completeness and compliance with the State Coastal Act. As the project would be subject to the terms of the CDP Amendment, as stated in Condition No. 3, this permit is not active until a CDP Amendment has been issued for all aspects of the project.

2. Past and Present Enforcement Actions by the CCC

The enforcement division of the CCC has notified the owner regarding violations at the restaurant property. Numerous letters sent from 2010 through 2014 (the most recent letter date of April 25, 2014 has been attached as Attachment M) from Jo Ginsberg, Enforcement Analyst at the California Coastal Commission, identify multiple alleged violations at the property, as described and listed below.⁵ The applicant has provided a response to the CCC regarding the alleged violations of the most recent letter (Attachment M). The following is a summary of the alleged violations, followed by the staff's response:

- a. Unpermitted Outdoor Lighting: CCC letters describe the unpermitted installation of new outdoor lighting, including spotlights illuminating the parking lots, beach, and ocean, and holiday "twinkle" lights on the roof of the restaurant. CCC staff has acknowledged that the "twinkle" lights were removed. Exterior lighting has been incorporated into the proposal (lighting plan included as Attachment G) and has maintained unpermitted lighting throughout the duration of the processing of this permit.
- b. Unpermitted Extension of the Hours of Operation: CCC letters describe unpermitted restaurant use prior to 5:00 p.m., such as serving happy hour drinks beginning at 4:00 p.m. While the applicant states that no food or drink is served before 5:00 p.m., they allow patrons to wait at the restaurant prior to the start of food/drink service. The applicant acknowledges that the restaurant hosted a private party of approximately 200 persons, where the party was in full swing at 2:30 p.m. on August 23, 2014, in violation of the approved hours of operation.
- c. Unpermitted Patio Construction and Use: CCC letters describe installation of a new patio and addition of patio seating. The patio was constructed during a permitted remodel of the restaurant in 2008, where Planning staff approved the tiling of the patio but did not approve its use due to concerns regarding intensification of parking demand. While the applicant acknowledges use of the patio for table service, the applicant insists that total indoor and outdoor seating does not exceed the approved 189 seats.
- d. Unpermitted Parking Lot and A-Frame Signage: CCC letters describe installation of unpermitted signs in the restaurant parking lots, restricting public use of the lots to restaurant customers and warning

⁵ Violations summarized here are described in detail in letters from Ms. Ginsberg dated April 25, 2011, April 28, 2011, November 30, 2011, March 23, 2012, December 5, 2012, June 24, 2013, and April 25, 2014.

the public that any cars parked there after 5:00 p.m. will be towed. CCC staff has observed that the signs have been removed. Under the draft parking management plan included as Attachment J, the applicant proposes new signage to limit use of Lots A and C by restaurant patrons to the hours of operation.

- e. Unpermitted Exterior Painting of the Restaurant: CCC correspondence describes painting of portions of the restaurant and signage using bright white paint. The applicant states that the building was not painted bright white, but the frame of the monument signs. Planning staff informed the applicant that changes to signage is subject to design review permit review and requirements. Condition No. 15 requires the applicant to submit a signage plan for new or modified signage, subject to review and approval by the Community Development Director, California Coastal Commission, and State Parks (for signage on State property).

On December 29, 2011, the applicant applied for a CDP Amendment from the CCC to address violations regarding unpermitted lighting and patio improvements. In a letter dated April 1, 2014, the CCC states that the applicant's CDP application is incomplete and does not include all aspects of the project as submitted to the County, including requests to change the hours of operation of the restaurant and to construct a parking lot on State Parks property. The Use Permit is not active until a CDP Amendment has been issued for all aspects of the project.

D. ENVIRONMENTAL REVIEW

1. Original Initial Study/Mitigated Negative Declaration (IS/MND)

The project is not exempt from the California Environmental Quality Act (CEQA) review per Section 15315, as the parcel involves development along the Cabrillo Highway County-Designated Scenic Route and could result in potentially significant impacts in the areas of bluff erosion, traffic, and beach user parking. An Initial Study was completed and a Mitigated Negative Declaration (IS/MND) was issued in conformance with CEQA Guidelines. The public review period for this document was December 21, 2012 to January 20, 2013.

2. Recirculated IS/MND

The IS/MND was revised and released on February 27, 2014, with a public review period ending on March 31, 2014. The IS/MND was also sent to the State Clearinghouse, as the project requires a State-issued permit (CDP Amendment from the California Coastal Commission). The IS/MND was

revised in order to include the recommendations of an archaeology report, a change in project grading to accommodate drainage improvements that required a grading permit, an additional parcel owned by State Parks which is zoned Planned Agricultural District, and an additional mitigation measure to require project conformity with coastal access goals of the “Highway 1 Safety and Mobility Improvement Study: Phase 2” report.

3. Potential Significant Impacts

The following is a summary of potential impacts considered Significant Unless Mitigated:

- Project is located in an area of soil instability: Due to the location of the properties along an ocean bluff, the bluff portion of the properties is subject to erosion from both wave action and from bluff top surface drainage flows. Condition No. 24 (Mitigation Measure 1) has been added to ensure that the recommendations of the project geotechnical reports are implemented. Condition No. 25 (Mitigation Measure 2) has been added to ensure compliance with Provision C.3 and to require treatment of project related runoff and to require review of proposed facilities by the project geotechnical consultant.
- Project may cause erosion or siltation: Proposed grading associated with proposed improvements at the State Parks lot may also result in a minor amount of erosion and siltation. Condition No. 28 (Mitigation Measure 5) has been included to restrict project grading to the dry season. Condition No. 30 (Mitigation Measure 7) requires monitoring of erosion control measures by the project civil engineer. Condition No. 31 (Mitigation Measure 8) requires compliance with dust control guidelines.
- Project may affect access to parks: The introduction of brunch/lunch service on Fridays and weekends will decrease total parking available for beach users at subject properties by nine spaces with the loss of parking spaces in Lot C. However, Mondays through Thursdays, parking available to beach users will increase from 63 to 79 parking spaces. Condition No. 32 (Mitigation Measure 9) has been added to ensure beach user access to restaurant parking lots outside of the approved hours of operation and to prohibit use of the State Parks property for restaurant parking.
- Project is adjacent to the Cabrillo Highway (Highway 1) County-Designated Scenic Route: The project involves legalization of minor modifications to the existing restaurant structure, including two exterior patios and outdoor lighting fixtures. Patios are located on the west elevation of the structure behind the existing restaurant and, as such,

do not add any mass to the structure as viewed from Highway 1. Condition Nos. 34 and 35 (Mitigation Measures 11 and 12) limit the number and wattage of lighting fixtures in the restaurant parking lot and require all lighting to be downward directed. Condition No. 12 requires all direct light rays to be confined to the property.

- Project may obstruct scenic views from a public water body: The three 400-watt lights, along with several lantern lights, cast excessive light on the patio and on the beach, which obstruct views of Montara State Beach. Condition No. 36 (Mitigation Measure 13) requires the applicant to modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Condition No. 12 requires all direct light rays to be confined to the property.
- Project may directly or indirectly affect archaeological resources on the site: The project involves the formalization of historical parking uses in an undeveloped portion of the State Parks property, which has the potential to impact unrecorded archaeological site(s) at the property. As proposed, the project avoids any disturbance of the archaeological site.
- Project may cause noticeable increase/changes in pedestrian, bicycle and vehicle traffic: The expansion in hours will result in more frequent and earlier use of Lot C by restaurant customers, and create a new brunch/lunch destination for pedestrians and bicyclists from nearby residential areas. This will increase the frequency of interactions between customers and beach users, using all forms of transportation, during Friday and weekend brunch and lunch time hours. Mitigation Measure 10, which requires the property owner to designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic, would reduce project impacts to a less than significant level.

4. Comments on the Recirculated IS/MND

Comment letters received during the IS/MND public comment period are included as Attachments O through U. Letters were received from State Parks, CCC, CalTrans, Midcoast Community Council, the Committee for Green Foothills, and interested members of the public. Any subsequent comments will be addressed at the public hearing of September 24, 2014.

a. State Parks

In a letter dated March 19, 2014, Paul Keel, Sector Superintendent, provided project comments. Mr. Keel identified the following concerns which were discussed amongst representatives for the property owner, State Parks staff (Paul Keel and Victor Roth), and Planning staff at a meeting on May 15, 2014. The following is a discussion of State Parks' main concerns followed by staff's response.

- (1) State Parks staff clarifies that the signed Letter of Intent (Attachment K) is not authorization by the State for the applicant to perform access, drainage, and landscaping improvements: State Parks staff clarifies that no access to State property for these improvements is allowed except as authorized by the State under a temporary use permit or other applicable permit(s) obtained from the Department of Parks and Recreation. Planning staff notes this comment and requires compliance with State Parks permitting requirements as Condition No. 3.b.
- (2) State Parks outlines the complex authorization and permitting process required to legalize and repair the riprap at the beach previously included in the proposal: Due to a need to establish rights of trespass and need for a CDP for the original riprap (constructed in the 1970s under an Emergency CDP, where no formal CDP was applied for afterwards as required by the CCC), State Parks staff recommended that the applicant remove improvements to address erosion of riprap from the application and limit improvements to the area of the dirt parking lot. The Planning and Building Department's Geotechnical Consultant agrees with the recommendation, subject to Condition No. 17 which requires the owner to coordinate with State Parks and CCC on a plan to legalize and repair the riprap, with the plan to be submitted to the County within one year of the project final approval date.
- (3) State Parks staff recommends relocating the proposed French well from the bluff to the front of the State property in order to minimize potential erosion impacts to the bluff: State Parks staff recommended a new location immediately outside the pump station fence, with water to be piped underground to this area. Drainage plans have been revised to make this change and plans have been reviewed and approved by the project geotechnical engineer, the County's Geotechnical Consultant, and the County's Department of Public Works.

- (4) State Parks staff states that the direction of drainage from private property onto State Parks property is prohibited: Drainage from the restaurant parking lot is currently prevented from flowing onto State property by existing grades.
- (5) State Parks recommends that Planning staff strengthen Mitigation Measure 9 to require the development of an enforceable parking lot management plan: In order to further ensure only public use of the new parking lot, State Parks staff recommends that the lot be separated visually from parking areas for the restaurant and recommends that the applicant prepare a plan for parking monitoring and enforcement. The applicant has submitted a draft parking management plan, which has been reviewed by State Parks staff, and is included as Attachment J. The draft plan proposes:
 - Restaurant staff monitoring of the new parking lot to prohibit use by restaurant employees and patrons.
 - Posting of signage at the parking lot stating that “This property is owned by State Parks and is exclusively for the use of the public and not for the use of restaurant’s patrons.”
- (6) State Parks staff states that the landscaping plan appears to include new landscaping with a variety of non-native species on State Park property: State Parks staff recommends that the applicant consult with State Parks on appropriate native species to use in these areas. Mr. Keel provided the Montara State Beach Plant List for Revegetation (Attachment P). The applicant has revised the landscape plan to incorporate only species contained in this list.

b. California Coastal Commission (CCC)

In a letter dated April 1, 2014, CCC staff states the following concerns, as summarized by staff and followed by staff’s response:

- (1) CCC staff states that the CDP Amendment application currently being processed by CCC only includes requests for the installation of new outdoor lighting and after-the-fact authorization for construction of two outdoor patio areas. As of the letter date, the CDP application did not include a request to change the hours of operation of the restaurant or a request to construct a parking lot on State Parks property. CCC staff has requested that the applicant submit additional information in order to

complete the application. Condition No. 3 requires the issuance of a CDP Amendment from the CCC, whereby the project must comply with the terms of the CDP and County permits are not active until the amendment is approved by the CCC.⁶

- (2) CCC staff states that State Parks must be identified as a co-applicant in the permit application before the proposal is reviewed as part of the CDP process. The County has determined that State Parks has provided sufficient owner acknowledgment of parking lot improvements on the subject State lands through the Letter of Intent and subsequent correspondence with the County. In addition, Condition No. 3.b requires the applicant to demonstrate compliance with State Parks permitting requirements prior to the issuance of a building permit at the State Parks site.
- (3) CCC staff states the importance of maintaining opportunities for the public to access the coast in the vicinity of the restaurant and states that public access must not be negatively impacted by the project. The proposed improvements to the historical beach user parking lot will improve the drainage and stability of the site for beach users, thereby improving and maintaining long-term access to this portion of the beach.
- (4) CCC staff considers the loss of nine beach user access parking spaces on the restaurant property before 5:00 p.m. on Fridays and weekends to be unacceptable and the formalization of the parking lot should not be used as mitigation for the reduction in parking on-site due to the proposed extended restaurant hours. The loss of the nine beach user spaces is mitigated by reduced brunch/lunch hours of operation to 10:00 a.m. and 2:00 p.m. on Fridays and weekends as recommended by Planning staff, increased daytime parking Mondays through Thursdays, increased nighttime beach user parking, as well as other benefits provided by formalized parking including improved access, stability, and environmental stewardship of the property.
- (5) CCC staff states that the IS/MND should discuss potential impacts of outdoor lighting to wildlife in the area and CCC staff questions the choice of the 150-watt limit included in Mitigation Measure 13. Planning staff requested that the applicant implement Mitigation Measures 11 through 13 in advance of this meeting and performed a nighttime inspection on September 11, 2014. Lighting in parking areas and patio was adequate for

⁶ CCC staff also clarify that the Amendment to the CDP (CDP P-77-579) does not include the previously proposed riprap work, as stated in the Negative Declaration. Planning staff notes this.

safety and not excessive (minimal light spill over onto the beach and no light on the ocean), although fine-tuning of lighting direction will need to be done prior to the County's final approval of the building permit for the project, per the mitigation measure.

c. California Department of Transportation (CalTrans)

In a letter dated March 5, 2014, CalTrans staff asked that Planning staff confirm that the northbound Highway 1 left-turn pocket is long enough to accommodate the anticipated added inbound left-turn trips into the La Costanera Restaurant parking lot during lunch time hours and will not impede traffic (Attachment R). In an email dated September 5, 2014, Gary Black, President of Hexagon Transportation Consultants (Hexagon), states that while the entrance to Lot C does not have a left-turn pocket, the entrance to Lot A does have a left-turn pocket. Mr. Black says there could be some impedance on Highway 1 if cars chose to turn left into this parking lot when there is no gap in southbound traffic. He states that it is more likely that cars would use Lot A for left turns when southbound gaps were unavailable. This left-turn pocket for Lot A is long enough to accommodate two to three cars. Hexagon estimated the restaurant would generate only six inbound left turns during the peak hour (an average of one car every 10 minutes). Therefore, the turn pocket is long enough to accommodate the expected queue of left turns.

CalTrans staff also asks how the loss of nine parking spaces is mitigated. The loss of the nine beach user spaces is mitigated by reduced brunch/lunch hours of operation to 10:00 a.m. and 2:00 p.m. on Fridays and weekends, increased daytime parking Mondays through Thursdays, increased nighttime beach user parking, as well as other benefits provided by formalized parking including improved access, stability, and environmental stewardship of the property.

d. Midcoast Community Council (MCC)

In a letter dated March 12, 2014, the MCC identifies the following concerns, followed by staff's response:

- (1) MCC states that the loss of beach user parking resulting from project is 19 spaces, not 9 spaces, as Planning staff credits existing parking in Lot B with 10 spaces where approximately 20 cars can be accommodated. Also, MCC states that it will be very difficult to require all patrons to park only in Lot C for brunch/lunch service. As described in Section B.5 of this report, while approximately 20 cars may be accommodated at the site, safe access for those vehicles cannot be assured and the

impacts of the parking use on the site contribute to site erosion. Therefore, a credit of 10 cars is used. Condition No. 10 has been added to restrict the brunch/lunch hours to 10:00 a.m. to 2:00 p.m. on Fridays and weekends to minimize the impact to beach user parking. Condition No. 11 requires valet service only from brunch/lunch service on Fridays and weekends. Per Condition No. 32, contact information for the Planning and Building Department Code Compliance Section will be included in Lot B signage. Additionally, staff has amended the draft parking management plan to require monitoring of Lot A to prohibit patron and employee parking during lunch/brunch.

- (2) MCC states that the proposed changes to Lot C to accommodate five additional spaces and six valet spaces may result in impacts to queuing both on-site and on Highway 1. Hexagon has evaluated the valet parking plan and has determined that the plan would not result in queuing impacts on-site or onto Highway 1. The plan would provide for minimal shifting of vehicles within the lot, as well as circumvent the need for valet drivers to exit Lot C while maneuvering vehicles. It also found that the driveway throat would remain open to provide an area for vehicle drop-off and pick-up. Hexagon's recommendations, specifically that Lot C would need to be converted into valet parking only during brunch/lunch and posting of signage regarding hours of valet service, have been included as Condition No. 11.

e. Committee for Green Foothills (CGF)

In a letter dated December 31, 2012, Lennie Roberts, San Mateo County Legislative Advocate, provides comment on the Original IS/MND (no comment from CGF was received for the Recirculated IS/MND). Ms. Roberts identifies the following concerns, followed by staff's response:

- (1) CGF states that the proposal would result in a loss of 19 parking spaces for beach access during the most popular time for beach use, resulting in a significant impact to public access (e.g., causing beach users to park in more dangerous locations along Highway 1, farther away, or abandon their plans to go to the beach). Staff notes that the formalization of parking at the State Parks lot provides access and drainage improvements that will benefit beach user access over the long-term. Additionally, staff recommends a reduction in the brunch/lunch hours of operation on Friday and weekend hours from the applicant's proposal of

seven hours (10:00 a.m. to 5:00 p.m.) to four hours on these days (10:00 a.m. to 2:00 p.m.).

- (2) CGF states that because Planning staff credits the State Parks lot with 10 spaces instead of the 20 spaces that it currently accommodates, there would not be a net increase of 16 spaces Mondays through Thursdays and 11 spaces after 5:00 p.m. due to the crediting error. Through re-striping, the applicant can accommodate five more spaces at the restaurant parking lots and can accommodate one additional space at the State Parks lot than currently exists. As discussed in Section B.5 of this report, existing parking at the State Parks lot is informal, unpermitted and contributes to the erosion of the site. While approximately 20 cars can fit at the site, the current condition of the site does not provide for safe parking nor environmental stewardship of the land. As such, these approximately 20 spaces are not comparable to 20 permitted, stable, orderly parking spaces.
- (3) CGF states that signage is not an effective method to ensure that the State Parks lot and Lot A are not used by restaurant patrons especially when Lot C is full during brunch/lunch service. In addition to monitoring of parking by employees and patrons as proposed by the applicant, staff requires the owner to collect license plate numbers of all employees and encourage alternate means of transportation to the restaurant (e.g., carpools, bus, bike). Additionally, staff requires parking lot signage to include contact information for the Planning and Building Department Code Compliance Section for violation reporting.
- (4) CGF states that project lighting could have a potentially significant impact on wildlife and that lighting should be required to comply with LCP Policies and CCR Zoning District regulations requiring lighting to be confined to the subject parcel, shielded and the minimum necessary for safety. Condition No. 12 of Attachment A requires the applicant to comply with these requirements.

f. Interested Members of the Public

Many members of the public provided comments in response to the Recirculated IS/MND. Their letters are included as Attachment U. Staff received three letters in support of the project, three offered suggestions, and the remaining seven letters opposed the project for reasons including reduced beach user parking, increased traffic,

owner's past history of violations, difficulty of parking enforcement, and the out-of-character with the community 2:00 a.m. closing time. Suggestions offered included additional bicycle parking facilities and improved stairs and path access to the beach. Condition No. 16 requires the applicant to install an on-site bicycle rack for a minimum of 10 bicycles. The current proposal does not include stair improvements, but includes graveling of the existing grade and heavy duty edging along the path from the State Parking lot to the stairs. Condition No. 10 sets a closing time of 10:00 p.m. which is consistent with current 9:00 p.m. and 10:00 p.m. closing times on the restaurant's website.

E. REVIEWING AGENCIES

County Planning and Building Department's Building Inspection Section
County Planning and Building Department's Geotechnical Section
County Department of Public Works
County Environmental Health Services Division
City of Half Moon Bay
Coastside Fire Protection District
Montara Water and Sanitary District
State of California Department of Parks and Recreation
California Department of Transportation (CalTrans)
California Coastal Commission
Midcoast Community Council
Committee for Green Foothills

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Location Map
- C. Urban Rural Boundary Map

Project Plans

- D. Grading and Drainage Plans, received August 18, 2014
- E. Parking Plan, received June 28, 2012
- F. Seating Plan, dated July 2010
- G. Lighting Plan, received August 20, 2012
- H. Landscaping Plan, received August 18, 2014
- I. Geotechnical Engineering Consultation, BAGG Engineers, Letters dated February 9, 2010, October 27, 2011, January 3, 2013, and August 14, 2014
- J. Draft Parking Management Agreement, dated June 11, 2014

State Parks Project Acknowledgment

- K. Letter of Intent, signed by Paul Keel, State Parks Superintendent, dated December 9, 2011

Permit Documents

- L. Letter of Decision for UP 20-77 and CDP 83-67, County of San Mateo, dated February 27, 1984
- M. Letter from Jo Ginsberg, Enforcement Analyst at the California Coastal Commission, dated April 25, 2014

CEQA Document and Comment Letters⁷

- N. Recirculated Initial Study/Mitigated Negative Declaration, dated February 27, 2014
- O. Letter from Paul Keel, State Parks Superintendent, dated March 19, 2014
- P. Montara State Beach Plant List for Revegetation from State Parks
- Q. Midcoast Community Council, dated March 12, 2014
- R. Letter from Erik Alm, District Branch Chief, Department of Transportation (CalTrans), dated March 5, 2014
- S. Committee for Green Foothills Letter, dated December 31, 2012
- T. Letter from Renee Ananda, Coastal Program Analyst, California Coastal Commission, dated April 1, 2014
- U. Letters from Concerned Members of the Public
 - 1. Kevin Stokes, February 27, 2014
 - 2. Michael Liang, March 3, 2014
 - 3. Christy Usher, March 11, 2014
 - 4. Joel Colletti, March 11, 2014
 - 5. Michael Hall, March 11, 2014
 - 6. Laura Wolk, March 14, 2014
 - 7. Tim Duff, March 25, 2014.
 - 8. Leslie O'Brien, March 28, 2014
 - 9. Barry Lifland, March 28, 2014
 - 10. Brett Currier, March 31, 2014
 - 11. Kathleen Currier, March 31, 2014
 - 12. Deborah Lardie, March 31, 2014
 - 13. Mary Larenas, January 29, 2013

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⁷ In some instances, due to the duration of permit processing and changes made to the project over the duration, multiple letters were received from agencies and individuals. Only the most recent letters are included here.

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2006-00494 Hearing Date: September 24, 2014

Prepared By: Camille Leung
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the Mitigated Negative Declaration is complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. The Original Initial Study/Mitigated Negative Declaration was released with a public review period from December 21, 2012 to January 20, 2013. A Recirculated Initial Study/Mitigated Negative Declaration (IS/MND), which includes analysis of project impact to archeological resources among other minor edits, was released in accordance with the California Environmental Quality Act and applicable State and County Guidelines with the public review period from February 27, 2014 to March 31, 2014.
2. That, on the basis of the Initial Study and comments received thereto, no substantial evidence exists that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The fourteen (14) mitigation measures contained in the Mitigated Negative Declaration adequately mitigate any potential significant effect on the environment.
3. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into a Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6. The applicant has agreed to comply with the fourteen (14) mitigation measures contained in the Mitigated Negative Declaration. In addition, mitigation measures have been incorporated as conditions of approval for this project (listed as Condition Nos. 24 through 37 of this attachment). Given compliance with the conditions of approval, a separate Mitigation Monitoring and Reporting Plan is not necessary.

4. That the Mitigated Negative Declaration reflects the independent judgment of the San Mateo County Planning Commission.

Regarding the Use Permit Amendment, Find:

5. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources or be detrimental to the public welfare or injurious to property or improvements in said neighborhood. As discussed in the Mitigated Negative Declaration prepared for the project, the proposed project would result in less than significant impacts to weekday and weekend traffic flows. As proposed and mitigated, the project would result in less than significant impacts to bluff erosion, construction-related air quality impacts, stormwater flows, beach user parking, views from the Cabrillo Highway County-Designated Scenic Route, scenic views from Montara State Beach, and potential archaeological resources.

Regarding the Design Review Permit, Find:

6. That the project, as proposed and conditioned, is found to be in compliance with the standards for review listed in Section 6565.17 (*Design Review Standards for Other Areas*) of the Design Review (DR) Zoning District Regulations and the design criteria of the Community Design Manual (CDM). As discussed in Section B.3 of the staff report, proposed building modifications comply with applicable design review standards and CDM design criteria, including requirements pertaining to open space preservation and color and materials compatible to the surrounding environment. The proposed formalization of the California Department of Parks and Recreation (State Parks) site complies with applicable design review standards and CDM design criteria, including requirements pertaining to landscaping, grading, paved areas, and drainage.

Regarding the Planned Agricultural District (PAD) Permit, Find:

7. That the project, as proposed and conditioned, is found to be in compliance with Section 6353 of the Zoning Regulations, which allows public recreational uses on Lands Suitable for Agriculture with the issuance of a PAD Permit. The project, as proposed and conditioned, complies with applicable criteria in that the project site is designated for urban use, located on a bluff top which is not suitable for agriculture due to concerns regarding bluff stability and erosion, the parking lot would be clustered with existing development (Restaurant Parking Lot A), and the proposed use would not impair agricultural viability of agricultural land.

Regarding the Grading Permit, Find:

8. That the granting of the permit will not have a significant adverse effect on the environment, that the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code, and that the project is consistent with the

General Plan. The project involves minor grading associated with access, drainage and landscaping improvements on the State Parks property that will improve beach user access and safety and environmental stewardship of the property. Mitigation Measure 5 has been included as a condition of approval to restrict project grading to the dry season. Mitigation Measure 7 has been included as a condition of approval to require monitoring of erosion control measures by the project civil engineer. Mitigation Measure 8 has been included as a condition of approval to require compliance with dust control guidelines.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

Terms of this Permit.

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission on September 24, 2014. The Community Development Director may approve minor revisions or modifications to the project, if they are consistent with the intent of and in substantial conformance with this approval. Any change in use or intensity shall require an amendment to the County-issued use permit and California Coastal Commission (CCC) issued Coastal Development Permit.
2. The use permit shall be valid for a period of **two (2) years**. Administrative Reviews shall be conducted **annually** from the approval date.
3. This permit is subject to the issuance of a Coastal Development Permit (CDP) Amendment from the CCC and is, therefore, subject to the terms of the CDP Amendment. **This permit is not active until a CDP Amendment has been issued for all aspects of the project.**

Once a CDP Amendment has been issued by the CCC, a County building permit is required for the following:

- a. Legalization of drainage systems and wind screens associated with the two outdoor patios.
- b. Drainage improvements, minor grading and gravelling of California Department of Parks and Recreation (State Parks) site: The property owner shall demonstrate compliance with the permitting requirements of State Parks prior to the issuance of a Building Permit at this site. No access to State property for these improvement purposes is allowed except as authorized by the State under a temporary use permit or other applicable permit(s) obtained from the California Department of Parks and Recreation.

Modified Original Use Permit Conditions:

Changes to the original permit conditions are shown in ~~strikeout~~ and underline format.

4. Original Condition No. 1: Any ~~additional work on shoreline protection shall be approved in accordance with Geotechnical Consultant Approval form (County Geologist).~~ will be under the permit authority of the California Coastal Commission with authorization from State Parks.

5. Original Condition No. 3: ~~The property owner of the restaurant site shall maintain public access to the walkway on the west side of the restaurant connecting north and south parking lots. The entire walkway, with the exception of the ramp, shall be located a safe distance from the cliff so that handrails will not be necessary. This design shall be to the satisfaction of the Planning Director.~~ and public access to associated structures (e.g., ramp, stairs, railings) necessary for beach access for the life of the project through the recordation of an access easement. Proof of recordation of access easement is required prior to the Current Planning Section's final approval of any building permit for this project.

6. Original Condition No. 4: ~~The owner of the restaurant site shall install all landscaping per the approved landscape plan and \$submit a maintenance surety deposit of \$1,000, prior to the Current Planning Section's final approval of any building permits, to performance bond to guarantee installation of landscaping and maintenance ensure that vegetation is watered and maintained in a healthy condition for two years growing seasons.~~ The owner of the restaurant site shall maintain approved landscaping for the life of the project.

7. Original Condition No. 7: Construct and maintain all improvements in accordance with approved plans. Once confirmed, all unpermitted work, changes in the intensity of the use (e.g., hours of operation, number of seats), or other types of violations will be referred to the Planning and Building Department's Code Compliance Section and to the California Coastal Commission.

8. Original Condition No. 8: ~~The owner of the restaurant site shall Mmaintain 53 parking spaces~~ at the subject properties as shown on the approved parking plan and shown in the table below:

Table 3 of the Staff Report Required Parking for Restaurant and Beach Users		
	Parking Available for Beach Users	
	Before 5:00 p.m.	After 5:00 p.m.
Required Parking		
Restaurant Lot A	33	0
Restaurant Lot C (Fridays and Weekends)	0	0

Table 3 of the Staff Report Required Parking for Restaurant and Beach Users		
	Parking Available for Beach Users	
	Before 5:00 p.m.	After 5:00 p.m.
Restaurant Lot C (Mondays through Thursdays)	25	0
State Parks Lot B	21	21
(P) TOTAL (Fridays and Weekends)	54	21
(P) TOTAL (Mondays through Thursdays)	79	21

The owner of the restaurant site shall maintain the State parking lot and associated drainage improvements for the life of the project and, prior to the final approval of any building permit for this project, shall submit to the Current Planning Section a maintenance agreement with the California Department of Parks and Recreation, subject to review by the Community Development Director and the California Department of Parks and Recreation, for recordation by the County Recorder, over the State Parks site.

The applicant shall implement the approved parking management plan, as outlined in Condition No. 14.

9. Original Condition No. 9: Maintain free public access through the parcel to the beach. The property owner of the restaurant site shall maintain the access improvements necessary for beach access and all associated structures (ramp, walkway, stairs, railings, etc.) for the life of the project through the recordation of a maintenance agreement with the California Department of Parks and Recreation. The maintenance agreement shall be recorded prior to the Current Planning Section's final approval of any building permit for this project. All repair work or replacement of access structures shall be subject to the issuance of a Coastal Development Permit or Permit Exemption from the Coastal Commission.
10. Original Condition No. 10: Hours of operation of restaurant/bar shall be limited to that period between 5:00 p.m. and normal closing time. the approved hours of operation:

Fridays and weekends from 10:00 a.m. to 2:00 p.m. (with 93 seats for brunch/lunch) and from 5:00 p.m. to 10:00 p.m. (with 189 seats for dinner service).

Mondays through Thursdays are limited to 5:00 p.m. to 10:00 p.m. (where seating is limited to 189 seats).

Hours of operation shall be posted clearly at the entrance of the building.

Other Current Planning Section Conditions:

11. Parking from 10:00 a.m. to 2:00 p.m. on Fridays and weekends shall be limited to Parking Lot C. Per the recommendations of the project traffic report, valet service is required for Parking in Lot C from 10:00 a.m. to 2:00 p.m. on Fridays and weekends. The restaurant site owner shall post sign(s) in Lot C to provide times when valet parking will be required in Lot C.
12. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed, shielded and downward directed so as to confine direct rays to the parcel where the lighting is located. Exterior lighting fixtures shall not be reflective. All exterior lighting shall employ warm colors where cool tones are prohibited. Any modification of approved lighting is subject to Coastal Development Permit and Design Review Permit requirements, prior to implementation.
13. The landscape plan prepared by Mara Young, landscape architect, dated June 12, 2012, has been approved with the following changes. Please submit a revised landscape plan at the time of building permit application, subject to review and approval by the Community Development Director, that is in compliance with this condition:
 - a. Toyon shall be replaced with a smaller shrub that will grow to a maximum height of 4 feet from the Montara State Beach Plant List for revegetation or simply eliminated.
 - b. Please have a landscape architect identify irrigation (system type, volume of water, frequency of watering), in the short and long term should they differ, on the landscape plan. The irrigation system should involve minimal land disturbance and be water efficient. If drip irrigation is not feasible, please provide a brief explanation.
 - c. No signs or lighting are approved under this plan.
 - d. Garbage and recycling bins shall not be stored along the public access path, but shall be stored indoors, stored outside against an existing structure or within a new roofed trash enclosure, subject to review and approval by the Community Development Director.
14. The Draft Parking Management Plan, dated June 11, 2014, has been approved with the following changes:
 - a. The owner shall agree to perform maintenance and repairs of the State Parks property, including its drainage system, per County and CCC approved plans, over the life of the project.

- b. The owner shall post signage and assign staff to monitor at all times:
 - (1) Non-usage of the State Parks property by restaurant patrons and employees, assuring that the State Parks property shall be used exclusively for public parking purposes and not by patrons or employees of the restaurant.
 - (2) Non-usage of Lot A for brunch/lunch time parking by restaurant patrons and employees, assuring that Lot A shall be used exclusively for public parking purposes and not by patrons or employees of the restaurant.
 - (3) Staff parking: The owner shall collect license plate numbers of all full- and part-time employees and shall encourage alternate means of transportation to the restaurant (e.g., carpools, bus, bike).
 - c. The owner shall erect signage at the entrance to the State Parks property specifying that “This property is owned by State Parks and is exclusively for the use of the public and not for the use of restaurant patrons or restaurant employees. No trucks allowed.”⁸
 - d. The State Parks property shall be visually separated from the restaurant parking to its south by means of implementing different types of materials and posting of signage. Prior to issuance of the building permit, the applicant shall submit a proposed method of visually separating Lot A and Lot B, subject to review and approval by the Community Development Director.
 - e. The owner shall install and maintain the approved State Parks property’s landscaping in a healthy condition for the life of the project.
 - f. Should the owner have difficulty enforcing parking requirements with patrons, the owner shall consider collection of patron license plates and providing towing information on signage, subject to review and approval by the Community Development Director.
15. Prior to the issuance of any building permit for this project, the applicant shall submit a signage plan for new and unpermitted modified signage for the restaurant and State Parks property, subject to review and approval by the Community Development Director, California Coastal Commission, and State Parks (for signs on State property). Approved signage shall be installed prior to final approval of the building permit. Unpermitted signage or signage modifications that have not been expressly approved shall be removed or returned to the approved condition (e.g., monument signs painted white shall be painted back to brown). Permit requirements shall be met prior to implementation of new signage

⁸ No trucks allowed per project geotechnical reports prepared by BAGG.

or signage modifications. No A-frame signs are permitted on the subject property, the Cabrillo Highway right-of-way, or State property.

16. Prior to final approval of the building permit for this project, the applicant shall install bicycle rack(s) on-site to accommodate a minimum of 10 bicycles. Bicycle rack location shall be conveniently located, visible to patrons, and blend with the surrounding environment. The applicant shall submit manufacturer's specifications for rack design and show proposed location on the submitted site plan, subject to review and approval by the Community Development Director.
17. The property owner shall coordinate with State Parks and the California Coastal Commission to prepare a plan for how to permit the riprap and to perform necessary repairs. The applicant shall submit the plan to the Community Development Director within one (1) year of the project final approval date.

NPDES Stormwater Pollution Prevention Source Control Conditions (While restaurant operations must comply with these conditions at all times, demonstration of compliance with all of the following conditions is required at the time of building permit issuance):

18. Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. All washwater from trash storage areas and kitchen shall be directed to the sanitary sewer system. Washwater is prohibited from entering parking or vegetation/landscaping areas.
19. Discharges from indoor/outdoor mat, equipment, and hood filter wash racks or covered outdoor wash racks for restaurants shall be plumbed to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
20. Outdoor patio floor drains shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. All washwater from outdoor patios shall be directed to the sanitary sewer system. Washwater is prohibited from concrete pathway and vegetation/landscaping areas.
21. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
22. The project shall incorporate landscaping that minimizes irrigation and runoff, promotes surface infiltration, and minimizes the use of pesticides and fertilizers.

23. Restaurants shall have a sink or other cleaning area large enough to clean the largest mat or piece of equipment. The cleaning area shall be indoors or in a roofed area outdoors, connected to a grease separator prior to discharging to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards.

Condition Nos. 24 through 37 are mitigation measures from the Recirculated IS/MND made available on February 27, 2014. Changes made by staff to strengthen and clarify Mitigation Measures of the Recirculated IS/MND are shown in strikeout and underline format.

24. Mitigation Measure 1: Prior to the County Geotechnical Section's approval of the building permit for the project, the applicant shall demonstrate project conformance with the recommendations of the project soils reports (Geotechnical Engineering Consultation, Poor Drainage and Riprap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, February 9, 2010, and Geotechnical Engineering Consultation, Unpaved Parking Lot, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, October 27, 2011, and Update of Geotechnical Consultation Report, dated October 27, 2011, Unpaved Parking Lot, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, dated January 3, 2013), to the satisfaction of the County Planning and Building Department's Geotechnical Section.
25. Mitigation Measure 2: As the parking lot would result in 5,000 sq. ft. or more of impervious surface (e.g., if the dirt lot is compacted to 95% compaction, then the lot would be considered impervious), the project shall comply with Provision C.3 of the NPDES Municipal Regional Permit stormwater treatment requirements, and stormwater treatment plans shall be submitted to the County prior to project approval. Stormwater treatment facilities shall be reviewed by the project geotechnical consultant.
26. Mitigation Measure 3: Prior to any ground disturbance, the applicant shall apply for a building permit. Monthly inspections (at minimum) by the building inspector during the wet season are required to confirm adequate erosion and sediment control. At the time of building permit application, the applicant shall provide the estimated date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.
27. Mitigation Measure 4: Prior to any ground disturbance, the erosion and sediment control plan shall be reviewed by the County Planning and Building Department's Geotechnical Section to ensure that erosion control measures are appropriate for the site's bluff top location and would not contribute to further bluff erosion. Once approved, erosion and sediment control measures of the erosion control plan shall be installed prior to beginning any site work and maintained throughout the term of

the grading permit until newly planted vegetation is fully established. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for County staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and reviewed by the County Planning and Building Department's Geotechnical Section, County Department of Public Works, and the Community Development Director.

28. Mitigation Measure 5: No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion.
29. Mitigation Measure 6: The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:
 - a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
 - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - c. Performing clearing and earth-moving activities only during dry weather.
 - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
 - e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
 - h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilization of designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
 - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
30. Mitigation Measure 7: It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.
31. Mitigation Measure 8: Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:
- a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
 - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Engineer, and the Regional Water Quality Control Board.
32. Mitigation Measure 9: In order to prevent further reduction of beach user parking at the restaurant site and at the State Parks property, the applicant shall implement the approved parking management plan and post signs at the properties with language comparable to the language provided below, with the

wording, number, color and size of signs subject to the approval of the Community Development Director:

- Signage at the entrance of the State Parks property shall state that parking by restaurant visitors is prohibited at all times.
 - Signage in Lot A of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m.
 - Signage in Lot C of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m. and before 5:00 p.m. on Fridays and weekends only. Signage shall also caution beach visitors of increased traffic on the property on Fridays and weekends and to use designated Coastal Trail paths to cross the property.
 - Contact information for the Planning and Building Department Code Compliance Section, including a phone number and email address, shall be included in all parking lot signage.
33. Mitigation Measure 10: The property owner shall designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic. The design and alignment of these improvements shall be consistent with the recommendations of the “Highway 1 Safety and Mobility Improvement Study: Phase 2” report, dated October 2012, including but not limited to the Montara State Beach Coast and Trail Access Maps (Attachment M of the Recirculated IS/MND). A Site Circulation and Signage Plan that depicts the details of these improvements shall be submitted to the Community Development Director for review and approval, prior to the Current Planning Section’s approval of any permit (e.g., grading permit or building permit) for the project. The property owner shall demonstrate implementation of improvements, as approved, prior to the Current Planning Section’s final approval of the building permit.
34. Mitigation Measure 11: Prior to the Current Planning Section’s approval of the building permit, the applicant shall remove two of the 150-watt light fixtures which illuminate Parking Lot A, such that there is no more than three lighting fixtures on the north side of the restaurant building.
35. Mitigation Measure 12: Prior to the Current Planning Section’s approval of the building permit, the applicant shall replace or reposition existing light fixtures in Parking Lot C such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and the total number of lighting fixtures does not exceed three.
36. Mitigation Measure 13: The applicant shall modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the

ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Prior to the Current Planning Section's final approval of the building permit, staff shall review the wattage of the west elevation, and wattage shall be adjusted as required by staff to achieve adequate lighting for patio dining and minimization of light impacts on beach areas. Also, no temporary lighting is permitted on the property without the approval of the Community Development Director.

37. Mitigation Measure 14: The applicant shall comply with the following requirements relating to the avoidance of the CA-SMA-115 cultural site and discovery of archaeological remains, including human remains, during all grading and construction activity:
- a. Prior to the Current Planning Section's approval of the building permit application, the applicant shall demonstrate that all grading and construction will avoid the CA-SMA-115 cultural site.
 - b. Prior to the issuance of the grading permit "hard card," the applicant shall demonstrate proper protection of the CA-SMA-115 cultural site for grading and construction activity. The area shall be fenced during grading and construction to assure that no inadvertent damage from equipment or personnel takes place.
 - c. If archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5[f]).
 - d. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted immediately. If the coroner determines that the remains are Native American, the coroner will contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendant makes recommendations regarding the treatment of the remains with appropriate dignity.
38. The applicant shall pay an environmental filing fee of \$2,181.25, as required under Fish and Game Code Section 711.4(d), plus an additional \$50.00 as a County recording fee, to the San Mateo County Clerk **within four (4) working days of the final approval date of this permit.**

Building Inspection Section

The following condition reflects a preliminary review only. When this design is submitted for a building permit, there may be more requirements according to the actual

design being submitted for a building permit. This review is neither permission nor approval for final plan check for a permit.

39. Building permits required for all work, including grading and drainage improvements. Fifty-four parking spaces will require 3 ADA parking spaces, including 1 van accessible space.

Planning and Building Department's Geotechnical Consultant

40. At the building permit application stage, the applicant shall demonstrate compliance with the recommendations of the BAGG Engineers, as contained but not limited to letters dated February 9, 2010 and October 27, 2011.

Coastside Fire Protection District

41. **Building Classification:** Please indicate on the plans the following information:

Occupant Load Calculations with an exit analysis

42. **A 5-year certificate must be provided before final.**
43. **Emergency Building Access:** The proposed project will require the installation of "Knox Boxes." These emergency key boxes are required when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes. The Chief will determine the location for the key box and provide an authorized order form. All security gate systems controlling vehicular access shall be equipped with a "Knox"; key operated emergency entry device. Applicant shall contact the Fire Prevention Bureau for specifications and approvals prior to installation.
44. **Exit Doors:** Exit doors shall be of the pivoted type or side hinged swinging type. Exit doors shall swing in the direction of exit when serving an occupant load of 50 or more.

Special Doors: Revolving, sliding and overhead doors shall not be used as required exits. Power operated doors complying with California Building Code (CBC) Standard No. 10-1 may be used for exit purposes.

Additional Doors: When additional doors are provided for egress purposes, they shall conform to all the provisions of CBC Chapter 10.

45. **Exit Illumination:** Illumination: Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type.

Power Supply: Current supply to one of the lamps for exit signs shall be provided by the premises wiring system. Power to the other lamp shall be from storage of

batteries or an on-site generator set. Include exit illumination with electrical plans and submit to the San Mateo County Building Inspection Section or City of Half Moon Bay for review and approval.

46. **Exit Signage:** Where required: When more exits from a story are required by Section 1003 of the CBC, exit signs shall be installed at stair enclosures, horizontal exits and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction of egress. Exception: Main exit doors, which obviously are clearly identifiable as exits (glass door). Show exit plans on plans submitted to the San Mateo County Building Inspection Section or City of Half Moon Bay for review and approval.

When exit signs are required by Section 1013.1 of the CBC, additional approved low-level exit signs, which are internally or externally illuminated, photo luminescent or self-luminous, shall be provided in all interior rated exit corridors serving guest rooms of hotels in Group R, Division 1 Occupancies, and other occupancies as determined by the code.

47. **Occupancy Load Sign:** Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for classroom, assembly or similar purpose, shall have the capacity of the room posted in a conspicuous place.
48. **Fire Alarm System:** This project is required to have installed an approved NFPA 72 Fire Alarm System throughout. The system is to monitor any flow through the required automatic fire sprinkler system, any fire sprinkler valve tamper and all heat and smoke detectors. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system. The Fire Alarm Control Panel (FACP) shall be protected with a smoke detector as per NFPA 72, Section 1-5.6 and a manual pull station. A wiring inspection is required to be conducted by the Fire District prior to covering walls and ceiling areas. All systems and components must be tested per manufacturer's specifications and NFPA 72. Battery backup shall meet or exceed requirements for amp-hour rating and must be tested as per manufacturer's specification and NFPA 72.
49. A 5-year certificate inspection required.
50. **Fire Extinguishers:** There must be at least one 2A-10BC fire extinguisher for each 3,000 sq. ft., travel distance not to exceed 75 feet with at least one extinguisher per floor per Title 19, California Code of Regulations.
51. Contact the San Mateo County Fire Marshal to schedule a Final Inspection prior to occupancy and Final Inspection by a Building Inspector. Please allow for a minimum of 72 hours notice to the Fire Department at 650/573-3846.

Department of Public Works

52. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
53. No proposed construction work within the CalTrans right-of-way shall begin until CalTrans requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
54. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
55. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works, including completion of a C.3, C.6 checklist. All proposed stormwater facilities including pervious pavement shall be approved by a professional geotechnical engineer.

Environmental Health Division

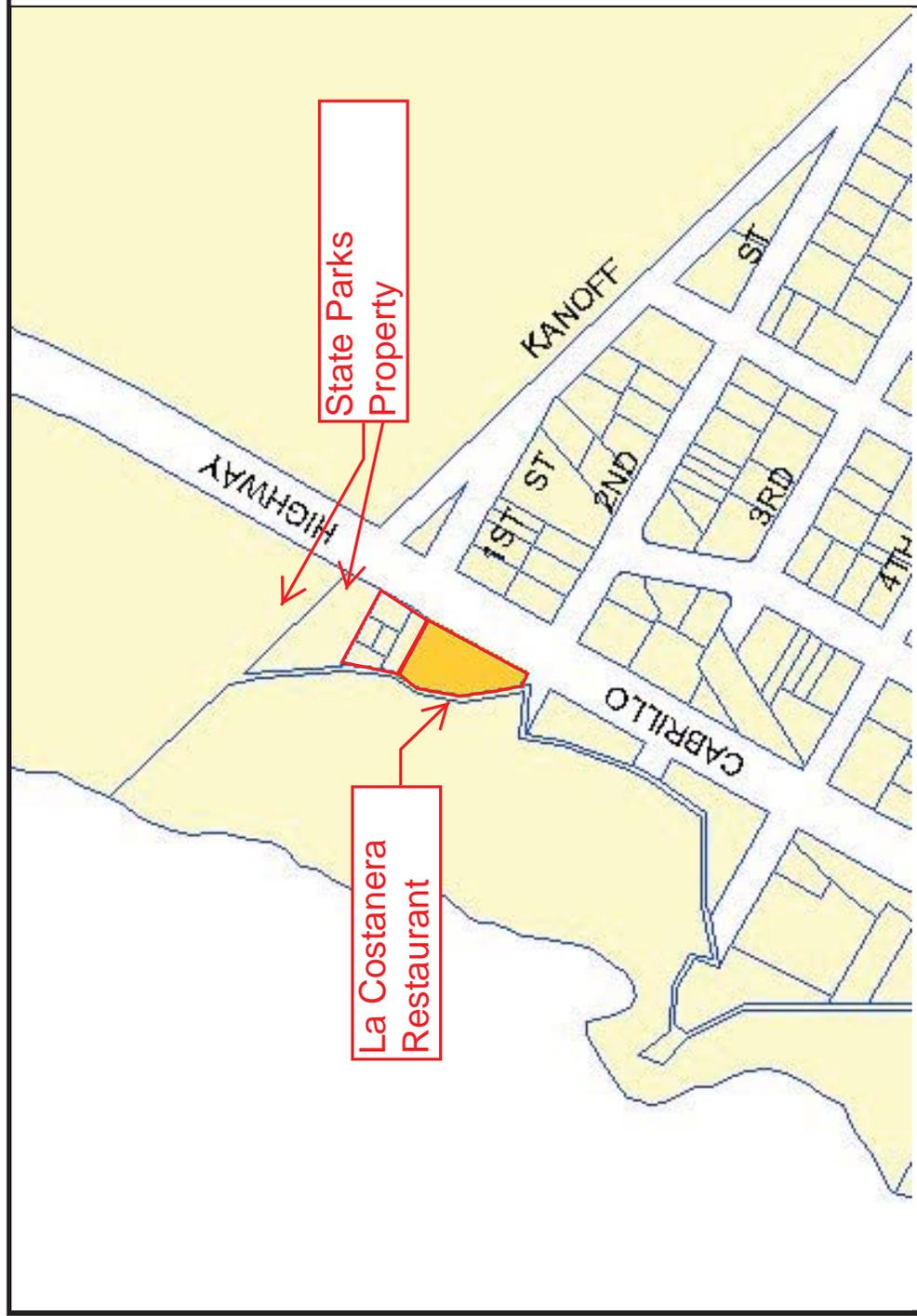
56. Prior to the building application stage, the applicant shall submit two sets of construction/remodel plans to the Environmental Health Division for review and approval.
57. The applicant shall address the legality of the restroom located adjacent to the outside dumpster area.
58. At the building application stage, the applicant shall submit plans to install a ventilation hood for the new oven. Subject plans for the ventilation hood shall be approved by the Environmental Health Division.

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Attachment B

SELECTED PROPERTY

Situs: 8150 Cabrillo Hwy , Montara
Owner: A & G Lic, 370 Convention Way, Redwood City, CA, 94063-
APN: 036046050



Date Created: Thursday, December 20, 2012

Print

Attachment C

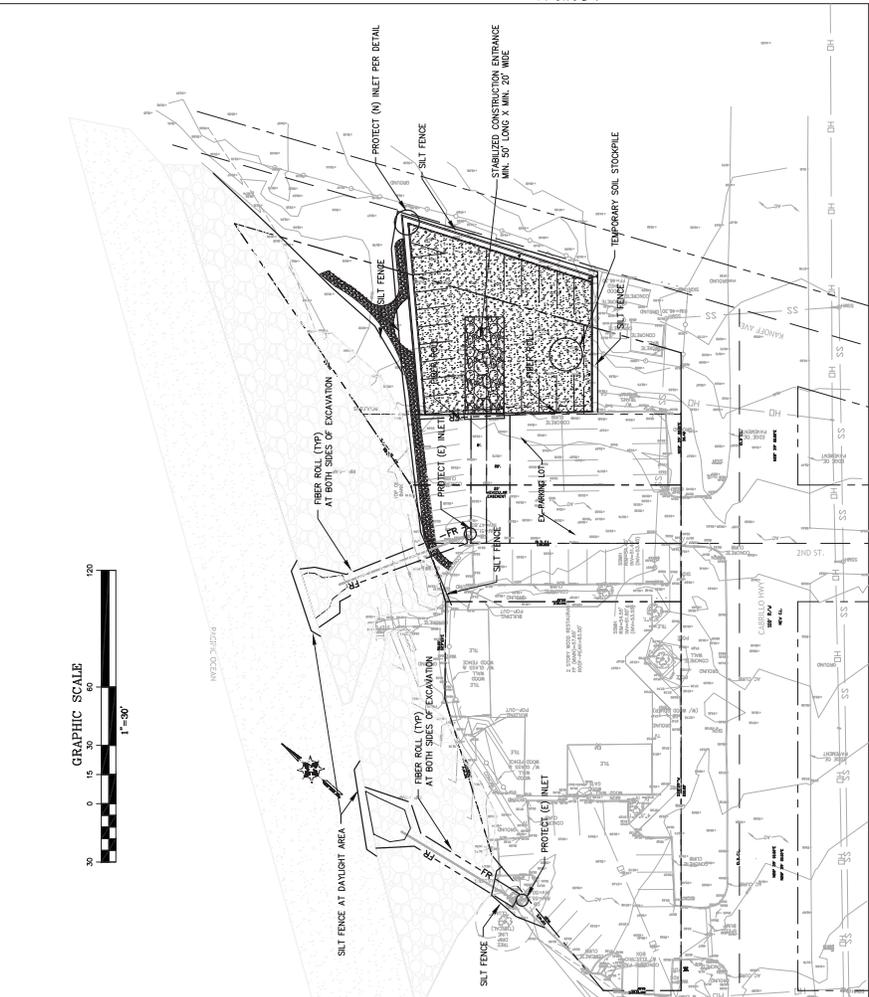
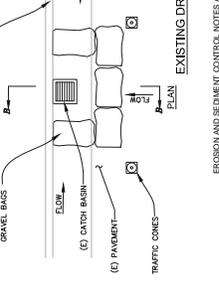
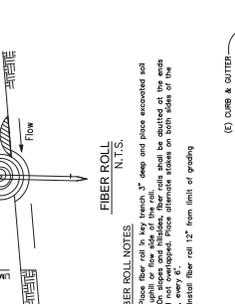
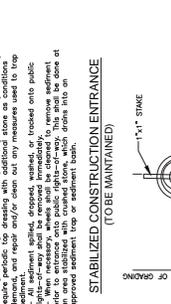
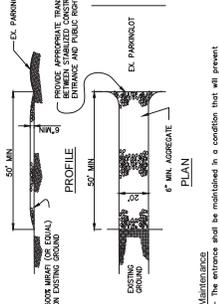
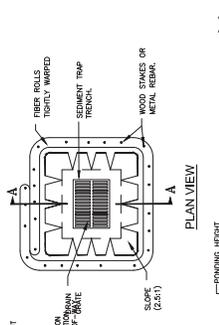
State Parks
informal parking lot



Urban Area

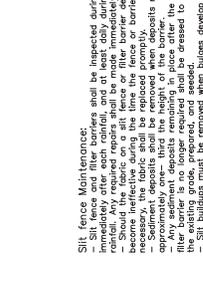
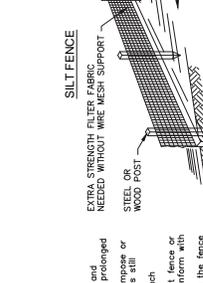
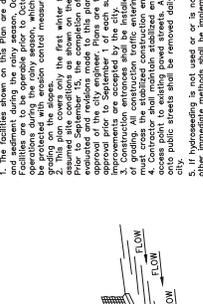


NOTES: FIBER ROLLS SHALL BE INSTALLED WITH BEAM SEDIMENT TRAP IN PLACE. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG.
 2. FIBER ROLL INSTALLATION REQUIRES A TRENCH 3" DEEP. THE FIBER ROLL IN A TRENCH 3" DEEP, BE ALLOWED TO RUN UNDER OR AROUND THE FIBER ROLL.
 3. THE SPACING OF THE STRUCTURE (BARRING HEIGHT) MUST BE WELL BELOW THE PRESENT GRADING FROM TOP-PASSING TO THE DOWN INLET OR A TEMPORARY STRUCTURE MAY BE NECESSARY.
 4. FIBER FILTERS SHALL BE BASED AND FIELD INLETS AT 4" AND LARGER AND SMALL FIBER FILTERS SHALL BE BASED ON THE SPECIFICATIONS. FIBER FILTERS ARE AVAILABLE FROM: FIBER FILTERS, INC., 422 LARKFIELD CENTER, SUITE 271, SAN JOSE, CA 95051, PHONE (408) 579-8876.



EROSION AND SEDIMENT CONTROL NOTES AND MEASURES
 1. The facilities shown on this Plan are designed to control Erosion and Sedimentation during the construction of the project. Facilities are to be approved prior to October 31st of any year. Grading operations during the rainy season, which leaves denuded slopes still exposed to erosion, shall be avoided. Erosion control measures shall be installed on the slopes.
 2. The first water following grading shall be captured in a catch basin. The catch basin shall be installed for city approval of the city engineer. Plans are to be submitted for city approval of the city engineer. Plans are to be submitted for city approval of the city engineer.
 3. All construction traffic entering onto the power roads shall be controlled by a silt fence. The silt fence shall be installed at the entrance of each vehicle access point to existing paved streets. Any mud or debris tracked onto existing paved streets shall be removed daily and as required by the city. Public streets shall be removed daily and as required by the city.
 4. Hydroseeding is not used or is not effectively 10/10, then control blankets, or a three-step application of: 1) seed, mulch, fertilizer 2) lower straw 3) topsoil one mulch to be used.
 5. Sediment from entering the storm drain system, which not used in any control blankets, or a three-step application of: 1) seed, mulch, fertilizer 2) lower straw 3) topsoil one mulch to be used.
 6. Lots with houses under construction will not be hydroseeded or mulched. The storm drain system shall be blocked to prevent entry of sediment.
 7. Lots with houses under construction will not be hydroseeded or mulched. The storm drain system shall be blocked to prevent entry of sediment.
 8. Lots with houses under construction will not be hydroseeded or mulched. The storm drain system shall be blocked to prevent entry of sediment.
 9. This plan is intended to be used for interim erosion and sediment control only and is not to be used for final erosion or permanent improvements.
 10. Contractor shall be responsible for monitoring erosion and sediment control prior, during, and after storm events.

MAINTENANCE NOTES:
 1. Maintenance is to be performed as follows:
 A. Repair damages caused by soil erosion or construction at the end of each working day.
 B. Sediment traps, berms, and swales are to be inspected after each storm and repairs made as needed.
 C. Sediment traps, berms, and swales are to be inspected after each storm and repairs made as needed.
 D. Original dimensions when sediment has accumulated to a depth of one foot.
 E. One foot of sediment from trap shall be deposited in a suitable area and in such a manner that it will not erode.
 F. Rills and gullies must be repaired.
 2. All existing drainage inlets on Street within the limit of the project shall be inspected and repaired as needed.
 3. All existing drainage inlets on Street shall be inspected and repaired as needed. Sand bag inlet protection shall be placed at whatever sediment depth is one half the height of one sand bag.
 4. Existing concrete ditch sediment trap shall be cleaned out routinely during construction.



STANDARD DETAIL
 TRENCH WITH NATIVE BACKFILL

ALTERNATE DETAIL
 TRENCH WITH GRAVEL

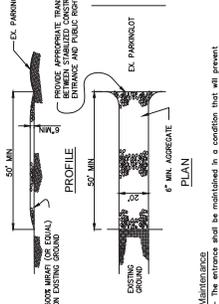
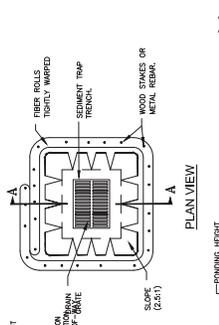
CONCRETE WASHOUT AREA
 N.T.S.

SECTION A-A
 NOT TO SCALE

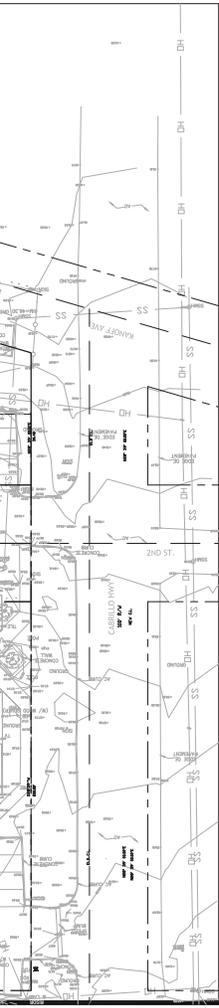
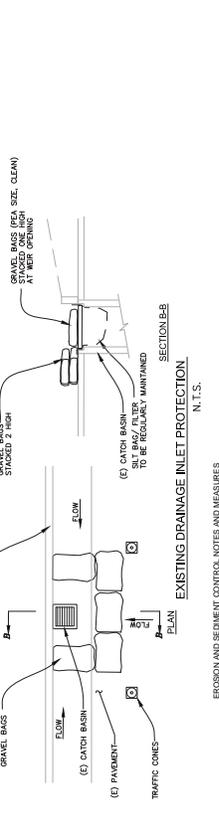
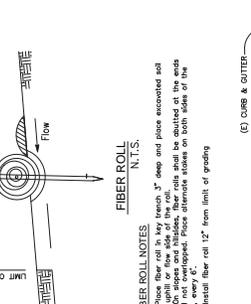
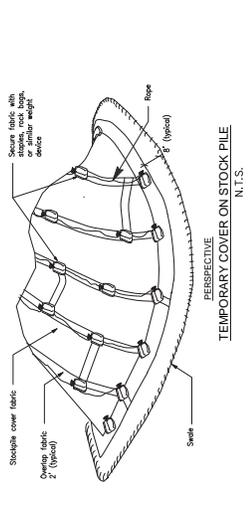
PLAN VIEW
 NOT TO SCALE

SECTION A-A
 NOT TO SCALE

NOTES: FIBER ROLLS SHALL BE INSTALLED WITH BEAM SEDIMENT TRAP. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG.
 2. FIBER ROLL INSTALLATION REQUIRES A TRENCH 3" DEEP, 12" WIDE AND TO RUN UNDER OR AROUND THE FIBER ROLL.
 3. FIBER ROLLS SHALL BE WELL BELOW THE FIBER ROLL. THE FIBER ROLL SHALL BE INSTALLED TO THE DOWN INLET OF A TEMPORARY SEDIMENT TRAP.
 4. FIBER ROLLS SHALL BE 12" WIDE AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG.

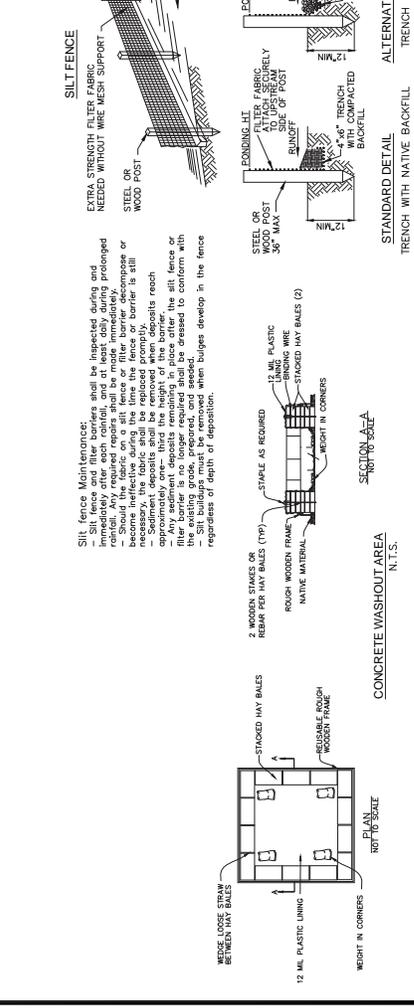
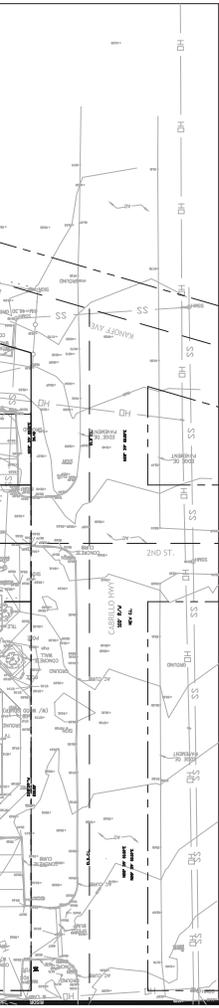
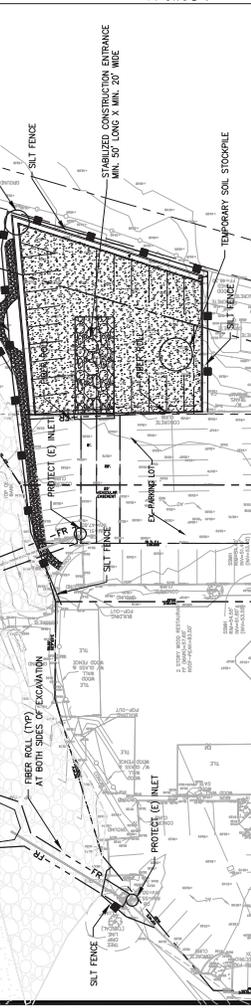
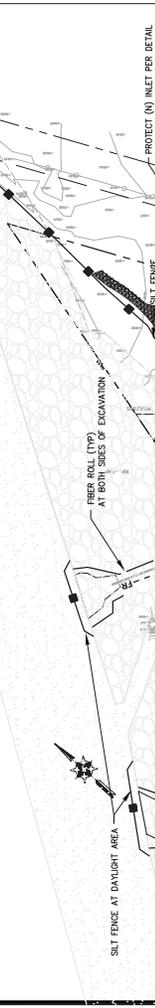
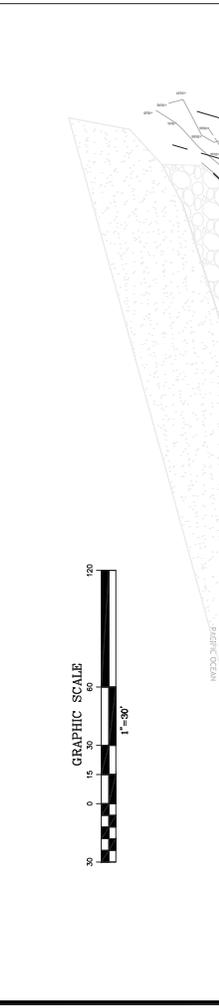


STORM INLET SEDIMENT TRAP-FIBER ROLLS
 N.T.S.
 1. FIBER ROLLS SHALL BE 12" WIDE AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG.
 2. FIBER ROLLS SHALL BE WELL BELOW THE FIBER ROLL. THE FIBER ROLL SHALL BE INSTALLED TO THE DOWN INLET OF A TEMPORARY SEDIMENT TRAP.
 3. FIBER ROLLS SHALL BE 12" WIDE AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG. FIBER ROLLS SHALL BE MADE FROM STAINLESS STEEL APPROX. 1/4" DIA. AND 20' TO 24' LONG.

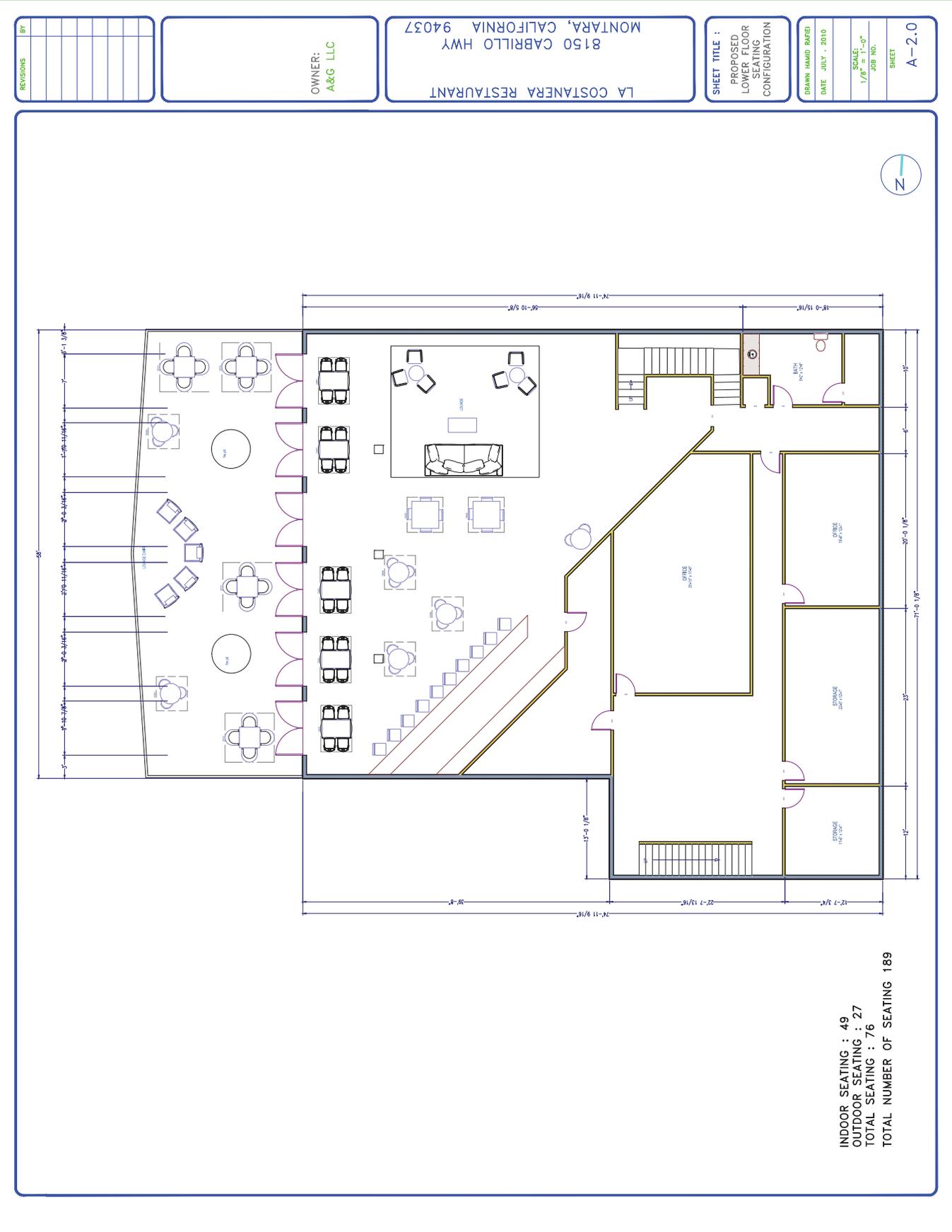


EROSION AND SEDIMENT CONTROL NOTES AND MEASURES
 1. The facilities shown on this Plan are designed to control Erosion and Sedimentation during the construction of the project. Facilities are to be approved prior to October 31 of any year. Grading operations during the rainy season, which leaves denuded slopes still exposed to erosion, shall be avoided. Grading shall be completed on the slopes.
 2. The contractor shall be responsible for obtaining all necessary permits from the City of Montara. The contractor shall be responsible for obtaining all necessary permits from the City of Montara. The contractor shall be responsible for obtaining all necessary permits from the City of Montara.
 3. The contractor shall be responsible for obtaining all necessary permits from the City of Montara. The contractor shall be responsible for obtaining all necessary permits from the City of Montara. The contractor shall be responsible for obtaining all necessary permits from the City of Montara.

Silt Fence Maintenance: Silt fences shall be inspected daily and repaired immediately after each rainfall, and at least daily during prolonged rainfall. Any required repairs shall be made immediately. Silt fences or barriers shall be replaced during the time the fence or barrier is still in place. Silt fences or barriers shall be replaced during the time the fence or barrier is still in place. Silt fences or barriers shall be replaced during the time the fence or barrier is still in place.



STANDARD DETAIL
 TRENCH WITH NATIVE BACKFILL
ALTERNATE DETAIL
 TRENCH WITH GRAVEL
SECTION A-A
 CONCRETE WASHOUT AREA
 N.T.S.
PLAN
 NOT TO SCALE
SECTION A-A
 NOT TO SCALE



REVISIONS	BY

OWNER:
A&G LLC

LA COSTANERA RESTAURANT
8150 CABRILLO HWY
MONTARA, CALIFORNIA 94037

SHEET TITLE :
PROPOSED
LOWER FLOOR
SEATING
CONFIGURATION

DRAWN: HAMD RAFEI
DATE: JULY - 2010

SCALE:
1/8" = 1'-0"
JOB NO.:

SHEET
A-2.0

INDOOR SEATING : 49
OUTDOOR SEATING : 27
TOTAL SEATING : 76
TOTAL NUMBER OF SEATING 189



REVISIONS	BY

OWNER:
A&G LLC

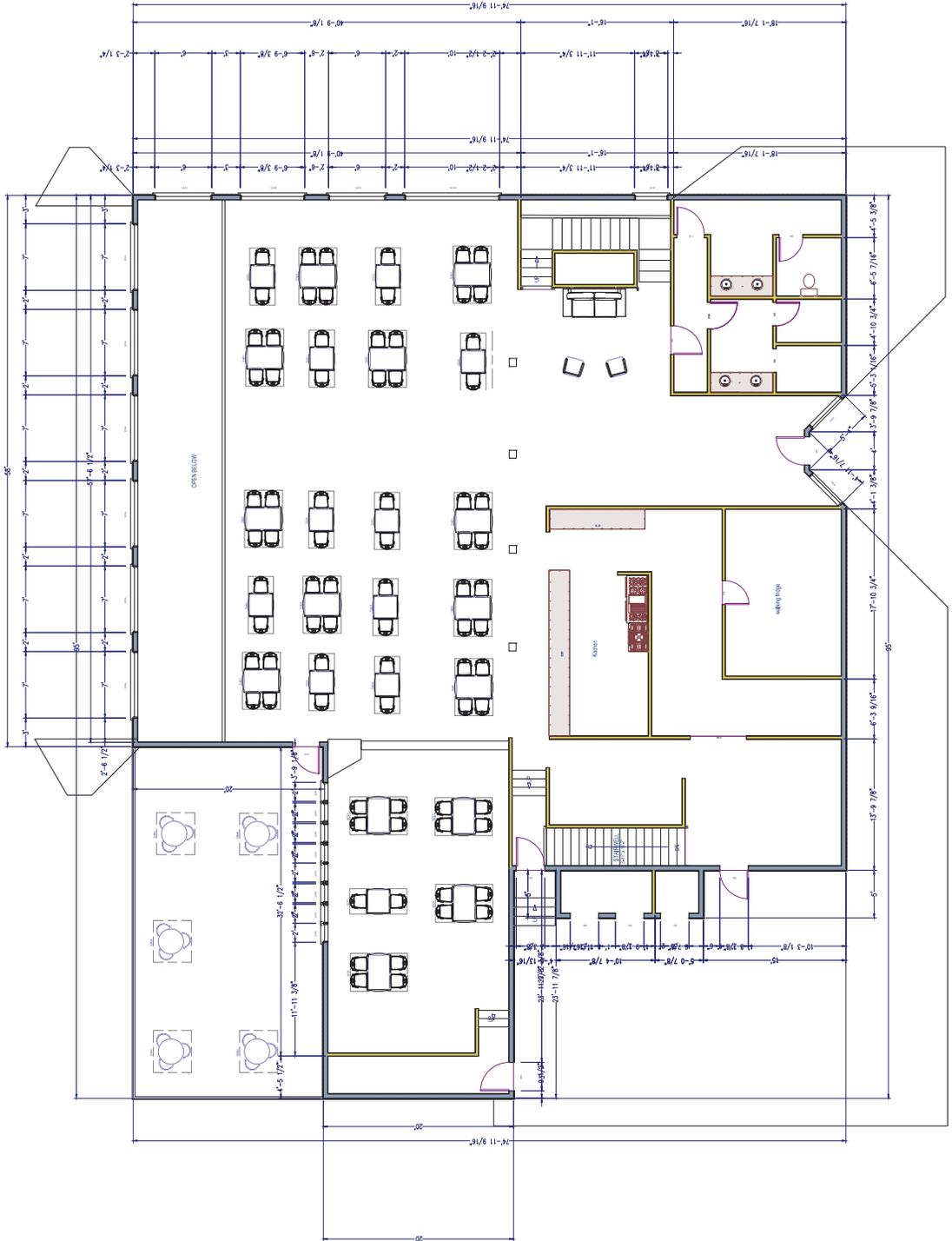
LA COSTANERA RESTAURANT
8150 CARRILLO HWY
MONTARA, CALIFORNIA 94037

SHEET TITLE :
PROPOSED
MAIN FLOOR
SEATING
CONFIGURATION
FOR LUNCH
HOURS

DRAWN: HAMID RAFEI
DATE: JULY, 2010

SCALE:
1/8" = 1'-0"
JOB NO.:

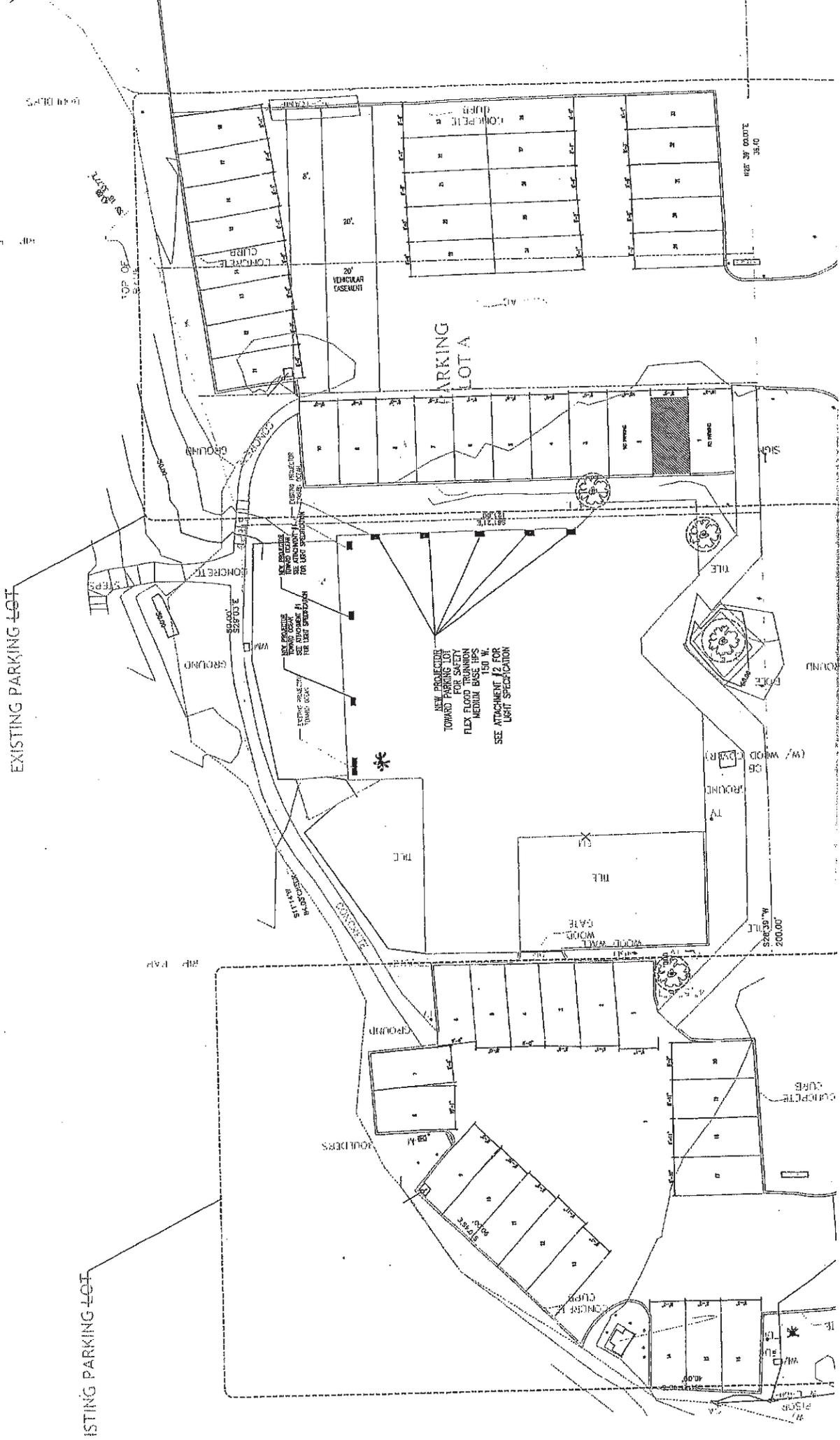
SHEET
A-2.1



INDOOR SEATING : 78
OUTDOOR SEATING : 15
TOTAL SEATING : 93
TOTAL NUMBER OF SEATING : 189

* (B) 1000 WATTS TO BE REQUIRED W/A 400 WATTS, PER ATTACHMENT I.

PACIFIC OCEAN.



ATTACHMENT 3 SPOT HID LIGHTS

MULTI TAP

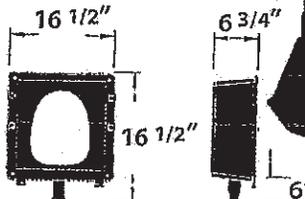
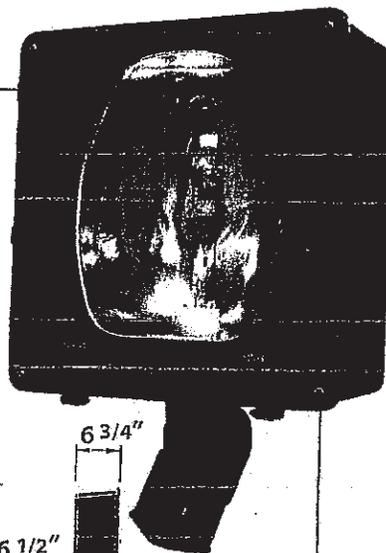
DF7125

CAST ALUMINUM FIXTURES

LARGE SPOT, WALL AND POST FIXTURE
 MATERIAL: POWDER COATED CAST ALUMINUM
 LENS: HEAT RESISTANT, TEMPERED GLASS
 SOCKET: MOGUL BASE
 ADJUSTABLE BRACKET
 ETL APPROVED FOR WET LOCATION

AVAILABLE FINISH: BRONZE

SLIPFIT SLIP FITTER SOLD SEPARATELY



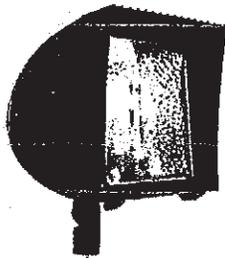
DF7125-MT	250 HPS	MULTI-TAP	250W	LAMP INCLUDED
DF7130-MT	400 HPS	MULTI-TAP	400W	LAMP INCLUDED
DF7135-MT	250 MH	MULTI-TAP	250W	LAMP INCLUDED
DF7140-MT	400 MH	MULTI-TAP	400W	LAMP INCLUDED

400 W

FlexFlood Swivel

Medium base HPS, MH or CFL specification grade flood with Integra Hood glare shield and 1/2" heavy duty swivel arm. Lamp supplied.

Finish: Bronze
 White



FlexFlood Wall Mount

Medium base HPS, MH or CFL specification grade flood with Integra Hood glare shield and fixed wall mounting bracket. Bracket provides 2 different Full Cutoff Mounting angles. Can be mounted as uplight. Lamp supplied.

Finish: Bronze
 White



Wall Mount only

Bronze	White
FXX	FXXW

Catalog Numbers

Bronze	White
FX70	FX70W
FX70QT	FX70QTW
FX100	FX100W
FX100QT	FX100QTW
FX150	FX150W
FX150QT	FX150QTW
FXH50QT	FXH50QTW
FXH70QT	FXH70QTW
FXH100QT	FXH100QTW
FXH125PSQ	FXH125PSQW
FXH150PSQ	FXH150PSQW
FXH150QT	FXH150QTW
FXH175QT	FXH175QTW
FXF42QT	FXF42QTW

Bronze	White
FX70X	FX70XW
FX70XQT	FX70XQTW
FX100X	FX100XW
FX100XQT	FX100XQTW
FX150X	FX150XW
FX150XQT	FX150XQTW
FXH50XQT	FXH50XQTW
FXH70XQT	FXH70XQTW
FXH100XQT	FXH100XQTW
FXH125XPSQ	FXH125XPSQW
FXH150XPSQ	FXH150XPSQW
FXH150XQT	FXH150XQTW
FXH175XQT	FXH175XQTW
FXF42XQT	FXF42XQTW

ATTACHMENT 2

FlexFlood Trunnion

Medium base HPS, MH or CFL specification grade flood with Integra Hood glare shield and Trunnion mounting bracket. Lamp supplied.

Finish: Bronze
 White



Trunnion only

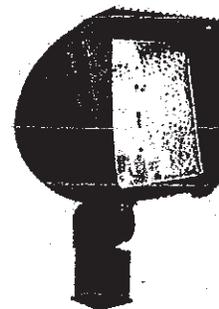
Bronze	White
FXT	FXTW

Bronze	White
FX70T	FX70TW
FX70TQT	FX70TQTW
FX100T	FX100TW
FX100TQT	FX100TQTW
FX150T	FX150TW
FX150TQT	FX150TQTW
FXH50TQT	FXH50TQTW
FXH70TQT	FXH70TQTW
FXH100TQT	FXH100TQTW
FXH125TPSQ	FXH125TPSQW
FXH150TPSQ	FXH150TPSQW
FXH150TQT	FXH150TQTW
FXH175TQT	FXH175TQTW
FXF42TQT	FXF42TQTW

FlexFlood Slipfitter

Medium base HPS, MH or CFL specification grade flood with Integra Hood glare shield and slipfitter mount for 2 3/8" diameter tenons. Lamp supplied.

Finish: Bronze
 White



Slipfitter only

Bronze	White
FXSF	FXSFW

Bronze	White
FX70SF	FX70SFW
FX70SFQT	FX70SFQTW
FX100SF	FX100SFW
FX100SFQT	FX100SFQTW
FX150SF	FX150SFW
FX150SFQT	FX150SFQTW
FXH50SFQT	FXH50SFQTW
FXH70SFQT	FXH70SFQTW
FXH100SFQT	FXH100SFQTW
FXH125SFPSQ	FXH125SFPSQW
FXH150SFPSQ	FXH150SFPSQW
FXH150SFQT	FXH150SFQTW
FXH175SFQT	FXH175SFQTW
FXF42SFQT	FXF42SFQTW

HID FLOODS

REVISIONS	BY
1	10/19/12
2	12/14/12
3	02/13
4	01/14



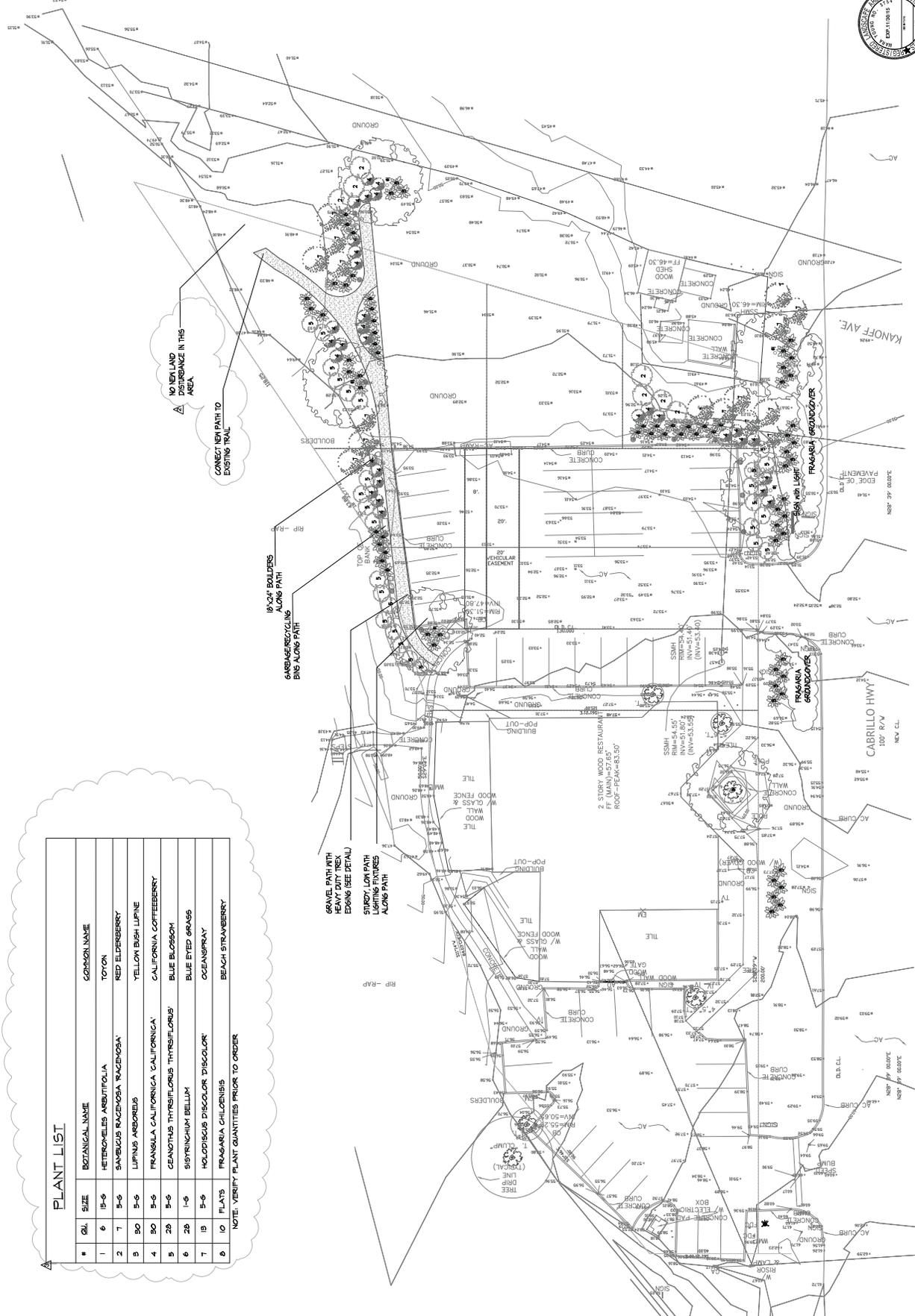
8510 CABRILLO HIGHWAY
MONTARA, CA 94038
LANDSCAPE PLAN

DRAWN BY	CHKD BY
DATE	SCALE
AS NOTED	JOB NO.
SHEET	OF SHEETS

Attachment H

#	QTY	SIZE	BOTANICAL NAME	COMMON NAME
1	6	10'-6"	HETEROMELES ARBUTIFOLIA	TOYON
2	7	5'-6"	SAMBUCUS RACEMOSA 'RACEMOSA'	RED ELDERBERRY
3	30	5'-6"	LIPNUS ANDREISII	YELLOW BUSH LUPINE
4	30	5'-6"	FRANSULA CALIFORNICA	CALIFORNIA COFFEEBERRY
5	20	5'-6"	CEANOTHUS THYRSIFLORUS	BLUE BLOSSOM
6	20	1'-6"	SISTRICHUM BELLUM	BLUE EYED GRASS
7	10	5'-6"	HOLDISCUS DISCOLOR 'DISCOLOR'	OCEANSPRAY
8	10	FLATS	FRAGARIA CHILLENISIS	BEACH STRAWBERRY

NOTE: VERIFY PLANT QUANTITIES PRIOR TO ORDER.



11/16/14



February 9, 2010
BAGG Job No. AGLLC-01-00

A & G, LLC
c/o La Costanera Restaurant
8150 Cabrillo Hwy
Montara, CA 94037

Attention: Mr. Hamid Rafiei

**GEOTECHNICAL ENGINEERING
CONSULTATION**
Poor Drainage and Rip Rap Erosion
La Costanera Restaurant
8150 Cabrillo Highway
Montara, California

Dear Mr. Rafiei:

This report describes the site conditions observed during our recent visit in February 2010 to the captioned site in Montara, California, and presents recommendations for engineering measures which should be installed to minimize undermining of the rip rap placed to protect the subject property against wave erosion. Plate 1, Site Vicinity Map, shows the approximate location of the site, and Plate 2, Site Plan, shows the site features including the location of the restaurant building, the rip rap wall, the parking lots, and the general location of the site relative to the shoreline. Our services were provided in general accordance with the scope of work outlined in our proposal (10-116), dated January 25, 2010.

SITE AND PROJECT DESCRIPTION

The subject 8150 Cabrillo Highway property is located adjacent to and on the west side of Cabrillo Highway across from 2nd Street in Montara, California. The subject property is situated above the Pacific Ocean bluffs and contains a restaurant building (La Costanera Restaurant) in the middle, a paved parking lot to the north of the building, and another parking lot to the south of the building. A roughly 20-foot high cliff on the west side of the property separates the restaurant building and the parking areas from the sandy beach and Pacific Ocean. The cliff is lined with rip rap possibly to protect the developed areas against wave erosion. It appears that the rip rap has not been keyed into the firm ground underlying the sand, and the bottom 6-feet of the rip rap has been grouted with cement.

The ground surface within each parking lot slopes down towards drop inlets located on the western side of the lots. The outlet pipes from both drop inlets discharge their content behind (east of) the rip rap seawall, thus causing some undermining of the rip rap. This condition is exacerbated by the wave action.

APPROACH, PURPOSE AND SCOPE OF SERVICES:

Based on the conditions observed during the site visit, it was our opinion that the undermining of the existing rip rap was primarily caused by the improper discharge of the surface runoff from the two paved parking lots. Therefore, we did not perform any subsurface exploration, and concentrated our efforts on developing recommendation related to the discharge of surface water runoff from the paved parking lots. Please note that our recommendations are based on engineering judgment and the current condition of the site; however, the California Coastal Commission might impose restrictions on the specific type of the mitigation measures that may be employed on this site.

RECOMMENDATIONS

The intent of the engineering measures recommended in this report is to collect the surface runoff from the site and drain it toward the lower beach area in such a way that it does not cause any erosion. The recommended engineering measures should include the following:

- Remove rip rap from the area above the two drainage outlet pipes.
- Expose the discharge end of the drainage pipes, and check the integrity of the drainage lines for any leaks or ruptures. Repair or replace the drainage lines, if found to be damaged.
- Extend the drainage pipes to the top of the grouted portion of the rip rap.
- Install a T-joint at the end of the drainage line and connect a 10-foot long portion of a slotted PVC pipe on either side of the T-joint. The T-joint and the connected pipelines should be kept level and placed parallel to the slope within the replaced section of the riprap. Details of the recommended repair scheme are shown on Plate 3.
- Place cement grout in the cavities where the rip rap has been undermined.
- Prior to performing any remediation work, necessary construction permits should be obtained from the local government agencies and the California Coastal Commission.
- All aspects of the site work should be observed by the Project Geotechnical Engineer or his authorized representatives.

Please do not hesitate to contact us if you have questions or comments regarding the contents of this letter.

Very truly yours,
BAGG Engineers



FOR

Ajay Singh
Senior Engineer



[Signature]

Bruce Gaviglio
Senior Geotechnical Engineer

AS/BG/sd

The following plate is attached and completes this report:

Plate 1 – Vicinity Map

Plate 2 – Site Plan

Plate 3 – Details of the Repair Scheme

Distribution: 6 copies to addressee

WGS84 122.51667° W

37.55000° N

P A C I F I C

MONTARA STATE BEACH

SITE

2nd Street

Montara

Point Montara Lighthouse

POINT MONTARA LIGHT STATION

37.53333° N

37.55000° N

37.53333° N

Map created with TOPO © 2008 National Geographic

WGS84 122.51667° W



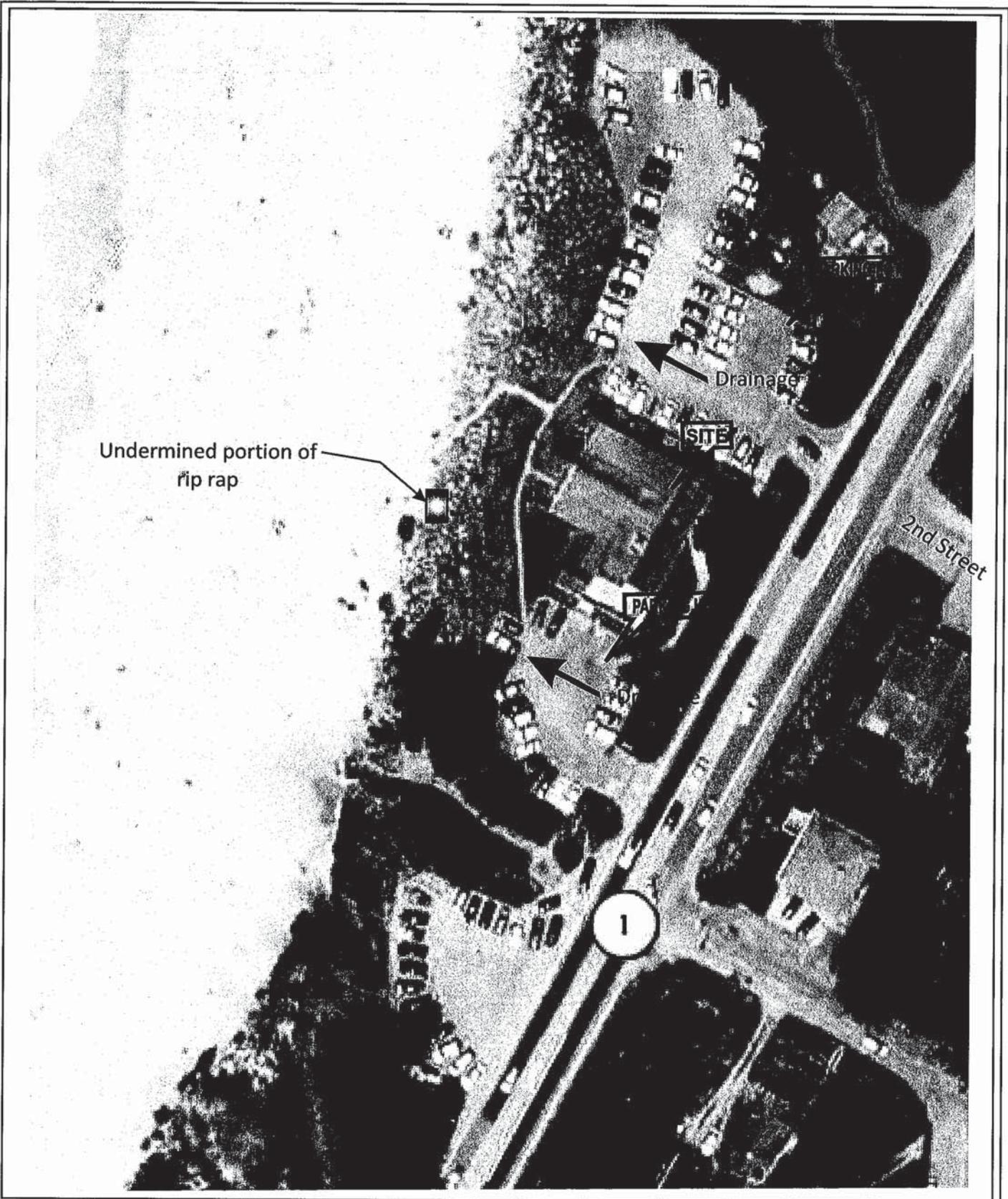
La Costanera Restaurant
 8150 Cabrillo Highway
 Montara, California

VICINITY MAP

DATE:
Feb. 2010

JOB NUMBER:
AGLLC-01-00

PLATE
1



Undermined portion of rip rap

Drainage

SITE

PARKING

2nd Street

1

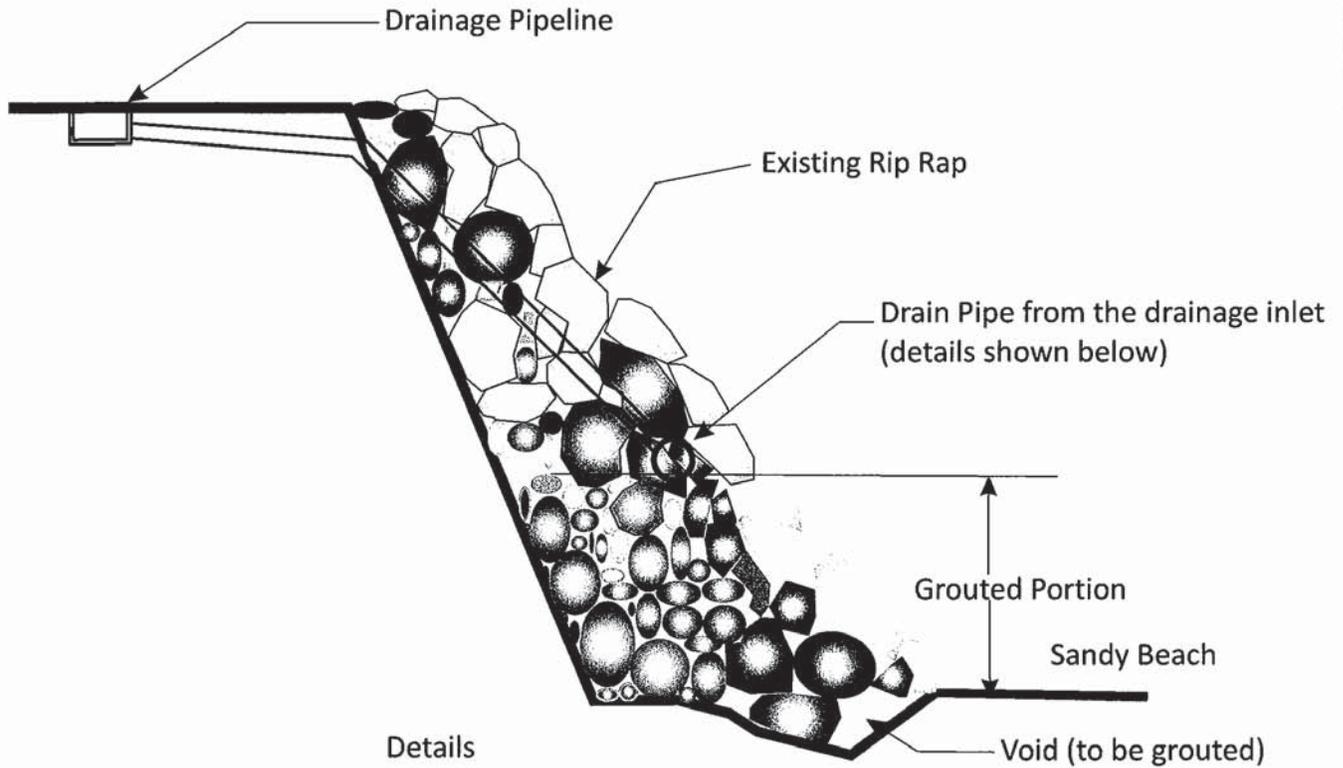
La Costanera Restaurant
8150 Cabrillo Highway
Montara, California

SITE PLAN

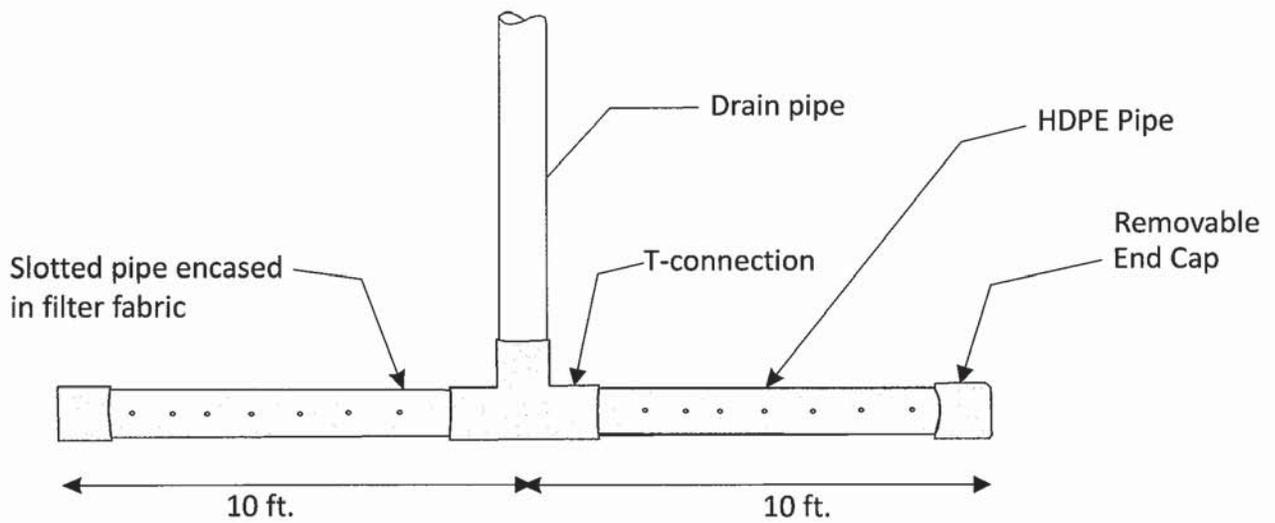
DATE:
Feb. 2010

JOB NUMBER:
AGLLC-01-00

PLATE
2



Not to Scale



**LA CASTANERA RESTAURANT
8150 CABRILLO HIGHWAY
MONTARA, CALIFORNIA**

DETAILS OF THE REPAIR SCHEME

DATE:
Feb. 2010

JOB NUMBER:
AGLLC-01-00

PLATE
3

October 27, 2011
BAGG Job No. AGLLC-01-00

A & G, LLC
c/o La Costanera Restaurant
8150 Cabrillo Hwy
Montara, CA 94037

Attention: Mr. Hamid Rafiei

**GEOTECHNICAL ENGINEERING
CONSULTATION**
Unpaved Parking Lot
La Costanera Restaurant
8150 Cabrillo Highway
Montara, California

Dear Mr. Rafiei:

This report describes the site conditions observed during our recent visit in August 2011 to the captioned site in Montara, California, and presents recommendations for slope setbacks in an effort to minimize the impact of erosion on the parking lot. Plate 1, Site Vicinity Map, shows the general location of the site, and Plate 2, Site Plan, depicts the site features, including the location of the restaurant building, the rip-rap wall, limits of the paved and unpaved parking lots, and the general location of the site relative to the shoreline.

SITE AND PROJECT DESCRIPTION

The subject restaurant property is located adjacent to and on the west side of Cabrillo Highway across from 2nd Street in Montara, California. The property lies above the Pacific Ocean bluffs and contains a restaurant building (La Costanera Restaurant) in the middle, a paved parking lot to the north of the building, and another paved parking lot south of the building. A soil-covered

parking lot is located north of the paved parking lot on the north; we understand the unpaved parking lot land is owned by the park district. A roughly 20-foot-high cliff on the west side of the property separates the restaurant building and the parking areas from the sandy beach of the Pacific Ocean. The cliff is lined with rip-rap with an approximate gradient of 2:1 (horizontal to vertical) to protect the developed areas (the restaurant building and parking lots) from wave erosion. It appears that the rip-rap has not been properly keyed into the firm ground underlying the beach sand, although the bottom 6 feet of the rip-rap has been grouted with cement.

The ground surface in the paved parking lot areas slopes down towards drop inlets located on the western side of the lots. The outlet pipes from both drop inlets discharge their content behind (east of) the rip-rap seawall, thus causing some undermining of the rip-rap. This condition is exacerbated by the wave action.

The northern unpaved parking lot does not have any drainage control measures. The ground surface steps down approximately 3-feet to a flat area located adjacent to the top of the rip-rap. At this location, the rip-rap has a gradient of approximately 1:1 (horizontal to vertical).

APPROACH, PURPOSE AND SCOPE OF SERVICES

We previously prepared a Geotechnical Engineering Consultation letter titled "Poor Drainage and Rip-Rap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California" which was issued on February 22, 2010. That letter addressed the drainage emanating from the develop areas onto the slope below the two paved parking lots.

It is our understanding that the northern unpaved parking lot will be improved. The main geotechnical constraint in the unpaved parking area is the stability of the steep 1:1 gradient rip-rap placed against the bluffs. Should the rip-rap and/or the bluffs fail, it would most likely damage a portion of the unpaved parking lot. To protect the parked cars in this lot, we suggested to the project civil engineer that the western edge of the parking lot should be

setback from the top of the rip rap slope. While we have not performed a site-specific investigation to address the stability of the over-steepened rip-rap against the unpaved parking lot bluff; it is likely that the slope will fail due to continued erosion. Please note that our opinions and recommendations are based on engineering judgment and the current condition of the site; the California Coastal Commission might impose restrictions on the specific type of the mitigation measures that may be employed on this site.

RECOMMENDATIONS

It is our opinion that the simplest and the most cost effective method for improving the unpaved parking lot and protecting the customer automobiles is to establish a setback for automobile parking from the edge of the bluff. The suggested setback line is shown on the attached Plate 2, Site Plan, which has been established, based on an imaginary 2:1 slope gradient extending from the setback line to the toe of the existing rip-rap, should slope failure occur. This approach would also have a higher probability of approval from the California Coastal Commission.

The surface of the unpaved parking lot may be improved using one, or a combination of, or all of the improvement measures recommended below. Please note however, that the cheaper the improvement option chosen will likely lead to higher long-term maintenance expenses.

- Scarify and re-compact the surface 6-inches of the parking lot soil to at least 95 percent relative compaction;
- Place a 6- inch-thick layer of CalTrans Class 2 Aggregate Base on the existing or re-compactd parking lot surface; the aggregate base must be compacted to a minimum of 95 percent of the maximum dry density;
- Place a layer of Tensar TriAx geogrid (such as TX140 or equivalent) between the subgrade and the aggregate base material; the intent is to improve the load carrying capacity of the parking lot surface under the moving loads.

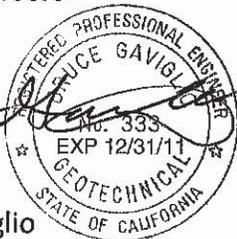
The type of surfacing to be selected will likely depend on the ascetics and the projected future maintenance costs.

Thank you for the opportunity to provide geotechnical consultation on this project. Please do not hesitate to contact us if you have questions or comments regarding the contents of this letter. The following plate is attached and completes this report:

Plate 1 – Vicinity Map
Plate 2 – Site Plan

Very truly yours,

BAGG Engineers

Bruce Gaviglio
Senior Geotechnical Engineer

BG/sd

Distribution: 3 copies addressee

WGS84 122.51667° W

37.55000° N

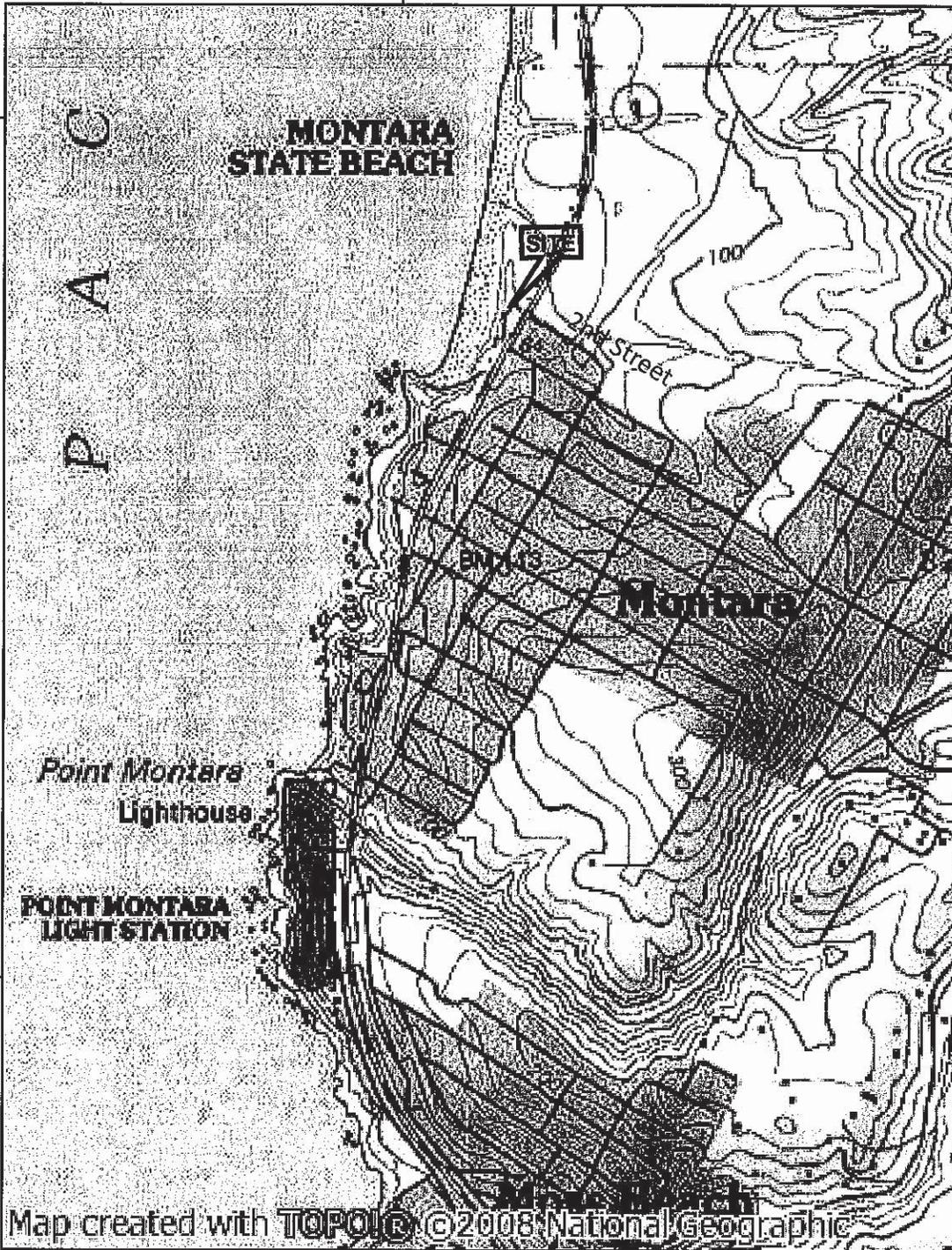
P
A
C

**MONTARA
STATE BEACH**

37.55000° N

37.53333° N

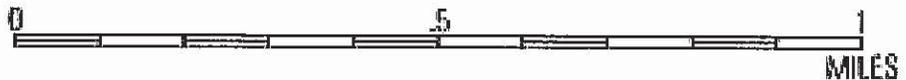
Point Montara
Lighthouse
**POINT MONTARA
LIGHT STATION**



37.53333° N

Map created with **TOPO!** ©2008 National Geographic

WGS84 122.51667° W



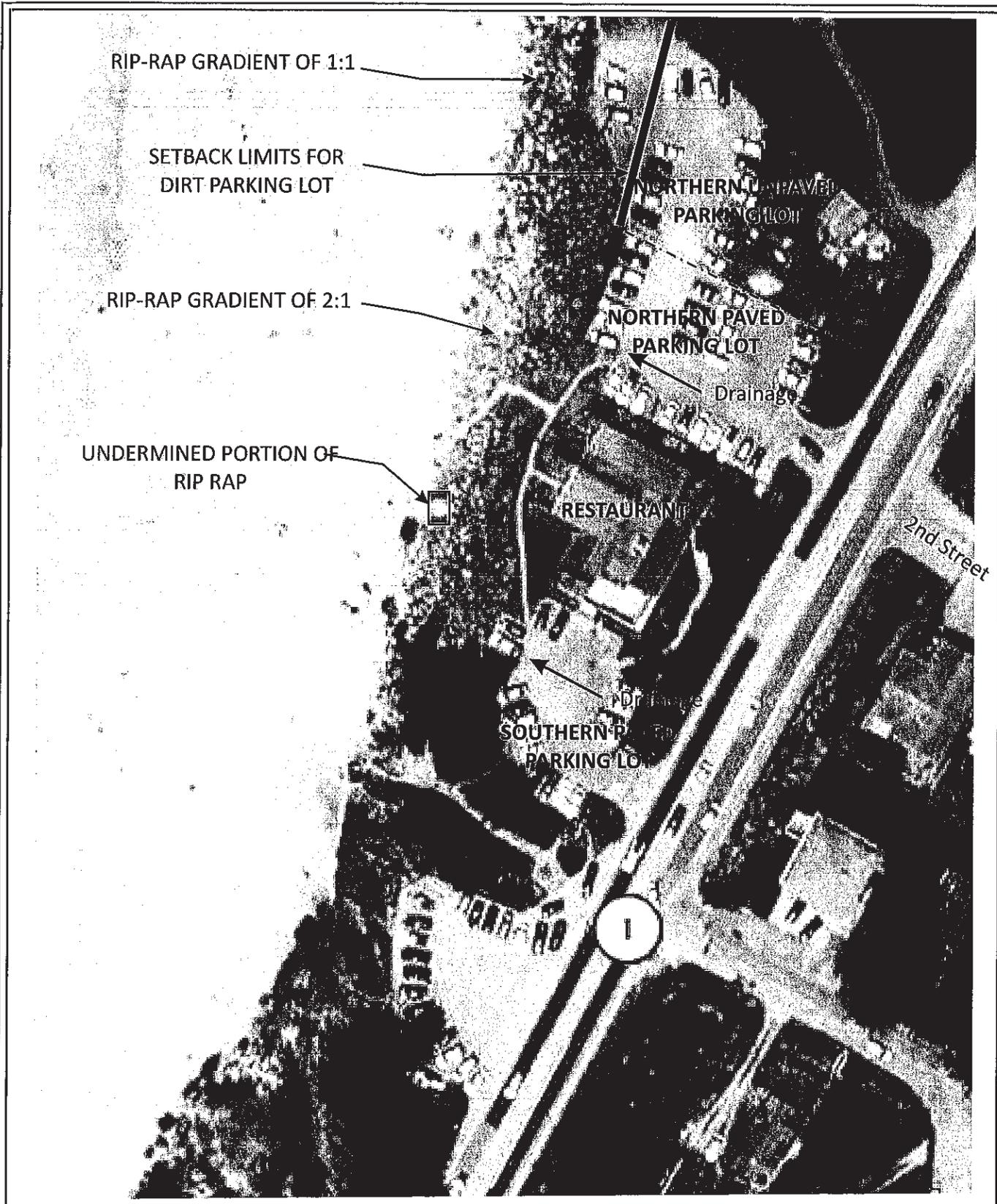
**GEOTECHNICAL CONSULTATION UNPAVED
PARKING LOT
LA COSTANERA RESTAURANT
8150 CABRILLO HIGHWAY**

VICINITY MAP

DATE:
October 2011

JOB NUMBER:
AGLLC-01-00

PLATE:
1



**GEOTECHNICAL CONSULTATION UNPAVED
PARKING LOT
LA COSTANERA RESTAURANT
8150 CABRILLO HIGHWAY**

SITE PLAN

DATE:
October 2011

JOB NUMBER:
AGLLC-01-00

PLATE
2

January 3, 2013
BAGG Job No. AGLLC-01-00

A & G, LLC
c/o La Costanera Restaurant
8150 Cabrillo Hwy
Montara, CA 94037

Attention: Mr. Hamid Rafiei

***Update of Geotechnical Consultation
Report Dated October 27, 2011***

Unpaved Parking Lot
La Costanera Restaurant
8150 Cabrillo Highway
Montara, California

Dear Mr. Rafiei:

This letter updates the pavement recommendations presented in our consultation report for the unpaved parking lot located north of the La Costanera Restaurant site in Montara, California. We understand that the drainage requirements have now changed for the parking lot, and that the storm water can no longer drain to the ocean; rather, the surface runoff has to remain on the parking lot and seep into the subgrade. The parking lot will only be used for regular automobile parking and no trucks will be allowed on the lot. Our previous consultation report recommended the following:

“Place a layer of Tensar TriAx geogrid (such as TX140 or equivalent) between the subgrade and the aggregate base material; the intent is to improve the load carrying capacity of the parking lot surface under the moving loads.”

Because the surface runoff cannot readily seep through the Caltrans Class 2 aggregate base material, it would be necessary to replace it with a more permeable medium. Allowing the runoff to saturate the subgrade material would require a deeper permeable gravel section to

be able to hold water. We recommend the following revised gravel section for the parking lot from top to bottom:

- Six inches of Class 2 Permeable Material, compacted to a minimum of 90 percent relative compaction based on ASTM D1557;
- A layer of Tensar TriAx geogrid (such as TX140 or equivalent);
- Six inches of Class 2 Permeable Material compacted to a minimum of 95 percent relative compaction based on ASTM D1557;
- A layer of Tensar TriAx geogrid (such as TX140 or equivalent);
- Compaction of the upper 6 inches of the subgrade material to a minimum of 95 percent relative compaction based on ASTM D1557.

We trust this letter addresses the support requirements for the subject parking lot. Please do not hesitate to contact us if you have questions or comments regarding the contents of this letter.

Very truly yours,

BAGG Engineers



Bruce Gaviglio

Bruce Gaviglio
Senior Geotechnical Engineer

BG/sd

Distribution: 3 copies addressee

August 14, 2014
BAGG Job No. AGLLC-01-00

A & G, LLC
c/o La Costanera Restaurant
8150 Cabrillo Hwy
Montara, CA 94037

Attention: Mr. Hamid Rafiei

Gentleman:

RECEIVED

AUG 15 2014

**San Mateo County
Planning Division**

Geotechnical Consultation - Plan Review
Grading and Drainage Plans
New Parking Lot
La Costanera Restaurant
8150 Cabrillo Highway
Montara, California

This letter presents the results of our review of the geotechnical aspects of the civil drawings for the proposed parking lot to be constructed north of the subject restaurant in Montara, California. This review was based on our geotechnical consultation reports and the project plans as follows:

- Report, "Geotechnical Engineering Consultation, Poor Drainage and Rip Rap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California," prepared by BAGG Engineers and dated February 9, 2010 (Project No. AGLLC-01-00), and subsequent consultation report dated October 10, 2011.
- Civil drawings titled "Grading and Drainage Plans, New Parking Lot, 8150 Cabrillo HWY, Montara CA 94037," prepared by SMP Engineers and dated October 1, 2013 (Revision 1).

Following a site visit to check the existing conditions and a review of the above-referenced documents, it is our opinion that the geotechnical aspects of the subject plans have been prepared in conformance with the intent of the recommendations contained in our geotechnical engineering consultation reports

referenced above, and from a geotechnical point of view, are suitable for the construction of the subject parking lot.

The opinions expressed in this letter are contingent upon the observation and testing by this office of all pertinent aspects of the construction, including site grading, retaining wall construction, and installation of the new drainage control measures.

Thank you for the opportunity to be of service on this project. Please contact us, should you have any questions.

Very truly yours,

BAGG Engineers



Ebbi Hamidieh
Principal



Jason Van Zwol
Jason Van Zwol
Geotechnical Engineer

June 11, 2014

Mr. Paul Keel
State of California Department of Parks and Recreation
San Mateo Coast Sector
95 Kelly Avenue
Half Moon Bay, CA 94019

Re; Parking Management Agreement

Dear Paul,

This Letter is to confirm the verbal agreement between A&G, LLC (“A&G”), owner of the restaurant (owner) located at 8150 Cabrillo Highway in the County Coastside in Montara, California, known as “La Costanera” (restaurant) and the State of California Department of Parks and Recreation’s (State Parks) property - located immediately to the north of the restaurant’s parking lot – regarding State Parks Property’s Parking Management Plan.

Currently, A&G is seeking San Mateo County (County) and the California Coastal Commission’s (CCC) approval for the amendment of the Coastal Development Permit to allow lunchtime use of the Restaurant. State Parks is the owner of the unimproved property, which has been used by the public without the State Parks’ approval. There has been an agreement between the owner and State Parks (Letter of Intent) for improvement of the State Parks’ property while complying with all codes’ requirements.

As part of the compliance with State Parks requirement, the owner is agreeing to a long-term Parking Management Plan for the State Parks property subject to the following conditions:

1. The owner shall agree to perform maintenance and repairs of the State Parks property, including its drainage system, per County and CCC approved plans, over the life of the project.
2. The owner shall post of signage and assigning a restaurant employee to monitor non-usage of the State Parks property by restaurant patrons, assuring that the State Parks property shall be used exclusively for public parking purpose and not by patrons or employees of the restaurant.
3. The owner shall erect signage at the entrance to the State Parks property specifying that “This property is owned by State Parks and is exclusively for the use of the public and not for the use of restaurant’s patrons”.
4. The State Parks property shall be visually separated from the restaurant parking to its south by means of implementing different types of materials and posting of signage.

5. The owner shall agree to maintain the State Parks property's landscaping – applied by the owner – for the life of the project.
6. The owner shall include the following list of additional signage on the State Parks property as reasonably required by San Mateo County, State and CCC, meeting all County, State, and CCC code requirements;
 - a) No Restaurant Parking
 - b) Public Use only
 - c) Towing Information
 - d) Disabled Signage/Plates

RECEIVED
MAR 02 2012

San Mateo County
Planning and Building Department

LETTER OF INTENT
("LOI")

This Letter of Intent, entered into this 3rd day of November, 2011, by and between the State of California Department of Parks and Recreation ("State") and A&G, LLC ("A&G"), sets forth the preliminary terms and conditions under which A&G will improve certain real property owned by State within the land use jurisdiction of the County of San Mateo ("County").

RECITALS

A. A&G owns and through its subsidiary La Costanera, LLC operates a Restaurant on the County Coastside in Montara, California, known as "La Costanera" ("Restaurant" or "Restaurant Property"). The Restaurant, originally approved by the California Coastal Commission in 1977 pursuant to Coastal Development Permit ("CDP") No. P-77-579, under a then different name (the "Charthouse"), is one of a very few coastal restaurants located on the ocean serving also as an enclosed ocean viewing venue, thus serving a broader public purpose than mere dining.

B. A&G serves a local, county wide, and regional wide need for high quality, multi-seating, visitor-serving coastal eating establishments. In providing this amenity, A&G also provides much needed seasonal and permanent employment (especially important in the current down economy cycle).

C. A&G is currently in the process of seeking approval from the County and the California Coastal Commission ("Commission") to amend its existing Coastal Development Permit ("CDP") No. PLN2006-00494 to allow expanded hours of operation for lunchtime use of the Restaurant.

D. State owns unimproved real property adjacent to and immediately to the north of the Restaurant Property parking lot, a portion of which (the portion abutting the Restaurant Property parking lot) has been used by the public historically, but without express State permission, for beach parking and beach access purposes. This portion has never been designed and/or improved for public parking lot purposes, and is, therefore, presumably not compliant with County and State fire, safety, health and land use and parking codes. ("the State Undesignated Parking Area").

E. It is in the Parties' best interests, and the Parties so desire, that the State Undesignated Parking Area be improved for legal and safe parking for the exclusive use of coastal and beach visitors, and to do so in such a manner that it complies with all governing fire, safety, health, planning and parking codes.

F. Because State is not currently financially able to fund such parking improvements now or in the foreseeable future, A&G is prepared to do so, subject to the terms and conditions outlined below in paragraph 3.

NOW, THEREFORE, the Parties agree:

Attachment K

PLN2-006-00494

AGREEMENT

1. THE PROPERTY.

The Restaurant Property which is the subject of this LOI is located in the unincorporated area of County known generally as Montara, California.

2. THE PARTIES.

a. The State of California Department of Parks and Recreation; the owner of the State Undesignated Parking Area.

b. A&G, LLC, a California Limited Liability Company; the owner and, through its subsidiary La Costanera, LLC, the operator of a restaurant, known as "La Costanera" ("the Restaurant"), located immediately to the south of the State Undesignated Public Parking Area.

3. TERMS AND CONDITIONS.

a. A&G shall bear all costs for designing and improving the State Undesignated Parking Area to meet all governing land use, fire, safety, health and parking codes. (Hereinafter, the subject parking improvements shall be referred to as the "New State Parking Area".) State shall take such steps necessary to authorize A&G authority to enter upon and construct the parking improvements on the State Undesignated Parking Area.

b. The New State Parking Area shall be devoted exclusively to public use, and shall not serve as overflow private parking for the Restaurant.

c. The number, location and alignment of parking spaces to be added in the New State Parking Area by A&G, and the ingress and egress, are as shown on the accompanying plat map prepared by A&G, and reviewed by County and State (Exhibit "A" hereto). When the new public parking spaces are added to the existing Restaurant parking spaces dedicated to the public, the total shall either equal or may exceed the number of public parking spaces authorized by the Commission in 1977 under Permit No. P-77-579.

d. A&G shall take all steps reasonably necessary, including the posting of signage and assigning a restaurant employee to monitor usage by restaurant patrons, to assure that the New State Parking Area shall be used exclusively for public parking purposes, and not by patrons or employees of the Restaurant.

e. The New State Parking Area shall be designed not to impede public access, via State and County approved beach access trails, to the public beaches adjoining the Restaurant.

f. As part of its New State Parking Area improvement duties hereunder, A&G shall design

and erect signage as reasonably required by County, State and Commission, meeting all County, State, and Commission requirements.

g. In consideration of A&G's financial and parking improvement commitments as outlined above, State shall take all necessary steps, including the timely issuance of permits, to enable A&G to operate the Restaurant during lunch hours. (In so agreeing, the Parties acknowledge that the ultimate approval authority rests with the Commission. State hereby commits to use its best efforts to assist A&G in securing such approval(s).)

4. NON BINDING EFFECT.

The Parties understand and agree that this LOI is tentative only, and shall in no manner bind the Parties or any one of them to formally or officially authorize or approve anything, while negotiations are taking place between and among the Parties, and formal approvals are being sought from the governmental entities involved with and/or affected by this LOI.

The performance by any Party of any aspect of this Agreement shall in no manner bind that Party to do or approve anything subsequent.

5. COVENANT OF GOOD FAITH AND FAIR DEALING. Notwithstanding their acknowledgment in paragraph 4 above that this LOI is non-binding, the Parties, and in particular A&G, are proceeding forward, and expending considerable time, money and resources, upon the reasonable belief and expectation that the governmental entities whose approvals are required for A&G's expanded hours of operation will in fact timely issue such approvals. A&G further reasonably expects that State will fully support its efforts at the County and Commission levels to secure the requisite approvals.

Dated: 12/9/11

State of California Department of Parks and Recreation

By: [Signature]
Name, Title State Park Superintendent

Dated: 11/3/2011

A&G, LLC

By: [Signature]
Rahim Amidhoun, Manager, A&G, LLC



COUNTY OF SAN MATEO

DAVID C. HALE
PLANNING-DIRECTOR

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063 (415) 363-4161

February 27, 1984

RECEIVED

APR 30 1987

John Shaw, Jr.
James Carroll & Associates
1407 East Third Avenue
San Mateo, CA 94401

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

Dear Mr. Shaw:

SUBJECT: CDP 83-67 and UP 20-77 CHART HOUSE

On February 17, 1984, the Zoning Hearing Officer considered your application for a Coastal Development Permit and an Amendment to a Use Permit to place riprap on 460 lineal feet of ocean bluff, reconstruct parking lots and install storm drainage in the parking lot of the existing restaurant; pursuant to Sections 6267 and 6328.4 of the San Mateo County Zoning Ordinance. Location: 8150 Cabrillo Highway; APN 036-046-050. ~~Project: Blagomir, Siders.~~ This project is appealable to the California Coastal Commission. 14 property owners were notified.

Based on the information provided by staff and evidence presented at this hearing, the Zoning Hearing Officer:

- A. Found that the Negative Declaration for this project is complete and adequate, prepared in accordance with the California Environmental Quality Act and all applicable State and local guidelines.
- B. Regarding Coastal Development Permit:
 1. Found, on the basis of information contained in the staff report, that the project conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
 2. Found that the project, as conditioned, conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code.

C. Regarding Use Permit:

1. Found, on the basis of information contained in the staff report, that:

- a. The establishment and maintenance of this use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The Zoning Hearing Officer:

A. Approved the Coastal Development Permit subject to the following conditions:

1. Any additional work on shoreline protection shall be approved in accordance with Geotechnical Consultant Approval form (County Geologist).
2. Construct an access ramp from the top of the bluff to the beach - plans for ramp to be approved by the California Department of Parks and Recreation and San Mateo County Planning Director.
3. Maintain public access to walkway on west side of restaurant connecting north and south parking lots. The entire walkway, with the exception of the ramp, shall be located a safe distance from the cliff so that handrails will not be necessary. This design shall be to the satisfaction of the Planning Director.
4. Submit performance bond to guarantee installation of landscaping and maintenance for two growing seasons.

B. Approved the amendment of this Use Permit with the following conditions:

1. Submit revised parking plan that provides the required minimum dimensions and accurately delineates the property line.
2. Submit written approval of California Department of Parks and Recreation for all riprap and drainage facilities located on State land.
3. Construct all improvements in accordance with approved plans.
4. Maintain 53 parking spaces.
5. Maintain free public access through the parcel to the beach.

6. Hours of operation of restaurant/bar shall be limited to that period between 5:00 P.M. and normal closing time.

MLV requires use permit amendment to change hrs. Mr. Kim Paulson

Any interested party aggrieved by the determination of the Zoning Hearing Officer may appeal this decision to the Planning Commission within ten (10) days from such date of determination.

Very truly yours,


S. G. Dalton
Zoning Hearing Officer

SGD:pb - P1003276

cc: Chart House Restaurant
7432 LaJolla Boulevard
LaJolla, CA 92037

Coastal Commission
701 Ocean St., Room 310
Santa Cruz, CA 95060

Department of Public Works
Building Inspection

CALIFORNIA COASTAL COMMISSION

45 MONTGOMERY, SUITE 2000
SAN FRANCISCO, CA 94108-2 219
VOICE (415) 904-5 200
FAX (415) 904-5 400
TDD (415) 597-5885

**SENT BY REGULAR AND CERTIFIED MAIL**

April 25, 2014

A&G LLC
370 Convention Way
Redwood City, CA 94063-1405
ATTN: Hamid Rafiei
Certification No. 7006 2760 0005 5883 6481

Michael McCracken, Esq.
870 Mitten Road
Burlingame, CA 94010-1304
Certification No. 7006 2760 0005 5883 6474

Violation File: V-2-11-008 (La Costanera)

Location: 8150 Cabrillo Highway, Montara, San Mateo County (APNs 036-046-050, 035-046-400, 036-046-380, 036-046-390, and 036-046-310)

Dear Mr. Rafiei and Mr. McCracken:

I am writing once again concerning the ongoing alleged Coastal Act violations occurring at the La Costanera restaurant site at 8150 Cabrillo Highway in Montara, which previously consisted of the unpermitted construction of two patios and addition of restaurant seating thereto; unpermitted erection of rope lights and spotlights; unpermitted installation of signs limiting public parking at the site; and unpermitted expansion of operating hours of the bar and restaurant. More recently, it has come to our attention that unpermitted "A-Frame" signs and banners have been erected at the site, and that there has been unpermitted painting of the restaurant.

The Coastal Commission ("Commission") continues to be very concerned about the ongoing, unresolved nature of Coastal Act violations at La Costanera, some of which have persisted for

Attachment M

A&G LLC
Mr. Hamid Rafiei
Mr. Michael McCracken
Page No. 2

several years. Commission staff has repeatedly expressed these concerns in multiple letters to you dated April 25, 2011; November 30, 2011; March 12, 2012; December 5, 2012; and June 21, 2013, and by telephone with one or both of you on several occasions.

Alleged Coastal Act Violations

For purposes of clarity, I will discuss each of the alleged Coastal Act violations separately.

- 1. Unpermitted lights.** In our past correspondence, we have cited the presence of two types of unpermitted lighting systems: rope lights strung along the rooftop of the restaurant; and several large spotlights installed on the restaurant pointed to shine on the parking lot, Montara State Beach, and the adjacent ocean. We confirmed in our letter of June 24, 2013 that one of the two lighting system violations appears to have been finally resolved: the rope lights appear to have been removed. Unpermitted spotlights were initially installed in 2010; after repeated requests by us and in response to a petition circulated by the public, the unpermitted spotlights were removed in June of 2013. We note that spotlights were again temporarily erected without appropriate permits in October of 2013 for a wedding but were removed about a week later. Currently we are unaware of any exterior lighting system in existence at the restaurant; however, please note that while your current incomplete Coastal Development Permit ("CDP") application includes a request for new outdoor lighting, unless and until such a request is authorized by the Commission, no new outdoor lighting is allowed.
- 2. Unpermitted restaurant and bar use prior to 5:00 p.m.** As we have reminded your client on numerous occasions (via written and verbal communication), pursuant to CDP No. P-77-579 ("the Permit") and the County's Use Permit, the restaurant and bar may not be open for business prior to 5:00 p.m. In his letter of February 10, 2013, Mr. McCracken asserted that this issue is "currently being addressed and corrected," but it has come to our attention that, at least on Sundays, the bar has been opening at 4:00 p.m. and the main dining room has been opening at 4:30 p.m., which is not consistent with the requirements of the Permit and the County's Use Permit, constituting yet another Coastal Act violation.
- 3. Unpermitted construction of a patio and addition of patio seating.** Without benefit of a CDP amendment from the Commission, two new patios were constructed; these patios now provide additional seating not contemplated or approved by the Permit. This constitutes a violation of the terms and conditions of the Permit, and, therefore, of the Coastal Act. Although the County may have issued a building and/or coastal permit for the patios, no CDP amendment was authorized by the Commission for these patios. Unless and until a CDP amendment authorizes these patios and the additional seating they afford, use of the patios constitutes an ongoing Permit violation. During various site visits, I have noted customer seating on at least one of the two new patios.

4. **Unpermitted Signage.** In the past, your client placed No Trespassing signs in the parking lot; in response to our previous enforcement letters and phone calls, these were eventually removed. Then, Commission staff became aware that three new signs had been installed: one at each entrance to the main restaurant parking lot, and one at the entrance to the unpaved overflow parking lot owned by State Parks located just north of and adjacent to the restaurant site. Mr. Rafiei sent me an email dated April 30, 2013, stating that he did not know who placed the signs and that he would look into it. I was notified by a local resident that the signs were removed on or about May 9, 2013.

Despite our previous correspondence and action on unpermitted signage, it has come to our attention that your client has recently installed some new "A-frame" signs and banners on the site. As we have stated previously, these signs and banners are not permitted, and, therefore, constitute a Coastal Act violation.

5. **Exterior Painting of the Restaurant.** The Permit required the submittal to staff of material samples and colors to ensure that the permitted restaurant would be visually compatible with the highly scenic character of the area and would enhance visual quality. In addition, the project site is located in a Design Review District and in the County's Scenic Corridor. The County's Community Design Manual encourages the use of colors that are non-reflective, earth-toned, and blend in with the natural setting and neighborhood. It has come to our attention that portions of the exterior of the restaurant have been painted bright white without consulting with the County or the Commission.

Coastal Act Violation Resolution

Please take the following steps:

1. Confirm in writing to me by **June 2, 2014** that neither the bar nor the restaurant is open for business or serving drinks prior to 5:00 p.m.
2. We are aware that there is a pending incomplete CDP amendment application being held by our North Central District office through which your client is seeking authorization for outdoor lighting and for after-the-fact authorization for the unpermitted patios and additional patio seating. If all requisite information is provided to complete this application, and if it is approved by the Commission, this CDP could resolve the many Coastal Act violations at La Costanera. Please note, however, that if the unpermitted patios and additional patio seating are not approved by the Commission, the patios will have to be removed, and removal may require a CDP from the County. Please also note that your CDP amendment application was first submitted on December 29, 2011, and while some requested additional materials have been submitted, the application remains incomplete and the Coastal Act violations concerning the unpermitted patios and

A&G LLC
Mr. Hamid Rafiei
Mr. Michael McCracken
Page No. 4

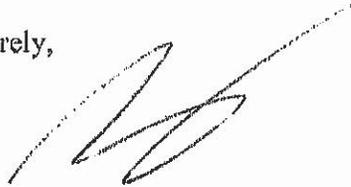
additional patio seating remain unresolved. To rectify this, please submit to Renée Ananda by **June 2, 2014** all materials requested by North Central in Ms. Ananda's letter of December 18, 2013 necessary to complete the CDP application.

3. Please remove all unpermitted "A-frame" signs and banners, and confirm in writing by **June 2, 2014** that this has taken place. Please submit photographic evidence of the removal with the June 2, 2014 letter.
4. Please consult with the County by **June 2, 2014** to obtain approval for the recent exterior painting of the building, and confirm in writing that you have done so. If the County does not approve this exterior painting, the building must be repainted to the County's specifications.

Please note that Enforcement staff cannot predict whether the Commission's Executive Director will accept all aspects of your CDP amendment application as appropriate for filing, and, if that happens, what the staff recommendation will be, or whether the Commission will approve your CDP amendment application.

We remain disappointed that despite your many assurances in the past, these Coastal Act violations persist after more than three years, and newly discovered violations continue to occur. **Failure to meet the deadlines noted above will result in our elevating this violation to our Statewide Enforcement Unit for appropriate formal enforcement action by the Commission.** If you have questions regarding this letter or any enforcement issues, please contact me at **415-904-5269**. If you have questions concerning completion of the CDP amendment application, please contact **Renée Ananda at 415-904-5292**.

Sincerely,



JO GINSBERG
Enforcement Analyst

cc: Farhad Mortazavi
Shu Dai
Renée Ananda, CCC, Permit Analyst
Linda Locklin, CCC, Coastal Access Program Coordinator
Nancy Cave, Manager, CCC North Central District
Heather Johnston, Supervisor, CCC Enforcement Program
Dave Holbrook, San Mateo County Senior Planner
Camille Leung, San Mateo County Planner

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

REVISED (February 27, 2014)
NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION

(revisions shown in underline and strikethrough format)

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: La Costanera Use Permit Amendment, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2006-00494

OWNER: A&G, LLC

APPLICANT: Farhad Mortazavi, Mortazavi Consulting

HISTORICAL PARKING LOT SITE: State of California Department of Parks and Recreation

ASSESSOR'S PARCEL NOS.: A&G, LLC: 036-046-050, -310, -380, -390, and -400 (0.73 acre total); and State of California: 036-046-410 (0.41 acre); 036-321-010 (16.6 acres)

LOCATION: 8150 Cabrillo Highway, Montara, unincorporated Montara area of San Mateo County and adjoining property owned by the State of California

PROJECT DESCRIPTION

The La Costanera Restaurant site consists of an 11,332 sq. ft. restaurant and two on-site parking lots, Lots A and C, containing a total of 52 parking spaces. The applicant, Farhad Mortazavi, requests the following:

1. ~~a~~ A Design Review Permit and ~~to amend its existing~~ Use Permit Amendment for the continued and expanded operation of the La Costanera Restaurant:
 - Expanded Hours of Operation: The existing Use Permit (UP 20-77), originally issued for the Charthouse restaurant in the same location, restricts the hours of operation to "5:00 p.m. to closing time." The applicant proposes to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch and dinner service), where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats. The applicant also proposes to re-stripe Lots A and C to accommodate 33 parking spaces in Lot A and 25 spaces in Lot C, for a total of 58 parking spaces (where 52 spaces currently exist). For brunch and lunch, the applicant proposes to provide all parking in Lot C with valet-only parking available, whereby parking for 31 cars could be accommodated.
 - Legalization of Minor Modifications to the Restaurant Structure: Legalize improvements to the property that were not authorized by the previous Use

Permit, including lighting added to the building (nine rooftop lights) and the construction of two outdoor patios (e.g., tiles and railings).

And

•

2. A Grading Permit and a Planned Agricultural Development Permit for the Formalization of Historical Parking Uses by Beach Users at an on Adjoining property Owned by the State of California Department of Parks and Recreation (State Parks). The applicant proposes to perform access, drainage, and landscaping improvements, involving 250-246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, to facilitate its use as a 21-space, gravel surface parking lot (Lot B) for beach user access anytime. State Parks has authorized the use under a signed Letter of Intent. The property owner of 8150 Cabrillo Highway proposes to maintain access, drainage, and landscaping improvements for the life of the project.

State Permit Required: The applicant has applied for an Amendment to Coastal Development Permit (CDP P-77-579) Amendment from the California Coastal Commission (CCC) for the project described above, as well as for the repair of existing drainage systems and riprap at the restaurant and State properties. The CDP Amendment for the project will be processed by the CCC separately from the Use Permit requested from the County. Until the CDP Amendment is granted, the Use Permit amendment would be considered inactive. ~~While the repair of drainage systems and riprap is not a part of the project being reviewed by the County, this work is included in this Mitigated Negative Declaration.~~

SCOPE OF THIS DOCUMENT

This Initial Study and Negative Declaration addresses the potential environmental impacts of the proposed expansion in operating hours, installation of exterior lights and signs, and grading and drainage of the formalized parking area. These impacts, as well the potential additional environmental impacts caused by elements of the project that are outside of the County's jurisdiction (i.e., repairs to the riprap revetment), will also be considered during the Coastal Commission's consideration of the required Coastal Development Permit Amendment.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.

5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

Mitigation Measure 1: Prior to the County Geotechnical Section's approval of the building permit for the project, the applicant shall demonstrate project conformance with the recommendations of the project soils reports (Geotechnical Engineering Consultation, Poor Drainage and Riprap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, February 9, 2010, ~~and~~ Geotechnical Engineering Consultation, Unpaved Parking Lot, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, October 27, 2011, and Update of Geotechnical Consultation Report, dated October 27, 2011, Unpaved Parking Lot La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, dated January 3, 2013), to the satisfaction of the County Planning and Building Department's Geotechnical Section.

Mitigation Measure 2: ~~Should~~As the parking lot would result in 5,000 sq. ft. or more of impervious surface (e.g., if the dirt lot is compacted to 95% compaction, then the lot would be considered impervious), the project shall comply with Provision C.3 of the NPDES Municipal Regional Permit stormwater treatment requirements and stormwater treatment plans shall be submitted to the County prior to project approval. Stormwater treatment facilities, ~~if required~~, shall be reviewed by the project geotechnical consultant.

Mitigation Measure 3: Prior to any ground disturbance, the applicant shall apply for a building permit. Monthly inspections (at minimum) by the building inspector during the wet season are required to confirm adequate erosion and sediment control. At the time of building permit application, the applicant shall provide the estimated date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.

Mitigation Measure 4: Prior to any ground disturbance, the erosion and sediment control plan shall be reviewed by the County Planning and Building Department's Geotechnical Section to ensure that erosion control measures are appropriate for the site's bluff top location and would not contribute to further bluff erosion. Once approved, erosion and sediment control measures of the erosion control plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit until newly planted

vegetation is fully established. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for County staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and reviewed by the County Planning and Building Department's Geotechnical Section, County Department of Public Works and the Community Development Director.

Mitigation Measure 5: No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion.

Mitigation Measure 6: The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth-moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.

Mitigation Measure 7: It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

Mitigation Measure 8: Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
- b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Engineer, and the Regional Water Quality Control Board.

Mitigation Measure 9: In order to prevent further reduction of beach user parking at the restaurant site and at the State Parks property, the applicant shall post signs at the properties with language comparable to the language provided below, with the wording, number, color and size of signs subject to the approval of the Community Development Director:

- Signage at the entrance of the State Parks property shall state that parking by restaurant visitors is prohibited at all times.
- Signage in Lot A of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m.
- Signage in Lot C of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m. and before 5:00 p.m. on Fridays and weekends only. Signage shall also caution beach visitors of increased traffic on the property on Fridays and weekends and to use designated Coastal Trail paths to cross the property.

Mitigation Measure 10: The property owner shall designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic. The design and alignment of these improvements shall be consistent with the recommendations of the “Highway 1 Safety and Mobility Improvement Study: Phase 2” report, dated October 2012, including but not limited to the Montara State Beach Coast and Trail Access Maps (Attachment M). A Site Circulation and Signage Plan that depicts the details of these improvements shall be submitted to the Community Development Director for review and approval, prior to the Current Planning’s Section approval of any permit (e.g., grading permit or building permit) for the project. The property owner shall demonstrate implementation of improvements, as approved, prior to the Current Planning Section’s final approval of the building permit.

Mitigation Measure 1140: Prior to the Current Planning Section’s approval of the building permit, the applicant shall remove two of the 150-watt light fixtures which illuminate Parking Lot A, such that there is no more than three lighting fixtures on the north side of the restaurant building.

Mitigation Measure 1244: Prior to the Current Planning Section’s approval of the building permit, the applicant shall replace or reposition existing light fixtures in Parking Lot C such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and the total number of lighting fixtures does not exceed three.

Mitigation Measure 1342: The applicant shall modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Prior to the Current Planning Section’s final approval of the building permit, staff shall review the wattage of the west elevation and wattage shall be adjusted as required by staff to achieve adequate lighting for patio dining and minimization of light impacts on beach areas. Also, no temporary lighting is permitted on the property without the approval of the Community Development Director.

Mitigation Measure 1413: ~~The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains. The applicant shall comply with the following requirements relating to the avoidance of the CA-SMA-115 cultural site and discovery of archaeological remains, including human remains, during all grading and construction activity:~~

- a. Prior to the Current Planning Section’s approval of the building permit application, the applicant shall demonstrate that all grading and construction will avoid the CA-SMA-115 cultural site.
- b. Prior to the issuance of the grading permit “hard card,” the applicant shall demonstrate proper protection of the CA-SMA-115 cultural site for grading and construction activity.

The area shall be fenced during grading and construction to assure that no inadvertent damage from equipment or personnel takes place.

- c. If archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5(f)).
- d. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted immediately. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendant makes recommendations regarding the treatment of the remains with appropriate dignity.

RESPONSIBLE AGENCY CONSULTATION

California Coastal Commission
State of California Department of Parks and Recreation

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: February 27, 2014 to March 31, 2014.
December 21, 2012 to January 20, 2013 (Original Circulation Date).

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., March 31, 2014**~~January 20, 2013.~~

CONTACT PERSON

Camille Leung, Project Planner
650/363-1826
cleung@smcgov.org



Camille Leung, Project Planner

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REVISED (February 27, 2014)

INITIAL STUDY

ENVIRONMENTAL EVALUATION CHECKLIST

(revisions shown in underline and strikethrough format)
(To Be Completed By Current Planning Section)

I. BACKGROUND

Project Title: La Costanera Use Permit Amendment

File No.: PLN 2006-00494

Project Location: 8150 Cabrillo Highway, Montara, unincorporated Montara area of San Mateo County

Assessor's Parcel Nos.: A&G, LLC: 036-046-050, -310, -380, -390, and -400 (0.73 acre total)
State of California: 036-046-410 (0.41 acre); 036-321-010 (16.6 acres)

Applicant: Farhad Mortazavi, Mortazavi Consulting

Owner: A&G, LLC

Date Environmental Information Form Submitted: March 4, 2010

PROJECT DESCRIPTION

The La Costanera Restaurant site consists of an 11,332 sq. ft. restaurant and two on-site parking lots, Lots A and C, containing a total of 52 parking spaces. The applicant, Farhad Mortazavi, requests the following:

1. ~~a~~ Design Review Permit and ~~to amend its existing~~ Use Permit Amendment for the continued and expanded operation of the La Costanera Restaurant:
 - Expanded Hours of Operation: The existing Use Permit (UP 20-77), originally issued for the Charthouse restaurant in the same location, restricts the hours of operation to "5:00 p.m. to closing time." The applicant proposes to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch and dinner service), where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats. The applicant also proposes to re-stripe Lots A and C to accommodate 33 parking spaces in Lot A and 25 spaces in Lot C, for a total of 58 parking spaces (where 52 spaces currently exist). For brunch and lunch, the applicant proposes to provide all parking in Lot C with valet-only parking available, whereby parking for 31 cars could be accommodated.
 - Legalization of Minor Modifications to the Restaurant Structure: Legalize improvements to the property that were not authorized by the

previous Use Permit, including lighting added to the building (nine rooftop lights) and the construction of two outdoor patios (e.g., tiles and railings).

And

2. A Grading Permit and a Planned Agricultural Development Permit for the Formalization of Historical Parking Uses by Beach Users ~~at an on~~ ~~adjoining property~~ owned by the State of California Department of Parks and Recreation (State Parks). The applicant proposes to perform access, drainage, and landscaping improvements, involving 250-246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, to facilitate its use as a 21-space, gravel surface parking lot (Lot B) for beach user access anytime. State Parks has authorized the use under a signed Letter of Intent. The property owner of 8150 Cabrillo Highway proposes to maintain access, drainage, and landscaping improvements for the life of the project.

State Permit Required: The applicant has applied for an Amendment to Coastal Development Permit (CDP P-77-579) Amendment from the California Coastal Commission (CCC) for the project described above, as well as for the repair of existing drainage systems and riprap at the restaurant and State properties. The CDP Amendment for the project will be processed by the CCC separately from the Use Permit requested from the County. Until the CDP Amendment is granted, the Use Permit amendment would be considered inactive. ~~While the repair of drainage systems and riprap is not a part of the project being reviewed by the County, this work is included in this Mitigated Negative Declaration.~~

SCOPE OF THIS DOCUMENT

This Initial Study and Negative Declaration addresses the potential environmental impacts of the proposed expansion in operating hours, installation of exterior lights and signs, and grading and drainage of the formalized parking area. These impacts, as well as the potential additional environmental impacts caused by elements of the project that are outside of the County's jurisdiction (i.e., repairs to the riprap revetment), will also be considered during the Coastal Commission's consideration of the required Coastal Development Permit Amendment.

II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 19 and 20.

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
<p>1. <u>LAND SUITABILITY AND GEOLOGY</u> Will (or could) this project:</p>						
<p>a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay? Project site adjoins Montara State Beach. See Questions and Answers Section for discussion.</p>	X					B,F,O
<p>b. Involve construction on slope of 15% or greater? The subject sites are relatively flat.</p>	X					E,I
<p>c. Be located in an area of soil instability (subsidence, landslide or severe erosion)? The project site is located near an ocean bluff and is, therefore, in an area of soil instability. See Questions and Answers Section for discussion.</p>			X			D,4
<p>d. Be located on, or adjacent to a known earthquake fault? While the project area is located within the western portion of the seismically active San Francisco Bay region, the project would not result in the introduction of a new land use or the construction of any new structures.</p>		X				Bc,D
<p>e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts? None present.</p>	X					M

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
f. Cause erosion or siltation? See Questions and Answers Section for discussion.			X			M,I
g. Result in damage to soil capability or loss of agricultural land? No on-site agricultural soils or agricultural production.	X					A,M
h. Be located within a flood hazard area? Project sites are located within Zone X (Area of Minimal Flood Hazard) with the exception of bluff areas in Zone D (Undetermined Risk Areas) and the northeast corner of the State Parks lot in Zone A (Areas with a 1% Annual Chance of Flooding); Community Panel 06081CO117E, effective date October 16, 2012.	X					G
i. Be located in an area where a high water table may adversely affect land use? No new land use or construction is proposed.	X					D
j. Affect a natural drainage channel or streambed, or watercourse? There are no natural drainage channels, streambeds, or watercourses in the vicinity of the project.	X					E
2. <u>VEGETATION AND WILDLIFE</u> Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area? Areas of proposed land disturbance will occur in disturbed areas (in areas of existing <u>historical, informal parking, drainage systems and riprap</u>). Development in undisturbed areas involves minor grading and graveling of the State-owned parcel. According to the "Vegetation Map" prepared by TRA Environmental Sciences, Inc., no habitat for special	X					F

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
status species was found during TRA's August 2012 site visit. Vegetation at the State site consists mainly of ice plants.						
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance? No trees proposed for removal.	X					I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species? Areas of proposed land disturbance will occur in disturbed areas (in areas of existing historical, informal parking, drainage systems and riprap). Development in undisturbed areas involves minor grading and graveling of the State-owned parcel. According to the "Vegetation Map" prepared by TRA Environmental Sciences, Inc., no habitat for special status species was found during TRA's August 2012 site visit.	X					F
d. Significantly affect fish, wildlife, reptiles, or plant life? Areas of proposed land disturbance will occur in disturbed areas (in areas of existing historical, informal parking, drainage systems and riprap). Development in undisturbed areas involves minor grading and graveling of the State-owned parcel. According to the "Vegetation Map" prepared by TRA Environmental Sciences, Inc., no habitat for special status species was found during TRA's August 2012 site visit.	X					I

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
e. Be located inside or within 200 feet of a marine or wildlife reserve? No. Project site (area of land disturbance) is not located in such an area nor is it located within 200 feet of such an area. However, it should be noted that the site is north of and within proximity of the Fitzgerald Marine Reserve, Area of Special Biological Significance.	X					E,F,O
f. Infringe on any sensitive habitats? Areas of proposed land disturbance will occur in disturbed areas (in areas of existing historical, informal parking, drainage systems and riprap). Development in undisturbed areas involves minor grading and graveling of the State-owned parcel. According to the "Vegetation Map" prepared by TRA Environmental Sciences, Inc., no habitat for special status species was found during TRA's August 2012 site visit.	X	X				F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone? See Questions and Answers Section for discussion.		X				I,F,Bb
3. PHYSICAL RESOURCES Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)? None proposed.	X					I
b. Involve grading in excess of 150 cubic yards? See Questions and Answers Section for discussion.			X			I

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement? Subject property is not protected under the Williamson Act (agricultural preserve) or an Open Space Easement.	X					I
d. Affect any existing or potential agricultural uses? There is no on-site agricultural soils or agricultural production.	X					A,K,M
4. AIR QUALITY, WATER QUALITY, SONIC Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area? See Questions and Answers Section for discussion.			X			I,N,R
b. Involve the burning of any material, including brush, trees and construction materials? Project does not involve the burning of any material.	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction? Project would not generate a temporary increase in noise levels in excess of those currently existing in the area, after during construction, as well as a minor permanent increase in noise levels (associated with additional vehicles and visitors) in excess of those currently existing in the area during brunch and lunch times on Fridays and weekends.	X	X				Ba,I

	IMPACT						SOURCE
	NO	Not Significant	YES			Cumulative	
			Significant Unless Mitigated	Significant	Significant		
<p>d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material? Project does not involve the application, use or disposal of potentially hazardous materials.</p>	X						I
<p>e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard? No. Project will not introduce any new uses or sensitive receptors.</p>	X						A,Ba,Bc
<p>f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard? See Questions and Answers Section for discussion.</p>		X					I
<p>g. Generate polluted or increased surface water runoff or affect groundwater resources? See Questions and Answers Section for discussion.</p>			X				I
<p>h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity? The project does not involve installation of a septic tank/leachfield sewage disposal system nor does it require hookup to an existing collection system which is at or over capacity.</p>	X						S

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
<p>5. TRANSPORTATION</p> <p>Will (or could) this project:</p>						
<p>a. Affect access to commercial establishments, schools, parks, etc.? See Questions and Answers Section for discussion.</p>			X			A,I
<p>b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns? See Questions and Answers Section for discussion.</p>		X	X			A,I
<p>c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)? See Questions and Answers Section for discussion.</p>		X	X			I
<p>d. Involve the use of off-road vehicles of any kind (such as trail bikes)? Project does not involve the use of off-road vehicles of any kind.</p>	X					I
<p>e. Result in or increase traffic hazards? See Questions and Answers Section for discussion.</p>		X				S
<p>f. Provide for alternative transportation amenities such as bike racks? Alternative transportation amenities, such as bike racks, are not included in the proposal.</p>	X					I
<p>g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway? See Questions and Answers Section for discussion.</p>		X				S

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
<p>6. <u>LAND USE AND GENERAL PLANS</u> Will (or could) this project:</p>						
<p>a. Result in the congregating of more than 50 people on a regular basis? See Questions and Answers Section for discussion.</p>		X				I
<p>b. Result in the introduction of activities not currently found within the community? The project will result in the introduction of lunch services at the existing restaurant.</p>		X				I
<p>c. Employ equipment which could interfere with existing communication and/or defense systems? Project does not involve the use, installation or construction of any equipment.</p>	X					I
<p>d. Result in any changes in land use, either on or off the project site? The project will formalize historical beach user parking uses at the State property. See Questions and Answers Section for discussion.</p>		X				I
<p>e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)? See Questions and Answers Section for discussion.</p>		X				I,Q,S

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site? See Questions and Answers Section for discussion.		X				I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity? See Questions and Answers Section for discussion.		X				I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility? There is no change to existing location of the restaurant, which is located adjacent to State park facilities, Highway 1, and the Montara Water and Sanitary District pump station.		X				A
i. Create significant amounts of solid waste or litter? The Montara Water and Sanitary District currently serves the existing restaurant and will continue to serve the restaurant during expanded hours of operation.		X				I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)? The proposed expanded hours of operation for the restaurant will result in a minimal increase in the use of fossil fuels, as provided by existing utility connections.		X				I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals? No. Project does not require an amendment to or exception from adopted general plans, specific plans, or community policies or goals.	X					B

	IMPACT					SOURCE
	NO	Not Significant	YES		Cumulative	
			Significant Unless Mitigated	Significant		
l. Involve a change of zoning? The project does not involve a change in parcel zoning.	X					C
m. Require the relocation of people or businesses? The project will not involve the relocation of people or businesses.	X					I
n. Reduce the supply of low-income housing? The project will not reduce the supply of low-income housing.	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan? See Questions and Answers Section for discussion.		X				S
p. Result in creation of or exposure to a potential health hazard? Project will not involve the creation of or exposure to any potential health hazard.	X					S
7. <u>AESTHETIC, CULTURAL AND HISTORIC</u> Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor? See Questions and Answers Section for discussion.			X			A,Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads? See Questions and Answers Section for discussion.			X			A,I

	IMPACT					SOURCE
	NO	YES			Cumulative	
		Not Significant	Significant Unless Mitigated	Significant		
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height? No. The project involves legalization of minor modifications (two exterior patios and nine lighting fixtures) to the existing restaurant structure. Patios and lighting fixtures do not add to the height of the structure.	X					I
d. Directly or indirectly affect historical or archaeological resources on or near the site? See Questions and Answers Section for discussion.		X				H
e. Visually intrude into an area having natural scenic qualities? See Questions and Answers Section for discussion.		X				A,I

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	

Mitigation Measure 4: Prior to any ground disturbance, the erosion and sediment control plan shall be reviewed by the County Planning and Building Department's Geotechnical Section to ensure that erosion control measures are appropriate for the site's bluff top location and would not contribute to further bluff erosion. Once approved, erosion and sediment control measures of the erosion control plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit until newly planted vegetation is fully established. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for County staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and reviewed by the County Planning and Building Department's Geotechnical Section, County Department of Public Works and the Community Development Director.

Mitigation Measure 5: No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion.

Mitigation Measure 6: The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth-moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.

m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.

Mitigation Measure 7: It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

Mitigation Measure 8: Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
- b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Engineer, and the Regional Water Quality Control Board.

Mitigation Measure 9: In order to prevent further reduction of beach user parking at the restaurant site and at the State Parks property, the applicant shall post signs at the properties with language comparable to the language provided below, with the wording, number, color and size of signs subject to the approval of the Community Development Director:

- Signage at the entrance of the State Parks property shall state that parking by restaurant visitors is prohibited at all times.
- Signage in Lot A of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m.
- Signage in Lot C of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m. and before 5:00 p.m. on Fridays and weekends only. Signage shall also caution beach visitors of increased traffic on the property on Fridays and weekends and to use designated Coastal Trail paths to cross the property.

Mitigation Measure 10: The property owner shall designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic. The design and alignment of these improvements shall be consistent with the recommendations of the "Highway 1 Safety and Mobility Improvement Study: Phase 2" report, dated October 2012, including but not limited to the Montara State Beach Coast and Trail Access Maps (Attachment M). A Site Circulation and Signage Plan that depicts the details of these improvements shall be submitted to the Community Development Director for review and approval, prior to the Current Planning's Section approval of any permit (e.g., grading permit or building permit) for the project. The property owner shall demonstrate implementation of improvements, as approved, prior to the Current Planning Section's final approval of the building permit.

Mitigation Measure 1140: Prior to the Current Planning Section's approval of the building permit, the applicant shall remove two of the 150-watt light fixtures which illuminate Parking Lot A, such that there is no more than three lighting fixtures on the north side of the restaurant building.

Mitigation Measure 1244: Prior to the Current Planning Section's approval of the building permit, the applicant shall replace or reposition existing light fixtures in Parking Lot C such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and the total number of lighting fixtures does not exceed three.

Mitigation Measure 1312: The applicant shall modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Prior to the Current Planning Section's final approval of the building permit, staff shall review the wattage of the west elevation and wattage shall be adjusted as required by staff to achieve adequate lighting for patio dining and minimization of light impacts on beach areas. Also, no temporary lighting is permitted on the property without the approval of the Community Development Director.

Mitigation Measure 1413: ~~The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains. The applicant shall comply with the following requirements relating to the avoidance of the CA-SMA-115 cultural site and discovery of archaeological remains, including human remains, during all grading and construction activity:~~

- a. ~~Prior to the Current Planning Section's approval of the building permit application, the applicant shall demonstrate that all grading and construction will avoid the CA-SMA-115 cultural site.~~
- b. ~~Prior to the issuance of the grading permit "hard card," the applicant shall demonstrate proper protection of the CA-SMA-115 cultural site for grading and construction activity. The area shall be fenced during grading and construction to assure that no inadvertent damage from equipment or personnel takes place.~~
- c. ~~If archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5(f)).~~
- d. ~~If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted immediately. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendant makes recommendations regarding the treatment of the remains with appropriate dignity.~~

V. MANDATORY FINDINGS OF SIGNIFICANCE

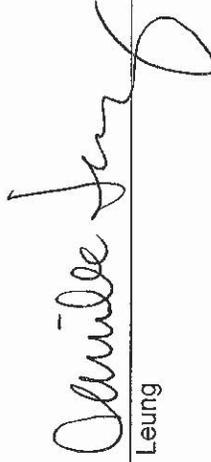
	Yes	No
1. Does the project, as mitigated, have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project, as mitigated, have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3. Does the project, as mitigated, have possible environmental effects which are individually limited, but cumulatively considerable?		X
4. Would the project, as mitigated, cause substantial adverse effects on human beings, either directly or indirectly?		X

On the basis of this initial evaluation:

I find the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared by the Current Planning Section.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A **NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.



 Camille Leung

December 21, 2012 (Original Circulation Date):
 February 27, 2014 (Revision Date)

 Date

Project Planner

 (Title)

VI. SOURCE LIST

- A. Field Inspection
- B. County General Plan 1986
 - a. General Plan Chapters 1-16
 - b. Local Coastal Program (LCP) (Area Plan)
 - c. Skyline Area General Plan Amendment
 - d. Montara-Moss Beach-El Granada Community Plan
 - e. Emerald Lake Hills Community Plan
- C. County Ordinance Code
- D. Geotechnical Maps
 - 1. USGS Basic Data Contributions
 - a. #43 Landslide Susceptibility
 - b. #44 Active Faults
 - c. #45 High Water Table
 - 2. Geotechnical Hazards Synthesis Maps
- E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)
- F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps
- G. Flood Insurance Rate Map – National Flood Insurance Program
- H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)
- I. Project Plans or EIF
- J. Airport Land Use Committee Plans, San Mateo County Airports Plan
- K. Aerial Photography or Real Estate Atlas – REDI
 - 1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
 - 2. Aerial Photographs, 1981
 - 3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
 - 4. Historic Photos, 1928-1937

- L. Williamson Act Maps
- M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961
- N. Air Pollution Isopleth Maps – Bay Area Air Pollution Control District
- O. California Natural Areas Coordinating Council Maps (See F. and H.)
- P. Forest Resources Study (1971)
- Q. Experience with Other Projects of this Size and Nature
- R. Environmental Regulations and Standards:
 - Federal
 - Review Procedures for CDBG Programs 24 CFR Part 58
 - NEPA 24 CFR 1500-1508 36 CFR Part 800
 - Protection of Historic and Cultural Properties Executive Order 11988
 - National Register of Historic Places Executive Order 11990
 - Floodplain Management 24 CFR Part 51B
 - Protection of Wetlands 24 CFR 51C
 - Endangered and Threatened Species HUD 79-33
 - Noise Abatement and Control 24 CFR 51D
 - Explosive and Flammable Operations
 - Toxic Chemicals/Radioactive Materials
 - Airport Clear Zones and APZ
 - State
 - Ambient Air Quality Standards Article 4, Section 1092
 - Noise Insulation Standards
- S. Consultation with Departments and Agencies:
 - a. County Health Department
 - b. City Fire Department
 - c. California Department of Forestry
 - d. Department of Public Works
 - e. Disaster Preparedness Office
 - f. Other

COUNTY OF SAN MATEO
Planning and Building Department

REVISED (February 27, 2014)
Initial Study Pursuant to CEQA
Project Narrative and Answers to Questions for the Negative Declaration
File Number: PLN 2006-00494
La Costanera Use Permit Amendment
(revisions shown in underline and strike through format)

PROJECT DESCRIPTION

The La Costanera Restaurant site consists of an 11,332 sq. ft. restaurant and two on-site parking lots, Lots A and C, containing a total of 52 parking spaces. The applicant, Farhad Mortazavi, requests the following:

1. a ~~A~~ Design Review Permit and to ~~amend its existing~~ Use Permit Amendment for the continued and expanded operation of the La Costanera Restaurant:
 - Expanded Hours of Operation: The existing Use Permit (UP 20-77), originally issued for the Charthouse restaurant in the same location, restricts the hours of operation to "5:00 p.m. to closing time." The applicant proposes to expand the hours of operation to 10:00 a.m. to 2:00 a.m. (brunch, lunch and dinner service), where brunch and lunch seating will be limited to Fridays and weekends only and a total of 93 seats. The applicant also proposes to re-stripe Lots A and C to accommodate 33 parking spaces in Lot A and 25 spaces in Lot C, for a total of 58 parking spaces (where 52 spaces currently exist). For brunch and lunch, the applicant proposes to provide all parking in Lot C with valet-only parking available, whereby parking for 31 cars could be accommodated.
 - Legalization of Minor Modifications to the Restaurant Structure: Legalize improvements to the property that were not authorized by the previous Use Permit, including lighting added to the building (nine rooftop lights) and the construction of two outdoor patios (e.g., tiles and railings).

And

2. A Grading Permit and a Planned Agricultural Development Permit for the ~~F~~ormalization of Historical Parking Uses by Beach Users ~~at an~~ on ~~Adjoining~~ property ~~Owned~~ by the State of California Department of Parks and Recreation (State Parks). The applicant proposes to perform access, drainage, and landscaping improvements, involving ~~250-246~~ cubic yards (c.y.) of fill placement and 5 c.y. of excavation, to facilitate its use as a 21-space, gravel surface parking lot (Lot B) for beach user access anytime. State Parks has authorized the use under a signed Letter of Intent. The property owner of 8150 Cabrillo Highway proposes to maintain access, drainage, and landscaping improvements for the life of the project.

State Permit Required: The applicant has applied for an Amendment to Coastal Development Permit (CDP P-77-579) ~~Amendment~~ from the California Coastal Commission (CCC) for the project described above, as well as for the repair of existing drainage systems

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and riprap at the restaurant and State properties. The CDP Amendment for the project will be processed by the CCC separately from the Use Permit requested from the County. Until the CDP Amendment is granted, the Use Permit amendment would be considered inactive. ~~While the repair of drainage systems and riprap is not a part of the project being reviewed by the County, this work is included in this Mitigated Negative Declaration.~~

SCOPE OF THIS DOCUMENT

This Initial Study and Negative Declaration addresses the potential environmental impacts of the proposed expansion in operating hours, installation of exterior lights and signs, and grading and drainage of the formalized parking area. These impacts, as well the potential additional environmental impacts caused by elements of the project that are outside of the County's jurisdiction (i.e., repairs to the riprap revetment), will also be considered during the Coastal Commission's consideration of the required Coastal Development Permit Amendment.

SITE DESCRIPTION

The La Costanera Restaurant is located on a 0.73-acre (31,721 sq. ft.) site on the west side of Cabrillo Highway. The site consists of an 11,332 sq. ft. restaurant and two on-site parking lots, Lots A and C, containing a total of 52 parking spaces. The project also involves access, drainage, and landscaping improvements on an adjoining, undeveloped ~~0.41-acre (17,859 sq. ft.) parcel~~ property, located to the north of the restaurant property, owned by the State of California Department of Parks and Recreation. A roughly 20-foot high cliff on the west side of the property separates the restaurant building and the parking areas from the sandy beach and Pacific Ocean. ~~Both properties are~~ The project site is located along the Cabrillo Highway County-Designated Scenic Route.

ANSWERS TO QUESTIONS

1. LAND SUITABILITY AND GEOLOGY

- a. **Will (or could) this project involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?**

Yes, Not Significant. A roughly 20-foot high cliff bluff on the west side of the property separates the restaurant building and the parking areas from the sandy beach and the Pacific Ocean. The project includes drainage improvements at a historical parking lot that would direct drainage in such a manner as to minimize risk of bluff erosion. It should be noted that ~~the applicant has applied for an Amendment to Coastal Development Permit P-77-579 from the California Coastal Commission for repair of existing drainage systems along the bluff of both properties, including repair or of riprap and existing pipe lines. Proposed repair, as recommended by project geotechnical reports (included as Attachment B) and as described in Grading and Drainage Plans (Attachment C) that would help to further protect the bluff from drainage-related erosion. No mitigation measures are necessary.~~

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c. Will (or could) this project be located in an area of soil instability (subsidence, landslide or severe erosion)?

Yes, Significant Unless Mitigated. Due to the location of the properties along an ocean bluff, the bluff portion of the properties are subject to erosion from both wave action and from bluff-top surface drainage flows. ~~The applicant has applied for a Coastal Development Permit from the California Coastal Commission for repair of existing drainage systems along the bluff of both properties, including repair or riprap and existing pipe lines. Proposed repair, as recommended by project geotechnical reports (included as Attachment B) and as described in Grading and Drainage Plans (Attachment C) will help to protect the bluff from drainage-related erosion. Mitigation Measure 1 has been added to ensure that the recommendations of the project geotechnical reports are implemented.~~

The applicant also proposes to perform access, drainage, and landscaping improvements on the State property, involving ~~250~~ 246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, to facilitate its use as a 21-space, gravel surface parking lot (Lot B) for beach user access anytime. Currently, the State property is drained naturally, with riprap at the foot of the bluff. ~~Should the~~ As the parking lot would result in 5,000 sq. ft. or more of impervious surface (e.g., if the dirt lot is compacted to 95% compaction, then the lot would be considered impervious), ~~then~~ project is required to comply with Provision C.3 of the NPDES Municipal Regional Permit ~~would~~ which requires treatment of all project-related stormwater. Mitigation Measure 2 has been added to ensure compliance with Provision C.3 and to ensure that stormwater treatment, ~~if required~~, has been reviewed by the project geotechnical consultant.

It should be noted that ~~the~~ applicant has applied for an Amendment to Coastal Development Permit P-77-579 from the California Coastal Commission for repair of riprap and existing pipe lines that would further protect the bluff from drainage-related erosion.

Mitigation Measure 1: Prior to the County Geotechnical Section's approval of the building permit for the project, the applicant shall demonstrate project conformance with the recommendations of the project soils reports (Geotechnical Engineering Consultation, Poor Drainage and Riprap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, February 9, 2010, and Geotechnical Engineering Consultation, Unpaved Parking Lot, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, October 27, 2011, and Update of Geotechnical Consultation Report, dated October 27, 2011, Unpaved Parking Lot La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, dated January 3, 2013), to the satisfaction of the County Planning and Building Department's Geotechnical Section.

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Mitigation Measure 2: ~~Should~~As the parking lot ~~would~~ result in 5,000 sq. ft. or more of impervious surface (e.g., if the dirt lot is compacted to 95% compaction, then the lot would be considered impervious), the project shall comply with Provision C.3 of the NPDES Municipal Regional Permit stormwater treatment requirements and stormwater treatment plans shall be submitted to the County prior to project approval. Stormwater treatment facilities, ~~if required~~, shall be reviewed by the project geotechnical consultant.

f. Will (or could) this project cause erosion or siltation?

Yes, Significant Unless Mitigated. The applicant proposes to perform access, drainage, and landscaping improvements, involving ~~250~~ 246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, ~~to an on~~ adjoining ~~0.41-acre (17,859 sq. ft.) parcel~~ property owned by the State of California Department of Parks and Recreation (State Parks) to facilitate its use as a 21-space, gravel surface parking lot (Lot B) for beach user access anytime. Proposed ~~repair~~ grading activities of ~~existing drainage systems along the bluff of both properties~~ may also result in a minor amount of erosion and siltation.

If there should be any precipitation during grading activities, there is the potential for sedimentation to on- and off-site areas downslope from the project area. While the potential is low, siltation from the project site could impact areas of Highway 1, Montara State Beach, and the Pacific Ocean. The applicant proposes an erosion control plan, included as Attachment D, which includes measures that would contain and slow grading-related runoff flows and direct flows to stabilized areas of the site. Mitigation Measure 3 has been included to require monthly inspections (at minimum) by the building inspector during the wet season are required to confirm adequate erosion and sediment control. Mitigation Measure 4 has been included to require geotechnical review of proposed erosion and sediment control plan. Mitigation Measure 5 has been included to restrict project grading to the dry season. Mitigation Measure 6 requires the implementation of standard best management practices to prevent construction-related stormwater pollution. Mitigation Measure 7 requires monitoring of erosion control measures by the project civil engineer. Mitigation Measure 8 requires compliance with dust control guidelines.

Mitigation Measure 3: Prior to any ground disturbance, the applicant shall apply for a building permit. Monthly inspections (at minimum) by the building inspector during the wet season are required to confirm adequate erosion and sediment control. At the time of building permit application, the applicant shall provide the estimated date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.

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Mitigation Measure 4: Prior to any ground disturbance, the erosion and sediment control plan shall be reviewed by the County Planning and Building Department's Geotechnical Section to ensure that erosion control measures are appropriate for the site's bluff top location and would not contribute to further bluff erosion. Once approved, erosion and sediment control measures of the erosion control plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit until newly planted vegetation is fully established. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for County staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and reviewed by the County Planning and Building Department's Geotechnical Section, County Department of Public Works and the Community Development Director.

Mitigation Measure 5: No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion.

Mitigation Measure 6: The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth-moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

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- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.

Mitigation Measure 7: It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

Mitigation Measure 8: Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
- b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning

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and Building Department's Geotechnical Engineer, and the Regional Water Quality Control Board.

2. VEGETATION AND WILDLIFE

- g. Will (or could) this project involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?**

Yes, Not Significant. Project sites are located along the Cabrillo Highway County-Designated Scenic Route. The properties are relatively flat, with the exception of the 20-foot high cliff bluff on the west side of the property which separates properties from the sandy beach and the Pacific Ocean.

Areas of proposed land disturbance will occur in disturbed areas (in areas of existing ~~historical informal parking, drainage systems and riprap~~). ~~Minor grading and gravelling of the State-owned parcel will occur in disturbed, undeveloped areas.~~ The applicant proposes to perform access and landscaping improvements, involving ~~250~~ 246 cubic yards (c.y.) of fill placement and 5 c.y. of excavation, to the 0.41-acre State parcel to formalize its historical use as a parking lot (Lot B). According to the "Vegetation Map" prepared by TRA Environmental Sciences, Inc., no habitat for special status species was found during TRA's August 2012 site visit. Vegetation at the State site consists mainly of ice plants. No mitigation measures are necessary.

3. PHYSICAL RESOURCES

- b. Will (or could) this project involve grading in excess of 150 cubic yards?**

Yes, Significant Unless Mitigated. The project will involve placement of approximately ~~250~~ 246 c.y. of fill and 5 c.y. of excavation on the State property to facilitate its use as a 21-space, gravel surface parking lot (Lot B). Potential impact resulting from proposed grading is discussed in Section 1.f. above. No additional mitigation measures are needed.

4. AIR QUALITY, WATER QUALITY, SONIC

- a. Will (or could) this project generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?**

Yes, Significant Unless Mitigated. The project will involve placement of approximately ~~250~~ 246 c.y. of fill and 5 c.y. of excavation on the State property to facilitate its use as a 21-space, gravel surface parking lot (Lot B). Grading activities may generate dust. While the potential is low, erosion from the project site could impact areas of Highway 1, Montara State Beach, and the Pacific

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Ocean. Potential impacts related to dust and sedimentation from project grading and construction is discussed in Section 1.f., above. No additional mitigation measures are needed.

- f. **Will (or could) this project generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?**

Yes, Not Significant. The project will result in the addition of brunch and lunchtime service on Fridays and weekends for up to 93 persons for an existing restaurant which currently provides dinnertime only service for up to 189 persons. The project will introduce minor restaurant-associated noise during the daytime when the site has been quiet in the past. However, there are no sensitive noise receptors in the immediate area. Beach users will be buffered from the minor amounts of noise by the 20-foot high cliff bluff on the west side of the property, which separates the restaurant building from the beach and ocean.

In addition, the proposed grading activities may temporarily generate noise levels that are greater than the ambient noise levels in the project area. However, the County of San Mateo Ordinance Code restricts project noise levels to the 80-dBA level at any one moment. The Code also limits grading activities which generate noise levels that are greater than the ambient noise levels in the project area to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Noise-generating grading activities shall not occur at any time on Sundays, Thanksgiving and Christmas. Assuming compliance with existing regulations, the project is not expected to generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard. No mitigation measures are needed.

- g. **Will (or could) this project generate polluted or increased surface water runoff or affect groundwater resources?**

Yes, Significant Unless Mitigated. Project grading may result in erosion and sedimentation in downslope areas. Please see discussion and mitigation measures in Section 1.f. of this report for a discussion of the potential for project-related erosion and sedimentation. No additional mitigation measures are needed.

5. TRANSPORTATION

- a. **Will (or could) this project affect access to commercial establishments, schools, parks, etc.?**

Yes, Significant Unless Mitigated. As described in the answer to Question 5.c., below, as mitigated, potential project impact to vehicular traffic patterns or volumes ~~is considered~~ would be reduced to a less than significant level.

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Therefore, the project, as mitigated, would not result in significant traffic-related access impacts to establishments in the area.

As described in the answer to Question 6.f., below, the project will not result in the hiring of a significant number of additional full-time employees and, therefore, will not adversely affect the capacity of any public facilities, including schools and parks.

The project will result in minor changes to the restaurant parking lots (Lots A and C) that will improve access through re-striping, introduction of three accessible (handicapped) parking spaces, and parking lot lighting. Project implementation will increase on-site restaurant parking from 52 spaces to 58 parking spaces through re-striping to create more parking spaces, including compact and accessible (handicapped) parking. During brunch and lunchtime on Fridays and weekends, a total of 64 parking spaces would be available under a valet scenario.

The project involves the formalization of historical parking uses by beach users at the State Property, which involves access and landscaping improvements at the property. Proposed leveling and gravelling of the State lot will improve user access to the beach by making parking at the property easier. Also, the project will result in the creation of one accessible (handicapped) parking space on the State Parks property. The project would improve access to and within the parking lot, but result in a minor reduction in the amount of parking available to beach users in the daytime.

Calculation of Parking Available for Beach Users

The adjoining State property has been used historically for parking by users of Montara State Beach and can accommodate up to 20 vehicles, albeit informally with capacity varying based on random parking patterns.¹ Parking at the site is not an approved use, nor has the bluff property been improved to accommodate such a use. Therefore, based on the reasons provided, staff credits the State lot with 10 existing parking spaces. Combined with the parking at the restaurant site, total existing beach user parking before 5:00 p.m. is 63 parking spaces. After 5:00 p.m., total existing beach user parking is 10 parking spaces, as no beach user parking is available at the restaurant site and, therefore, all parking is limited to the State Parks site.

¹ Historical capacity of informal parking at the State property obtained through aerial views provided by Google Maps.

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<i>Table 1</i> <i>Existing and Proposed Parking for Restaurant and Beach Users</i>		
	Parking Available for Beach Users	
	Daytime: Before 5:00 p.m.	After 5:00 p.m.
Existing		
Parking at Restaurant in Lot A	33	0
Parking at Restaurant in Lot C	20	0
Parking in State Parks Lot B	10*	10
(E) TOTAL	63	10
Proposed		
Parking at Restaurant in Lot A	33	0
Parking at Restaurant in Lot C (Fridays and Weekends only)	0	0
Parking at Restaurant in Lot C (Mondays through Thursdays)	25	0
Parking in State Parks Lot B	21	21
(P) TOTAL (Fridays and Weekends only)	54	21
(P) TOTAL (Mondays through Thursdays)	79	21
DIFFERENCE (Fridays and Weekends only)	-9	+11
DIFFERENCE (Mondays through Thursdays)	+16	+11
*The State lot is credited 10 of a total possible 20 parking spaces, as the use is current parking use is informal and unpermitted and the lot is has not been improved to accommodate the use.		

As shown in Table 1, above, formalization of parking at the State Parks property will increase parking available to beach users at the site from 10 spaces, to 21 parking spaces. However, with the introduction of brunch and lunch service on Fridays and weekends, total parking available for beach users at both properties will decrease by nine spaces with the loss of parking spaces in Lot C. However, on Mondays through Thursdays, parking available to beach users will increase from 63 to 79 parking spaces. In order to prevent further reduction of beach user parking, Mitigation Measure 9 has been added to ensure beach user access to restaurant parking lots on Mondays through Thursdays and to prohibit use of the State Parks property for restaurant parking.

After 5:00 p.m., there will be an increase of 11 parking spaces available for beach users at both properties. While project implementation will result in a decrease of nine spaces of beach user parking available at both properties before 5:00 p.m. on Fridays and weekends, the project will result in increased daytime parking on Mondays through Thursdays and nighttime beach user parking, as well as other benefits, such as access and landscaping improvements on the State property that will improve beach user safety and environmental stewardship of the property. Specifically, proposed landscaping will act as a buffer strip to prohibit parking along the ocean bluff, thereby helping to prevent further erosion of the bluff.

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Parking Available to Beach Users in the Project Area

It should be noted that the County has completed a report titled “Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach,”² dated October 2012, which studies and provides recommendations for improving motor vehicle, pedestrian, and bicycle safety for Highway 1 and its surroundings between Half Moon Bay Airport and the Devils Slide area, including areas surrounding Montara State Beach. The study recommends the following motor vehicle, pedestrian, and bicycle safety improvements within the project area:

- Separate parking facilities on either side of the highway.
- Optional formalized parallel beach parking on west side of highway with one-way access lane.
- Parking lot and Rancho Corral de Tierra access approximately 800 feet or 15/mile east of the highway.
- Highway crossing at proposed Coastal Trail alignment.
- Rancho Corral de Tierra parking could operate as an overflow facility for beach parking.

The study identifies the need for more formalized parking areas for beach users to address safety concerns related to unsafe and informal pedestrian crossings of Highway 1, illegal parking by beach users, and anticipated increased visitation to Rancho Corral de Tierra.³

The project traffic report conducted on a Friday and Saturday in November 2012 notes that, based on field observations, there was plenty of parking available within the two restaurant parking lots and the State property, as well as another public lot located just south of Lot C (which provides additional beach parking for about 10 cars), during the brunch and lunchtime period.

Based on the small number and limited timeframe for which parking is reduced to beach users at the restaurant site, proposed access improvements at the State Parks site, the findings of the project traffic report, and ongoing planning and

² The “Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach” may be accessed at http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/Midcoast%20Mobility/SMM_Ph_2_Study_Final_LR.pdf

³ The National Park Service recently assumed management of the approximately 4,000 acre Rancho Corral de Tierra parcel as part of the Golden Gate National Recreation Area (GGNRA) and may improve facilities.

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coordination efforts between the County and State agencies to fund implementation of study recommendations, potential project impacts to access of the on-site restaurant, Montara State Beach, and public facilities in the area are considered less than significant, with the implementation of the following mitigation measure:

Mitigation Measure 9: In order to prevent further reduction of beach user parking at the restaurant site and at the State Parks property, the applicant shall post signs at the properties with language comparable to the language provided below, with the wording, number, color and size of signs subject to the approval of the Community Development Director:

- Signage at the entrance of the State Parks property shall state that parking by restaurant visitors is prohibited at all times.
- Signage in Lot A of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m.
- Signage in Lot C of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m. and before 5:00 p.m. on Fridays and weekends only. Signage shall also caution beach visitors of increased traffic on the property on Fridays and weekends and to use designated Coastal Trail paths to cross the property.

Compliance with this mitigation measure shall be demonstrated prior to the Current Planning Section's approval of the associated building permit.

b. Will (or could) this project cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?

Yes, Not Significant Unless Mitigated. ~~As described in the answer to Question 5.c., below, potential project impact to vehicular traffic patterns or volumes is considered less than significant. Therefore, additional project-related, lunchtime traffic is not likely to significantly impact existing pedestrian patterns. Additionally, existing pedestrian traffic to the restaurant is not anticipated to increase as t~~The project traffic report has found that the project includes an adequate amount of on-site parking to serve lunchtime customers, reducing the need for restaurant visitors to park in off-site locations and walk to the restaurant. However, the expansion in hours will result in more frequent and earlier use of Lot C by restaurant customers, and create a new destination for pedestrians and bicyclists from nearby residential areas. This will increase the frequency of interactions between customers and beach users, using all forms of transportation, during Friday and weekend brunch and lunchtime hours.

Regarding changes to pedestrian traffic to Montara State Beach, the decrease of nine spaces of beach user parking available at both properties before 5:00 p.m. on Fridays and weekends may result in a minimal increase in pedestrian traffic,

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as some beach users may decide to park on the east side of Highway 1 and walk across Highway 1 to access the beach. As noted previously, pedestrian safety across Highway 1 was studied in “Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach,”⁴ dated October 2012. ~~It should be noted that on Mondays through Thursdays, parking available to beach users will increase from 63 to 79 parking spaces. Based on the small number and limited timeframe for which parking is reduced to beach users at the restaurant site and corresponding potential minimal increase in pedestrian traffic, the impact to pedestrian traffic does not require mitigation.~~

Mitigation Measure 10 requires the property owner to designate walking/bicycle paths across the driveways of Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic. The design and alignment of these improvements shall be consistent with the recommendations of the “Highway 1 Safety and Mobility Improvement Study: Phase 2” report, including but not limited to the Montara State Beach Coast and Trail Access Maps (Attachment M). It should be noted that the Coastal Trail runs along Cabrillo Highway and does not cross through Lot B, nor would Lot B be directly accessible from Cabrillo Highway.

Mitigation Measure 10: The property owner shall designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians, bicyclists, and vehicle traffic. The design and alignment of these improvements shall be consistent with the recommendations of the “Highway 1 Safety and Mobility Improvement Study: Phase 2” report, dated October 2012, including but not limited to the Montara State Beach Coast and Trail Access Maps (Attachment M). A Site Circulation and Signage Plan that depicts the details of these improvements shall be submitted to the Community Development Director for review and approval, prior to the Current Planning’s Section approval of any permit (e.g., grading permit or building permit) for the project. The property owner shall demonstrate implementation of improvements, as approved, prior to the Current Planning Section’s final approval of the building permit.

- c. **Will (or could) this project result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?**

Yes, Not Significant Unless Mitigated. A report titled “Traffic and Parking Study for La Costanera Restaurant” (project traffic report), dated December 10, 2012, has been prepared by Hexagon Transportation Consultants, Inc., for the project. The report estimates that the addition of lunch service at the La

⁴ The “Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach” may be accessed at http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/Midcoast%20Mobility/SMM_Ph_2_Study_Final_LR.pdf

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Costanera Restaurant, with 93 seats, would generate 19 trips during the peak one-hour lunchtime period of the day on a typical Friday or Saturday. Based on tube counts, northbound and southbound traffic on Highway 1 is split relatively evenly during lunchtime. Thus, it is reasonable to assume a 50/50 north/south trip distribution pattern for the project-generated trips.

Hexagon compared the restaurant trip generation to the amount of traffic already on Highway 1 at lunchtime. Based on the projected trip distribution pattern, it is estimated that nine project trips (five inbound and four outbound trips) would be added to Highway 1 north of the restaurant, and 10 project trips (six inbound and four outbound trips) would be added to Highway 1 south of the restaurant. The traffic volumes on Highway 1 during the typical peak one hour lunchtime period (between 12:00 and 1:00 PM) are approximately 350 vehicles in the northbound direction and about 250 vehicles in the southbound direction. The capacity of Highway 1 can be assumed to be about 900 vehicles per hour per lane. Thus, it can be concluded that Highway 1 has adequate capacity to accommodate additional trips generated by the restaurant at lunchtime.

Also, potential project-generated impacts to State Route 92 (SR 92) were evaluated. Of the trips that would be added to Highway 1 south of the restaurant, only a fraction of them would be expected to travel to and from SR 92. Therefore, based on the small number of trips generated by La Costanera Restaurant at lunchtime and the distance (almost 8 miles) between the restaurant and SR 92, the number of trips added to SR 92 would be negligible.

The project may result in a minimal increase in bicycle traffic in the project area, which is not anticipated to significantly affect existing bicycle traffic patterns. As noted previously, bicycle safety in the area was studied in "Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach,"⁵ dated October 2012, and planning efforts to encourage the implementation of study recommendations are ongoing. ~~No mitigation measures are necessary.~~

Vehicle patterns at the project site would also change from current patterns due to increased vehicle traffic as described above, the minor reduction in beach user parking, and due to the proposed valet parking system in Lot C that would accommodate 31 cars where 25 parking spaces exist. The change in vehicle patterns may increase the frequency of interactions among pedestrians, bicyclists and vehicles. Mitigation Measure 10, which requires the property owner to designate walking/bicycle paths across Lots A and C, using methods such as striping and signage, in order to reduce conflicts between pedestrians,

⁵ The "Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach" may be accessed at http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/Midcoast%20Mobility/SMM_Ph_2_Study_Final_LR.pdf

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bicyclists, and vehicle traffic, would reduce project impacts from changes in vehicular traffic patterns or volumes to a less than significant level. No additional mitigation measures required.

e. Will (or could) this project result in or increase traffic hazards?

Yes, Not Significant. The project traffic report includes the results of gap analysis and analysis of Sight Distance at the Project Driveways, also provided below.

Gap Analysis

Traffic gaps at a driveway occur when there is a break in traffic sufficient for drivers to exit or enter the driveway. Larger gaps in traffic are necessary for a left turn out of a driveway, since this movement usually requires gaps in traffic in both directions of travel. If there are insufficient gaps or traffic to turn into or out of a driveway, vehicle delays will occur.

Hexagon observed traffic operations at the driveways on either side of the restaurant at lunchtime on a Friday and Saturday. Gap counts also were conducted on Highway 1 to determine whether there are sufficient gaps in Highway 1 traffic for restaurant trips to get into and out of the site without undue delay or queuing. While most drivers require less than a 10-second gap in traffic to turn left into a driveway on Highway 1, most drivers require a gap of 10 seconds or more to turn left out of a driveway on Highway 1. Based on the count data, there were 31 gaps in traffic on Highway 1 of 10 seconds or more between 12:00 and 1:00 p.m. on Friday, and 53 gaps in traffic on Highway 1 of 10 seconds or more between 12:00 and 1:00 p.m. Saturday. Many of the gaps were long enough to allow multiple cars to turn left. The wait time to turn left into or out of the site would not be excessive. Based on the project trip generation estimates, it is estimated that only six trips would turn left into the project driveway and four trips would turn left out of the project driveway.

Thus, it can be concluded that sufficient gaps in traffic exist on Highway 1 to accommodate the restaurant generated inbound and outbound trips that would occur during the lunchtime period of the day.

Sight Distance at the Project Driveways

Providing the appropriate sight distance reduces the likelihood of a collision at an intersection or driveway. Sight distance generally should be provided in accordance with CalTrans standards. The minimum acceptable sight distance is often considered the CalTrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For a driveway serving La Costanera Restaurant on Highway 1, which has a posted speed limit of 45 mph, the CalTrans stopping sight distance is 430 feet (based on a design

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speed of 50 mph). Thus, a driver must be able to see 430 feet down Highway 1 in order to stop and avoid a collision. The parking lot driveways near the restaurant currently meet the standards.

No mitigation measures are necessary.

- g. Will (or could) this project generate traffic which will adversely affect the traffic carrying capacity of any roadway?**

Yes, Not Significant. As described in the answer to Question 5.c., above, potential project impact to vehicular traffic volumes is considered less than significant. The project traffic report has found that Highway 1 has adequate capacity to accommodate additional trips generated by the restaurant at lunchtime. Additionally, it finds that, based on the small number of trips generated by La Costanera Restaurant at lunchtime and the distance (almost 8 miles) between the restaurant and SR 92, the number of trips added to SR 92 would be negligible. No mitigation measures are necessary.

6. LAND USE AND GENERAL PLANS

- a. Will (or could) this project result in the congregating of more than 50 people on a regular basis?**

Yes, Not Significant. The project will result in the addition of brunch and lunchtime service for up to 93 persons on Fridays and weekends for an existing restaurant which currently provides dinnertime only service for up to 189 persons. As the existing restaurant already accommodates more than 50 people during the dinnertime, the addition of brunch and lunchtime service at the same site would not result in significant impacts related to the congregating of more than 50 persons at the restaurant site.

The project also involves the formalization of historical parking uses for up to 21 cars at the State Parks property. It is possible, although unlikely, that 50 persons could occupy the site at one time. However, the site has been used historically for beach user parking and is not likely to result in new significant impacts related to the congregating of more than 50 persons at the project sites. Instead, as discussed in Section 5.a. of this report, above, access and landscaping improvements at the property will improve user safety and environmental stewardship of the property.

The potential environmental impacts of the proposed intensification of the existing restaurant use and formalization of the parking use at the State Parks property is discussed in other sections of this report. No mitigation measures are necessary.

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- d. **Will (or could) this project result in any changes in land use, either on or off the project site?**

Yes, Not Significant. As discussed in Section 6.a., above, the project will result in the addition of brunch and lunchtime service for up to 93 persons on Fridays and weekends to an existing restaurant which currently provides dinnertime only service for up to 189 persons. As the existing restaurant already accommodates a higher level of use during the dinnertime, the addition of brunch and lunchtime service would not result in a significant change to land use. The potential environmental impacts of the proposed intensification of the existing restaurant use is discussed in other sections of this report. No mitigation measures necessary.

The project also involves the formalization of historical parking uses for up to 21 cars at the State property. With project implementation, the State property will continue to be used for parking purposes. However, as discussed in Section 5.a. of this report, above, access and landscaping improvements at the property will improve user safety and environmental stewardship of the property. No mitigation measures necessary.

- e. **Will (or could) this project serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?**

Yes, Not Significant. As discussed in Section 5.a. of this report, while project implementation will decrease available daytime beach user parking at both properties by nine spaces on Fridays and weekends, the project will result in increased daytime beach user parking on Mondays through Thursdays and nighttime beach user parking.

The project traffic report also notes that, based on field observations, there was plenty of parking available within the two restaurant parking lots and the State property, as well as another public lot located just south of Lot C (which provides additional beach parking for about 10 cars), during the brunch and lunchtime period. While it is acknowledged that there is a need for formalized parking areas to serve beach users in the project area, the project itself would not directly encourage or cause the development of new parking facilities in the area. No mitigation measures necessary.

- f. **Will (or could) this project adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?**

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Yes, Not Significant. As discussed in Section 5 of this report, this project would not adversely affect the capacity of any public streets, highways, or freeways. The project involves brunch and lunch service on Fridays and weekends only and is not anticipated to impact public transit systems or result in the hiring of a significant number of additional full-time employees so as to result in a significant impact to schools, parks, police, fire, or hospitals. The existing restaurant is served by existing public utility lines and services and, therefore, the project is not likely to significantly and adversely affect the capacity of electrical, water and gas supply lines, sewage lines, or sanitary landfills.

Regarding storm drainage, the project involves the repair of existing storm drain discharge systems. As discussed in Section 1.c. of this report, the project would ~~may also~~ result in 5,000 sq. ft. or more of new impervious surface (e.g., if the dirt lot is compacted to 95% compaction, then the lot would be considered impervious). Mitigation Measure 2 ensures compliance with Provision C.3 and to ensure that stormwater treatment, if required, has been reviewed by the project geotechnical consultant.

No additional mitigation measures are necessary.

- g. Will (or could) this project generate any demands that will cause a public facility or utility to reach or exceed its capacity?**

Yes, Not Significant. As discussed in Section 6.f., above, the project would not generate any demands that will cause a public facility or utility to reach or exceed its capacity. No additional mitigation measures are needed.

- o. Will (or could) this project result in possible interference with an emergency response plan or emergency evacuation plan?**

Yes, Not Significant. As described in the answer to Question 5.c., above, as mitigated, potential project impact to vehicular traffic patterns or volumes is ~~considered~~ would be reduced to a less than significant level. Therefore, the project would not result in significant traffic-related interference with an emergency response plan or emergency evacuation plan for the area. No mitigation measures are needed.

7. AESTHETIC, CULTURAL AND HISTORIC

- a. Will (or could) this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?**

Yes, Significant Unless Mitigated. Both properties are located along the Cabrillo Highway (Highway 1) County-Designated Scenic Route. The project involves legalization of minor modifications to the existing restaurant structure, including two exterior patios and nine outdoor lighting fixtures. Patios will not be

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visible from Highway 1. While outdoor lighting is not proposed along Highway 1, lighting proposed within the restaurant parking lots will be visible from Highway 1.

Proposed Legalization of Lighting Visible from Highway 1

The lighting plan (Attachment E) includes the legalization of five 150-watt lights which illuminate Parking Lot A. Staff conducted a nighttime field investigation and found only three of the five to be operational at the time. The three lights provided adequate illumination of the parking lot. In order to minimize light impacts to the Highway 1 County-Designated Scenic Route, Mitigation Measure 11 ~~40~~ requires the removal of two of the 150-watt light fixtures which illuminate Parking Lot A.

While the applicant does not propose any new lighting in Parking Lot C, staff's field investigation revealed that existing lighting was not effective in illuminating the parking lot and created unnecessary ambient lighting visible from Highway 1. Mitigation Measure 12 ~~44~~ requires the applicant to replace or reposition existing light fixtures such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and total lighting fixtures does not exceed three.

The project also involves formalization of historical beach user parking uses at the State property. Improvements on the State property include minor grading, landscaping and the placement of gravel on the land. The new gravel surface of the parking lot will be minimally visible from Highway 1, but will largely blend with existing views along Highway 1. Landscaping and a walking path, as shown on the landscape plan (Attachment F), proposed along the bluff of the State Parks property will be minimally visible from Highway 1 and will result in a beneficial visual impact.

With the implementation of the following mitigation measures, potential project impacts to views along the County-Designated Scenic Route would be considered less than significant:

Mitigation Measure 1140: Prior to the Current Planning Section's approval of the building permit, the applicant shall remove two of the 150-watt light fixtures which illuminate Parking Lot A, such that there is no more than three lighting fixtures on the north side of the restaurant building.

Mitigation Measure 1211: Prior to the Current Planning Section's approval of the building permit, the applicant shall replace or reposition existing light fixtures in Parking Lot C such that light is directed downward at the parking lot only, each lighting fixture does not exceed 150 watts, and the total number of lighting fixtures does not exceed three.

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- b. **Will (or could) this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?**

Yes, Significant Unless Mitigated. The project involves formalization of historical beach user parking uses at the State property. Improvements on the State property include minor grading, landscaping and the placement of gravel on the land. Such improvements will not obstruct scenic views. The project also involves legalization of minor modifications (two exterior patios and nine outdoor lighting fixtures) to the existing restaurant structure. Proposed modifications to the restaurant structure and the formalization of parking at the State Parks property will be minimally visible from residential areas across Highway 1. View impacts to the Highway 1 County-Designated Scenic Route are discussed in Section 7.a., above.

Proposed lighting and patios will be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). Patios do not obstruct scenic views, as they blend in with the existing restaurant building. However, during a nighttime field investigation, staff observed several temporary lantern lighting (not shown in the lighting plan) along the perimeter of the lower floor patio. The lighting plan (Attachment E) includes the legalization four 400-watt lights that illuminate the rear building elevation and beach. At the time of staff's nighttime field investigation, only three of the four lights on the west building elevation (beach side) were operational. However, the three 400-watt lights, along with several lantern lights, cast excessive light on the patio and on the beach, which obstruct views of Montara State Beach from the restaurant and views from the beach to the restaurant. Mitigation Measure ~~13~~ ~~42~~ requires the applicant to modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Prior to the Current Planning Section's final approval of the building permit, staff shall review the wattage of the west elevation and wattage shall be adjusted as required by staff to achieve adequate lighting for patio dining and minimization of light impacts on beach areas. Also, no temporary lighting is permitted on the property without the approval of the Community Development Director.

With the implementation of the following mitigation measures, potential for project-related development to obstruct scenic views from existing residential areas, public lands, public water body, or roads would be considered less than significant:

Mitigation Measure 1312: The applicant shall modify the lighting plan for the rear/west elevation such that lighting fixtures are positioned no higher than the ceiling height of the lower floor, each lighting fixture does not exceed 150 watts, and the number of lighting fixtures shall not exceed five. Prior to the Current Planning Section's final approval of the building permit, staff shall review the wattage of the west elevation and wattage shall be adjusted as required by staff

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to achieve adequate lighting for patio dining and minimization of light impacts on beach areas. Also, no temporary lighting is permitted on the property without the approval of the Community Development Director.

- d. **Will (or could) this project directly or indirectly affect historical or archaeological resources on or near the site?**

Yes, Significant Unless Mitigated. According to the results of a record search by the California Historical Resources Information System (CHRIS), dated January 7, 2013, the proposed project area contains or is adjacent to the archaeological site, P-41-000117. CHRIS staff recommended that a qualified professional assess the status of the resource(s) and provide project specific recommendations.

A cultural resource study was prepared by Virginia Hagensieker, B.A. and Janine M. Loyd, M.A./R.P.A. for Tom Origer and Associates, dated March 3, 2013. It should be noted that the cultural resource study is not attached to this document nor are exact locations of the site provided in this document in order to protect the cultural site. The following are the results of the cultural study.

Study Area Location and Description

The study area comprises the parcel at 8150 Cabrillo Highway and an adjoining portion of the adjacent State Parks land, located just north of Montara, as shown on the Montara Mountain, California 7.5' USGS topographic map. At present, the study area has a restaurant, its associated paved parking lot, and a dirt lot on the State Parks portion.

The nearest fresh water source is Martina Creek, which flows about 600 meters north of the study area. The terrain in this area is mostly flat.

The geology of the study area is mesozoic granitic rocks, primarily including quartz diorite and granodiorite (Jennings and Burnett 1961).

Soils within the study area are Typic Argiustolls (Kashiwagi and Hokholt 1991: Sheet 5). These soils are moderately well-draining coastal alluvium derived from sedimentary rock, and found on fluvio-marine terraces. Typic Argiustolls soils typically support the growth of annual grasses, forbs, and scattered brush (Kashiwagi and Hokholt 1991:34).

Cultural Setting

Archaeological evidence indicates that human occupation of California began at least 12,000 years ago (Fredrickson 1984:506). Early occupants appear to have had an economy based largely on hunting, with limited exchange, and social structures based on extended family units. Later, milling technology and an

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inferred acorn economy were introduced. This diversification of economy appears coeval with the development of sedentism, population growth, and expansion. Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tool stone), which are possible indicators of both status and increasingly complex exchange systems.

At the time of European settlement, the study area was situated within the area controlled by the Ramaytush linguistic group of the Ohlone/Costanoan (Levy 1978). The Ohlone/Costanoan were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures (Barrett 1908; Kroeber 1925). They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons. Sites often were situated near fresh water sources and in ecotones where plant life and animal life were diverse and abundant. For more information about the Ohlone/Costanoan see Milliken (1995), Teixeira (1997), Bean (1994), and Margolin (1978).

Native American Contact

The State of California's Native American Heritage Commission, Amah/Mutsun Tribal Band, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, The Ohlone Indian Tribe, Trina Marine Ruano Family, and Jakki Kehl were contacted in writing.

Archival Study Procedures

Archival research included examination of the library and project files at Tom Origer and Associates. A review (NWIC File No. 12-0876) was completed of the archaeological site base maps and records, survey reports, and other materials on file at the Northwest Information Center (NWIC), Sonoma State University, Rohnert Park. Sources of information included but were not limited to the current listings of properties on the National Register of Historic Places (National Register), California Historical Landmarks, California Register of Historical Resources (California Register), and California Points of Historical Interest as listed in the Office of Historic Preservation's Historic Property Directory (OHP 2012).

The Office of Historic Preservation has determined that structures older than 45 years should be considered potentially important historical resources, and former building and structure locations could be potentially important historic archaeological sites. Archival research included an examination of historical maps to

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gain insight into the nature and extent of historical development in the general vicinity, and especially within the study area. Maps ranged from hand-drawn maps of the 1800s (e.g., GLO plats) to topographic maps issued by the United States Geological Survey (USGS) and the Army Corps of Engineers (USACE) from the early to the middle 20th century.

In addition, ethnographic literature that describes appropriate Native American groups, county histories, and other primary and secondary sources were reviewed.

Archival Study Findings

Archival research found that the entire study area was included in Hylkema's Master's Thesis (Hylkema 1991). Two studies have been conducted adjacent to the current study area (Fitzgerald 2000; Rose 2010). Three other studies have been conducted within a quarter-mile of the current study area (Gross 1984; Gross and Weigel 1984; Soule 1978). Six cultural resources are located within the project vicinity, two of which are Nelson shellmounds. CA-SMA-115, a small shell midden, is located in the project area. CA-SMA-115 was tested by San Jose State University in 1983. The site consisted mostly of faunal material (shell and bone) and very few artifacts (chert debitage and three cobble tools).

There are no reported ethnographic sites in the vicinity (Kroeber 1925). Historical maps show a couple buildings within the project area, by 1978, only the current building is depicted (GLO 1860; USGS 1896, 1915, 1939, 1956 [1978], 1993).

Field Survey Procedures

A field survey was completed by Ms. Hagensieker on February 26, 2012. The approximately two-acre study area was examined intensively where soils were visible. Visibility was moderate, with vegetation, fill materials, and pavement being the chief hindrances. A hoe was used as needed to clear small patches of vegetation so that the ground could be inspected. An auger was used to determine the extent of CA-SMA-115.

Field Survey Findings

CA-SMA-115 is located within the project area and the site record was updated. The site does not appear to extend any farther into the project area than is depicted on the site record. No other cultural resources were found within the study area.

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RECOMMENDATIONS

Known Resources

It is recommended that the area of CA-SMA-115 be fenced during construction to assure that no inadvertent damage from equipment or personnel takes place. If this area cannot be avoided, it is recommended that earth-moving activities in this area be monitored by an archaeologist who meets the Secretary of the Interior's Qualification Standards.

Grading and Drainage Plans for the parking lot improvements, dated October 1, 2013 (Attachments C, D and F), show that the project avoids the CA-SMA-115 cultural site.

Accidental Discovery

There is the possibility that buried archaeological deposits could be present, and accidental discovery could occur. In keeping with the CEQA Guidelines, if archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5[f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of six bone and shell remains, and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

The following actions are promulgated in Public Resources Code 5097.98 and Health and Human Safety Code 7050.5, and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendant makes recommendations regarding the treatment of the remains with appropriate dignity. In a conversation with staff on April 23, 2013, Ms. Hagensieker stated that the possibility for accidental discovery is likely very low, as the cultural site does not appear to extend any farther into the project area than is depicted on the site record. While the project has been re-designed to avoid this area, staff has incorporated these requirements into Mitigation Measure 14, ~~Planning staff has added the following mitigation measure, in order~~

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to mitigate potential impact to unrecorded archaeological site(s) at the State Parks property:

Mitigation Measure 1413: ~~The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains. The applicant shall comply with the following requirements relating to the avoidance of the CA-SMA-115 cultural site and discovery of archaeological remains, including human remains, during all grading and construction activity:~~

- a. Prior to the Current Planning Section's approval of the building permit application, the applicant shall demonstrate that all grading and construction will avoid the CA-SMA-115 cultural site.
- b. Prior to the issuance of the grading permit "hard card," the applicant shall demonstrate proper protection of the CA-SMA-115 cultural site for grading and construction activity. The area shall be fenced during grading and construction to assure that no inadvertent damage from equipment or personnel takes place.
- c. If archaeological remains are uncovered, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5ff).
- d. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the County Coroner contacted immediately. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendant makes recommendations regarding the treatment of the remains with appropriate dignity.
- e. **Will (or could) this project visually intrude into an area having natural scenic qualities?**

Yes, Not Significant. Please see Sections 7.a. and b., above. No additional mitigation measures are needed.

REVISED ANSWERS TO QUESTIONS

File No. PLN 2006-00494

Page 26

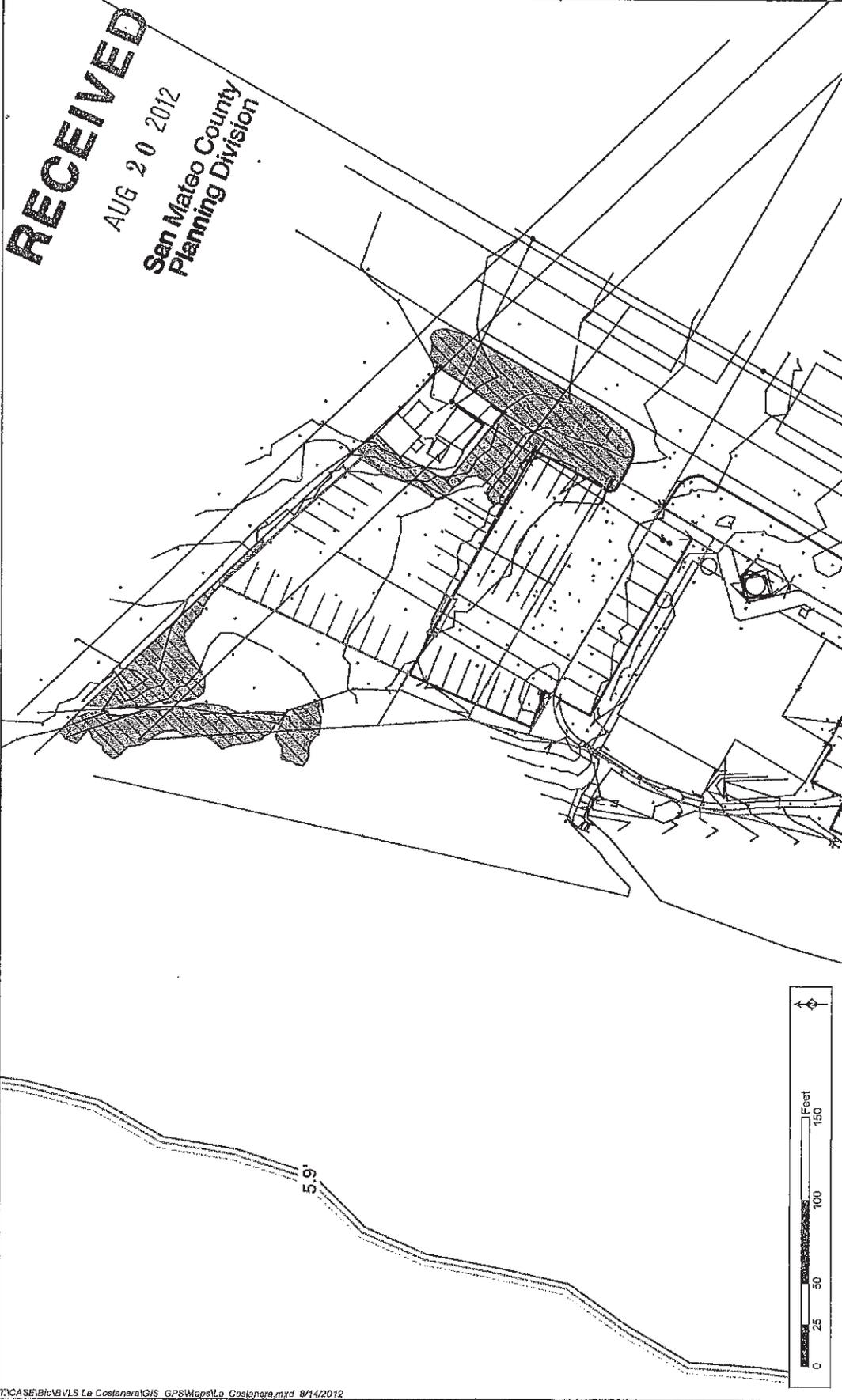
ATTACHMENTS

- A. Vicinity Map
- B. Project Geotechnical Reports:
 - 1. Geotechnical Engineering Consultation, Poor Drainage and Riprap Erosion, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, February 9, 2010.
 - 2. Geotechnical Engineering Consultation, Unpaved Parking Lot, La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, October 27, 2011.
 - 3. Update of Geotechnical Consultation Report, dated October 27, 2011, Unpaved Parking Lot La Costanera Restaurant, 8150 Cabrillo Highway, Montara, California, BAGG Engineers, dated January 3, 2013.
- C. Grading and Drainage Plans (Revised version dated October 1, 2013)
- D. Erosion and Sediment Control Plan (Revised version dated October 1, 2013)
- E. Lighting Plan
- F. Landscaping Plan (Revised version dated April 2, 2013)
- G. Parking Plan
- H. Seating Plan
- I. Vegetation Map, TRA Environmental Services, Inc.
- J. Letter of Intent
- K. 1984 Use Permit
- L. "Traffic and Parking Study for La Costanera Restaurant," dated December 10, 2012, prepared by Hexagon Transportation Consultants, Inc.
- M. Montara State Beach Coast Trail Access Maps, "Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach", dated October 2012.

Note: The "Highway 1 Safety and Mobility Improvement Study: Phase 2, San Mateo County Midcoast, Montara, Moss Beach" is available at the following link:
http://www.co.sanmateo.ca.us/Attachments/planning/PDFs/Midcoast%20Mobility/SMM_Ph_2_Study_Final_LR.pdf

CML:jlh/fc – CMLW0894(rev)_WJH.DOC

NOTE: Only Attachments I, L, and M are provided here. The rest are attached to the staff report.



Mean High Tide
Carpobrotus edulis, "Other Ice Plants Semi-Natural Herbaceous Stands, Ice Plant Mats" (Manual of California Vegetation)

Notes: Habitat for special status species was not found during TRA's August 2012 site visit. The mean high tide level was identified using field indicators and measured as 5.9 feet above mean sea level. The bluff was measured at 14.9 feet above mean sea level.



HEXAGON TRANSPORTATION CONSULTANTS, INC.

December 10, 2012

Mr. Hamid Rafiei
Amidi Group
8150 Cabrillo Highway
Montara, CA

Subject: Traffic and Parking Study for La Costanera Restaurant

Dear Mr. Rafiei:

This letter report presents the results of the traffic study prepared for the La Costanera restaurant, located on Highway 1 in Montara, California. Currently, the two-story restaurant is open for dinner only. The application is for approval to have the lower level of the restaurant, totaling 93 seats, open for lunch. The application is being processed through San Mateo County, who has received a letter from Caltrans requesting a traffic study. The purpose of this traffic study is to satisfy Caltrans' request. A parking analysis also is included to address the concerns of the County.

Existing Traffic Data

Hexagon conducted tube counts on Highway 1 (Cabrillo Highway) at the La Costanera restaurant location on Friday, November 16 and Saturday, November 17, 2012. It is our understanding that the restaurant is proposing to be open for lunch on Fridays and weekends only. Accordingly, the traffic counts captured the directional volumes on Highway 1 at the restaurant location during the lunchtime hours of the day on a typical Friday and Saturday. Additional traffic data were collected and used to calculate the gaps in traffic on both northbound and southbound Highway 1. Gaps in traffic allow vehicles to enter and exit the driveways that provide access to the parking lots serving La Costanera restaurant and Montara State Beach.

Trip Generation Estimates

Through empirical research, data have been collected that quantify the amount of traffic produced by common land uses. Thus, for the most common land uses there are standard trip generation rates that can be applied to help predict the future traffic increases that would result from a new development. The magnitude of traffic added to the roadway system by a particular development is estimated by multiplying the applicable trip generation rates by the size of the development. The trip generation rates published in the Institute of Transportation Engineers' (ITE) manual entitled *Trip Generation, 9th Edition (2012)* for Quality Restaurant (Land Use Code 931) were used for this study. The Saturday peak hour trip rates were used to represent both Friday and Saturday lunchtime periods.

The project trip estimates are presented in Table 1. Based on the ITE rates, it is estimated that La Costanera restaurant (93 seats) would generate 19 trips during the peak one-hour lunchtime period of the day on a typical Friday or Saturday. Based on tube counts, northbound and southbound traffic on Highway 1 is split relatively evenly during lunchtime. Thus, it is reasonable to assume a 50/50 north/south trip distribution pattern for the project-generated trips.

Table 1
Project Trip Generation Estimates

Land Use	Size	Daily Rate	Daily Trips	Saturday			Total
				PK-Hr Rate	In	Out	
Quality Restaurant ¹	93 seats	2.81	261	0.20	11	8	19

Notes:
Rates based on ITE *Trip Generation, 9th Edition*, Quality Restaurant (Land Use 931).
Fitted curve equation was applied to calculate the Saturday peak hour rate.



Roadway Capacity Analysis

Hexagon compared the restaurant trip generation to the amount of traffic already on Highway 1 at lunchtime. Based on the projected trip distribution pattern, it is estimated that 9 project trips (5 inbound and 4 outbound trips) would be added to Highway 1 north of the restaurant, and 10 project trips (6 inbound and 4 outbound trips) would be added to Highway 1 south of the restaurant. The traffic volumes on Highway 1 during the typical peak one hour lunchtime period (between 12:00 - 1:00 PM) are approximately 350 vehicles in the northbound direction and about 250 vehicles in the southbound direction. The capacity of Highway 1 can be assumed to be about 900 vehicles per hour per lane. Thus, it can be concluded that Highway 1 has adequate capacity to accommodate additional trips generated by the restaurant at lunchtime.

Potential project-generated impacts to State Route 92 also were evaluated. Of the trips that would be added to Highway 1 south of the restaurant, only a fraction of them would be expected to travel to and from SR 92. Therefore, based on the small number of trips generated by La Costanera restaurant at lunchtime and the distance (almost 8 miles) between the restaurant and SR 92, the number of trips added to SR 92 would be negligible.

Gap Analysis

Traffic gaps at a driveway occur when there is a break in traffic sufficient for drivers to exit or enter the driveway. Larger gaps in traffic are necessary for a left turn out of a driveway, since this movement usually requires gaps in traffic in both directions of travel. If there are insufficient gaps for traffic to turn into or out of a driveway, vehicle delays will occur.

Hexagon observed traffic operations at the driveways on either side of the restaurant at lunchtime on a Friday and Saturday. Gap counts also were conducted on Highway 1 to determine whether there are sufficient gaps in Highway 1 traffic for restaurant trips to get into and out of the site without undue delay or queuing. While most drivers require less than a 10 second gap in traffic to turn left into a driveway on Highway 1, most drivers require a gap of 10 seconds or more to turn left out of a driveway on Highway 1. Based on the count data, there were 31 gaps in traffic on Highway 1 of 10 seconds or more between 12:00-1:00 PM on Friday, and 53 gaps in traffic on Highway 1 of 10 seconds or more between 12:00-1:00 PM on Saturday. Many of the gaps were long enough to allow multiple cars to turn left. The wait time to turn left into or out of the site would not be excessive. Based on the project trip generation estimates, it is estimated that only six trips would turn left into the project driveway and four trips would turn left out of the project driveway. Thus, it can be concluded that sufficient gaps in traffic exist on Highway 1 to accommodate the restaurant-generated inbound and outbound trips that would occur during the lunchtime period of the day.

Sight Distance at the Project Driveways

Providing the appropriate sight distance reduces the likelihood of a collision at an intersection or driveway. Sight distance generally should be provided in accordance with Caltrans standards. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For a driveway serving La Costanera restaurant on Highway 1, which has a posted speed limit of 45 mph, the Caltrans stopping sight distance is 430 feet (based on a design speed of 50 mph). Thus, a driver must be able to see 430 feet down Highway 1 in order to stop and avoid a collision. The parking lot driveways near the restaurant currently meet the standards.

Parking Analysis

According to the San Mateo County Zoning Regulations (July 1999), restaurants require 1 parking space for every three seats. Based on a proposed size of 93 seats, La Costanera would require 31 parking spaces for the purpose of operating during lunchtime. According to the most recent Parking Plan dated October 2011 (see Figure 1), 31 spaces are being proposed in the southern parking lot (Lot C) located adjacent to La Costanera restaurant, including 6 valet spaces. Therefore, the project would meet the San Mateo County minimum parking requirements. The proposed valet parking plan is described below.



Valet Parking Plan

La Costanera restaurant is proposing a parking valet system within the southern parking lot (Lot C) located adjacent to the restaurant. Lot C currently provides 20 parking spaces. The restaurant proposes to add 11 parking spaces, 6 of which would be valet spaces. The remaining 5 spaces would be created by restriping the existing lot. Figure 1 shows an example layout for the tandem valet parking spaces. The ultimate orientation of the 6 valet spaces within Lot C could differ slightly. Based on the proposed valet parking layout, few vehicles would be blocked and much of the parking lot would remain open. This would provide for minimal shifting of vehicles within the lot, as well as circumvent the need for valet drivers to exit Lot C while maneuvering vehicles. The driveway throat would remain open to provide an area for vehicle drop-off and pick-up.

Valet Parking Plan Recommendations

In order for the valet parking plan to operate properly, the entire existing parking lot would need to be converted into valet parking only, or at least when the lot was being used for valet parking. During non-valet use, the lot could operate as it currently does. Signage should be implemented to alert drivers as to how the lot is operating on any given day.

Other Nearby Parking Lots

The northern Lots A (adjacent to the restaurant) and B (currently a dirt lot) together would provide 54 parking spaces. Lots A and B are public lots that provide parking for Montara State Beach during the day. Based on field observations, albeit conducted in November 2012, there was plenty of parking available within these two lots during the lunchtime period. Another public lot, located just south of Lot C, provides additional beach parking for about 10 cars. Figure 2 shows an aerial view of La Costanera restaurant and all the nearby parking lots.

For informational purposes, the number of vehicles that were parked in each of the four parking lots was counted on a typical Friday and Saturday during lunchtime. Table 2 contains the parking count data.

**Table 2
 Parking Counts**

Parking Lot	Number of Vehicles Parked During Lunchtime		Number of Available Parking Spaces	
	Friday	Saturday	Friday	Saturday
	16-Nov-12	17-Nov-12	16-Nov-12	17-Nov-12
Lot C - La Costanera lot	9	10	11	10
Lot A - north lot adjacent to restaurant	1	3	32	30
Lot B - north dirt lot	1	0	20 /a/	21 /a/
Montara State Beach south lot	1	3	9	7

Notes:
 /a/ Based on 21 total parking spaces.

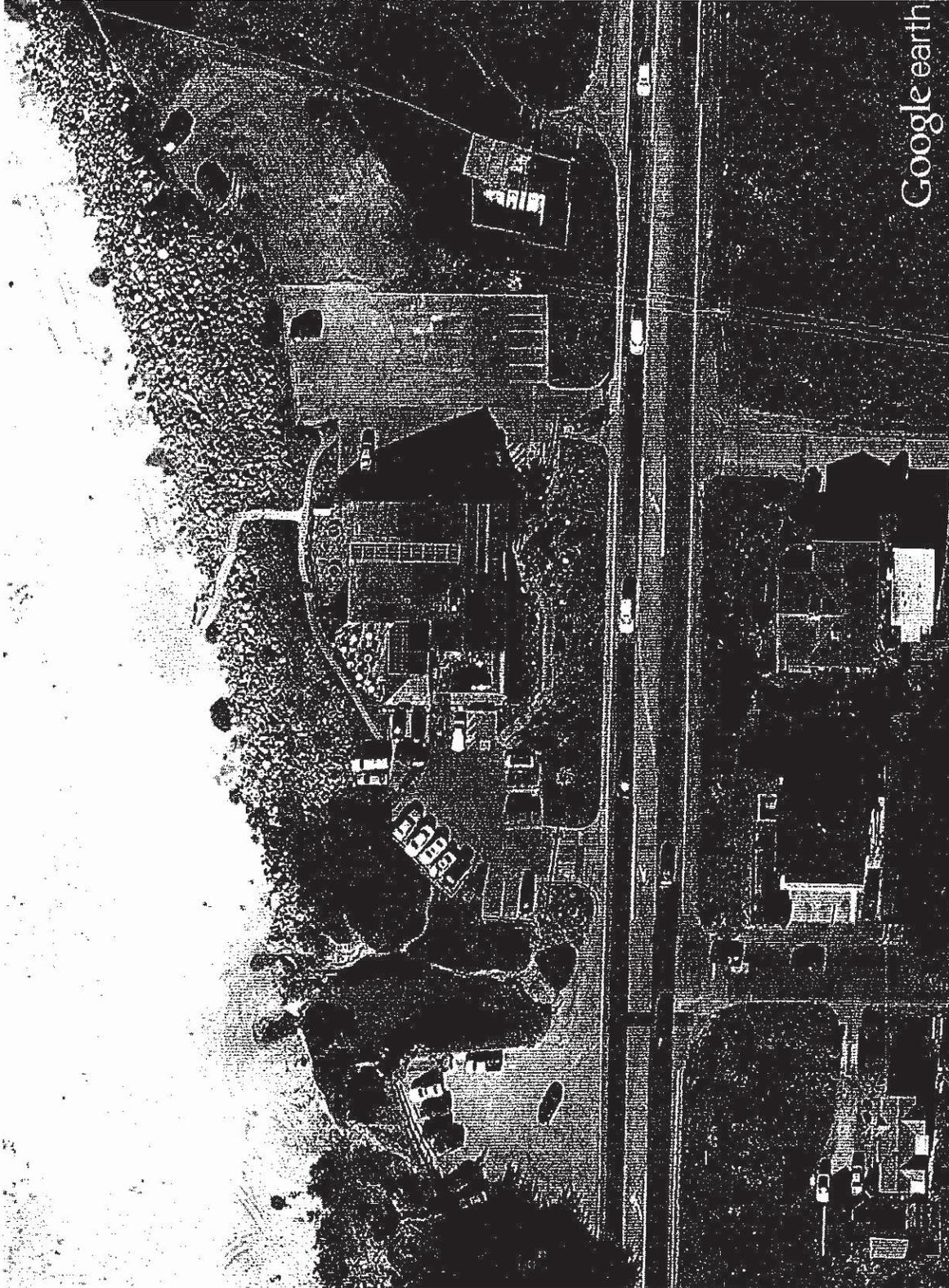


Figure 2
Aerial View



Conclusions

- Highway 1 has adequate capacity to accommodate additional trips generated by the restaurant at lunchtime.
- Based on the small number of trips generated by La Costanera restaurant at lunchtime and the distance (almost 8 miles) between the restaurant and SR 92, the number of trips added to SR 92 would be negligible.
- There are sufficient gaps in traffic on Highway 1 to accommodate the restaurant-generated inbound and outbound trips that would occur during the lunchtime period of the day.
- The driveways on Highway 1 currently meet Caltrans' sight distance standards.
- The project is proposing an adequate amount of parking to serve lunchtime customers.

Please feel free to contact us if you have any questions or would like to discuss the results of the traffic study. Thank you.

Sincerely,

HEXAGON TRANSPORTATION CONSULTANTS, INC.

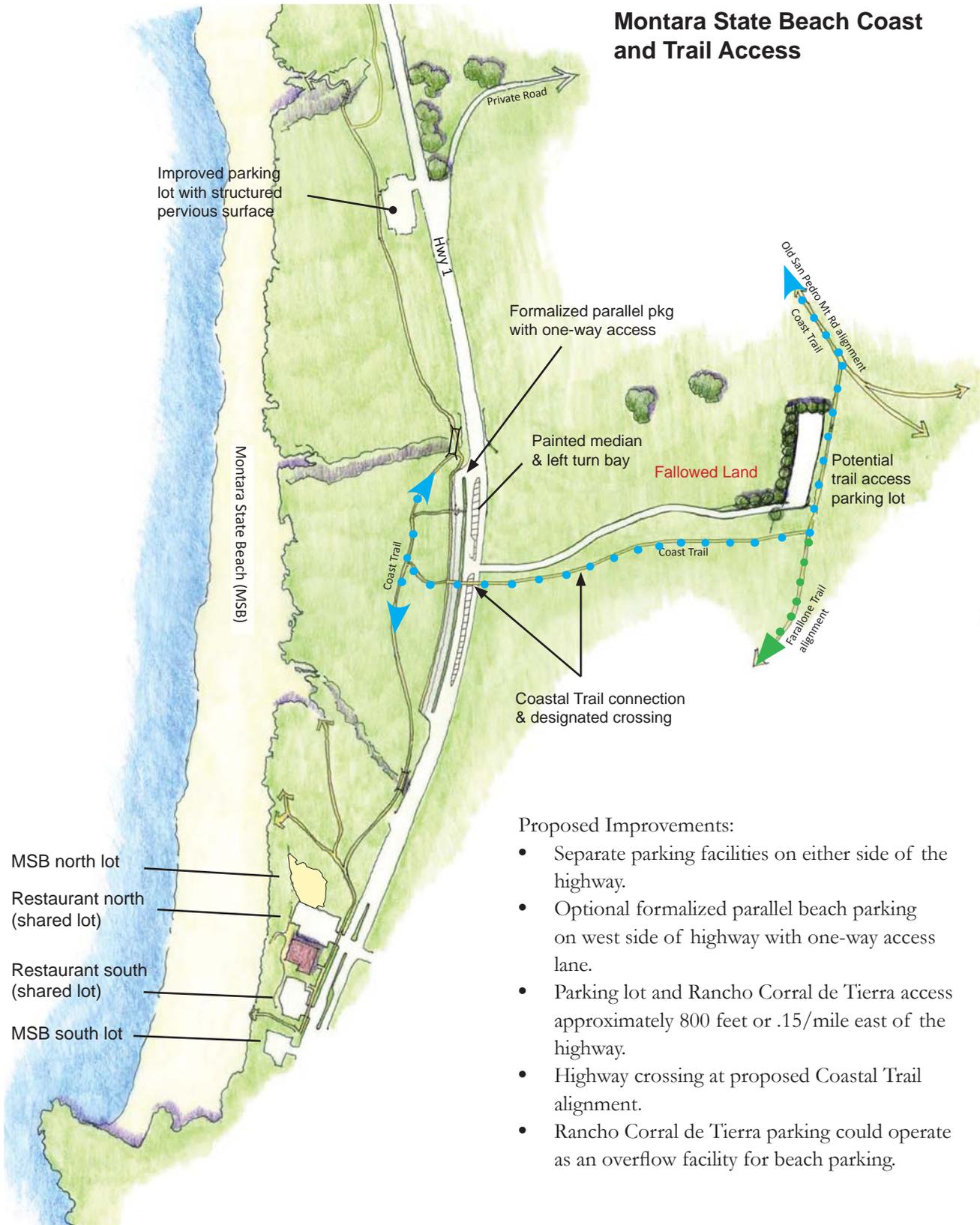
A handwritten signature in black ink, appearing to read "Gary K. Black".

Gary K. Black
President

A handwritten signature in black ink, appearing to read "Brian Jackson".

Brian Jackson
Senior Associate

Montara State Beach Coast and Trail Access

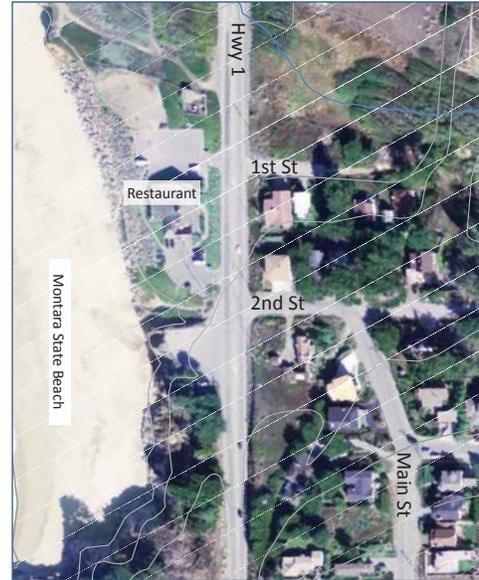
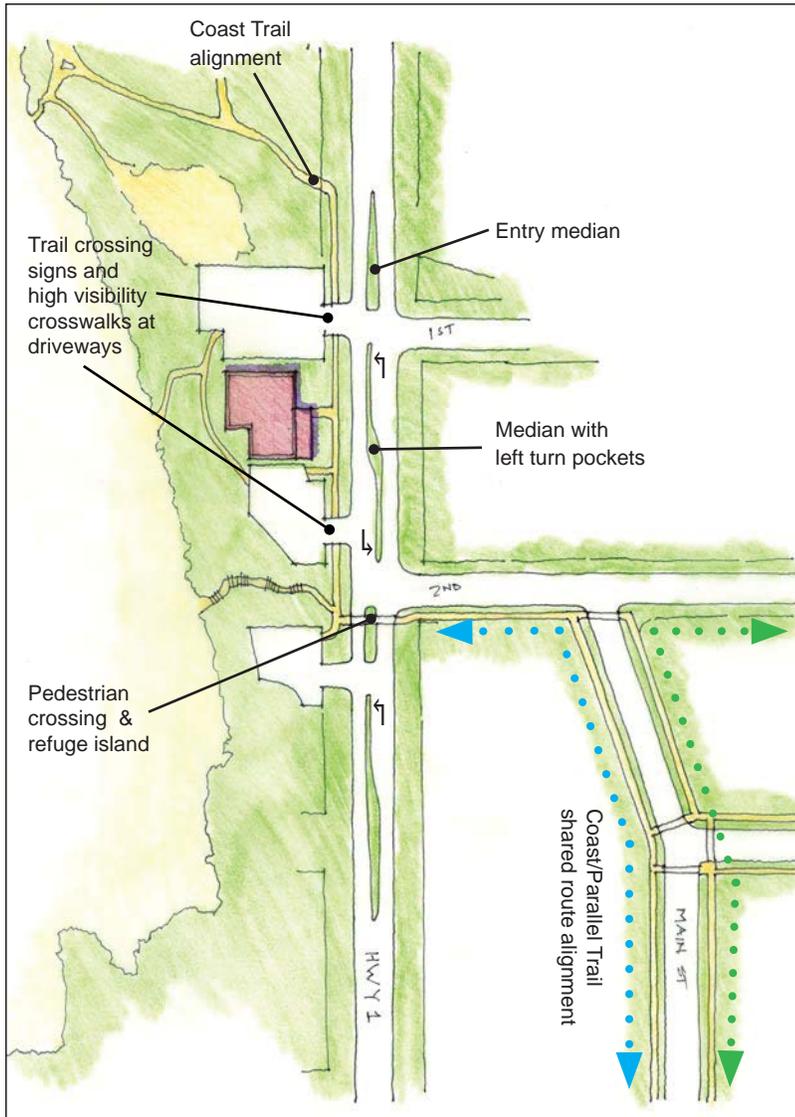


Proposed Improvements:

- Separate parking facilities on either side of the highway.
- Optional formalized parallel beach parking on west side of highway with one-way access lane.
- Parking lot and Rancho Corral de Tierra access approximately 800 feet or .15/mile east of the highway.
- Highway crossing at proposed Coastal Trail alignment.
- Rancho Corral de Tierra parking could operate as an overflow facility for beach parking.

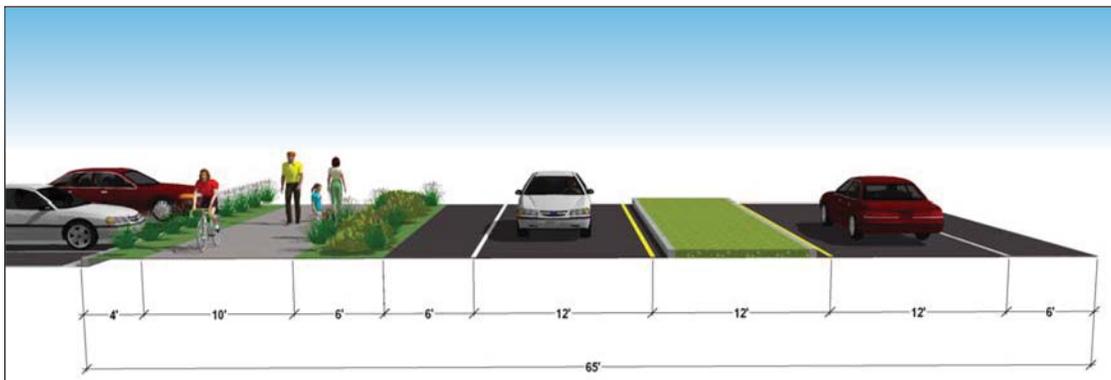
Focus Area Design Proposals

Montara North Community Entry and Circulation



Proposed Improvements:

- Raised medians from north of 1st street through south of 2nd street for gateway at the north end of the developed area of the San Mateo County Midcoast.
- Restricted access (right turns in/out) to/from central beach access lot.
- Designated pedestrian crossing at 2nd street with marked crosswalk and median refuge.
- Coastal Trail transition to west side of the highway to provide a walkway and bikeway in high use area.



Highway 1 facing north is shown above, just north of 1st Street with the Coastal Trail and the northernmost parking lot for the restaurant on the left. The existing paved width is about 48 feet. This section is designed to fit within the existing width.



DEPARTMENT OF PARKS AND RECREATION
San Mateo Coast Sector
95 Kelly Avenue
Half Moon Bay, CA 94019

Major General Anthony L. Jackson, USMC (Ret), Director

RECEIVED

March 19, 2014, P 3:30
2014 APR -1

SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT

Planning and Building Dept.
County of San Mateo
455 County Center, Second Floor
Redwood city, CA 94063
Attn: C. Leung, Project Planner

RE: La Costanera Proposal; PLN 2006-00494
8150 Cabrillo Highway, Montara, CA

Dear Ms. Leung:

Thank you for the opportunity to review the planning permit application materials for this project. We have the following comments.

Inaccurate Mapping: The underlying base mapping for the grading and drainage plans for this project depict inaccurate property boundary line information. The north-south trending property line on the easterly side of the project site is inaccurate. This boundary line separates private lands and those owned by the California Department of Parks and Recreation. In order to avoid future confusion, possible legal conflict and uncertainty, corrections must be made to all project plans and associated engineered drawings. Specifically I refer to SMP Engineering Sheets 2 of 5, 3 of 5 and 5 of 5 dated 10/1/2013 of the "Grading and Drainage Plans", New Parking Lot, 8150 Cabrillo Hwy., Montara CA.

Concept Approval: On November 3, 2011, State Parks and the applicant signed a non-binding Letter of Intent (LOI) directed at only the improvements to the State Park informal parking area adjacent to the restaurant. The County has interpreted this signed Letter of Intent as constituting "concept approval" by State Parks. The LOI is not an authorization by the State for the applicant to perform access, drainage, and landscaping improvements. In addition to any County, Coastal or other permits required, no access to State property for these improvement purposes is allowed except as authorized by the State under a temporary use permit or other applicable permit(s) obtained from the Department of Parks and Recreation.

All State property referenced in the LOI pertains exclusively to the portion of the project described in the Negative Declaration as the "...undeveloped property, located to the north of the restaurant property, owned by the State of California Department of Parks and Recreation." No other State property in any other location, including any State property south or seaward of the applicant's property, is included.

Therefore, it would be inaccurate to conclude that the State's 'concept approval' pertains to other project elements beyond the unimproved parking area. Accordingly, it is recommended that all references, plans and designs involving other project elements which are also sited on State Park property, be eliminated at this time. Specifically, these elements include proposed seawall rip-rap repair and repairs to other existing drainage conveyance structures also sited on State Park property.

Proposed parking lot drainage: Commonly, surface flow drainage from parking lots and other such ocean fronting improvements is directed away from eroding coastal bluffs. As proposed by the applicant, all storm water runoff from the State's now unimproved parking lot area is to be directed to the edge of a known eroding bluff and to the edge of an adjoining registered cultural resource site (CA-SMA-1156) known to contain human remains. State Park district staff members do not question the technical design of the project drainage plan as mitigated and conditioned by the county. State Parks does question this handling of storm water runoff from a long-term planning perspective, particularly when other options may be available. It is noted that mitigation measures 1 through 8 do address, in whole or part, grading and storm water runoff issues. That said, it is recommended that the requirements of Mitigation Measure #7 be applied to the private party applicant over the lifetime of the project, not merely for the duration of the proposed grading activities. State Parks would like the permitting to reflect that all access, drainage, and landscaping facilities and improvements that are repaired or replaced during the life of the permits meet any requirements set by the County or the Coastal Commission, and must also meet the satisfaction of the State of California, Department of Parks and Recreation, for any improvements made on State property.

Public parking management: The non-binding agreement between the applicant and State Parks was predicated upon the notion that the improved State parking area to be financed and developed by the applicant, was to be "devoted exclusively to public use, and shall not serve as overflow private parking for the Restaurant." Mitigation measure #9 is not complete enough or comprehensive enough to ensure that the noted parking goal will be respected over the long run. It is strongly recommended that additional language be added to mitigation #9 which would require the development of an enforceable parking lot management plan. The parking area management plan should include, for the life of the permit: a valet system showing number of employees involved, schedule, contact locations, and script describing how the valet staff would handle the expected coastal access contact scenarios with visitors. It's recommended the plan include design distinction between public and private areas, possible gating, comprehensive signing, posted public information, and requirements for regular consultation between the applicant, State and County regarding this important issue. Note that any future parking signage at the border of State Park property, and directing the public onto State Park property, should be approved by the State Park District Superintendent .

Landscape Plan: In previous comments on the proposed project, California State Parks made the following requests:

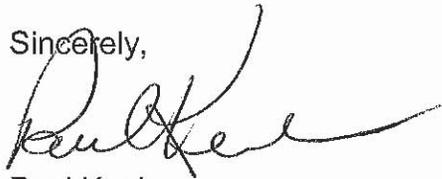
- The Landscaping Plan appears to include new landscaping with a variety of non-native species on State Park property. The General Plan for Montara State Beach provides that native species will be used for landscaping. We request that

the applicant consult with State Parks on appropriate native species to use in these areas.

- The Plant List provided in the Landscaping Plan contains species that have been shown to be invasive, including ruby grass (*Melinus* sp.) and Pride of Madeira (*Echium* sp.) We request that these species not be used adjacent to State Park property, and that any species added to this list are reviewed for their potential to spread to wild land areas. We request that the applicant consult with State Parks to develop a final plant list for the areas adjacent to State Park property.

The landscaping plans shown in Attachment F of the current document do not comply with these requests. The two plants listed above have been removed; however, other non-native species with the potential to be invasive remain. We would again request that only native species be considered for any landscaping on State Park land, and that species with a potential to spread to wild land areas not be included in this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Keel", written in a cursive style.

Paul Keel
Sector Superintendent

Cc: Chet Bardo, District Superintendent
Victor Roth, Senior Park and Recreation Specialist
Joanne Kerbavaz, Senior Environmental Scientist

Attachment P

Family TJM2	Scientific Name TJM2	Common Name	Landscape	Revegetation
Adoxaceae	<i>Sambucus nigra</i> ssp. <i>caerulea</i>	blue elderberry	X	X
Adoxaceae	<i>Sambucus racemosa</i> var. <i>racemosa</i>	red elderberry	X	X
Agavaceae	<i>Chlorogalum pomeridianum</i> var. <i>divaricatum</i>	soap plant	X	
Agavaceae	<i>Chlorogalum pomeridianum</i> var. <i>pomeridianum</i>	soap plant	X	
Apiaceae	<i>Angelica hendersonii</i>	angelica	X	
Asteraceae	<i>Achillea millefolium</i>	yarrow	X	X
Asteraceae	<i>Ambrosia chamissonis</i>	beach-bur		X
Asteraceae	<i>Artemisia californica</i>	California sagebrush		X
Asteraceae	<i>Artemisia pycnocephala</i>	coastal sagewort	X	X
Asteraceae	<i>Erigeron glaucus</i>	seaside daisy	X	X
Asteraceae	<i>Eriophyllum staechadifolium</i>	seaside woolly sunflower	X	X
Asteraceae	<i>Grindelia stricta</i> var. <i>platyphylla</i>	Pacific gum plant	X	X
Ericaceae	<i>Gaultheria shallon</i>	salal	X	
Fabaceae	<i>Lupinus arboreus</i>	yellow bush lupine	X	X
Fabaceae	<i>Lupinus variicolor</i>	manycolor lupine	X	X
Grossulariaceae	<i>Ribes sanguineum</i> var. <i>glutinosum</i>	pink flowering currant	X	
Iridaceae	<i>Iris douglasiana</i>	Douglas iris	X	X
Iridaceae	<i>Sisyrinchium bellum</i>	blue eyed grass	X	X
Onagraceae	<i>Oenothera elata</i> ssp. <i>hookeri</i>	Hooker's evening primrose		X
Poaceae	<i>Danthonia californica</i>	California oatgrass		X
Poaceae	<i>Deschampsia cespitosa</i> ssp. <i>holciformis</i>	California hairgrass		X
Poaceae	<i>Elymus glaucus</i> ssp. <i>glaucus</i>	blue wild rye		X
Poaceae	<i>Elymus triticoides</i>	beardless wild rye		X
Poaceae	<i>Melica torreyana</i>	Torrey melic		X
Poaceae	<i>Stipa lepida</i>	foothill needle grass		X
Poaceae	<i>Stipa pulchra</i>	purple needle grass		X
Rhamnaceae	<i>Ceanothus thyrsiflorus</i> var. <i>thyrsiflorus</i>	blue blossom	X	
Rhamnaceae	<i>Frangula californica</i> ssp. <i>californica</i>	California coffeeberry	X	
Rosaceae	<i>Fragaria chiloensis</i>	beach strawberry	X	X
Rosaceae	<i>Heteromeles arbutifolia</i>	toyon	X	
Rosaceae	<i>Holodiscus discolor</i> var. <i>discolor</i>	oceanspray	X	

Midcoast Community Council

*An elected Advisory Council to the San Mateo County Board of Supervisors
representing Montara, Moss Beach, El Granada, Princeton, and Miramar*
P.O. Box 248, Moss Beach, CA 94038-0248 - www.MidcoastCommunityCouncil.org

Lisa Ketcham **Dave Olson** **Chris Johnson** **Laura Stein** **Erin Deinzer** **Dan Haggerty** **Joel Janoe**
Chair Vice-Chair Secretary Treasurer

Date: March 12, 2014
To: Camille Leung, Project Planner
CC: CCC staff Nancy Cave, Jo Ginsberg
Subject: **PLN2006-00494 La Costanera Use Permit Amendment**
Revised Negative Declaration of Environmental Impact for:

- Expanded restaurant hours to daytime on Fridays/weekends.
- Legalized exterior building improvements (lighting, patios).
- Grading/drainage of adjacent State Parks beach parking lot.

The Midcoast Community Council submits the following comments on the revised Initial Study and Negative Declaration.

Transportation (#5)

The 1977 original restaurant Use Permit included a parking exception to allow 53 parking spaces where 63 were required for the 189-seat restaurant (1 space for 3 restaurant seats). The County accommodated the project by allowing the use of the 1st St right-of-way on the north side of the restaurant for parking Lot A. The restaurant was permitted as a "dinner house" with adequate parking provided via the shared beach parking in Lot A. 1981 application for daytime Sunday operating hours was denied by the Coastal Commission because the amount of available parking had not changed.

Lot B (north unpaved lot owned by State Parks)

Table 1 calculates that only 9 beach parking spaces would be lost on Fridays and weekends by arbitrarily understating the existing capacity of Lot B by 10 spaces. The report states, "The adjoining State property [Lot B] has been used historically for parking by users of Montara State Beach and can accommodate up to 20 vehicles..." Then it goes on to arbitrarily credit the lot with only 10 existing spaces. The proposed grading and drainage improvements to the lot would be beneficial, but would not create new parking capacity.

The actual number of lost beach parking spaces on Fridays and weekends would be 19, a significant impact which is not adequately mitigated (#5a). That level of loss assumes that daytime restaurant users will obey the proposed signage and not use Lot A and B. Mitigation Measure #9 is inadequate because it will be impossible to enforce, which means far more than 19 beach parking spaces may be lost. Restaurant management has demonstrated (in 2011 and 2013) its active resentment of beach parking by installing restaurant-only/ tow-away signage at the entrances to all three lots.

Table 1 calculates a gain of 16 beach parking spaces Mon-Thurs; however, ten of those spaces already exist in Lot B, as explained above. In any case, providing more beach parking on low-use weekdays does not mitigate for loss of parking on high-use weekends.

South Lot C

The parking plan calls for 5 new spaces to be created by restriping and 6 spaces to be created by valet access-area parking within the lot (Attachment G). No measurements are given for parking space dimensions and turning radii to show that the proposed plan will actually fit in the available space, which is limited by existing curbs, utility boxes, and vehicle access requirements. Even if all restaurant customers arrive in compact cars, the site layout shows serious challenges with managing that many extra cars, with no vehicle waiting/queuing space available on or off the highway. In addition, the lot must provide pedestrian access to the path west of the restaurant.

It is noted that the driveway throat remains open for vehicle drop-off & pick-up. The CA Coastal Trail will either have to cross that driveway throat or pass through Lot C to the path west of the restaurant. There is no southbound right turn lane into the lot, or adequate shoulder space, so any queuing caused by a car blocking the driveway will block Highway 1 traffic flow. Cars already queue to enter and leave the lots on busy weekends even without the restaurant being open.

It seems likely that patrons will prefer to self park in the other lots or nearby residential neighborhoods, so as not to have to wait for their cars to be unpacked from the valet lot. It is unlikely the restaurant would refuse entry to lunch patrons who have not turned their car over to Lot C valet parking.

Mitigation #10 does not adequately address impaired pedestrian beach access through Lot C on Fridays and weekends because the valet parking plan (Attachment G) simply has no room for designated walking/bicycle paths.

Traffic/Parking Study (Attachment L): Lunchtime traffic and parking counts were conducted Fri/Sat, November 16 and 17, 2012, a rainy winter weekend (local rainfall 0.6" Fri, 0.25" Sat). It is incorrect to conclude that available beach parking and gaps in highway traffic during the study represent a typical Friday/Saturday, much less peak beach use days. Therefore, the study does not adequately assess #5(c) changes in vehicular traffic patterns or volumes, (e) increased traffic hazards, or (g) adverse affects on the traffic carrying capacity of the highway. A Traffic Study on a sunny weekend is needed to adequately assess these issues.

Highway 1 Safety & Mobility Studies are referenced in the Negative Declaration as evidence of additional beach parking in the project area. That is a premature assumption. The Highway 1 Study contains only recommendations and conceptual plans, but there are no projects currently planned for added parking or trails in the project area.

Aesthetic #7a & b)

The Scenic Corridor's coastal viewshed, from mountain ridge to ocean, from Devil's Slide to Montara Gateway, has been preserved as natural open-space parkland. The restaurant site is highly visible from highway and beach and is the only commercial use in the entire viewshed. The 1977 CDP acknowledged the benefit of landscape screening of parking areas and the natural wood materials of the building in order to minimize the visual impact of commercial use of the property both from the beach and the highway.

Rather than minimizing visual impact, the applicant makes every effort to call attention to the commercial use. There are now 3 flagpoles in front with an advertising banner on the tallest pole and national flags on subsidiary poles, which are left out to tatter in the wind, rain and darkness. Advertising banners are prohibited in the Scenic Corridor. In addition

to the La Costanera banner and 4 permanent signs, large bright blue advertising signboards are set out in the front landscaping. Flood lighting of the parking lots and beach has continued intermittently over the last four years in spite of warnings from CCC staff to remove or leave lights turned off until their permit is approved. The unpermitted upper deck inexplicably contains bright white end panels instead of the natural wood of the building. The illuminated parking lot entrance signs have recently been painted bright orange.

Exterior Lighting

Mitigation measures (#11, 12, 13) are inadequate to address the extensive light pollution emanating from the site in this natural setting. LCP Policy 8.18(a) requires exterior lighting to be limited to the minimum necessary for safety, and placed such that direct rays are confined to the site. No matter what the wattage, floodlights directed off the restaurant parcel onto the beach or towards the parking lots and highway, do not comply with the LCP or Zoning Regulations.

In addition to the nine roof-mounted projector lights in the project plans, the following exterior lights are not shown:

- South-side floodlights: 2 toward parking lot, 1 toward utility area.
- Up-lights: 2 in front raised planter, 2 at flag pole, 3 north-side roof wash, 4 south-side roof wash, 10 east-side roof wash.
- West-side unshielded patio lighting: 5 on exterior building wall, 11 on glass patio perimeter wall.

The west-side roof-mounted floodlights illuminate a large swath of state beach and the surf beyond. Anyone wishing to enjoy natural moonlight and stars will be disappointed here. Lighting of the beach and ocean can be a hazard for avian species, particularly migrating birds. Even though the roof-mounted floodlights have been removed for now, the extensive new patio lighting is not dark-sky compliant, and impacts the otherwise natural beach. Anyone wishing to use the walkway and stairs along the west side of the restaurant will be blinded by the glare and unable to watch their footing.

The north and south-side floodlights shining on the parking lots create glare for highway drivers and anyone walking in the area. This type of lighting is useful for viewing outward from the source of light, but is blinding for anyone walking towards the light. The parking lot lighting should be downward directed within the lot.

Landscaping -- Rather than the non-native (with some potentially invasive) species in the plan we urge use of locally-adapted native species throughout the project. The proposed Monterey cypress is not native to our coastal bluffs. Any additional trees will unnecessarily block ocean views from the scenic highway. Shrubs such as coffeeberry, with a height of no more than 4-5 ft, would be appropriate to screen the parking lots from the scenic highway without further blocking coastal views.

On the west side of the parking lots, only low-growing landscaping should be allowed, so as not to obstruct ocean viewing from parked cars on stormy days. There are two plant species colonizing the riprap now, a low sprawling native blue-flowering Ceanothus, and the taller view-blocking invasive non-native pittosporum that has escaped from the existing landscaping. We recommend removal of the pittosporum and planting more of the low-growing Ceanothus to cover the riprap.

Thank you for the opportunity to comment.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

March 5, 2014

SM001385
SM-001-36.58
SCH #2012122055

Ms. Camille Leung
Planning Division
County of San Mateo
Mail Drop PLN122
Redwood City, CA 94063

Dear Ms. Leung:

La Costanara Restaurant – Revised Mitigated Negative Declaration

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the La Costanara Restaurant project. The following comments are based on the Revised Mitigated Negative Declaration.

Highway Operations - Please address the following issues that are still of concern to us:

1. Please confirm that the northbound State Route 1 left-turn pocket is long enough to accommodate the anticipated added inbound left-turn trips into the parking lot during the lunchtime hours and will not impede through traffic.
2. The December 10, 2012 traffic study showed a loss of 9 beach-user parking spaces in Lot C during the Friday and weekend hours when the restaurant is open for lunch. With the loss of these beach-user parking spaces, where do you anticipate those vehicles will park?

Please feel free to call or email Sandra Finegan at (510) 622-1644 or sandra_finegan@dot.ca.gov with any questions regarding this letter.

Sincerely,

for
ERIK ALM, AICP
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

RECEIVED
2014 MAR -7 P 3:51
SAN MATEO COUNTY
PLANNING AND BUILDING
DEPARTMENT

RECEIVED



December 31 s, 2012

Camille Leung, Project Planner
San Mateo County Planning Division
455 County Center, 2nd Floor
Redwood City, CA 94063

Re: PLN2006-00494 La Costanera Restaurant Use Permit Amendment, 8150 Cabrillo Highway, Montara

Dear Camille,

Thank you for sending the Initial Study and Negative Declaration for the above-referenced project. On behalf of Committee for Green Foothills, (CGF) I have the following comments:

Project Description: To help the public better understand the impacts of the project, the Project Description should include the existing permitted number of restaurant/bar seats, and the existing total number of parking spaces including the 20 existing spaces in the adjacent informal parking on State Parks property. According to Attachment H, the proposed seating configuration for lunch hour seating would appear to be limited to the Main Floor (78 seats) and one outdoor patio (15 seats). The Use Permit, if granted, should limit the permitted number of seats within the building and patio accordingly. The restaurant has added outdoor seating patios without benefit of permits, and has been serving patrons there. Has the number of indoor seats been reduced to offset these outdoor patio areas in order to comply with the overall limit of 189 seats? Do the patios and screening walls beyond comply with blufftop setback requirements?

CGF notes that the Use Permit Amendment (UP 20-77) and Coastal Development Permit CDP 83-67 for the Chart House Restaurant issued by San Mateo County on February 27, 1984, required the Applicant to maintain 53 parking spaces on site and to limit the hours of operation to between 5:00 pm and normal closing time and to maintain free public access through the parcel to the beach, among other provisions. The Coastal Development Permit (CDP 77-579) issued by the California Coastal Commission (“Commission”) on July 26, 1977, allowed a maximum of 189 seats for the bar-restaurant, and required a 53-space parking area. In granting the CDP, the Commission found that the parking provisions were “somewhat inadequate” based on a standard formula of 1 parking space per 2.5 seats (which would require 75 spaces) but because the CDP was conditioned to limit bar and restaurant operations to between 5:00 pm until normal closing time, the Commission found that: *“the proposed restaurant will be a dinner house, open during the evening hours only. It is anticipated that overflow beach parking will use the restaurant lot during the day and overflow restaurant parking will use the adjacent beach parking in the evening.”*

According to the Parking Plan (Attachment G), the proposed Use Permit Amendment would reduce the total amount of public beach parking available during the day (before 5:00 pm) on Fridays, Saturdays and Sundays, on the subject property (Lot A and Lot C) and the adjacent State Parks property (Lot B), from **73 spaces** to **54 spaces**. The loss of 19 parking spaces at the most popular times for beach use is a significant adverse impact to recreational beach users, and will force more

people to either park in more dangerous locations along Highway One or farther away on neighborhood streets in Montara. Worse yet, some people will simply give up going to the beach at all. Montara State Beach is a popular shoreline destination and reduction of parking on weekends is inconsistent with the County General Plan, zoning, LCP, and the Coastal Act.

Transportation: The answers to Question 5.a. (pages 8 and 9) are incorrect and contradictory.

State Parks Parking (Lot B): In calculating the parking available for beach users on the State Parks property, the Initial Study acknowledges that this unimproved lot has been used historically by beach users and can accommodate up to **20 vehicles**. The Initial Study inexplicably and erroneously concludes that despite the regular, documented, historic use by members of the public who are parking up to 20 vehicles in the State Parks (Lot B) in order to access the public beach, this lot can only be **“credited” with 10 existing parking spaces**. Whether the lot consists of unimproved dirt surface or gravel, the number of vehicles it can accommodate remains the same. On Table 1, page 9, apparently because the State Parks lot is proposed to be paved with gravel as an “improvement”, the Initial Study concludes that the same existing lot would be able to accommodate **21 vehicles**. At most, there might be one additional space added in this lot through sharing a half space with Lot A (see Parking Plan, Attachment G). Table 1 should be changed to reflect at least 20 existing parking spaces.

Restaurant South Parking (Lot C): Table 1, page 9, states there are 20 existing parking spaces in Lot C, which is proposed to be restriped and expanded to increase the number of spaces to 25. Valet parking for 6 additional spaces is proposed during the daytime on Fridays and weekends. The proposed parking plans for Lot C (Attachment G) appear to provide insufficient space for all valet parking to back up and turn, particularly the two Valet spaces directly behind the parking spaces facing Highway One closest to the entry. Also, there appears to be insufficient room to expand the existing parking by five spaces, given the need to avoid impacting existing utility boxes, walkways and landscaping. Are the revised parking spaces in compliance with the County’s adopted parking standards and policies, including adequately wide parking aisles and turning radii?

By assigning the State Parks Parking (Lot B) an artificially low “existing parking” value (10 instead of 20), the Initial Study reaches the insupportable conclusion that there would be a net increase of 16 spaces Mondays through Thursdays during the day, and 11 spaces after 5 pm. This increase is being used to compensate for the artificially low net loss of 9 spaces during the day on Fridays and weekends, when the net loss is actually 19. As stated above, this net loss of 19 spaces for the beach-going public on Fridays and weekends is a significant adverse impact.

It is impractical and unenforceable to rely on signage in the restaurant parking lot A to prevent restaurant users from parking there and taking up beach parking spaces during the day when lunch is being served and Parking Lot C is full. The restaurant already experiences inadequate parking at night – see attached quotes from YELP.

Mitigation Measure 9 requires signage at the entrance to the State Parks parking (Lot B) indicating it is for beach users only, and in the North restaurant lot (Lot A), stating that parking is only available to restaurant users after 5:00 pm. CGF believes that given requirement for restaurant

patrons to use Valet Parking only in Lot C during the day, some people will simply ignore the signage in Lot A, thus further reducing parking for beach users, and therefore this provision is inadequate as a Mitigation Measure.

The Initial Study, pages 10 and 11, states that ongoing planning studies for the stretch of Highway One between Half Moon Bay Airport and Devil's Slide (Highway One Safety and Mobility Improvement Study, Phase 2) include recommendations for motor vehicle, pedestrian, and bicycle safety improvements throughout the corridor. The Initial Study erroneously concludes (page 11) that because of ongoing planning and coordination efforts between the County and State agencies, the potential impacts from expanded restaurant operations and reduced parking are considered less than significant. There are no specific projects in the vicinity of the restaurant being constructed or even proposed at this time, therefore relying on the potential for additional parking or pedestrian improvements is speculative at best, and cannot be used as justification for a net loss of 19 parking spaces for beach users on Fridays and weekends.

The answer to Question 5.b., (pages 11 and 12), concludes that the project would cause less than significant increases in pedestrian traffic or patterns to Montara State Beach based on the erroneous conclusion that parking would only be reduced by 9 spaces rather than 19 during the day on Fridays and weekends – the peak demand period for beach access, as already outlined above. Paving and landscaping in Lot B are not sufficient “benefits” to offset the loss of parking in Lot C.

Land Use and General Plans

The response to Question 6.d, page 15 erroneously concludes that the addition of lunchtime services for up to 93 people is not a significant change in land use. A net loss of 19 parking spaces for beach users on Fridays and weekends is a significant impact.

The response to Question 6.e., page 15 and 16, erroneously concludes that making additional beach user parking available in Lot C during the low visitation days of Monday through Thursday is compensation for the net loss of 19 parking spaces on Fridays and weekends. The referenced project traffic report counted vehicles parked at lunchtime on Friday November 16 and Saturday November 17. Both of these were winter season rainy days, so obviously the demand for beach parking was not at all comparable to good weather weekend demand.

The response to Question 6.f. did not answer the question as to whether the project could adversely affect the capacity of public parks.

The Initial Study checklist concluded there was no impact re: Question 6.k. which says: “(would the project) require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?” The project’s reduction in parking for beach users would require an exception to General Plan Policy 1.4 Access to Vegetation, Water, Fish and Wildlife Resources Policy which states: “Protect and promote existing rights of public access to vegetative, water, fish and wildlife resources for purposes of study and recreation consistent with the need to protect public rights, rights of private property owners, and protection and preservation of such resources.” (emphasis added). Similarly the project would require an exception to General Plan Policy 6.11.b

Coastal Recreation and Access which states: “Regulate development to increase public access to the shoreline and along the coast through measures which include, but are not limited to, establishing criteria for when and where access will be provided and how the access will be developed and maintained.” (emphasis added).

Aesthetic, Cultural and Historic

The response to Question 7.a, (page 17): “Could this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?” notes that the project is located within the Cabrillo Highway County Scenic Corridor. The response to Question 7.b, (page 18): “Could this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?” states that the proposed lighting will be visible from Montara State Beach and the Pacific Ocean.

The Initial Study acknowledges that numerous outdoor lighting fixtures have already been installed without benefit of County or Coastal Commission review and approval. Floodlights installed on the roof are directed towards the scenic highway, the adjacent State Park and the beach and ocean. Artificial night lighting that shines out beyond the subject property towards the coastal bluffs, beach and ocean, can create significant adverse impacts on wildlife species, particularly nocturnal birds that use the moon and stars for navigation on their bi-annual migrations. Artificial lighting confuses many of these species, and has been documented to cause them to become disoriented and in some cases, crash into the light source(s). See: (http://news.nationalgeographic.com/news/2003/04/0417_030417_tvlightpollution.html)

The Initial Study responded “No” to Questions 2.a., c., and d., regarding potential impacts to wildlife species including listed species. This answer should be changed to “Significant Unless Mitigated” due to the potential impacts of the lighting on wildlife.

CGF notes that the unpermitted lighting cannot be approved after the fact unless it fully complies with General Plan, Zoning, and LCP requirements. All lighting must be designed, located and installed to comply with LCP Policy 8.18(a), which states (in relevant part): “Exterior lighting shall be limited to the minimum necessary for safety. All lighting, both exterior and interior, must be placed, designed, and shielded so as to confine direct rays to the parcel where the lighting is located.” Coastside Commercial Recreation District (CCR) Zoning Regulations Section 6270.3. requires: “All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.” Mitigation Measures #10, 11, and 12 specify the number, location, and maximum wattage of artificial light fixtures, but #12 only requires “minimization” of fugitive light impacts on beach areas. Placing properly shielded light fixtures on standards in the parking lots would provide adequate and effective safety while eliminating offsite impacts from fugitive light emanating from fixtures placed on the roof of the building. The rooftop lighting should be removed as it does not comply with the County’s regulations.

The Landscape Plan’s Plant List (Attachment F) includes 6 new Monterey Cypress trees. Two new Cypress would be along the front of the property, to the north of the ingress/egress for Lots A and B, and may eventually interfere with the line of sight for vehicles turning out of the northern

parking lot driveway and the Coastal Trail, as planned in the Highway One Safety and Mobility Study. One new Cypress would be in the northwest corner of State Parks Lot B, and may eventually interfere with the formalized parking spaces in this area. A more appropriate and less problematic choice would be a smaller tree/large shrub species that is native to the area.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Lennie Roberts".

Lennie Roberts, San Mateo County Legislative Advocate

CALIFORNIA COASTAL COMMISSION

NORTH CENTRAL DISTRICT OFFICE
45 FREMONT STREET FRONT, SUITE 2000
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5260
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

**RECEIVED**

APR 03 2014

San Mateo County
Planning Division

April 1, 2014

Camille Leung, Project Planner
County of San Mateo
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063

Subject: Revised Notice of Intent to Adopt Negative Declaration for La Costanera Use Permit Amendment, San Mateo County (County PLN 2006-00494)

Dear Ms. Leung,

We appreciate the opportunity to provide you with Coastal Commission staff comments on the County's Revised (February 27, 2014) Notice of Intent to Adopt Negative Declaration that we received on March 3, 2014.

The applicant, Farhad Mortazavi, Mortazavi Consulting, has submitted an application to the County as a request for a Design Review Permit, an amendment to La Costanera Restaurant's existing Use Permit 20-77 (UP), a Grading Permit, and a Planned Agricultural Development Permit (PAP). Commission staff notes that the Grading and the PAP permits specifically apply to the applicant's proposal to develop a parking lot on adjacent property that is owned by the California Department of Parks and Recreation (DPR). The parking lot component of the proposed project includes, but is not limited to access, drainage, and landscaping development activities. The applicant proposes the Design Review Permit and the UP amendment for their request to expand the hours of operation, to install nine rooftop lights and for after-the-fact authorization of two patios (the lights and the patios were not included in the existing UP). The following are Commission staff's comments on the environmental document/analysis and the proposed project.

Project Description

The "State Permit Required" section of the Project Description includes statements regarding the permitting requirements of the California Coastal Commission (CCC) as related to the proposed project. The applicant states "The applicant has applied for an Amendment to Coastal Development Permit (CDP P-77-579) from the California Coastal Commission (CCC) for the project described above, as well as for the repair of existing drainage systems and riprap at the restaurant and State Properties." This is incorrect, as the applicant currently has an incomplete CDP Amendment application with us and has not included as part of that application any repairs to rip-rap or drainage systems on the applicant's property or on State Properties. The Project description for the proposed project must be modified to correctly reflect the true status and proposal description of the applicant's permitting efforts with the Commission.

Attachment T

Permit Status

It is important to note that the applicant's current application with the Coastal Commission is only a request for an amendment to CDP P-77-579 to obtain after-the-fact authorization for the construction of two outdoor patio areas and to install exterior lighting. The application does not include any request for repairs to rip-rap or existing drainage systems, a requested change in the hours of operation, or any of the described development activities associated with the applicant's proposal to construct a parking lot on the adjacent DPR property. Further, this application currently under Commission staff review remains in incomplete status, as of the date of this letter. We have requested that the applicant submit additional information in order to complete the application for staff analysis. A copy of the Commission's most recent "incomplete status" letter is enclosed for your information and reference.

Proof of Legal Interest in the Property

The proposed project involves development activities that would occur on two properties that are under separate ownership. The proposed parking lot component would be conducted on public land under the ownership of DPR. This can present a problem with issuing an approval for the proposal. It is stated in the Project Description, with respect to the Grading Permit and Planned Agricultural Development Permit, that "State Parks has authorized the use under a signed Letter of Intent" (LOI) dated December 9, 2011. Staff finds that according to the LOI (Paragraph 4) the DPR and the applicant "...understand and agree that this LOI is tentative only and in no manner shall bind the Parties or any one of them to formally or officially authorize or approve anything while ... formal approvals are being sought from the governmental entities involved with and/or affected by this LOI". The tentativeness of the LOI does not provide any assurances that parking for the benefit of the public's access to the coast would be achieved with the proposed project. Furthermore the appropriateness of the applicant's proposal to use public property to comply with the parking requirements of the existing CDP is questionable. Please see staff comments below under "transportation". It is Coastal Commission staff's position that the DPR must be named/identified as a co-applicant in the permit application before the proposal is reviewed as part of a Coastal Development Permit process. Any CDP application that the applicant submits to the Coastal Commission for the proposed project requires proof of legal authority/ownership for any portion of the adjacent public property that would be developed.

Public Access

The Coastal Commission remains concerned about maintaining opportunities for the public to access the coast in the vicinity of La Costanera Restaurant. Public access must not be negatively affected by any development activities that inhibit or interfere with the public's ability to access the adjacent state beach areas. Further the applicant must comply with all requirements and the special conditions of CDP P-77-579. CDP P-77-579 requires, among other things, that the hours of operation be limited to that period between 5:00 P.M. and normal closing time and that adequate parking be provided for the restaurant and beach use by the public.

Land Suitability and Geology; Water Quality

The applicant's failure to accurately describe the proposed project in the incomplete CDP amendment application pending with the Commission regarding the request for repairs to rip-rap

and existing drainage systems is not only found in the Project Description for the County permits but similarly represented in item 1 (Land Suitability and Geology), under the "Answers to Questions" portion of the IS/ND. The proposed project is sited on a coastal bluff that is vulnerable to erosion as a result of wave action at the base of the bluff and surface/storm water drainage. It is indicated in the IS/ND that the proposed project includes "drainage improvements" to minimize risk of bluff erosion and that the repair of rip-rap and existing pipes in the amendment application to the Coastal Commission "would further protect" the bluff from drainage-related erosion. The applicant has not submitted any request for rip-rap repairs or drainage improvements to the Commission. Should such an amendment application be submitted it must, at a minimum, include a current geotechnical report, drainage plans, complete descriptions of all Best Management Practices, an erosion control plan, and detailed information regarding construction methods in order for staff to fully assess any bluff protection measures and the merits of the proposed development.

Transportation

The IS/ND contains a discussion on the availability of parking for beach users, citing the historical use of the adjacent DPR property. The existing CDP and the existing County's UP already require that the applicant make 53 parking spaces available to the public for beach access. The results of the IS/ND analysis indicate that the proposed new project would result in a decrease of nine parking spaces available for beach users before 5:00 P. M. on Fridays and weekends. Staff considers this reduction in public parking unacceptable. The public is most likely to visit the beach on weekends and any decrease from what is required by the existing CDP is not acceptable. The proposed formalization of the parking on the DPR property should not be considered a form of mitigation for the reduction in parking onsite due to proposed extended hours of the restaurant. It is not an appropriate means to offset for the proposed extended hours. The DPR parking area already informally provides the public with potential parking and assists in providing the public with access to the beach. This use, regardless of whether it is "informal" is already within the public's domain. If the DPR chooses to pursue a proposal to develop a formal parking lot on its property the agency should submit a CDP application to do so; or specifically be named as a co-applicant for the proposed project.

It is not clear from the IS/ND whether or not the analysis reflects vehicular use of Highway 1 during the period of peak recreational travel. Staff suggests that the traffic analysis address potential impacts during the changed hours of operation during the period between the end of July through August, when recreational travel to and along the coast is increased.

Potential Biological Impacts

There is a potential for adverse effects on wildlife and the ecology of an area from artificial lighting. Lighting can disorient wildlife and interrupt natural behaviors and diurnal-nocturnal rhythms. The IS/MND should include further analysis of the potential effects on adjacent biological resources in the area that may result from lighting directed toward the ocean. The discussion of vegetation and wildlife does not consider the potential for wildlife impacts and does not include a description of how or why the proposed lighting on the west elevation is included with the proposal. Mitigation Measure 13 states that the applicant shall modify the lighting plan so that each fixture does not exceed 150 watts. What is the rationale for the

Coastal Commission IS/ND Comments
County File PLN2006-00494 (La Costanera Restaurant)
April 1, 2014
Page 4

proposed lighting and or this mitigation requirement? Although Attachment E to the IS/ND includes a lighting elevation that indicates where the proposed lights would be located, staff suggests that the applicant also provide a photometric plan that shows the direction of the light from the fixtures that would be installed.

Please feel free to contact me regarding this matter. You can reach me by telephone at 415-904-5260; in writing at the address listed in the letter head; or via e-mail at rananda@coastal.ca.gov.

Sincerely,



Renée T. Ananda
Coastal Program Analyst

Enclosure

From: Kevin Stokes <kevin@montarabeach.com>
To: CLeung@smcgov.org
CC: NCalderon@smcgov.org; pacificatim@yahoo.com; mark@sierrawestbuilders.com...
Date: 2/27/2014 5:41 PM
Subject: Re: Revised Mitigated Negative Declaration - La Costanera Use Permit Amendment

Dear Camille,

Mr. Mortazavi has a history of ignoring permit restrictions and mocking the county he has been opening the Resturant at 4.00pm, an hour earlier than permitted, for quite sometime with no penalties. Am I now to understand he wants official pardon for the illegal patio and lighting 'improvements' that he built without permits? The community recently fought hard with a grass roots campaign to get him to take down the illegal floodlights that were causing horrendous light pollution, will he now get them reinstalled? The patios have not been approved, are they even to code? Also I am to interpret from this application that he wants to open until 2.00am? This is not in the spirit of our coastal community. Is the county going to continue to let this guy railroad over the planning dept. rules and regs that everyone else has to comply with? I'm all for local trade and I'm an avid supporter of our local businesses but as a concerned community member I'm extremely disappointed in the county and beginning to see it as a toothless silent Guard dog where La Costanera is concerned.

Kevin

> On Feb 27, 2014, at 4:54 PM, "Camille Leung" <cleung@smcgov.org> wrote:
>
> COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT
>
> REVISED (February 27, 2014)
> NOTICE OF INTENT TO ADOPT
> NEGATIVE DECLARATION
> (revisions shown in underline and strikethrough format)
>
> A notice, pursuant to the California Environmental Quality Act of 1970,
> as amended (Public Resources Code 21,000, et seq.), that the following
> project: La Costanera Use Permit Amendment, when adopted and
> implemented, will not have a significant impact on the environment.
>
> FILE NO.: PLN 2006-00494
>
> OWNER: A&G, LLC
>
> APPLICANT: Farhad Mortazavi, Mortazavi Consulting
>
> HISTORICAL PARKING LOT SITE: State of California Department of Parks
> and Recreation
>
> ASSESSOR'S PARCEL NOS.: A&G, LLC: 036-046-050, -310, -380, -390,
> and -400 (0.73 acre total); and State of California: 036-046-410 (0.41
> acre); 036-321-010 (16.6 acres)
>
> LOCATION: 8150 Cabrillo Highway, Montara, unincorporated Montara area
> of San Mateo County and adjoining property owned by the State of
> California
>
> PROJECT DESCRIPTION
>
> The La Costanera Restaurant site consists of an 11,332 sq. ft.
> restaurant and two on-site parking lots, Lots A and C, containing a

Camille Leung - Re: La Costanera Restaurant Daytime Hours Considered

From: Michael Liang <mliang11@gmail.com>
To: CLeung@smcgov.org
Date: 3/13/2014 6:50 AM
Subject: Re: La Costanera Restaurant Daytime Hours Considered

Camille,

I am no longer supporting La Costanera request to extended hours. They have not addressed parking capacity.

Thank you,

Michael Liang
Resident

Via Mobile Device

On Mar 3, 2014 8:20 AM, "Camille Leung" <cleung@smcgov.org> wrote:

Thank you.

Camille M. Leung
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063
Phone: [\(650\) 363-1826](tel:(650)363-1826)
Fax: [\(650\) 363-4849](tel:(650)363-4849)

Please help us to serve you better and take a moment to complete our survey, just click on the link below:
<http://www.co.sanmateo.ca.us/planning/survey>

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>>> Michael Liang <mliang11@gmail.com> 3/3/2014 7:53 AM >>>
Camille Leung:

As a resident of Coastsides, I welcome the daytime hours but for weekends only, Saturday and Sunday. Locals expect tourist on weekends so the request should not impact us, but Friday should not be allowed.

Sincerely,

Michael Liang
200 California Ave.
Moss Beach, CA 94038

March 11, 2014

Re: La Costanera Use Permit Amendment

Please consider requiring bike parking facilities at 8150 Cabrillo Highway for the Montara community and other coastside residents that might otherwise drive to Montara State Beach but may find it difficult to park due to the restaurants extended hours. To my knowledge there are currently no bike parking provisions at Montara State Beach. Thank you, Christy

Christy Usher

Montara Resident

Attachment U4

From: Colletti Joel <joelandsusan@sbcglobal.net>
To: CLeung@smcgov.org
CC: Barry@parr.org
Date: 3/11/2014 8:27 PM
Subject: No Way Jose For Costanera's Ammendments
Attachments: 03-01-08_1550.jpeg; Part.002

Dear Project Planner Camille Leung,

Please put a nix to Costanera's request for amendments to the Coastal provision they accepted when they purchased the property, They knew what the parameters and terms when they bought the property.

Montara State beach is not or sale. Please Don't let them steal our beach.

This whole thing has left a bad taste in my mouth, which is not good for a restaurant.

Sincerely,
Joel Colletti
650.728.1441

Camille Leung - La costanera restaurant montaraAttachment U5

From: Michael Hall <7michael.hall@gmail.com>
To: CLeung@smcgov.org
Date: 3/11/2014 9:58 PM
Subject: La costanera restaurant montara

I can not make tomorrow's MCC meeting but I would like to submit that any improvements to the parking lot at Montara state beach should include the south parking lot. The split rail fence could be extended north, paralleling HWY 1, to the existing paved lot south of the restaurant. This would guide visitors to the existing stairs to the beach and stop the use and erosion of the bluff at that location. The path at the location could also be improved to prevent accidents and illegal parking. The bathrooms should also be repaired to handle increased use.

Thank you,
Michael Hall
527 8th st
Montara

From: Laura Work <lrwork@att.net>
To: CLeung@smcgov.org
Date: 3/14/2014 4:40 PM
Subject: La Costanera

Dear Ms. Leung,

I am a long time Montara resident. I think you should do whatever you can to assist La Costanera in obtaining the rights to the parking lots that surround their restaurant and allow them to be open during the day. It is hard enough to have a business on the coast side without such restrictive regulations. The county should improve the impromptu lot north of the restaurant for beach parking and permanently fix those god awful stairs. There is also plenty of space along the highway between the restaurant and the north parking area for parking with access to the gentle sloping trail to beach just north of the restaurant. There is so much space, why crowd everyone into those tiny parking areas at the restaurant? With La Costanera willing to do valet parking and improve access, landscaping with lighting and such, the time has come to work this out so the restaurant can have the business hours it needs. Lunch and brunch would be very enjoyable there. I don't go out to eat very often and I have no feelings for or ties to this restaurant. I just think it is the right thing to do. With the new trails on Devil's slide, this improvement would be an added bonus. Thank you for your consideration.
Laura Wolk

Sent from my iPad

Camille Leung - Re: Revised Mitigated Negative Declaration - La Costanera Use Permit Amendment

From: tim duff <pacificatim@yahoo.com>
To: CLeung@smcgov.org; pacificatim@yahoo.com
Date: 3/25/2014 2:12 PM
Subject: Re: Revised Mitigated Negative Declaration - La Costanera Use Permit Amendment

Hi Camille,

Thank you for the NOI on the Costanera MND.

My one comment at this time relates to the Lot B parking lot getting assigned only 10 formal parking spaces for purposes of calculating impacts to existing and planned future public parking in the project area.

Specifically, the assertion that this lot represents only 10 formal spaces is not accurate. While I understand the rationale for applying such a formula, the reality is that Lot B, if developed for formal / striped parking, could accommodate far more parking spaces.

Currently, I would estimate the informal use of this lot accommodates no less than 30 cars. If/when developed for formal / striped parking the lot could still accommodate at least 20 spaces along with the necessary infrastructure to capture and direct stormwater runoff, landscaping, bluff set backs etc.

I recommend the MND be revised to increase the current figure of 10 formal parking spaces to 20 spaces in light of the 30+ informal spaces that exist there today. In turn, the figures in the MND that measure impacts to public parking need to be revised accordingly and mitigated with revised measures to reduce impacts to existing public parking.

Thank you.

Tim Duff
 San Francisco, CA 94109

> On Feb 27, 2014, at 4:54 PM, "Camille Leung" <cleung@smcgov.org> wrote:

>

> COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

>

> REVISED (February 27, 2014)

> NOTICE OF INTENT TO ADOPT

> NEGATIVE DECLARATION

> (revisions shown in underline and strikethrough format)

>

> A notice, pursuant to the California Environmental Quality Act of 1970,

> as amended (Public Resources Code 21,000, et seq.), that the following

> project: La Costanera Use Permit Amendment, when adopted and

> implemented, will not have a significant impact on the environment.

>

Camille Leung - La Costanera Restaurant Changes

From: Leslie OBrien <leslieob@sbcglobal.net>
To: CLeung@smcgov.org; CLeung@smcgov.org; leslieob@sbcglobal.net
Date: 3/28/2014 1:50 PM
Subject: La Costanera Restaurant Changes

I do not believe that La Costanera restaurant should be allowed to take over the parking lots located in their vicinity for restaurant parking only. The restaurant is on a state beach, which many people visit and access via the current parking lots. It is one of California's assets that people have access to these natural resources and to restrict that access would be repugnant. It would appear that only those that can afford to eat at the restaurant would have priority parking over those who just wish to visit the beach. This is an infringement upon every person's right to access the California State Beaches.

I also think that limiting the parking and opening the restaurant during the day, especially on weekends, would lead to increased traffic jams and likelihood for both auto and pedestrian accidents.

Sincerely,

Leslie O'Brien
75 Precita Ave.
Moss Beach, CA 94131

Camille Leung - Re: La Costanera negative declaration EIR

From: Barry L <exstanford.micro@yahoo.com>
To: CLeung@smcgov.org; exstanford.micro@yahoo.com
Date: 3/28/2014 3:10 PM
Subject: Re: La Costanera negative declaration EIR
Attachments: Mitigation Measure Costanera.pdf

Hello Camille,

Thank you for the help.

I have attached some 'comments' on the EIR.

I have some concerns about the project. Basically, the property has had a long standing 'contract' with the people of California: that all parking will be public/beach till 5pm. During summer - when there is daylight long after 5pm - restaurant users have take-over the State Beach parking.

I suggest that if a permit for Brunch/Lunch is granted; perhaps it could be for Sunday only on an 18 month trial? If that works out - then another day could be added - with another trial period (to be determined).

Barry Lifland

From: Camille Leung <cleung@smcgov.org>
To: Barry L <exstanford.micro@yahoo.com>
Sent: Monday, March 24, 2014 11:03 AM
Subject: Re: La Costanera negative declaration EIR

Hi Barry,

Its a little hard to find. On the "Home Page" under "what's new", keep clicking "more"...Here's a direct link:

<https://planning.smcgov.org/pln2006-00494-la-costanera-negative-declaration>

Camille M. Leung
 Planning and Building Department
 455 County Center, Second Floor
 Redwood City, CA 94063
 Phone: (650) 363-1826
 Fax: (650) 363-4849

Please help us to serve you better and take a moment to complete our survey, just click on the link below:

<http://www.co.sanmateo.ca.us/planning/survey>

 Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and protected information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

>>> Barry L <exstanford.micro@yahoo.com> 3/21/2014 3:07 PM >>>

Is there an on-line link that I would be able to review the La Costanera negative declaration EIR?
I tried searching the Planning Dept sites but could not locate a copy.

Thank you.
Barry Lifland

Mitigation Measure 9: In order to prevent further reduction of beach user parking at the restaurant site and at the State Parks property, the applicant shall post signs at the properties with language comparable to the language provided below, with the wording, number, color and size of signs subject to the approval of the Community Development Director:

- Signage at the entrance of the State Parks property shall state that parking by restaurant visitors is prohibited at all times.

HOW IS THIS TO BE DETERMINED AND/OR ENFORCED? SUPPOSE A BEACH USER BECOMES A RESTAURANT CUSTOMER OR A RESTAURANT CUSTOMER GOES TO THE BEACH?

- Signage in Lot A of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m.

HOW IS THIS TO BE DETERMINED AND/OR ENFORCED? SUPPOSE A BEACH USER BECOMES A RESTAURANT CUSTOMER OR A RESTAURANT CUSTOMER GOES TO THE BEACH?

WHAT HAPPENS TO A BEACH USER THAT ARRIVES BEFORE 5PM AND DOES NOT RETURN TO THEIR VEHICLE TILL AFTER 5PM? COULD IT BE TOWED?

- Signage in Lot C of the restaurant property shall state that parking is only available to restaurant visitors after 5:00 p.m. and before 5:00 p.m. on Fridays and weekends only. Signage shall also caution beach visitors of increased traffic on the property on Fridays and weekends and to use designated Coastal Trail paths to cross the property.

HOW IS THIS TO BE DETERMINED AND/OR ENFORCED? SUPPOSE A BEACH USER BECOMES A RESTAURANT CUSTOMER OR A RESTAURANT CUSTOMER GOES TO THE BEACH?

WHAT HAPPENS TO A BEACH USER THAT ARRIVES BEFORE 5PM AND DOES NOT RETURN TO THEIR VEHICLE TILL AFTER 5PM? COULD IT BE TOWED?

REVISED ANSWERS TO QUESTIONS

File No. PLN 2006-00494

Page 18

Yes, Not Significant. As discussed in Section 5 of this report, this project would not adversely affect the capacity of any public streets, highways, or freeways. The project involves brunch and lunch service on Fridays and weekends only and is not anticipated to impact public transit systems or result in the hiring of a significant number of additional full-time employees so as to result in a significant impact to schools, parks, police, fire, or hospitals. The existing restaurant is served by existing public utility lines and services and, therefore, the project is not likely to significantly and adversely affect the capacity of electrical, water and gas supply lines, sewage lines, or sanitary landfills.

THIS DOES NOT MAKE COMMON SENSE:

THE "the hiring of a significant number of additional full-time employees" HAS NOTHING TO WITH HOW MANY EMPLOYEES WILL BE ON SITE AT ANY GIVEN TIME. THERE WILL BE 100% MORE EMPLOYEES POPULATING THE RESTAURANT DURING BRUNCH AND LUNCH THAN THE CURRENT EMPLOYEE STATUS POPULATION OF NO SERVICE PRIOR TO 5PM. THERE IS ALSO LIKELY TO BE DOUBLE THE EMPLOYEES AT A GIVE TIME DURING SHIFT CHANGES. THESE EMPLOYEES UTILIZE PARKING SPACES. INCREASED RESTUARANT SERVICE WILL REQUIRE INCREASED SUPPLY SERVICE. THIS COULD NEGATIVELY IMPACT TRAFFIC.

FROM PAGE 2:

4. The project will not have adverse impacts on traffic or land use.

A 2 DAY STUDY OF TRAFFIC PATTERS IS INADQUATE. HIGHWAY 1 IS CONGESTED AND AT NEAR CAPACITY MANY DAYS OF THE YEAR: EX: DREAM MACHINES; JULY 4TH; PUMPKIN FESTIVAL; NICE WEATHER DAYS, ETC.

Camille Leung - La Costanera Extension of Hours

From: Brett Currier <brettcurrier@icloud.com>
To: CLeung@smcgov.org
Date: 3/31/2014 6:01 AM
Subject: La Costanera Extension of Hours

I would like you to know that as a resident of the Coastsides, I am very much in favor of the extension of hours applied for by La Costanera restaurant. The improvements they would make in the parking lots, particularly the dirt one, are very much needed. The commerce is very much needed....and this business is a true jewel of the Coast.

Please act favorably on this request.

Thank you.

Brett Currier
617 Marseille Way
Half Moon Bay, CA 94019
H: 650-726-0730
C: 650-888-0906

From: Kathleen Currier <kathleencurrier@gmail.com>
To: CLeung@smcgov.org
Date: 3/31/2014 2:41 PM
Subject: La Costsnera

I have been waiting for them to request longer hours!!! As a local we have had a few restaurants at that site, and none of them could open up for lunch! WHAT a shame! For both locals and visitors to the beach alike. We need this fabulous restaurant to MAKE it, we want to keep it on the coast. Please see this from the view of us who live on the Coastside. This great restaurant SHOULD be able to expand their hours so that many more of us can enjoy it and get a better parking lot. We need a decent parking lot there! Sometimes we have to park far from the restaurant leaving us open for traffic accidents crossing the highway. This is the BEST restaurants we ever had at that site, in the 25 years I have lived In Half Moon Bay. We love this restaurant and hope that you would allow them to expand their hours!!
Thank you for your time,
Kathleen Currier

Sent from my iPad

Camille Leung - PLN 2006-00494-La Costanera

From: "Deborah Lardie" <deborah@lardiecompany.com>
To: CLeung@smcgov.org
Date: 3/31/2014 9:05 PM
Subject: PLN 2006-00494-La Costanera
CC: jginsberg@coastal.ca.gov; SMonowitz@smcgov.org; DHORSLEY@smcgov.org

Dear Camille- I am writing to comment on the recent negative dec. I am opposed to the county's action for the following reasons:

1. The proposed parking mitigation scheme is faulty as detailed in the MCC letter. There is very limited parking at this beach. The restaurant would interfere with use of the State Beach by the public by expanding the hours of operation. This is in conflict with the Local Coastal Program.
2. The parking scheme is not only faulty mathematically but it is unenforceable as reinforced by the letter from State Parks.
3. This is a sensitive bluff in a highly scenic location- further development is also in conflict with the LCP.
4. The owner of this property has numerous building violations that need to be addressed- they have nothing to do with the expanded hours- why have these not been enforced?
5. The owner has not shown good faith in honoring the current operating permit. They are currently opening prior to their permitted hours. They have put up illegal lights and signage numerous times and only removed them under public protest. This behavior has not been addressed by the county nor has enforcement been a criteria of their permit. Why do some building and planning violations result in onerous fines and others overlooked?

The current operating permit should be enforced and no expansion of operating hours permitted at this sensitive public site overlooking a state beach dependent on the site for public access.

Thank you

Best Regards,
Deborah Lardie
Montara

Camille Leung - Re: PLN2006-00494 La Costanera

From: Mary Larenas <mdlarenas@gmail.com>
To: CLeung@smcgov.org
Date: 1/29/2013 8:41 AM
Subject: Re: PLN2006-00494 La Costanera
CC: ellen.gartside@gmail.com; kathryn@montara.com; DHORSLEY@smcgov.org; CGro...

Good Morning Camille,

The improvements requested by La Costanera will impact and restrict public access to Montara State beach. The original contract allowed the public to use the parking lot and adjacent undeveloped, dirt lot for public parking. Public parking needs are greatest on weekends, holidays, and summers months. The public parking lot to the south of the restaurant is inadequate to serve the needs of the public as it is too small and the leading bluff edge on the northern side is eroding and now endangers the whole northern section. Keeping public access to these lots is vital to beach access. The Restaurant was fully aware of this when it opened up.

Thank you, hope you are doing well.

Mary Larenas

Moss Beach

[650-728-5067](tel:650-728-5067)

Owners: Restaurant Site: A&G, LLC; Historical Parking Lot Site: State of California

Department of Parks and Recreation (State Parks)

File No.: PLN2006-00494

Location: 8150 Cabrillo Highway, Montara

Assessor's Parcel Nos.: A&G, LLC: 036-046-050, 310, 380, 390, and 400;

State of California: 036-046-410

Consideration of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA), Use Permit Amendment and Design Review, pursuant to Sections 6267, 6565.3 and 6565.17 of the San Mateo County Zoning Regulations, for the continued operation of a restaurant and to 1) expand the hours of operation to allow lunch service on Fridays and weekends only (93 seats only), 2) legalize improvements to the property not authorized by the previous Use Permit, and 3) allow access,