

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

DATE: September 27, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Public hearing to consider a Use Permit Amendment and Design Review Permit to 1) legalize and allow the use of the 1,276 sq. ft. lower patio; 2) allow installation of public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01)(Consent Order) including trail improvements, public viewing areas, and landscaping; 3) allow installation of downward-directed path lighting in the parking lots; and 4) allow construction of new roofing over the 1,118 sq. ft. outdoor work/trash area to comply with Montara Water and Sanitary District requirements, at an existing 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County. The upper patio will be removed and replaced with public access improvements per the Consent Order. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission.

County File Number: PLN 2015-00297 (La Costanera Restaurant)

PROPOSAL

The La Costanera Restaurant is the current tenant of an 11,332 sq. ft. restaurant building with 189 seats at 8150 Cabrillo Highway, owned by Rahim Amidi of A&G, LLC. The restaurant is located adjacent to Montara State Beach on the west side of Cabrillo Highway. The applicant requests to amend the current use permit (UP 20-77) to allow the following:

1. Legalization of seating and restaurant service use of the 1,276 sq. ft. lower patio without any change to number of total seats (189) allowed by the existing use permit, as well as demolition of the upper patio.
2. Installation of public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01), issued on March 9, 2017, including trail improvements, public viewing areas, and landscaping.

3. Installation of downward-directed path lighting in the parking lots.
4. Construction of new roofing over the existing 1,118 sq. ft. outdoor work/trash area to comply with Montara Water and Sanitary District (MWSD) requirements.

RECOMMENDATION

That the Planning Commission approve a Use Permit Amendment and a Design Review Permit, to legalize and allow the use of the lower patio; allow installation of public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (Consent Order), including a new trail, landscaping, and lighting; and allow construction of new roofing over the outdoor work/trash area, County File Number PLN 2015-00297, by making the required findings and adopting the conditions of approval in Attachment A of the staff report.

BACKGROUND

County's Review: On January 13, 2016, the Planning Commission denied a previous proposal involving the legalization and use of both the upper and lower patios, finding that, given the status of unresolved violations at the property and the history of past violations, there is no assurance that the property owner/applicant would comply with current or new conditions of approval. The Planning Commission found that without such assurances, the requested expansion in the restaurant area will result in significant adverse impacts to coastal resources and neighboring residents, by: (1) limiting parking in the area, which impedes the ability of the public to access the beach and creates problems for residents; (2) increasing nighttime noise and lights; and (3) adding to the volume of trash and pollutants that end up on the beach and in the ocean.

On January 26, 2016, the applicant filed an appeal of the Planning Commission's decision to deny the project. At its meeting on April 26, 2016, the Board of Supervisors (Board) continued its review of the appeal to a new meeting date, six months later, directed staff to send a letter to the property owner describing all violations that need to be addressed, and directed staff to monitor the site for compliance and report back to the Board at the new meeting date. In a letter titled "3rd Notice to Resolve Violation Notice (VIO 2014-00253), dated June 14, 2016, Code Compliance Section staff outlined outstanding violations and set deadlines for compliance. Six months later, staff provided the Board members with a project update, but no hearing date before the Board of Supervisors was scheduled as the applicant had not adequately resolved the violations outlined in the 3rd Notice letter.

California Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01)

On March 9, 2017, the California Coastal Commission (CCC) issued a Consent Order requiring the property owner to pay a \$500,000 civil penalty for violations including: 1) construction and use of the two patios, 2) violation of the authorized hours of operation by opening prior to 5:00 p.m. and hosting unpermitted daytime events, and

3) intensification of use of the restaurant through unpermitted development (i.e., patios) and large capacity events (i.e., up to 300 persons) which increase parking demand when there is a demand for beach user parking.

In compliance with the Consent Order, the applicant has prepared an improvement plan showing the proposed removal of the unpermitted upper patio, construction of public access improvements, including improvements to two segments of the California Coastal Trail, trail signage, and public viewing areas. The applicant has revised the subject proposal to include the work required by the Consent Order, as well as new downward-directed path lighting in the parking lots and a new roof over the work/trash area requested by MWSD to address stormwater infiltration. Due to these new elements of the proposal and work toward the resolution of many of the violations through the Consent Order with the CCC, the applicant has withdrawn his appeal of the Planning Commission's decision to deny the previous proposal.

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

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 (indoor seating only) in 1950. Project compliance with current Use Permit conditions of approval is discussed in Section A of this report. Sections 6269 (*Development Standards*) and 6270 (*Performance Standards*) require all exterior and interior lighting to be located so as to confine direct rays to the premises. New downward-directed path lighting would be also visible from Highway 1, but with the removal of existing flood lighting in the north and south parking lots, overall lighting impacts to Highway 1 would be reduced. The proposed light bollards are not consistent with the design of the building or the surrounding environment. Condition No. 11 requires the owner to use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director.

Compliance with Conditions of Use Permit 20-77 and Use Permit Regulations of Chapter 24 of the County Zoning Regulations

Since 2014, the County has issued notices of violation for the unpermitted use of the upper and lower patios, unpermitted lighting and signage, violation of hours of operation (unpermitted daytime events at the property in 2014 and 2015), stormwater discharge (specifically, polluted run-off from the trash storage area), and unpermitted painting of the trim and fixtures. Recently, the applicant has worked with the CCC and MWSD staff to resolve violations, including through the proposal of improvements included in this project.

The proposed Use Permit Amendment would not result in a significant adverse impact to coastal resources or be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Specifically, patio construction did not require significant alteration of topography or impact to surrounding neighborhood, beach, or ocean environments. Use of the patio would not intensify the restaurant use and associated parking impacts because the allowed number of restaurant seats remains the same. The patio is not visible from Cabrillo Highway, but is visible from the beach. As proposed and conditioned, patio lighting would be the minimum necessary for nighttime dining and would not result in significant light pollution or light spillover. The proposal benefits San Mateo County by providing a unique experience for visitors and residents to observe the beauty of the County coastline while dining outdoors.

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

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 amendment requested from the County. The applicant cannot act in reliance upon the County's use permit amendment until the CDP amendment is granted by the California Coastal Commission.

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

DATE: September 27, 2017

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Public hearing to consider a Use Permit Amendment and Design Review Permit, pursuant to Sections 6267 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to 1) legalize and allow the use of the 1,276 sq. ft. lower patio; 2) allow installation of public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01) (Consent Order) including trail improvements, public viewing areas, and landscaping; 3) allow installation of downward-directed path lighting in the parking lots; and 4) allow construction of new roofing over the 1,118 sq. ft. outdoor work/trash area to comply with Montara Water and Sanitary District requirements, at an existing 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County. The upper patio will be removed and replaced with public access improvements per the Consent Order. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission.

County File Number: PLN 2015-00297 (La Costanera Restaurant)

PROPOSAL

The La Costanera Restaurant is the current tenant of an 11,332 sq. ft. restaurant building with 189 seats at 8150 Cabrillo Highway, owned by Rahim Amidi of A&G, LLC. The restaurant is located adjacent to Montara State Beach on the west side of Cabrillo Highway. The applicant requests to amend the current use permit (UP 20-77) to allow the following:

1. Legalization of seating and restaurant service use of the 1,276 sq. ft. lower patio without any change to number of total seats (189) allowed by the existing use permit, as well as demolition of the upper patio.
2. Installation of public access improvements to comply with the Coastal Commission's Consent Cease and Desist Order (CCC-17-CD-01) (Consent Order), issued on March 9, 2017, including trail improvements, public viewing areas, and landscaping.
3. Installation of downward-directed path lighting in the parking lots.

4. Construction of new roofing over the existing 1,118 sq. ft. outdoor work/trash area to comply with Montara Water and Sanitary District (MWSD) requirements.

The upper and lower patios were constructed in 2008 and have been used by the restaurant for table service (although that use has ceased for several months), without the required amendment to the current use permit. The lower patio is approximately 1,276 sq. ft., contains two fire pits, is accessible from the lower dining and bar area, and would seat 27 persons. The upper patio, which would be demolished as required by the Consent Order, is approximately 850 sq. ft., has contained seating for 15 persons, and is accessible from the main floor of the restaurant.

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 amendment requested from the County. The applicant cannot act in reliance upon the County's use permit amendment until the CDP amendment is granted by the California Coastal Commission.

RECOMMENDATION

That the Planning Commission approve a Use Permit Amendment and a Design Review Permit, to legalize and allow the use of the lower patio; allow installation of public access improvements to comply with the Coastal Commission's Consent Order, including a new trail, landscaping, and lighting; and allow construction of new roofing over the outdoor work/trash area, County File Number PLN 2015-00297, by making the required findings and adopting the conditions of approval in Attachment A.

BACKGROUND

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

Applicant: Hamid Rafiei, A&G, LLC

Property Owner: Rahim Amidi, A&G, LLC

Location: 8150 Cabrillo Highway, Montara

APN: 036-046-050

Sphere-of-Influence: City of Half Moon Bay

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.

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.

Environmental Evaluation: Class 1, of the California Environmental Quality Act, related to minor modification of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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 the 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 approved a Use Permit for a 260-seat restaurant and eight 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 approved 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.

- 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 the 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 an amendment to the Use Permit (UP 20-77, Attachment E of staff report), which allowed the restaurant owner to place rip-rap 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 purchased the property.
- November 21, 2006 - Application for a Use Permit Amendment (PLN 2006-00494) is submitted to the County. Application includes a change in the hours of operation to include a lunch service. Subsequently, the application is deemed incomplete.
- 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 issued 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, and the Building Inspection Section approved, a revision to the building permit 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 windbreaks were not approved under this building permit.
- September 2009 - La Costanera Restaurant occupies property.
- 2011 - 2015 - 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, April 25, 2014, January 28, 2015, March 12, 2015, and July 13, 2015, 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).
- September 24, 2014 - Planning Commission denies the owner's request for a Use Permit Amendment, Design Review Permit, Planned Agricultural District Permit, and a Grading Permit (PLN 2006 00494) to (1) expand the hours of operation to allow brunch and lunch service on Fridays and weekends only (93 seats only), legalize unpermitted exterior lighting and patios, and formalize the historical beach access parking use on adjoining parcels owned by the State of California Department of Parks and Recreation, based on the violation history at the property.
- October 3, 2014 - Applicant files appeal of the Planning Commission's denial. At this time, the applicant has placed his appeal under PLN 2006 00494 on hold to pursue the subject proposal.
- December 23, 2014 - The County issues Notice of Violation (VIO 2014-00253), identifying on-going violations of the terms of the existing Use Permit (UP20-77), in the areas of outdoor lighting,

hours of operation, unpermitted use of patios, A-frame signs, and stormwater discharge at the subject property.

- June 26, 2015 - The applicant obtained a Design Review Exemption (PLN 2015-00179), under the review of County and CCC staff, to permit trim, sign, and gutter painting to a beige color, in response to County and CCC violation notices regarding painting of portions of the restaurant and signage using bright white paint.
- July 10, 2015 - The County sends second Notice regarding Notice of Violation (VIO 2014-00253). The County acknowledged that the property has addressed violations relating to outdoor lighting, A-frame signs, and unpermitted painting, but has not fully resolved violations relating to hours of operation, unpermitted use of patios, and stormwater discharge at the subject property.
- July 21, 2015 - The applicant submits an application for the subject proposal.
- July 22, 2015 - A representative of the owner submits a letter dated July 22, 2015 and supporting documents, in response to the County's letter dated July 10, 2015. The letter acknowledges reservation dates in 2015 for daytime events at the restaurant. These reservations were made prior to February 2015 and include reservation dates for September 7, 2015, September 12, 2015, October 3, 2015, and October 10, 2015.
- August 29, 2015 - County receives a complaint from a member of the public regarding a wedding event observed at the restaurant site and the beach at 3:15 p.m. However, staff was unable to confirm whether photos showed set up activities which are permitted, or event activities.
- September 28, 2015 - County receives a complaint from a member of the public regarding a wedding event observed at the restaurant site and the beach at 4:35 p.m. on September 26, 2015. However, staff was unable to confirm whether photos showed set up activities which are permitted, or event activities.
- October 16, 2015 - County issues citation (VIO 2014-00253) with an associated \$100 penalty for violations to hours of operation and stormwater regulations.

- October 21, 2015 - A representative of the owner submits a letter dated October 21, 2015, as an updated response to the County's letter dated July 10, 2015.
- January 13, 2016 - Planning Commission denies the subject proposal.
- January 26, 2016 - The applicant submits an application to appeal the Planning Commission's decision to deny the project to the Board of Supervisors.
- March 13, 2016 - County receives a complaint from a member of the public regarding a private event observed at the restaurant site and the beach at 2:30 p.m. on the same day.
- March 17, 2016 - County issues a second citation (VIO 2014-00253) with an associated \$200 penalty for violation of hours of operation for an event observed on March 13, 2016 at 2:30 p.m., stormwater discharge (specifically, surface washing from trash storage), and painting of the trim and fixtures of a white color, when only beige was approved through a Design Review Permit Exemption.
- April 25, 2016 - CCC staff notifies the property owner of its intent to commence Cease and Desist Order (CCC-17-CD-01) (referred to herein as the "Cease and Desist Order"), Consent Administrative Civil Penalties proceedings, and to record a Notice of Violation of the Coastal Act.
- April 26, 2016 - Board of Supervisors (Board) public hearing. The Board continues its review of the appeal to a new meeting date, six months later, directed staff to send a letter to the property owner describing all violations that need to be addressed, and directed staff to monitor the site for compliance and report back to the Board at the new meeting date.
- June 14, 2016 - County sent third Notice to Resolve Violation Notice (VIO 2014-00253), and Code Enforcement staff outlined outstanding violations and set deadlines for compliance.
- October 17, 2016 - Joint site inspection and meeting with the applicant, restaurant staff, County staff, CCC staff, and State Parks staff.
- Fall 2016 - Planning staff provided the Board members with a project update, but no hearing date before the Board of Supervisors was scheduled as the applicant had not adequately resolved the violations outlined in the third

Notice letter. Planning staff advised that, as the applicant desires a positive outcome of the Board's review, consistent compliance with County regulations should be demonstrated prior to scheduling a hearing before the Board.

- March 9, 2017 - The CCC issued the Consent Cease and Desist Order (Consent Order) which requires the property owner to pay a \$500,000 civil penalty, to remove the unpermitted upper patio, and to construct public access improvements, including improvements to two segments of the California Coastal Trail, connecting the southern State parking lot to the north-western boundary of the site. The property owner continues to work with the CCC on the details of the improvement plan to ensure consistency with the Consent Order.

- July 23, 2017 - A member of the public submitted a complaint to the County regarding the use of the lower patio at the site and use of the neighborhood by the restaurant for valet parking.

- August 25, 2017 - Applicant submits plans for new roof and lighting, as well as a copy of improvement plans (La Costanera Restaurant, Removal of Unpermitted Development and Coastal Access Improvements, dated August 25, 2017) as a part of the Consent Order with the CCC.

Applicant submits application (BLD 2017-01822) to the Building Inspection Section for legalization of the lower patio, wind screens, and 3 outdoor sinks, as well as construction of new roofing over the trash/work area.

- September 27, 2017 - Planning Commission Public Hearing.

PROJECT UPDATE

A. County's Review

Planning Commission's Denial of Permits

On January 13, 2016, the Planning Commission denied the subject proposal, finding that, given the status of unresolved violations at the property and the history of past violations, there is no assurance that the property owner/applicant would comply with current or new conditions of approval. The letter of decision is included as Attachment F of this report. The Planning Commission found that without such assurances, the requested expansion in the restaurant area will result in significant adverse impacts to coastal resources and neighboring

residents, by: (1) limiting parking in the area, which impedes the ability of the public to access the beach and creates problems for residents; (2) increasing nighttime noise and lights; and (3) adding to the volume of trash and pollutants that end up on the beach and in the ocean.

Appeal of Planning Commission's Decision to Deny the Project

On January 26, 2016, the applicant filed an appeal of the Planning Commission's decision to deny the project. In a letter dated January 22, 2016, the owner, Rahim Amidi, states that the Planning Commission, in its denial of the project, (1) did not consider the restaurant's efforts over the past year to correct all past violations, (2) the finding made by the Planning Commission was not supported by evidence, and (3) that the decision contradicted the recommendation and findings of the staff report.

Board Action on the Appeal

At its meeting on April 26, 2016, the Board of Supervisors (Board) continued its review of the appeal to a new meeting date, six months later, directed staff to send a letter to the property owner describing all violations that need to be addressed, and directed staff to monitor the site for compliance and report back to the Board at the new meeting date. In a letter titled "3rd Notice to Resolve Violation Notice (VIO 2014-00253) (referred to herein as "3rd Notice Letter"), dated June 14, 2016 (included as Attachment H), Code Enforcement staff outlined outstanding violations and set deadlines for compliance. Six months later, staff provided the Board members with a project update, but no hearing date before the Board of Supervisors was scheduled as the applicant had not adequately resolved the violations outlined in the 3rd Notice letter. Planning staff advised that, as the applicant desires a positive outcome of the Board's review, resolution of outstanding violations and consistent compliance with County regulations should be demonstrated prior to scheduling a hearing before the Board.

Since then, the California Coastal Commission issued a Consent Cease and Desist Order (described in the section below) on March 9, 2017, which requires the applicant to remove the upper patio and construct public access improvements. The applicant has revised the patio use proposal to include the work required by the Consent Order, as well as new downward-directed path lighting in the parking lots and a new roof over the work/trash area requested by MWSD to address stormwater infiltration. Due to these new elements of the proposal and the applicant's efforts to resolve many of the violations as required by the Consent Order with the CCC, Planning staff recommended that the Planning Commission have an opportunity to review the revised proposal. The applicant agreed and has withdrawn his appeal of the Planning Commission's prior decision to deny the previous proposal.

B. Coastal Commission Consent Cease and Desist Order

On April 25, 2016, California Coastal Commission (CCC) staff notified the property owner of their intent to pursue a Consent Cease and Desist Order (CCC-17-CD-01) (referred to herein as the "Consent Order"), initiate Consent Administrative Civil Penalties proceedings, and to record a Notice of Violation of the Coastal Act. On March 9, 2017, the CCC issued the Consent Order in response to violations outlined in the CCC staff report dated March 1, 2017 (included without Exhibits as Attachment J). Violations include: 1) construction and use of the two patios, 2) violation of the authorized hours of operation by opening prior to 5 p.m. and hosting unpermitted daytime events, and 3) intensification of use of the restaurant through unpermitted development (i.e., patios) and large capacity events (i.e., up to 300 persons) which increase parking demand when there is a demand for beach user parking.

On March 9, 2017, the CCC issued the Consent Order which requires the property owner to pay a \$500,000 civil penalty, to remove the unpermitted upper patio, and to construct public access improvements, including improvements to two segments of the California Coastal Trail, trail signage, and public viewing areas, as described in the improvement plan under review by the CCC. The improvement plan (titled "La Costanera Restaurant, Removal of Unpermitted Development and Coastal Access Improvements", dated August 25, 2017), under review by the CCC, is provided for reference and is included as Attachment I.

C. Applicant's Work with the Montara Water and Sanitary District (MWSD) to Resolve Stormwater Infiltration into the Sanitary Sewer System and Stormwater Pollution Violation

In its review of this project, MWSD's staff identified concerns regarding stormwater infiltration into the outdoor sanitary sewer drain located immediately downslope of the trash area. Subsequently, the applicant has worked with MWSD staff to resolve the stormwater infiltration issue. MWSD staff and the applicant have agreed that covering the outdoor trash area with a roof would resolve this problem. A letter of approval from MWSD is included as Attachment K. Plans for the proposed roofing are included in the subject proposal (Attachment C).

In its 3rd Notice Letter, the County identified a violation involving discharge of polluted run-off from the outdoor trash area to the stormdrain in the South Parking Lot, resulting in polluted run-off to the beach. The applicant, together with Planning staff, determined that on-site drainage patterns, where trash is stored outdoors and upslope of the stormdrain, contributed significantly to the discharge problem. Roofing of the trash area and implementation of drainage pattern changes, as required by Condition No. 10, would resolve this problem by separating rain run-off that will go to the stormdrain from polluted trash drippings and mop water which will go to the sanitary sewer drain.

D. Update of the Applicant's Work with the State Parks to Review the Integrity and Stability of the Rip-rap and Mortar Armoring

While the original rip-rap at the base of the bluff along the property's boundary with the beach was installed with a permit (CDP 83-67), rip-rap has been modified without a permit (i.e., mortar application). Legalization and repair of the rip-rap require a complex authorization and permitting process with the CCC and State Parks. Therefore, shoreline protection work is not a component of the subject permit.

Upon Planning Staff's request, the applicant provided an update regarding their work with State Parks to ascertain the current status and stability of the existing rip-rap armoring along the beach. In a letter dated August 25, 2017, the applicant states that the property owner has retained Haro Kasunich & Associates to undertake the analysis and will share those results, and any proposal to amend CDP 83-67, or any proposed modification or repair of the existing sea wall when the analysis becomes available. Condition No. 14 requires the property owner to work with State Parks and the CCC to draft a plan and submit the plan to the County within one (1) year of the project final approval date for resolving the permit status of the rip-rap and mortar work.

DISCUSSION

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

1. 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	<i>Compliance with Condition?</i>		<i>Recommend to Retain Condition?</i>	New Condition No. ^a
1. Any additional work on shoreline protection shall be approved in accordance with Geotechnical Consultant Approval form (County Geologist).	No	Rip-rap and cement mortar have been installed improperly and illegally at the base of the bluff of the restaurant site. Legalization and repair of rip-rap require a complex authorization and permitting process. Therefore, shoreline protection work is not a component of the subject	Yes, retained as Condition No. 4. Condition No. 14 added to require the restaurant site owner to coordinate with State Parks and CCC staff to permit and repair rip-rap west of the restaurant site within one (1) year of the final approval date of this project.	Condition Nos. 4 and 14 of Attachment A

Table 1 Status of Restaurant Compliance with Original Conditions of Approval				
Original Condition	<i>Compliance with Condition?</i>		<i>Recommend to Retain Condition?</i>	New Condition No. ^a
		permit.		
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 property owner will construct beach access improvements consistent with the Consent Order with the CCC.	No, condition may be deleted. Maintenance of public access improvements is required by Condition No. 8 of Attachment A (original Condition No. 9).	N/A
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 property owner will construct beach access improvements consistent with the Consent Order with the CCC and will maintain access to those improvements.	Yes, with modification to condition language to reflect beach access improvements consistent with the Consent Order with the CCC.	Condition No. 5 of Attachment A
4. Submit performance bond to guarantee installation of landscaping and maintenance for two growing seasons.	Yes	The property owner will install landscaping consistent with the Consent Order with the CCC and will maintain access to those improvements.	No, the installation of these improvements is the subject of the Consent Order with the CCC.	N/A
5. Submit revised parking plan that provides the required minimum dimensions and accurately delineates the property line.	Yes	The applicant has provided a survey and a parking plan, showing spaces that meet both standard and compact space dimensions.	No, as no changes to parking are proposed, and no additional parking is required. Condition No. 7 requires the provision of 53 parking spaces where only 52 are provided currently.	N/A
6. Submit written approval of California Department of Parks and Recreation for all rip-rap and drainage facilities located on State land.	No	Rip-rap and cement mortar were applied improperly and without permits. Condition No. 14 requires the property owner to work with State Parks and the CCC to draft a plan and submit the plan to the County within one (1) year of the project final approval date for resolving the permit status of the rip-	Yes, requirement combined with original Condition No. 1 (Condition No. 4 in Attachment A).	Condition No. 4 of Attachment A

Table 1 Status of Restaurant Compliance with Original Conditions of Approval				
Original Condition	<i>Compliance with Condition?</i>		<i>Recommend to Retain Condition?</i>	New Condition No. ^a
		rap and mortar work. ^b		
7. Construct all improvements in accordance with approved plans.	Yes	Legalization of patio construction, roofing, and lighting are included in this Use Permit Amendment proposal.	Yes, with modification to condition language for clarity regarding any future unpermitted modifications or intensifications of use and to identify enforcement by the County and CCC.	Condition No. 6 of Attachment A
8. Maintain 53 parking spaces.	No	The property owner currently provides 52 parking spaces in Lots A and C.	Yes, with modification to require compliance prior to the final approval of the building permit for proposed improvements.	Condition No. 7 of Attachment 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.	Yes	Condition No. 8 of Attachment A
10. Hours of operation of restaurant/bar shall be limited to that period between 5:00 p.m. and normal closing time.	Yes	The County has not received any complaints regarding this issue since March 2016.	Yes	Condition No. 9 of Attachment A
<p>a. Changes to original conditions of approval are shown in strikeout and underline format in Attachment A.</p> <p>b. 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.</p>				

History of Violations

Since 2014, the County has issued notices of violation for property owner violation of the conditions of the original Use Permit. County letters identified lighting, unpermitted signage, violation of hours of operation (unpermitted daytime events at the property in 2014 and 2015), stormwater discharge (specifically, polluted run-off from the trash storage area), and unpermitted painting of the trim and fixtures of a white color, when beige was approved through a Design Review Permit Exemption. Since April 2016, the applicant has worked to resolve violations at the property through the Consent Order with the CCC, work with MWSD and County staff, through improvements included in the subject proposal, and agreement to comply with staff-recommended conditions of approval:

a. Hours of Operations

The applicant acknowledges past violation of the hours of operation as well as the conduct of unpermitted daytime events. Since March 2016, the County has not observed or received complaints regarding this issue. As a part of the County's continued coordination with CCC staff, CCC staff has shared a complaint from a member of the public earlier this month regarding an event at the site that started prior to 5:00 p.m. The Consent Order requires the owner to refrain from undertaking any activity in violation of the Coastal Act and/or the CDP issued for this property including, but not limited to, any operation of the restaurant or allowing use of the restaurant prior to 5:00 p.m.

b. Restaurant Use of Unpermitted Outdoor Patios

As a part of the County's continued coordination with CCC staff, CCC staff has shared a complaint received from member(s) of the public regarding use of the lower patio at the site in March 2017. In July 2017, the County received a complaint regarding the use of the outdoor patios. The Consent Order allows the use of the lower patio and requires the demolition of the upper patio once required permits are obtained. It requires the owner to construct public viewing areas, including in the area of the removed upper patio. The subject proposal is intended to legalize the construction and use of the lower patio.

c. Stormwater Discharges

While stormwater violations have not been observed by the County since the County's 3rd Notice Letter, CCC staff has shared with County staff a complaint from a member of the public earlier this month regarding observation of run-off containing a soap-like substance from the outdoor trash/work area. The applicant, together with Planning staff, determined that on-site drainage patterns, where trash is stored outdoors and upslope of the stormdrain, contributed significantly to the discharge problem. Roofing of the trash area and implementation of drainage pattern changes, as required by Condition No. 10, would resolve this problem by separating rain run-off that would be directed to the stormdrain from polluted trash drippings and mop water that would be directed to the sanitary sewer drain, to ensure that wash water from the trash storage area is not discharged onto the beach or into the marine environment.

d. Violations Relating to Trim and Fixture Paint

The applicant obtained a Design Review Exemption (PLN 2015-00179), under the review of County and CCC staff, to permit trim, sign, and gutter painting to a beige color, in response to County and CCC

violation notices regarding painting of portions of the restaurant and signage using bright white paint. The owner states that the approved color was used to paint the trim, sign, and gutter. On February 3, 2016, staff notified the applicant that the color appeared white and that only a color which appears beige may be used. Also, white paint was applied to mechanical and other fixtures which protrude from the roof. In March 2017, staff confirmed that the applicant resolved this issue by painting the trim, sign, and gutter painting to a beige color and by painting other fixtures brown to match the roof.

e. Unpermitted Signage

The County has not observed or received complaints regarding the use of A-frame signs at the property since the County's original violation letter of December 2014.

f. Exterior Lighting Directed at Highway 1

The use of high-wattage flood lighting for parking lot lighting at the property has resulted in a lack of lighting in many areas of the parking lot (likely related to recent car break-ins) and excessive lighting impacts to Highway 1. Also, at the November 4, 2015 Planning Commission meeting, the Planning Commission identified excessive lighting on the roof of the restaurant which did not serve a security or task-oriented purpose. On October 17, 2016, staff confirmed that the applicant removed or disconnected lighting on the roof. To improve security and overall lighting to the parking lots, while preventing spillover and glare impacts to Highway 1, the applicant proposes twenty-three (23) 24" light bollards, including 7 in the south parking lot, 13 in the north parking lot, and 3 along the western pathway. Plans are included in Attachment C.

g. Other Unpermitted Construction

In response to stormwater discharge violations associated with outdoor washing, the property owner constructed three (3) mat washing sinks in the outdoor trash/work area without permits. On August 25, 2017, the applicant submitted a building permit application (BLD 2017-01822) to the Building Inspection Section for legalization of the lower patio, wind screens, and 3 outdoor sinks, as well as construction of new roofing over the trash/work area. Per Condition No. 32, the applicant shall address the legality of the restroom located adjacent to the outside dumpster area and include the restroom in the building permit application if the restroom is found to be unpermitted.

B. COMPLIANCE WITH COUNTY REGULATIONS

1. Conformity with the General Plan

The San Mateo County General Plan land use designation for this property is Coastside Commercial 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. New roofing over the trash/work area and new lighting (plans included in Attachment C) do not involve any land disturbance or removal of vegetation. Public access improvements required by the Consent Order have been reviewed and authorized by the California Coastal Commission, subject to the requirements of the Coastal Act.

b. Chapter 4 - Visual Quality Policies

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 project involves legalization of the lower patio located at the rear of the existing restaurant structure and would not be visible from Highway 1. New roofing that would be visible from Highway 1 over the trash/work area is consistent with the design of the structure. New downward-directed path lighting would be also visible from Highway 1, but with the removal of existing flood lighting in the north and south parking lots, overall lighting impacts to Highway 1 would be reduced. Public access improvements required by the Consent Order would be minimally visible from Highway 1 and have been reviewed and authorized by the California Coastal Commission, subject to the requirements of the Coastal Act.

c. Chapter 6 - Park and Recreation Resources Policies

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. As proposed and conditioned, the project maintains the required 53 parking spaces, which will remain accessible to the public before 5:00 p.m. daily. Public access improvements, including improvements to two segments of the California Coastal Trail, public viewing areas, and landscaping, are required by the Consent Order and are included in this proposal.

d. Chapter 8 - Urban Land Use

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. New roofing and downward-directed path lighting would not have an impact on geological hazards, which are present at this site. Public access improvements required by the Consent Order have been reviewed and authorized by the California Coastal Commission, subject to the requirements of the Coastal Act. All aspects of this project require compliance with the building code and a building permit.

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

a. Use

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 (indoor seating only) 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). The applicant proposes to amend the Use Permit to allow construction and outdoor seating on an outdoor patio, while retaining the same total number of seats at the restaurant.

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) 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.
- (2) Lighting: All approved lighting, exterior and interior, must be located so as to confine direct rays to the premises. New downward-directed path lighting would be also visible from Highway 1, but with the removal of existing flood lighting in the north and south parking lots, overall lighting impacts to Highway 1 would be reduced. Use of the lantern lights that have been used along the windscreen in the past was not permitted, due to excessive light spillover. Condition No. 11 prohibits the use of lantern lights but allows the minimum amount of lighting necessary for nighttime dining, such as individual table lights.

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 section, the proposed patio, roofing, and lighting are discussed in relation to applicable design review standards criteria:

- a. The applicant proposes to legalize unpermitted construction of the lower patio and associated windscreens (Attachment D). The patio consists of grey and blue-toned, non-reflective tiling and natural wood and plexi glass windscreens.
 - (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. The proposed patio will be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). The lower patio is attached to the restaurant building, blending in with the existing building in both color and materials. The lower patio is located on the west elevation of the structure behind the existing restaurant and, as such, does not add any mass to the structure as viewed from Highway 1. The clear plexi-glass windscreens 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 the surrounding neighborhood. The lower patio consists of grey and blue-toned, non-reflective tiling and natural wood and plexi-glass windscreens. Condition No. 3 requires that the natural wood windbreaks be painted to match the building. As constructed and conditioned, the patio blends well with the existing building and its beach environment. The applicant proposes wood shingles over the new roofing to match the existing building. The proposed light bollards are not consistent with the design of the building or the surrounding environment. Condition No. 11 requires the owner to use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director.

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

This permit and the improvements which are not part of the Consent Order, such as proposed roofing and lighting, are subject to the issuance of a Coastal Development Permit (CDP) Amendment from the California Coastal Commission (CCC).

5. Compliance with the 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.

The proposed use of the existing lower patio would not result in a significant adverse impact to coastal resources or be detrimental to the public welfare or injurious to property or improvements in the neighborhood, as patio construction did not require significant alteration of topography or impact to surrounding neighborhood, beach, or ocean environments. Use of the patio would not intensify the restaurant use and associated parking impacts because the allowed number of restaurant seats remains the same. The

patio is not visible from Cabrillo Highway. The patio is visible from the beach. As proposed and conditioned, patio lighting would be the minimum necessary for nighttime dining and would not result in significant light pollution or light spillover. The proposal benefits San Mateo County by providing a unique experience for visitors and residents to observe the beauty of the County coastline while dining outdoors.

C. ENVIRONMENTAL REVIEW

The project qualifies for a Categorical Exemption under Class 1 of the California Environmental Quality Act Guidelines, related to minor modification of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

It should be noted that, for the pending application for expansion of restaurant hours and formalization of parking on State property (PLN 2006-00494), 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. The IS/MND have not been certified. The applicant has placed his appeal under PLN 2006-00494 on hold and is focusing on his request for the subject proposal.

D. 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 Division
City of Half Moon Bay
Coastside Fire Protection 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. Roof and Lighting Plans
- D. Lower Patio and Windscreen Plans
- E. Letter of Decision for UP 20-77 and CDP 83-67, County of San Mateo, dated February 27, 1984
- F. Planning Commission Letter of Decision, dated January 19, 2016
- G. Letter of Continuance from April 16, 2017 Board of Supervisors meeting
- H. 3rd Notice to Resolve Violation Notice (VIO 2014-00253), dated June 14, 2016
- I. La Costanera Restaurant, Removal of Unpermitted Development and Coastal Access Improvements, dated August 25, 2017
- J. CCC Staff Report for Consent Cease and Desist Order, dated March 1, 2017
[Note: Exhibits excluded.]
- K. OK to Construct Letter from Montara Water and Sanitary District, dated March 30, 2017

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2015-00297 Hearing Date: September 27, 2017

Prepared By: Camille Leung
Project Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the project qualifies for a Categorical Exemption under Class 1 of the California Environmental Quality Act Guidelines, related to minor modification of an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Regarding the Use Permit Amendment, Find:

2. 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. Patio construction did not require significant alteration of topography or impact to surrounding neighborhood, beach, or ocean environments. Use of the lower patio would not intensify the restaurant use and associated parking impacts. The patio is not visible from Cabrillo Highway. The patio is visible from the beach. As proposed and conditioned, patio lighting would be the minimum necessary for nighttime dining and would not result in significant light pollution or light spillover. The proposal benefits San Mateo County by providing a unique experience for visitors and residents to observe the beauty of the County coastline while dining outdoors.

Regarding the Design Review Permit, Find:

3. 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). Proposed windbreaks and tiling 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. Condition No. 3 requires windbreaks to be painted to match the building. The proposed patio will

be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). The patio is attached to the restaurant building, blending in with the existing building in both color and materials. The patio is located on the west elevation of the structure behind the existing restaurant and, as such, does not add any mass to the structure as viewed from Highway 1. The clear plexi-glass windscreens allow for wind blocking without the appearance of bulk or massing in views of the restaurant from the beach. The applicant proposes wood shingles over the new roofing to match the existing building. The proposed light bollards are not consistent with the design of the building or the surrounding environment. Condition No. 11 requires the owner to use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director.

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 27, 2017. 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 five (5) 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. The applicant cannot act in reliance upon this Use Permit Amendment until the CDP Amendment is granted by the Coastal Commission.

Within 120 days after a CDP Amendment has been granted by the CCC, the property owner shall obtain a final County building permit(s) for improvements authorized by this permit and drainage improvements associated with the implementation of Condition No. 10.

Additional time to achieve compliance with this condition may be granted by the Community Development Director upon demonstration of the applicant's diligent pursuit of building permit final approval.

At the time of the Current Planning Section's final approval of the building permit(s) for this project, the property owner shall demonstrate that:

- a. On-site parking complies with Condition No. 7 and with the parking requirements of the Americans with Disabilities Act (ADA) (including providing a minimum of three (3) regular accessible parking spaces and one (1) van accessible space).
- b. Removal of flood lights illuminating parking lots.
- c. New roof shall be finished to match the existing structure.
- d. Painting of trash storage area door(s) to match the structure. All exterior paint colors used shall be subject to review and approval by the Community Development Director, prior to application on the structure(s).
- e. Completion of all improvements required by the conditions of this permit.

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)~~ requires Coastal Development Permit approval by the California Coastal Commission and 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.
6. Original Condition No. 7: Construct and maintain all improvements in accordance with approved plans. Once confirmed, any 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. Any and all violations of this permit shall be subject to all applicable penalties including, but not limited to, those established in Ordinance Code Chapter 1.40 (Administrative Remedies).
7. Original Condition No. 8: The owner of the restaurant site shall maintain 53 parking spaces.
8. Original Condition No. 9: Maintain free public access through the parcel to the beach.

9. 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.

Other Current Planning Section Conditions:

10. Trash storage areas: The owner shall perform modifications so that spills, any stormwater, and wash water flow only to drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards and review and approval by the Department of Public Works. The owner shall obtain a building permit for drainage improvements and complete the work in compliance with Condition No. 3. All outdoor washing activities are prohibited, except in areas which drain directly to the sanitary sewer. Wash water is prohibited from entering parking or vegetation/landscaping areas.
11. 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. The owner shall use light bollards which utilize a natural or natural-appearing material as a post and a non-reflective light shield, subject to review and approval by the Community Development Director. Any modification of approved lighting is subject to Coastal Development Permit and Design Review Permit requirements, prior to implementation. The use of lantern lights is prohibited. The property owner shall use the minimum amount of lighting necessary for outdoor nighttime dining, such as individual table lights, as determined by the Community Development Director.
12. The owner shall assign staff to monitor the use of the State Parks property, prohibiting use of the site 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. 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).
13. Tarps and storage of items in the trash enclosure which extend above the screening wall at the property are prohibited.
14. The property owner shall coordinate with State Parks and the California Coastal Commission to prepare a plan for how to permit the rip-rap 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 of this Use Permit Amendment.

National Pollutant Discharge Elimination System (NPDES) Stormwater Pollution Prevention Source Control Conditions (Restaurant operations must comply with these conditions at all times, and demonstration of compliance is required prior to building permit finalization):

15. 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.
16. Outdoor patio floor drains shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards. All wash water from the outdoor patio shall be directed to the sanitary sewer system. Wash water is prohibited from concrete pathway and vegetation/landscaping areas.
17. On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Ocean," or equivalent, using thermoplastic material or a plaque, meeting the requirements of the Department of Public Works.
18. 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.

Coastside Fire Protection District

19. Building Classification: Please indicate on the plans the following information:
Occupant Load Calculations with an exit analysis
20. A 5-year certificate must be obtained before final.
21. 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 Fire 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. The applicant shall contact the Fire Prevention Bureau for specifications and approvals prior to installation.
22. 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 persons 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.

23. 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.

24. 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.

25. 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.
26. 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 switch, 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 specifications and NFPA 72.
27. 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.

28. 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-hour notice to the Fire Department at 650/573-3846.

Department of Public Works

29. 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.
30. 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.
31. 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.

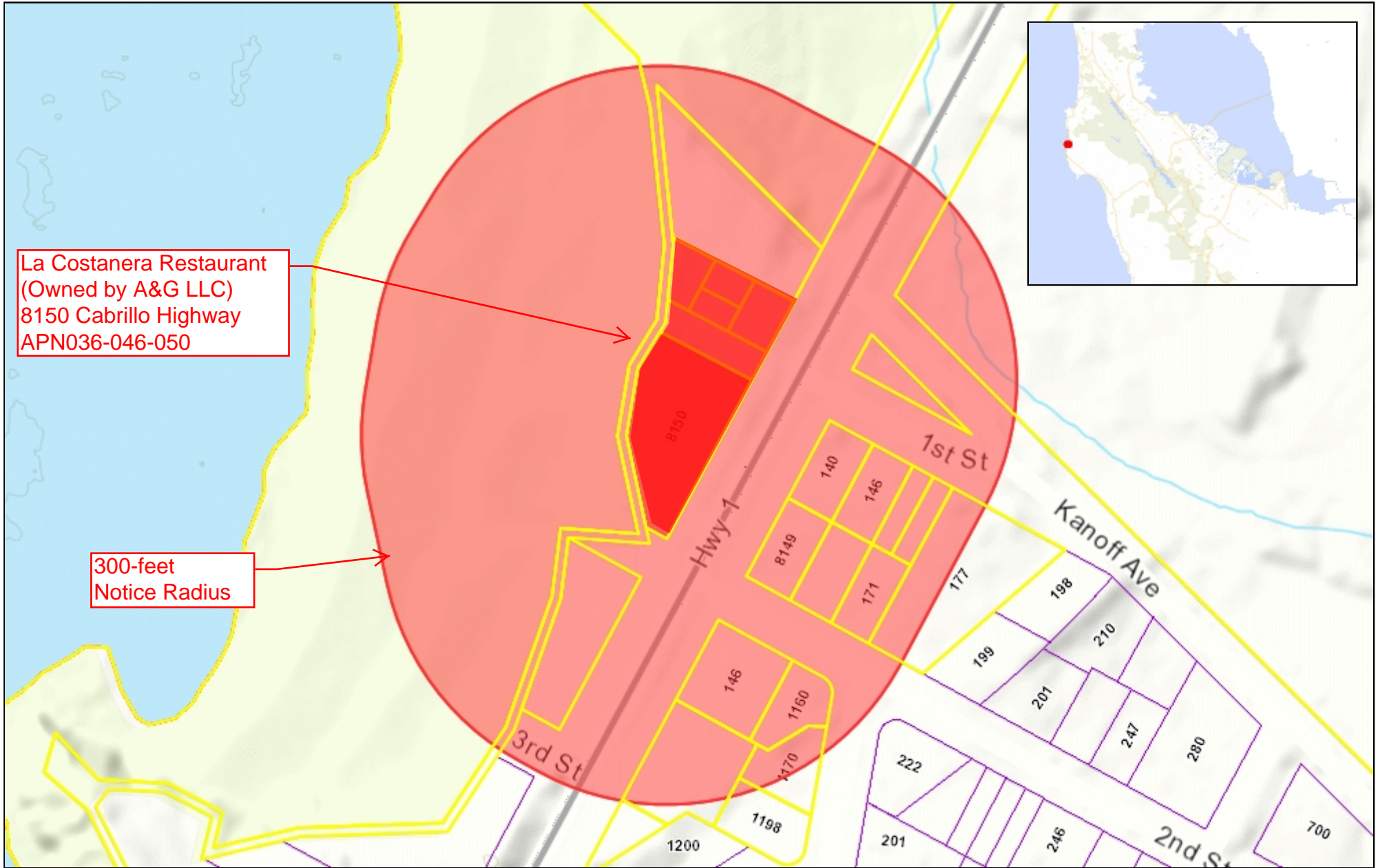
Environmental Health Division

32. The applicant shall address the legality of the restroom located adjacent to the outside dumpster area. If found to be unpermitted, the applicant shall include the restroom in the building permit application for the project.
33. 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.

California Department of Alcoholic Beverage Control (California ABC)

34. The property owner shall not serve alcohol in any outdoor areas of the subject property, including the lower patio, until California ABC's licensing requirements are met. Evidence of an active license shall be provided to the Current Planning Section prior to final of the building permit for the project.

CML:jlh – CMLBB0543_WJU.DOCX



La Costanera Restaurant
 (Owned by A&G LLC)
 8150 Cabrillo Highway
 APN036-046-050

300-foot
 Notice Radius

0.07 0 0.04 0.07 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

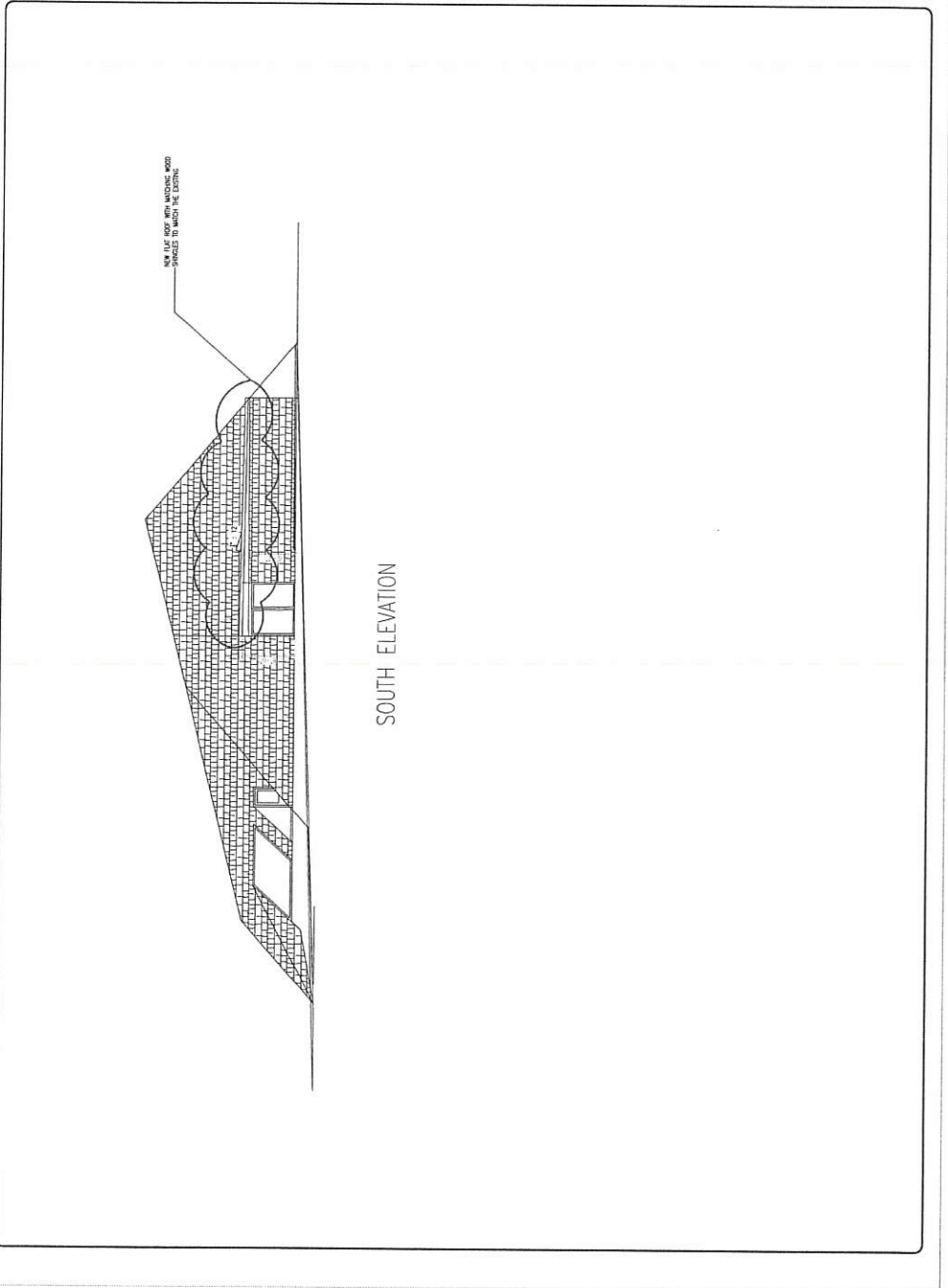
ATTACHMENT B

1: 2,256

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

REVISIONS	A&G LLC 8510 CABRILLO HWY MONTARA, CA 94038	A&G LLC 8510 CABRILLO HWY MONTARA, CALIFORNIA 94038	SHEET TITLE : LIGHTING ELEVATION	DATE: 02/20/2011 DRAWN BY: [blank] CHECKED BY: [blank] SCALE: [blank] PROJECT: [blank] SHEET: A-0
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SOUTH ELEVATION

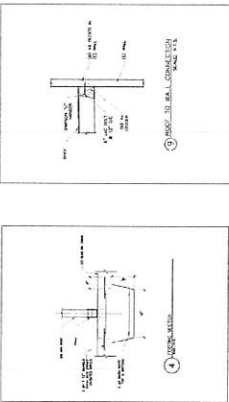
DATE	
BY	
CHECKED	
APPROVED	
SCALE	
DATE	
BY	
CHECKED	
APPROVED	

OWNER:
A&G LLC
8510 CABRILLO HWY
MONTARA, CA 94038

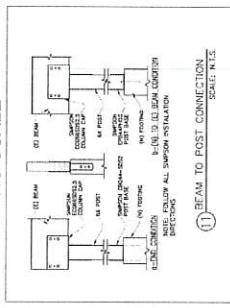
A&G LLC
8510 CABRILLO HWY
MONTARA, CALIFORNIA 94038

SHEET TITLE :

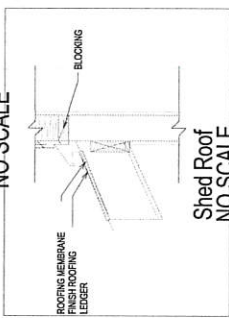
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DATE: 12/15/17
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]
A-0



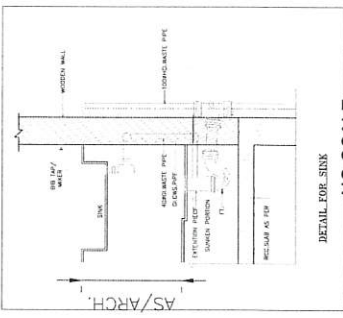
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NO SCALE

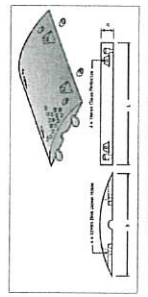


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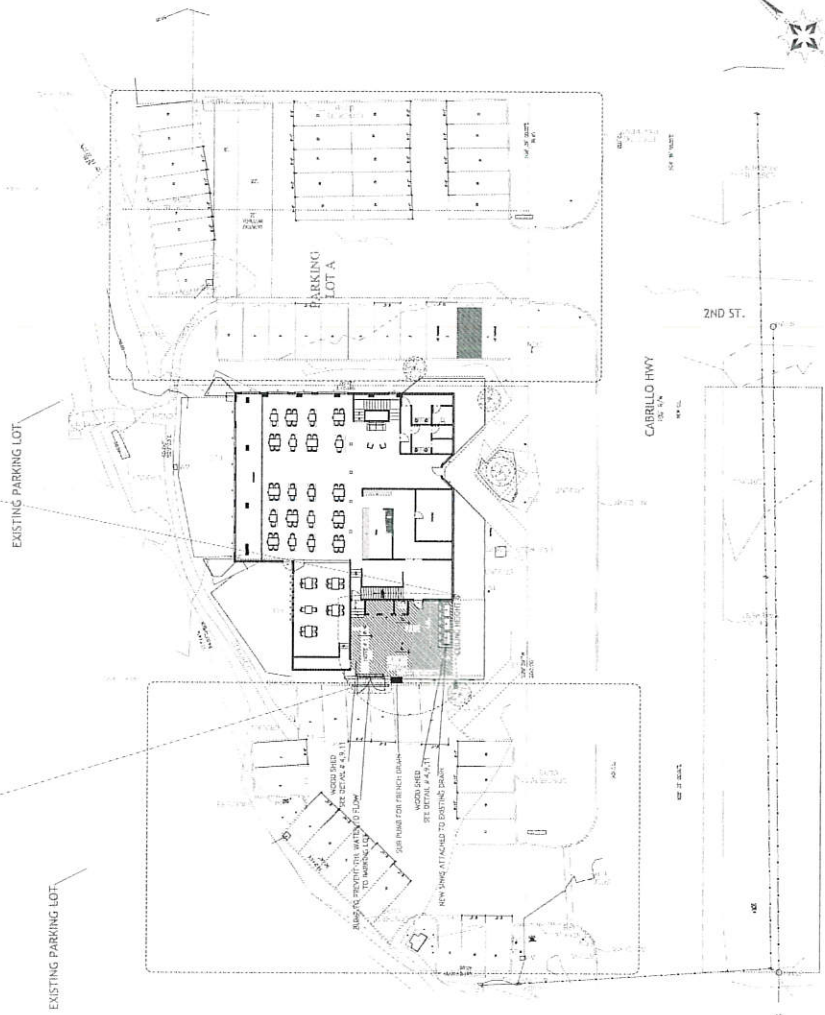


NO SCALE

NOTE 1 :
EXTEND THE EXISTING ROOF TO COVER THE EXISTING WASH DOWN TO
EXISTING PERIMETER FOUNDATION
AND RELOCATE EXISTING DRAIN COLLECTOR FOR SEWAGE PUMP UNDER THE
ROOF EAVE .
ADD CURB / BUMP TO STOP WATER DEFFRACTION TO PROVIDE SEARATION
BETWEEN SEWAGE AND RAIN WATER.



RAMP TO PREVENT WATER TO FLOW
TO FOUNDATION
4\"/>



LIGHTING LEGEND

- ☐ LIGHT BOLLARD: 42" TALL TRUCK BOLLARD AS MANUFACTURED BY [Symbol] WITH 18" DIAMETER AND 18" SPACING. FINISH COLOR TO BE DETERMINED POST-CONSTRUCTION.

LIGHTING NOTES

- 1. PARCEL BOUNDARY GRAPHICS SHOWN ON THIS DRAWING COME FROM ASSASSOR'S PARCEL MAPS FROM THE COUNTY OF SAN MATEO. A TOPOGRAPHIC SURVEY PREPARED BY SURVEYORS DATED 7/20/2011 AND INFORMATION PROVIDED BY CALIFORNIA STATE PARKS.
- 2. ALL FIXTURES SHALL BE DIRECTED TO PREVENT LIGHT FROM SPILLING ADJACENT AREAS UNLESS OTHERWISE NOTED ON THE DRAWING.
- 3. ALL FIXTURES SHALL BE OPERATED VIA AUTOMATED THE CLOCK BY PHOTOCELL OVERSEERS.

NOTE: NO LIGHTING WORK PROPOSED ON STATE PARKS PROPERTY.

NOTE: NO LIGHTING WORK PROPOSED WITHIN CALIFORNIA STATE PARKS.



**Kikuchi + Kankel
Design Group**
Landscape Architecture
Environmental Design
Site Planning
730 Mill Street
San Mateo, CA 94401-9
(650) 726-7100
www.kkdesigngroup.com

CDP AMENDMENT

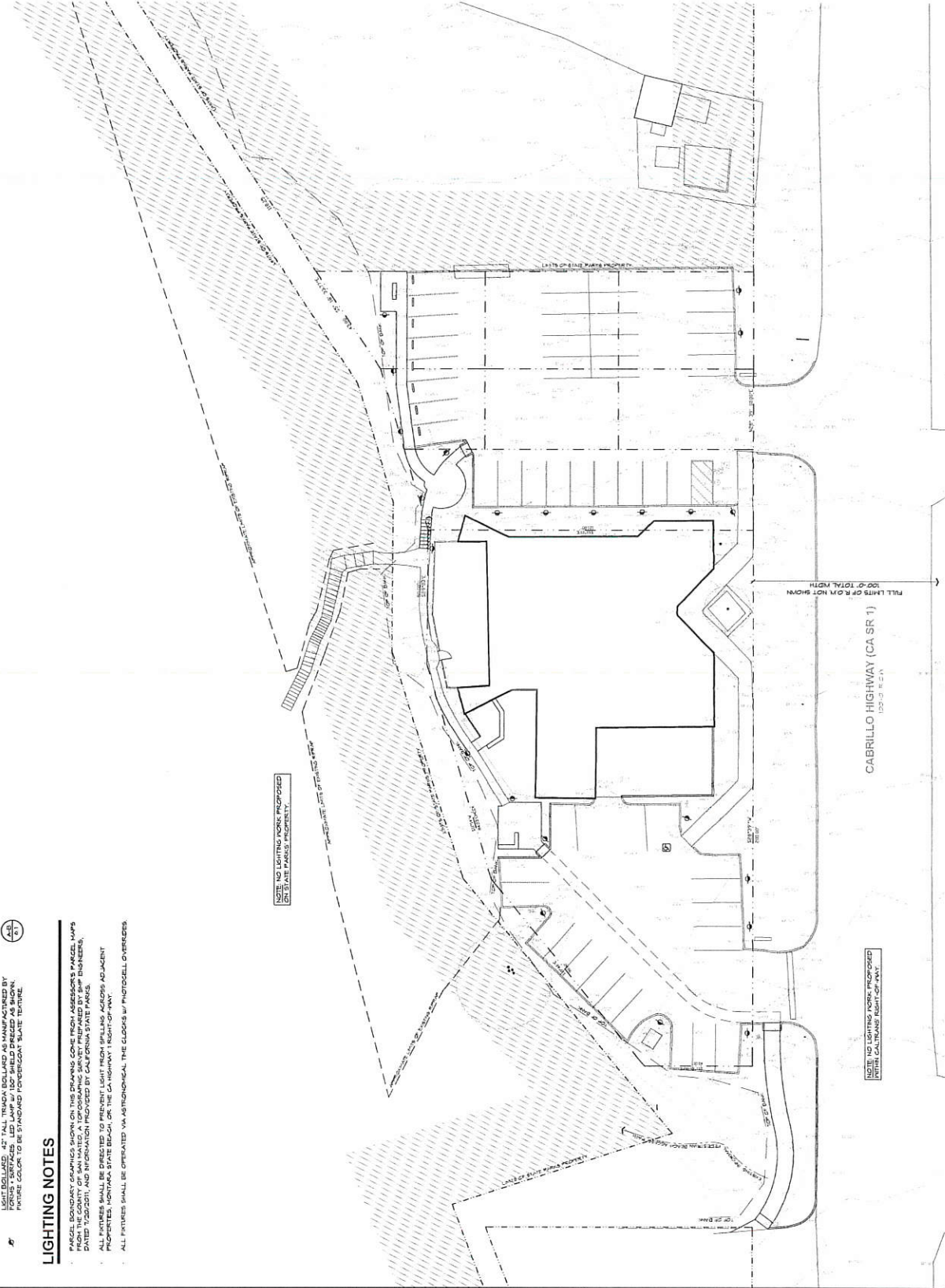
**LA
COSTANERA
RESTAURANT**

8150 CABRILLO HIGHWAY
MOUNTAIN VIEW, CA
APNs:
035-046-080
035-046-310
035-046-310
035-046-330
035-046-390

NOT FOR
CONSTRUCTION

Revision:	
Date:	8/16/2011 DESIGN REVIEW
Scale:	1/4" = 1'-0"
Drawn By:	TK/AL

**SCHEMATIC
LIGHTING PLAN**
Sheet No. **6.0**





Kikuchi + Kankei
Design Group

Landscape Architecture
Environmental Design
Site Planning

730 Mill Street
Half Moon Bay, CA 94019
(650) 726-7100
www.kkdesigngroup.com

CDD AMENDMENT

LA
COSTANERA
RESTAURANT

8150 CABRILLO HIGHWAY
MONTARA, CA

APRIS:
036-646-950
036-646-951
036-646-930
036-646-400
036-646-091

NOT FOR
CONSTRUCTION

Revisions:

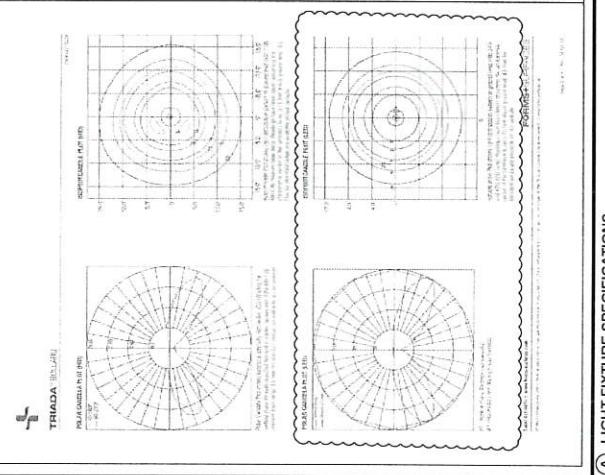
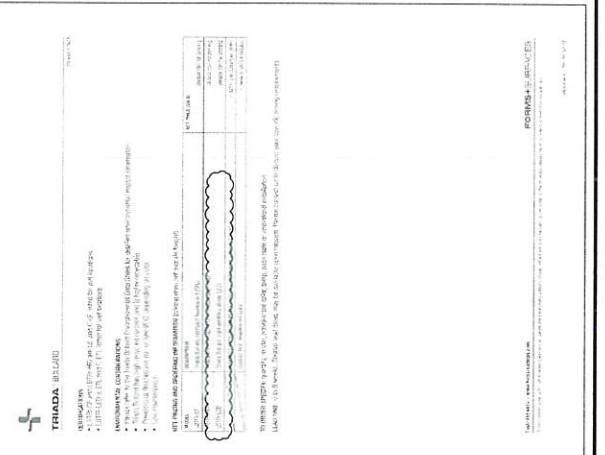
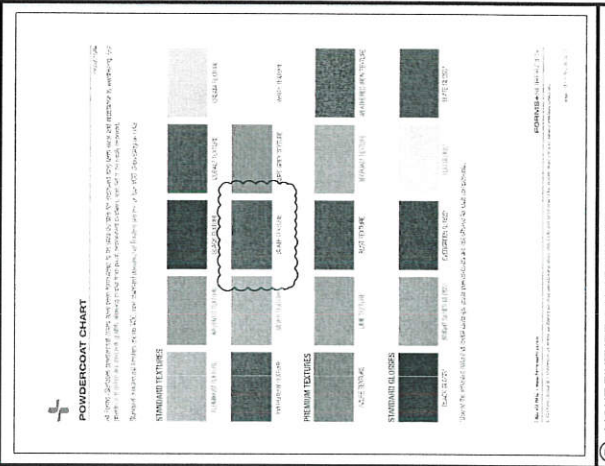
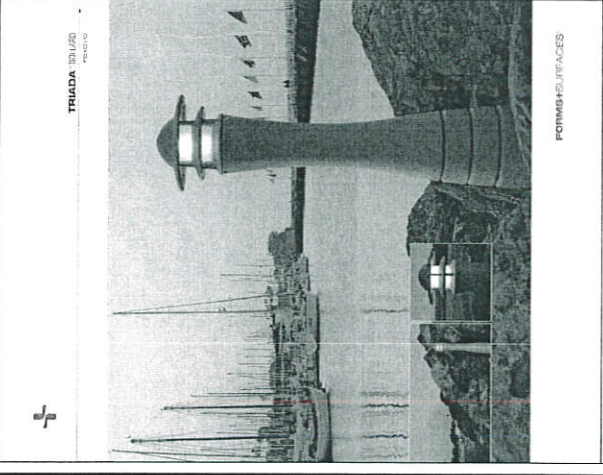
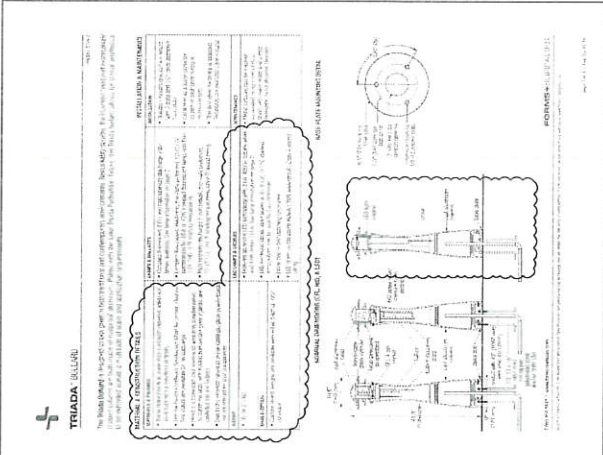
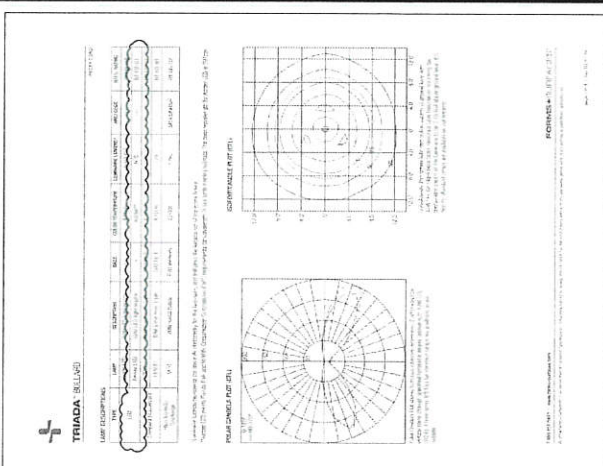
Date:	5/19/2011	DESIGN REVIEW
Scale:	NO SCALE	
Drawn By:	PP/VAL	

LIGHTING
SPECIFICATIONS

Sheet No.

6.1

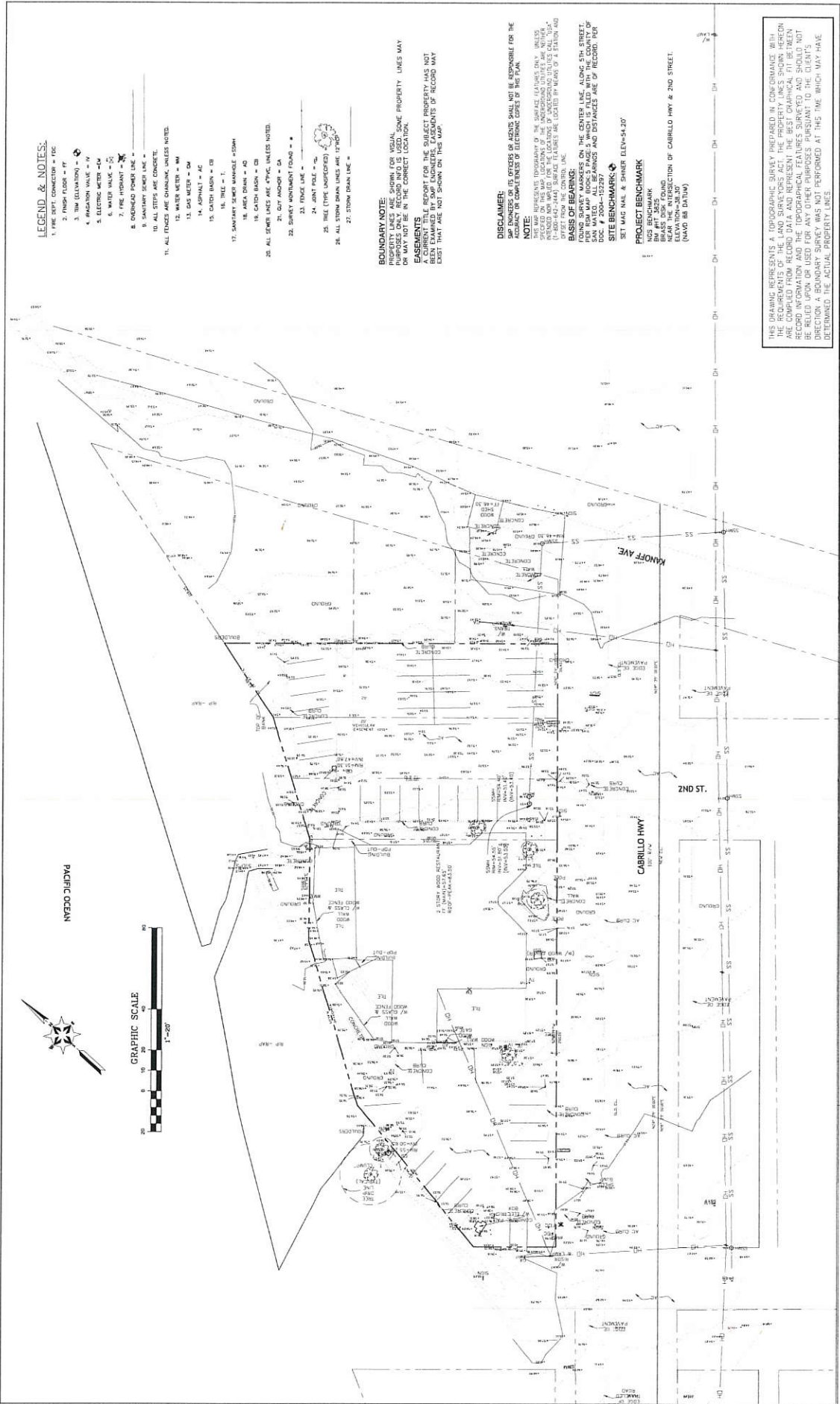
01



(B) LIGHT FIXTURE COLOR CHART

(A) LIGHT FIXTURE SPECIFICATIONS

NO SCALE



LEGEND & NOTES.

1. THE DEPT. CONNECTION = 100'
2. FINISH FLOOR = FF
3. FINISH ELEVATION = FE
4. RADIATION VALUE = RV
5. ELEVATION = EL
6. WATER MARK = WM
7. FIRE HYDRANT = FH
8. DESIGNATED POWER LINE = PL
9. SANITARY SEWER LINE = SSL
10. ALL STEPS ARE CONCRETE.
11. ALL FENCES ARE CHAINLINK, UNLESS NOTED.
12. WATER METER = WM
13. GAS METER = GM
14. ASPHALT = AC
15. CATCH BASIN = CB
16. TRILE = T
17. SANITARY SEWER MANHOLE = SMH
18. AREA DRAIN = AD
19. CATCH BASIN = CB
20. ALL SEWER LINES ARE 4" PVC UNLESS NOTED.
21. CUT AND FILL = CA
22. SURVEY MONUMENT FOUND = * *
23. FENCE LINE = FL
24. JOINT POLE = JP
25. TREE (TYPE UNDETERMINED) = TR
26. ALL UNDEVELOPED AREAS UNIMPROVED
27. STORM DRAIN LINE = SD

BOUNDARY NOTE:
PROPERTY LINES ARE SHOWN FOR VISUAL REFERENCE ONLY. PROPERTY LINES MAY OR MAY NOT BE IN THE CORRECT LOCATION.

EASEMENTS
A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN OBTAINED. THE EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

DISCLAIMER:
SMP ENGINEERS, OR ITS OTHERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF ELECTRONIC COPIES OF THIS PLAN.

NOTE:
THIS MAP REPRESENTS THE BOUNDARY OF THE SUBJECT PLATS ONLY. UNLESS OTHERWISE NOTED, THE BOUNDARY OF THE SUBJECT PLATS IS BASED ON THE ORIGINAL SURVEY RECORDS OF THE SURVEYOR. THE LOCATION OF UNDEVELOPED AREAS, UNIMPROVED AREAS, AND UNDEVELOPED AREAS ARE LOCATED BY MEANS OF A STATION AND BEARING.

BASIS OF BEARINGS:
FOUND SURVEY MARKERS ON THE CENTER LINE ALONG 25TH STREET, SAN MATEO. ALL BEARINGS AND DISTANCES ARE OF RECORD, PER THE RECORDS OF THE SURVEYOR.

SITE BENCHMARKS:
SET 1: 100' WIDE & 10' DEEP ELEVATION = 54.20'

PROJECT BENCHMARK:
BENCH MARK FOUND AT THE INTERSECTION OF CABRILLO HWY & 2ND STREET.
ELEVATION = 54.20'
(NAVD 88 DATUM)

THIS DRAWING REPRESENTS A TOPOGRAPHIC SURVEY PREPARED IN CONFORMANCE WITH THE PROFESSIONAL SURVEYING ACT. THE SURVEY DATA AND BEARINGS SHOWN HEREON ARE COMPILED FROM RECORD DATA AND REPRESENT THE BEST AVAILABLE RECORD INFORMATION AND THE TOPOGRAPHICAL FEATURES SURVEYED AND SHOULD NOT BE RELIED UPON OR USED FOR ANY OTHER PURPOSES PURSUANT TO THE CLIENT'S DECISION. A BOUNDARY SURVEY WAS NOT PERFORMED AT THIS TIME, WHICH MAY HAVE DETERMINED THE ACTUAL PROPERTY LINES.

REVISIONS	DATE	BY	FOR

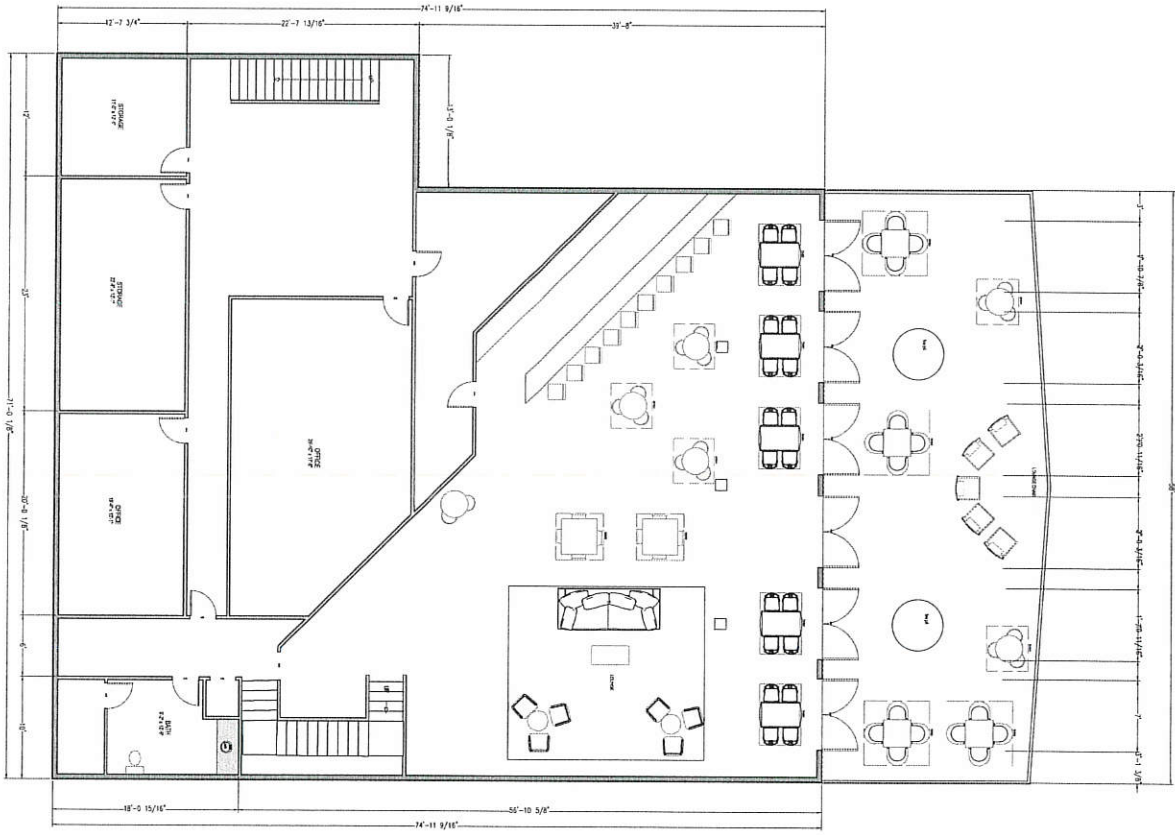
TOPOGRAPHIC SURVEY MAP
T-1

SMP ENGINEERS
CIVIL ENGINEERS—LAND SURVEYORS
1534 Corab Lane
Los Altos, CA 94024
Tel. (650) 941-8055 Fax (650) 941-8755



8150 CABRILLO HWY MONTARA CA 94037
APN: 036-046-050

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



REVISIONS:
BR

DRAWN: HANG SAFFEL
DATE: APR. 2, 2010
SCALE: 1/8" = 1'-0"
DISC NO.:
SHEET:
A-2.0

SHEET TITLE :
 PROPOSED
 LOWER FLOOR
 SEATING
 CONFIGURATION

LA COSTANERA RESTAURANT

 8150 CABRILLO HWY
 MONTARA, CALIFORNIA 94037

OWNER:
 A&G LLC



COUNTY OF SAN MATEO

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

DAVID C. HALE
PLANNING DIRECTOR

RECEIVED

APR 30 1987

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT

February 27, 1984

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

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.

ATTACHMENT E

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.
per 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

January 19, 2016

Mr. Hamid Rafiei and Rahim Amidi
A&G, LLC
370 Convention Way
Redwood City, CA 94063

Dear Mr. Rafiei/Amidi:

Subject: **LETTER OF DECISION**
File Number: PLN 2015-00297
Location: La Costanera Restaurant, 8150 Cabrillo Highway, Montara
APNs: 036-046-050, 036-046-310, 036-046-380, and 036-046-400

On January 13, 2016, the San Mateo County Planning Commission considered a Use Permit Amendment and Design Review Permit, pursuant to Sections 6267 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to legalize unpermitted construction and use of two patios at a 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County. The item was continued from the November 4, 2015 Planning Commission meeting.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied the Use Permit Amendment and Design Review Permit by adopting the findings for denial as identified in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on January 22, 2016.**

Please direct any questions regarding this matter to Camille Leung, Senior Planner, at (650) 363-1826 or Email: cleung@smcgov.org.

To provide feedback, please visit the Department's Customer Survey at the following link:
<http://planning.smcgov.org/survey>.

Sincerely,



Janneth Lujan
Planning Commission Secretary

CC: Department of Public Works
County Geologist
Environmental Health Department
California Coastal Commission
Midcoast Community Council
Committee for Green Foothills
Kathryn Slater-Carter



County of San Mateo
Planning and Building Department

FINDING FOR DENIAL

Permit or Project File Number: PLN 2015-00297

Hearing Date: January 13, 2016

Prepared By: Camille Leung
Senior Planner

Adopted By: Planning Commission

FINDING FOR DENIAL

Regarding the Use Permit Amendment and Design Review Permit, Found:

1. That continued use of the patios will, under the circumstances of this particular case, result in a significant adverse impact to coastal resources, and will be detrimental to the public welfare and injurious to property and improvements in the neighborhood. Given the status of unresolved violations at the property, and the history of past violations, there is no assurance that the property owner/applicant will comply with current or new conditions of approval. Without such assurances, the requested expansion in restaurant area will result in significant adverse impacts to coastal resources and neighboring residents, by: limiting parking in the area, which impedes the ability of the public to access the beach and creates problems for residents; increasing nighttime noise and lights; and adding to the volume of trash and pollutants that end up on the beach and in the ocean.

COUNTY OF SAN MATEO
PLANNING AND BUILDING

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
www.planning.smcgov.org

PROJECT FILE

May 17, 2016

Mr. Hamid Rafiei and Rahim Amidi
A&G, LLC
370 Convention Way
Redwood City, CA 94063

Dear Mr. Rafiei/Amidi:

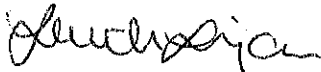
Subject: **LETTER OF CONTINUANCE**
File Number: PLN 2015-00297
Location: La Costanera Restaurant, 8150 Cabrillo Highway, Montara
APNs: 036-046-050

On April 26, 2016 the San Mateo County Board of Supervisors considered an appeal of the Planning Commission's decision to deny a Use Permit Amendment and Design Review Permit, pursuant to Sections 6267 and 6565.3 of the San Mateo County Zoning Regulations, respectively, to legalize unpermitted construction and authorize the use of two patios at a 189-seat restaurant located at 8150 Cabrillo Highway in the unincorporated Montara area of San Mateo County. The Coastal Development Permit for this project will be reviewed separately under the jurisdiction of the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Board of Supervisors continued the item to a new meeting date 6 months from this date and directed staff to send a letter to the property owner debriefing all violations that need to be addressed (including but not limited to use of the patios) and for staff to monitor the site for compliance and report back to the Board of Supervisors at the new meeting date. **Pursuant to this action, any use of the outdoor patios, any daytime events, or any other violation of the existing use permits will result in fines and citations, and will place future approval of the requested Use Permit Amendment in jeopardy.**

Please direct any questions regarding this matter to Camille Leung, Senior Planner, at 650/363-1826 or Email: cleung@smcgov.org. To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

Sincerely,



Janneth Lujan
Planning Commission Secretary

Cc: County of San Mateo Department of Public Works
County of San Mateo Parks Department
County Geologist
County Environmental Health Department Assessor's Office
California Coastal Commission
MidCoast Community Council



ATTACHMENT G

June 14, 2016

CERTIFIED AND REGULAR MAIL

Rahim Amidi
A&G, LLC / Amidi Group
370 Convention Way
Redwood City, CA 94063

Dear Mr. Amidi:

SUBJECT: 3rd Notice to Resolve Violation Notice (VIO 2014-00253)
8150 Cabrillo Highway, Montara
La Costanera Restaurant
APNs 036-046-050, -310, -380, -390, and -400

In letters dated December 23, 2014 and July 10, 2015, the County identified violations of the terms of the existing Use Permit (UP20-77), in the areas of outdoor lighting, hours of operation, unpermitted use of patios, A-frame signs, and stormwater discharge at the subject property. The County issued a First Administrative Citation on October 16, 2015 for daytime events held in violation of the hours of operation as set by the Use Permit. On March 17, 2016, the County issued a Second Administrative Citation for violation of the hours of operation, stormwater discharge (specifically, surface washing from trash storage), and painting of the trim and fixtures a white color, when beige was approved through a Design Review Permit Exemption.

On April 26, 2016, the Board of Supervisors (Board) reviewed your proposal to legalize unpermitted construction and authorize the use of two patios at the subject property, brought to the Board as an appeal of the Planning Commission's decision to deny the necessary Use Permit and Design Review Permit for the project. As you may recall, the Board continued the item to a new meeting date 6 months from the hearing date and directed staff to send a letter to you debriefing all violations that need to be addressed (including but not limited to use of the patios) and for County staff to monitor the site for compliance and report back to the Board at the new meeting date. At the meeting, the applicant was notified that any violation of the existing use permit (including but not limited to any use of the outdoor patios or any daytime events) will result in fines and citation and will place future approval of the requested Use Permit Amendment in jeopardy.

At the Board's direction, staff lists all current violations that need to be addressed below. The exclusion of other types of violations does not authorize their use; only the use as



permitted by the current Use Permit and development as authorized by the current Coastal Development Permit are allowed at this property.

Current Violations

1. Hours of Operations

The County requested that the property owner make changes to restaurant operations and the restaurant website to restrict all dining and events to after 5:00 p.m. every day. In a letter dated July 22, 2015, the property owner acknowledged reservation dates in 2015 for daytime events at the restaurant on September 7, 2015, September 12, 2015, October 3, 2015, and October 10, 2015. These reservations were made prior to February 2015. In his letter dated January 22, 2016, Mr. Amidi states that "as of February 2015, the restaurant has ceased to contract future events prior to 5 p.m." However, on March 13, 2016, staff received a complaint along with photos of persons dining within the restaurant, from a member of the public regarding a private event observed at the restaurant site and the beach at 2:30 p.m. that day. This violation is the subject of the County's first and second citations issued on October 16, 2015 and March 17, 2016, respectively. **The property owner shall cease and desist all uses of the restaurant prior to 5:00 p.m. every day.**

2. Restaurant Use of Unpermitted Outdoor Patios

Based on observations by staff and members of the public, use of the outdoor patios continues to occur at the property without benefit of the required permits. **The property owner shall cease and desist all uses of unpermitted outdoor patios, until such time as a Use Permit Amendment and Coastal Development Permit for such development and use are approved by the County and the California Coastal Commission, respectively.**

3. Stormwater Discharges

Based on observations by staff and the Midcoast Community Council, restaurant wash down activities continue to occur in the south parking lot, whereby wash water enters an inlet which drains to the beach. In an inspection performed by Code Compliance staff on March 15, 2016, surface water was again observed in the trash storage area and the storm drain inlet immediately down slope within the south parking lot. This violation is the subject of the County's second citation issued on March 17, 2016.

All stormwater discharges to on- and off-site areas which do not drain to a sanitary sewer and/or areas which drain to the beach shall cease immediately. **Within 14 days of the date of this letter, the property owner shall submit a building permit application for the construction of drainage improvements for washdown and trash enclosure areas. Once a building permit is issued by the**

County, the approved plan shall be implemented within 60 days of the approval date. The plan shall demonstrate that trash storage areas (including recycling or food compactor areas or similar areas) are covered and the grade modified so that spills, wash water, and polluted runoff do not enter the parking lot, storm drain inlet(s), vegetation/landscaping areas, or beach. Any modifications to drains connected to the sanitary sewer system or flows to those drains are subject to Montara Water and Sanitary District's authority and standards and review (including, but not limited to, those in Attachment A of this letter).

4. Violations Relating to Trim and Fixture Paint

On June 26, 2015, the County issued a Design Review Exemption (PLN 2015-00179), under the review of County and California Coastal Commission (CCC) staff, to permit building trim, sign, and gutter painting to a beige color, in response to County and CCC violation notices regarding painting of portions of the restaurant and signage using bright white paint. As of the date of this letter, the trim, sign, and gutter have been painted to a beige color. However, other fixtures on the building (including vents, light fixtures, and piping) have been painted beige without the authorization of the County. **Within 14 days, the property owner shall provide photographic evidence of the painting of such fixtures back to a brown color to blend with the building.**

5. Lighting

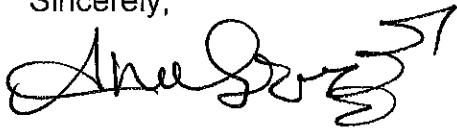
Local Coastal Program (LCP) Policy 4.59 (*Outdoor Lighting*) calls for development to minimize exterior lighting in scenic corridors and, where used, employ warm colors rather than cool tones and shield the scenic corridor from glare. The General Plan designates the portion of the Cabrillo Highway adjoining the project site as a County-Designated Scenic Route. The current lighting for Lot C (south parking lot) creates unnecessary ambient lighting visible from Highway 1 during evening and nighttime hours. Due to the site's proximity to Highway 1, exterior lighting shall be limited to the minimum necessary for safety and all lighting, exterior and interior, must be placed, designed, shielded and downward directed such that rays are confined to designated indoor or outdoor task areas (i.e., parking lot). All exterior lighting shall employ warm colors where cool tones are prohibited. Exterior lighting fixtures shall be re-painted to blend with the building roof (see Item #4 above). **Within 14 days, the property owner shall correct lighting at the property to comply with the referenced policy, notify staff once the correction has been made, and submit nighttime photos showing all site lighting, including north, south, east, and west building elevations and views of both parking lots and nearby areas of Highway 1.**

The County reminds you at this time that it has the authority to revoke the use permit per Section 6505 (*Revocation of Use Permits*) of the County Zoning Regulations, which calls for the Planning Commission to revoke or suspend a use permit when "any person, firm, or corporation holding a use permit for any of the uses or purposes for which such

permits are required or permitted by the terms of this Part, or any other law or ordinance, shall fail to make any use of said permit for a period of one year after the granting of said permit, or shall violate the terms of the use permit, or shall conduct or carry on said use in such a manner as to materially affect adversely the health, welfare, or safety of persons residing, or working in the neighborhood of the property of the said permittee, or shall conduct or carry on said use so that the said use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood."

If you have any questions, please contact Ana Santiago of the Code Compliance Section, at 650/363-7832 or by email at asantiago@smcgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Santiago', with a stylized flourish extending upwards and to the right.

Ana Santiago
Senior Code Compliance Officer

SAM:AMS:CML:jlh – AMSAA0327_WJE.DOCX

cc: Hamid Rafiei, A&G, LLC
Chris Hunter, Supervisor Horsley's Office
Camille Leung, Senior Planner
County Counsel
Jo Ginsberg, California Coastal Commission
Nancy Cave, California Coastal Commission
Chet Bardo, State Parks Department
Chris Spohrer, State Parks Department

ATTACHMENT A

Montara Water and Sanitary District (MWSD) Requirements and Code Summary

A. Requirements for Improvements to Drainage of Trash and Washdown Areas

In reviewing the County Planning case number PLN 2015-00297, plans for the proposed use permit change, and violations of wash water draining to the parking lot of La Costanera, in Montara, California, are also in violation of the following Montara Water and Sanitary District Codes: 3-2.300, 3-3.100, 3-3.200, and 3-4.700; a summary of relevant code references is shown in Appendix A (Summary of MWSD Codes). The improvements required by the County, including the enclosing or covering of the wash down station(s) and draining their discharge to the sanitary sewer, are eligible for a Montara Water and Sanitary District (District) Sewer Remodel Permit. Completion of the following requirements, related to the existing sewer connection for the property stated above, are listed below:

1. A cleanout with a watertight lid, properly enclosed in a watertight utility box, is required within 2 feet of the building and at the property line. Please refer to the District Standard Specifications for this and other items relating to the sewer lateral construction and connection to District sewer main.
2. A copy of the Coastal Development Permit or Exemption by the County of San Mateo may be required.
3. Copy of approved County Planning PLN 2015-00297 application is required and must be submitted to MWSD.
4. The existing grease traps and grease interceptors must be inspected and their Non-Domestic Waste Source Control Program (NDWSCP)/Fats, Oils and Grease (FOG) permit with Sewer Authority Mid-Coastside (SAM) must be up to date. **Additional FEES may apply. Contact Kishen Prathivadi at 650/726-0124.**
5. Please submit plans for the remodel project and the current and proposed change of use, the corrective measures to cover the outdoor wash down station(s), and install additional lateral piping or building sewer pipe to connect the new drainage area to the current sewer lateral so its discharge may drain to the sanitary sewer system.
6. Please submit a worksheet calculating all fixtures and their strength factors, including the proposed wash down area, flow rated for District review. Independent testing of the waste discharge from the property may be required to determine the Biochemical Oxygen Demand (BOD) loading. District personnel will verify the number of fixtures actually installed at a later inspection. If the final

count is different from the proposed count, **additional MWSD FEES and penalties will apply.**

7. The wash down area must be covered with a minimum of 1.5 times the area of the wash down pad (or as approved by the San Mateo County Planning and Building Department). The design of the roof cover and the wash down pad shall prevent stormwater and surface drainage water from entering the sanitary sewer system.
8. The existing grease interceptor(s) must be verified if they are suitable for the new uses, including the final fixture count, garbage can and mat wash down station, discharge strength factor for food, FOG (fats, oils, and grease), and sand/dirt collection. If the existing interceptors are found to not be sufficient, a new grease interceptor(s) will need to be installed (size and design to be determined, but may need to be a 1,200-gallon capacity or more, or a second interceptor may be required) and the SAM NDWSCP/FOG permit must be updated. **Additional SAM FEES will apply.**
9. The existing lateral for the property must be inspected with Closed Circuit Television Inspection (CCTV) and the completed video and log must be submitted to the District for review.
10. The lateral must be watertight, free of roots, and in sound condition, made of cast iron pipe. Standard Dimension Ratio (SDR) 26 or thicker shall be used to connect the sewer main with a wye of SDR 26 or C900 material. Any new pipe installation must be minimum SDR 26 and subject to District Sewer Standard Specifications and Codes.
11. A Sewer Connection Permit for the interior and exterior fixture units and **MWSD FEES** are based on the proposed remodel plan and must be verified by District personnel with a field fixture count before this permit shall be final.
12. The initial District Sewer Remodel Permit Review Fee (\$332), Administration Fee (\$448), Inspection Fee (\$448), and Engineering Review Deposit (\$2,568) for a **total amount due of \$3,796** to start the review process. **Additional District Inspection and Fixture Unit Fees may apply.**
13. The repair of the sewer lateral needs to be coordinated with District Staff, the District Sewer Engineer, Pippin Cavagnaro, Nute Engineering (415/453-4480, x203), the County Building Inspection Section (650/363-4161), and the Environmental Health Division (650/363-4798). Repairs and locations are subject to District Staff approval to ensure that there is the required separation of all sewer lines and the area water lines and the wells. This should be done as soon as possible.

B. Summary of MWSD Codes

Summary of **MWSD Codes** governing VIOLATIONS and Sewer Standards related to the Use Permit and current non-permitted activities at **La Costanera Restaurant, Montara, California.**

3-2.300: **Unlawful** for any person to ... use any other means of sewage disposal from any building in said District except by connection to public sewer in a manner as in this Code provided.

3-3.100: **Disposal of Wastes** discusses that all waste must be deposited in a sanitary manner.

3-3.200: **Treatment of Waste Required** describes that it is unlawful to directly discharge to stream or watercourse ... with suitable and permitted treatment.

3-4.700: **Design Requirements:** All private sewer specifications must include compliance with County and State Public Health Office, District Engineer and Hydrologist ... No private sewer discharge to public land or waterway, road, etc.

3-7.100: **Drainage into Sanitary Sewers Prohibited** specifies no leaders or surface drains for rainwater shall be connected to any Sanitary Sewer.

3-7.100: **Objectionable Waste:** (2) Any waste containing fats, wax, grease, oils ... not in excess of 50 mg/l.

3-8.100: **Service Charges** may be subject to service charges increase based on BOD load strength factor.

3-8.200 and 300: **Interceptors Required:** Grease and oils and sand interceptors shall be provided when, in the opinion of the District Engineer, they are necessary for proper handling of liquid waste containing grease ... sand or other harmful ingredients (commercial and residential are excepted), and they must be maintained and permitted.

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Restoration Plan and Coastal Access Improvements for La Costanera Restaurant

August 25, 2017

RECEIVED

AUG 25 2017

San Mateo County
Planning Division

in compliance with:

Consent Cease and Desist Order CCC-17-CD-01

located at:

8150 Cabrillo Highway, Montara, CA

APNs: 036-046-050, 036-046-310, 036-046-380
036-046-390, 036-046-400, 036-046-998

prepared by:



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PLN2006 00494

ATTACHMENT I

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Attachments

Attachment 1. Removal Plan.....(Sheets 0.1, 1.0, 1.1, 1.2)	
Attachment 2. Public Access Stairs Plan..... (Sheets 0.2, 2.0, 2.1)	
Attachment 3. Coastal Trail Plan..... (Sheets 0.3, 3.0, 3.1)	
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Attachment 5. Public Access Signage Plan.....(Sheets 0.5, 5.0, 5.1, 5.2, 5.3)	
Attachment 6. Correspondence btwn. Sheila Branon and Mark Massara <i>re: State Parks' Conditional Approval of the proposed coastal access improvements required by the Orders</i>	(1 page)
Attachment 7. Caltrans Standard Encroachment Permit submittal	(10 pgs)
Attachment 8. Section 9026: "Work Exempted From Permits" [excerpt] of the Building Regulations of San Mateo County	(1 page)
Attachment 9. Section 105: "Permits" [excerpt] of the 2016 California Building Code	(2 pgs)
Attachment 10. California Coastal Trail Emblem and Signage Applications	(9 pgs)
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1 PURPOSE

California Coastal Commission (“CCC”) Cease and Desist Order CCC-17-CD-01 (the “Orders”) were issued for the property located at 8150 Cabrillo Highway, Montara, San Mateo County (the “Property”), designated as San Mateo County Assessor’s Parcel Numbers 036-046-050, 036-046-310, 036-046-380, 036-046-390, 036-046-400, 036-046-998, as approved by the CCC on March 9, 2017. Figure 1 shows an overview of the property location. This document provides the following in compliance with the Orders:

1. A **Removal Plan**, pursuant to Section 4.0 of the Orders, to govern the removal of all unpermitted development covered by the Orders, including restoration grading, revegetation, and erosion and sediment control (see Section 2 below).
2. A **Public Access Stairs Plan**, pursuant to Section 1.4 of the Orders, that provides measures to maintain safe access on the existing stairway to the beach located on land belonging to the California Department of Parks and Recreation (see section 3 below).
3. A **Coastal Trail Plan**, pursuant to Section 6.2(A) of the Orders, for the purposes of improving a section of the California Coastal Trail that extends from the Montara State Beach public parking lot immediately south of the Property, and extending across the Property to terminate at the northwest boundary of the Property (see Section 4 below).
4. A **Public Viewing Area Plan**, pursuant to Section 6.2(B) of the Orders, for the purpose of creating an area for public viewing of the coast and ocean (see Section 5 below).
5. A **Public Access Signage Plan**, pursuant to Section 6.2(C) of the Orders, that provides wayfinding signs at the entrances to the north and south parking lots, signs designating the location of the California Coastal Trail, signs designating the public viewing areas, and public interpretive signs (see Section 6 below).

2 REMOVAL PLAN

Attachment 1 provides a set of detailed plans and specifications to govern the removal of all physical items that have been placed or allowed to come to rest on the Property as defined in Section 4.0 of the Orders. The physical items of unpermitted development to be removed include a 850 sq. ft. “upper” patio, including related retaining walls, glass windscreens, fill material, and site furnishings.

The Removal Plan (see sheet 1.0, Attachment 1) identifies all physical items placed or allowed to rest as a result of the unpermitted development, and the describes the removal of the 850 sq. ft. “upper” patio per the Orders. Also per the Orders, the Removal Plan designates areas for staging of construction equipment and materials, and, if deemed necessary during removal operations, a location for receptacles and temporary stockpiles of materials.

The designated construction staging area shall be the two parking stalls immediately south and east of the “upper” patio. This location provides direct access to the removal area and poses the least potential impact to public beach access (see sheet 1.0, Attachment 1). Two other locations were considered as potential staging areas: alternative staging area #1 was the two parking stalls immediately to the south of the “upper” patio, and alternative staging area #2 was two parking stalls further east of the proposed designated area, in front of the restaurant’s existing trash and storage area (both alternative areas are shown on sheet 1.0, Attachment 1).

Alternative area #1 was discarded for the following reasons: a portion of that paved area crosses the property line on to publicly owned property (specifically forbidden by the Orders); this location is significantly closer to the existing storm drain inlet than any other option, and; there is a heightened potential for public beach access conflicts as the route between the removal area and this alternative location crosses the existing beach access walkway. Alternative area #2, while farther away from the existing storm drain inlet, was discarded from consideration as it occurs over the only ADA-accessible

parking stall on the south side of restaurant, hampering equal access to the beach. In both alternative instances, the goal of maintaining public access to the beach is best served by allowing the construction staging and equipment area to occur in direct proximity to the removal area.

The designated location for receptacles and temporary stockpiles of materials is be the two parking stalls located in the northeast corner of the south parking lot. This location is the most distant paved area from the existing storm drain inlet. The same alternative areas for this location were considered as per the construction staging area above, but discarded for the same reasons.

The Orders require that these areas shall not be on publicly owned property and that the materials placed thereupon shall not be in contact with soil. In the vicinity of the “upper” patio to be removed, no alternative location of privately owned, paved land for either designated area exists to meet these requirements. The south parking lot extends to the property line on the east, south, and west sides, and borders publicly owned property (administered by State Parks, the County of San Mateo, and Caltrans). The parking lot abuts the existing restaurant building occupying the north side.

As it is desirable for the impacts to the available parking to be minimized, and public access to the beach be maintained, removal operations shall be sequenced with the goal of utilizing only one of the two designated areas at any given time. However, considering the requirement in the Orders that all removal activities, including restoration grading and revegetation, be completed within 30 days of commencement, it is likely that occasional use of both locations shall occur in the interest of expediency. Areas shall be occupied for only the minimum amount of time possible in order to complete the required task (delivery of materials, loading of removed items/debris, etc.). All efforts will be made to avoid continuous use of the designated areas for the entirety of the 30-day removal and restoration period.

Runoff and Erosion Control

Both the designated construction staging area and designated area for receptacles and temporary stockpiles of materials shall be surrounded by straw wattles weighted down with rock bags when in use in order to prevent erosion and sedimentation of the surrounding areas and to protect water quality. If temporary soil stockpiles are used in the designated area, they shall be covered on all sides by solid plastic sheeting (see detail C, sheet 1.2, Attachment 1).

Only one storm drain inlet exists in the south parking lot, at the east-southeast corner, and it shall be protected from sediment-laden runoff with filter fabric and rock bags (see detail A, sheet 1.2, Attachment 1). Silt fencing shall be installed on both sides of the existing concrete walkway that leads from the parking lot to the public access stairs to the beach (see detail B, sheet 1.2, Attachment 1). As noted on the plan, no demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion.

It is anticipated that removal activities are to be done by hand, using hand tools such as hammers, shovels, pickaxes, and wheelbarrows. If mechanized equipment is determined to be needed, the Removal Plan shall be revised to clarify the following to the satisfaction of the Executive Director of the CCC:

1. Limitations on hours of operations for all mechanized equipment
2. Contingencies for overall site impacts due to the use of mechanized equipment, including the potential for disturbance to adjacent areas, potential for spills or other leakage of hazardous materials, and any potential impacts to water quality
3. Designation of specific, confined areas for maintaining, washing, and refueling mechanized equipment

All material to be removed, and all waste generated during removal activities, shall be deposited at Ox Mountain Sanitary Landfill, 12310 San Mateo Road, San Mateo

County (outside the Coastal Zone). All materials capable of being recycled shall be diverted from the landfill per San Mateo County Recycleworks standards. If any hazardous waste is generated or discovered during removal activities, it shall be disposed of at a suitable, licensed disposal facility.

The plan notes that thinners, solvents, fuel and other hazardous materials shall not be discharged anywhere on the site or adjacent properties, nor into storm or sanitary sewers. Discharge of hazardous materials into receiving waters is strictly prohibited.

The Removal Plan further notes the location of two “photo points” from which photographs will be taken to document completion of removal activities. Photo point A is located immediately south of the “upper” patio, and Photo Point B is located just northwest of the patio. Per the Orders, implementation of the Removal Plan shall commence within 30 days of approval of the Removal Plan, and shall be completed within 30 days of commencement. Within 10 days of completion, photographs shall be taken from the designated points and submitted to the Executive Director of the CCC for approval.

2.1 Restoration Grading Plan

After removal of the unpermitted “upper” patio, the area shall be returned to grades that existed prior to the unpermitted development. Detail A, sheet 1.1, Attachment 1 illustrates the extents of the restoration grading work. As no topographic survey of the conditions that predate the unpermitted development is known to exist, the Restoration Grading Plan includes two aerial photographs taken in 2002 and 2005 that illustrate the conditions prior to the unpermitted development. As shown in the photos, the pre-unpermitted development grades appear to have sloped consistently from the bottom of the restaurant wall to the edge of the existing walkway.

The proposed Restoration Grading Plan complies with the Orders and returns the area of the existing “upper” patio to the grades as required. Odd-numbered contours have

been interpolated from the available topographic information and have been added to the plans in order to illustrate how the proposed grades will restore the slope from the building wall down to the existing concrete walkway, with the exception of the area proposed for public access improvements (Public Viewing Area #2 — see Section 5.2 below and Attachment 4 for more information).

2.2 Revegetation Plan

After removal of all unpermitted material, including fill material, a one quart sample of existing subgrade soil shall be sent to Waypoint Analytical/Soil & Plant Laboratory for completion of their A-05-2 tests to determine overall suitability for restoration planting as well as amendment recommendations. If soil amendments are recommended, they shall be sterile or sterilized prior to delivery to the site and incorporation.

Five species are proposed for revegetation, all native to this area of the San Mateo County coast: *Ceanothus thyrsifolius* var. *griseus* 'Yankee Point' (ceanothus), *Artemisia californica* 'Montara' (coastal sage), *Stipa pulchra* (purple needlegrass), *Eriogonum latifolium* (coast buckwheat), and *Sedum spathifolium* (broadleaf stonecrop). Plant quantities, sizes, and locations are illustrated on detail B, sheet 1.1, Attachment 1.

Newly installed plant material will require supplemental irrigation to ensure establishment during the first two years after installation. All plants are adapted to low-nutrient conditions, and no supplemental fertilizer will be provided. A low-volume drip system shall be installed, and shall be designed to avoid runoff and impact to adjacent, existing vegetation. Two years from the issuance of the Orders, a report shall be submitted to the review and approval of the Executive Director of the CCC documenting the success of the revegetation plantings. If any plants have died, in whole or in part, the Removal Plan and related Revegetation Plan shall be revised to perform additional revegetation to ensure a fully-planted area.

3 PUBLIC ACCESS STAIRS PLAN

Existing public access stairs, located on the adjacent State Parks property, are generally able to provide safe public access to the beach. Per Section 1.4 of the Orders, a Public Access Stairs Plan (see Attachment 2) has been created to guide improvements to enhance safe public use.

The existing handrail shall be removed and be replaced with a combined handrail/guardrail. New handrail will be a consistent 2'-8" above the nosing of the steps, and the guardrail will extend to 3'-6" above the step nosing as required by the California Building Code, as significant drop-offs exist along the seaward edge of the steps. The new handrail/guardrail shall be made of hot-dipped galvanized steel to resist deterioration in the marine environment. The new guardrail shall continue further along the top of the steps than the existing guardrail to help prevent falls. Both the top and bottom ends of the handrail shall return back to the nearest post as required by the California Building Code. A visualization of this elevation is shown on detail C, sheet 4.2, Attachment 4.

The new handrail/guardrail shall be primed with a suitable direct-to-metal primer and shall be painted with two coats of eggshell enamel paint. The color shall be #1462 "Gray Mountain" as manufactured by Benjamin Moore, a medium-dark gray-brown color chosen to help the railing blend in with the existing rip-rap revetment. A sample of the selected color has been added to sheet 2.0, Attachment 2, though the printed color may vary from the actual product.

The existing steps are generally rough, with sufficient texture to resist slipping. A small 2 to 3 tread portion of the steps appears to have been damaged at some point in the past, with "new" treads roughly cut in to the existing concrete. As shown on detail A, sheet 2.1, Attachment 2, these inconsistent steps shall be removed and replaced to match the tread depth and riser heights of the adjacent steps, resulting in safer, consistent passage for users.

As noted on the Public Access Stairs Plan, the leading edges of all treads shall receive a 2” wide strip of high-contrast thermoplastic paint set 1” (max.) back from the nose of the step to increase visibility for the visually impaired. This stripe shall extend the full width of the tread, and shall be white or yellow in color.

Per the Orders, implementation of the Public Access Stairs Plan shall commence within 30 days of written approval of the Plan, and shall be completed within 30 days of commencement. Within 10 days of completion, photographs shall be taken to document completion and shall be submitted to the Executive Director of the CCC for approval.

4 COASTAL TRAIL PLAN

As required by Section 6.2(A) of the Orders, a Coastal Trail Plan has been prepared to create and improve a section of the California Coastal Trail (“CCT”). The proposed trail alignment extends from the north-eastern boundary the State Parks parking lot directly south of the Property and terminates at the northwestern boundary of the Property (see sheet 3.0, Attachment 3). In addition, the Orders require that proof of approval shall be provided by the agencies of additional jurisdiction over the work proposed to complete the Coastal Trail Plan. Compliance with this requirement is demonstrated through the following:

- Attachment 6 provides correspondence, dated August 18, 2017, from Sheila Branon, Senior Park and Recreation Specialist, providing conditional approval by State Parks for the concepts contained herein as they relate to State Parks’ property. Final plans have been submitted to State Parks’ Service Center for ADA compliance review and approval, after which State Parks will enter into the Right of Entry permit process with the contractor selected to perform the work. If State Parks requires revisions to any of the drawings or related documents, proposed revisions will be prepared for the review and approval of the Executive Director of the CCC.

- Attachment 7 provides a copy of Caltrans' Standard Encroachment Permit application for the proposed work within Caltrans' right-of-way, dated August 8, 2017, and submitted for their review shortly thereafter. In addition to the work involved in constructing Segment #1 of the California Coastal Trail extension, described in section 4.1 below, this application also covers the public access signage described in section 6.1 below. If Caltrans requires revisions to any of the drawings or related documents, proposed revisions will be prepared for the review and approval of the Executive Director of the CCC.
- The Orders require that the Coastal Trail Plan also be consistent with the policies of the Coastal Act and the San Mateo County LCP, as well as demonstrate compliance with the requirements of San Mateo County, such as building permits or other authorizations. The San Mateo County Planning Commission is scheduled to hear an application for Design Review and Use Permit amendment for the work scope outlined in the Orders at their regular meeting on September 27, 2017. Only after approval is granted by the Planning Commission can an application for building permits be submitted. Should the Planning Commission or Building Departments require alterations or revisions to any of the drawings or related documents, proposed revisions will be prepared for the review and approval of the Executive Director of the CCC.

The proposed improvements are described as they occur from south to north:

4.1 California Coastal Trail - Segment #1

The existing Montara State Beach public parking lot located south of the Property shall be connected to the Property's south parking lot via a 6'-0" wide x ±78'-0" long walkway. Walkway shall be constructed of porous concrete paving (see Figure 2), with an infiltration rate exceeding 100 inches per hour. The depth of the permeable subgrade below the walkway shall be determined by the results of soil tests, but in all cases shall be designed to ensure a paving infiltration rate of 100 inches per hour.

Due to the permeability of the material, no surface runoff is anticipated. To further prevent the potential for erosion in the unlikely event of surface runoff, new paving shall cross slope away from the top of bank line delineated on the Coastal Trail Plan. In general, walkway shall slope as required to conform to existing site grades, but in no cases shall exceed 2% across the direction of travel to ensure ADA accessibility.

To ensure pedestrian safety on this new segment of the CCT, the existing ± 6 " high rolled asphalt curb that extends from the turn-out of the south parking lot will be extended along the edge of the public roadway and will return towards the state beach parking lot. At both ends of this new trail, 3'-0" wide truncated dome detectable warning strips shall be installed to provide visual and tactile clues that pedestrians are entering an area where vehicles are potentially operating. In addition, area between the new segment of the CCT and the extended asphalt curb shall be planted with native species to provide a planted buffer between trail and the highway (see sheet 3.1, Attachment 3).

This segment of the CCT is located entirely within Caltrans' Highway 1 right-of-way, and, as noted above in section 4, will require the issuance of an encroachment permit. Trail segment has been located and designed to a similar standard as other successful trail segments elsewhere on the San Mateo County coastside.

4.2 Pathway Through Parking Lot

To connect proposed Segment #1 of the CCT to the existing walkway leading to the beach, a 4'-0" wide striped path shall be painted through the existing parking lot. Path shall be painted with high-contrast thermoplastic paint, white or yellow in color, typically used for highway lane striping, to ensure visibility. Route of proposed path is as direct as possible, generally located 8'-0" behind parked cars, to help visibility of pedestrians by drivers who may be backing out of a parking stall.

Several alternate alignments of this pathway were explored but were ultimately discarded due to their negative impacts on views of the coast and ocean, parking lot capacity, and public access to the beach. Figure 3 contains a diagram of the alternate routes explored.

Alternate route #1 (shown in red on Figure 3) would extend west along the southern property line, then northwest, following the limits of the parking lot, and terminate at Public Viewing Area #1, described in section 4.3 below. With the entirety of this trail extension kept fully within the limits of the Property, this alignment would severely impact the number of public parking stalls available in the south parking lot. The width of the trail would push the existing parking stalls closer to the existing restaurant building. Shifting all of these stalls would compress the available parking area, requiring the removal of several stalls in order to maintain consistency with San Mateo County parking requirements. At least four parking stalls (marked with a red “X” on Figure 3) would be removed in order to align the trail in this manner, reducing available public parking by 20%. In addition, this alignment poses major infrastructural difficulties, with existing high-voltage electrical, natural gas, and storm drainage utilities in the path of this route. Finally, portions of this route would project above the designated Top of Bank line, prohibited by the San Mateo County LCP, and would require several sections of 3’-6” tall guardrail, creating an impediment to public views of the coast and ocean.

A second, similar alignment (#1a) was considered that would have placed the path on the outside of the existing parking lot, largely occurring over San Mateo County and/or State Parks property. This alternative was discarded as almost the entirety of this proposed alignment would require that the pathway project above the designated Top of Bank line, in violation of the San Mateo County LCP, and would require a 3’-6” tall guardrail along its entire length, creating a significant impediment to public views of the coast and ocean.

A third alternative was examined (shown in blue on Figure 3) that would extend the trail along the highway, turning west at the corner of the existing restaurant, and terminating at Public Viewing Area #1, described in section 4.3 below. While this option poses none of the infrastructural or public view challenges as alternatives #1/#1a, it creates a similar negative impact to public parking. Shifting the five existing parking stalls along the south edge of the restaurant further to the south to accommodate this alternative alignment would require the removal of three parking stalls (marked with a blue "X" on Figure 3) in order to maintain consistency with San Mateo County parking requirements. This reduction in available public parking would limit public access to the beach, and this option was discarded in favor of the alignment proposed on sheet 3.0, attachment 3.

4.3 Public Viewing Area #1

The proposed public viewing areas are described in more detail in Section 5, below, and in Attachment 4, but this area contains some improvements related to pedestrian trail access. New concrete curbs are proposed to replace the existing broken curbs and to better align the existing parking stalls, and new infill native planting is proposed for a slight visual buffer between the viewing area and adjacent parking lot (see sheet 3.1, Attachment 3). A new 3'-0" wide truncated dome detectable warning ramp is shown at the transition between the public viewing area paving and the pathway through the parking lot. A visualization of the proposed improvements for this area are shown on detail A, sheet 4.2, Attachment 4. No impact to the existing rock revetment or rip rap is expected with the construction of this public viewing area.

4.4 Public Viewing Area #2

As noted in Section 4.3 above, the proposed public viewing areas are fully described in detail in Section 5.

4.5 California Coastal Trail - Segment #2

Per the requirements of the Orders, Segment #2 of the proposed CCT continues from the existing walkway seaward of the restaurant to the northwest corner of the Property. At the south terminus of this section, the existing broad, sloping concrete steps shall be removed and consolidated with a new concrete stair with consistent 1'-4" wide treads and ± 6 " tall risers. As required by the California Building Code, handrails shall be placed on both sides of the new stair. Handrail shall be made of 1-1/2" \varnothing , 11-gauge (minimum), hot-dipped, galvanized steel to resist deterioration in the marine environment, with vertical posts at no more than 6'-0" on center (see detail A, sheet 3.2, Attachment 3).

The new consolidated stair is approximately 4' further away (south) from the north parking lot, and this location, as well as the open design of the handrail, helps ensure that impacts to views of the coast and ocean are not affected, while still providing safe public access to the beach.

The new handrail/guardrail shall be primed with a suitable direct-to-metal primer and shall be painted with two coats of eggshell enamel paint. The color shall be #1462 "Gray Mountain" as manufactured by Benjamin Moore, a medium-dark gray-brown color chosen to help the railing blend in with the existing rip-rap revetment. A sample of the selected color has been added to sheet 2.0, Attachment 2, though the printed color may vary from the actual product.

Leading from the top of the new stairs shall be a 4'-0" wide porous concrete walkway, similar in design to Segment #1 described in section 4.1. Infiltration rate of the paving and subgrade shall exceed 100 inches per hour. Due to the permeability of the material, no surface runoff is anticipated. To further prevent the potential for erosion in the unlikely event of surface runoff, new paving shall cross slope away from the top of bank line delineated on the Coastal Trail Plan. In general, walkway shall slope as

required to conform to existing site grades, but in no cases shall exceed 2% across the direction of travel to ensure ADA accessibility.

From the top of new concrete stair, the new walkway shall split, with a short spur generally following the existing walkway to the parking lot, with a longer section (approximately 80'-0") following the edge of the parking lot to the northwest corner of the Property, terminating in Public Viewing Area #3 (described in Section 5 and Attachment 4). To ensure pedestrian safety on the section of trail that follows the edge of the parking lot, new 6" high concrete wheel stops will be added 2'-0" from the edge of the trail. The 5 northernmost parking stalls in this location will be realigned and re-stripped to accommodate the new trail (with no loss of parking), to avoid existing vegetation and riprap, and to ensure that Public Viewing Area #3 lies well back from the delineated top of bank. While this new trail section generally follows the upper limits of the existing rock revetment and rip rap, it is not anticipated that any material is to be removed or relocated. If it is determined that rip rap removal or relocation is required, the plans will be revised to the satisfaction of the Executive Director of the CCC, and all necessary government approvals shall be obtained, prior to commencing removal or relocation activities.

At the terminus of the short spur that leads to the parking lot, a new 6" concrete curb and 3'-0" wide truncated dome detectable warning ramp shall be installed to provide visual and tactile clues that pedestrians are entering an area where vehicles are potentially operating. The installation of the new curb and ramp will require a minor re-stripping of the 10 parking stalls along the restaurant's northern wall, but no loss of parking is proposed. New native plantings are proposed to revegetate the areas surrounding these proposed improvements (see sheet 3.1, Attachment 3).

4.6 Pedestrian Amenities

As required by the Orders, pedestrian amenities have been located in various locations along the trail improvements. A new public drinking fountain is located in Public Viewing Area #1, and public benches are located in all three public viewing areas.

Along side the paving spur between the new concrete stair and parking lot (described in section 4.5 above), the porous concrete paving has been expanded to accommodate a new bike rack capable of holding 11 bikes.

As noted in section 4.5 above, wherever handrails are required they shall be low profile to minimize impacts on views to or from the coast.

4.7 Public Access Signage

The Public Access Signage Plan, per Section 6.2(C) of the Orders, is fully described in Section 6 below, and on Attachment 5, and the proposed signs are shown on the Coastal Trail Plan for coordination.

4.8 Completion and Documentation

Implementation of the Coastal Trail Plan shall commence within 90 days of written approval by the Executive Director of the CCC. Within 30 days of commencing implementation, work shall be completed. Within 10 days of completion, photographs shall be taken and a report shall be submitted to the Executive Director of the CCC for approval documenting the completion of the Coastal Trail Plan.

5 PUBLIC VIEWING AREA PLAN

As required by Section 6.2(B) of the Orders, a Public Viewing Area Plan has been prepared illustrating the creation of 3 separate areas for public viewing of the coast and ocean (see sheet 4.0, Attachment 4). All proposed public viewing areas are located on the Property; none project above grade or are located on or beyond the bluff face.

Visual simulations of Public Viewing Area #1 and #3 are shown as details A and B on sheet 4.2, Attachment 4, and a view from the beach looking towards the bluff has been provided as detail C on that same page. None of the viewing areas are visible from the beach, and neither viewing area #1 nor #3 inhibit views from the top of the bluff towards the coast and ocean (viewing area #2 is not visible from the public way).

5.1 Public Viewing Area #1

Public Viewing Area #1 is located at the transition between the existing concrete walkway to the beach stairs and the pathway through the south parking lot that leads to proposed CCT Segment #1. This viewing area is fully ADA accessible. A detailed enlargement of this viewing area is shown on detail A, sheet 4.1, Attachment 4, and a detailed section through this area and the riprap slope is shown on detail B on that same page. No impact to the existing rock revetment or rip rap is expected with the construction of this public viewing area.

As described in section 4.6, this area contains several new public amenities, such as seating and a drinking fountain, as well as public access signage described in Section 6 and on Attachment 5.

The expanded paving area shall be constructed of porous concrete paving (see Figure 2), with an infiltration rate exceeding 100 inches per hour. The depth of the permeable subgrade below the paving shall be determined by the results of soil tests, but in all cases shall be designed to ensure a paving infiltration rate of 100 inches per hour.

Due to the permeability of the material, no surface runoff is anticipated. To further prevent the potential for erosion in the unlikely event of surface runoff, new paving shall slope away from the top of bank line delineated on the Public Viewing Area Plan. In general, walkway shall slope as required to conform to existing site grades, but in no cases shall exceed 2% across the direction of travel to ensure ADA accessibility.

Pedestrian safety in Public Viewing Area #1 is enhanced by the replacement of the existing broken curbs, a slight realignment of the existing parking stalls, and new native plantings for a better visual buffer between the viewing area and adjacent parking lot (see sheet 3.1, Attachment 3). A new 3'-0" wide truncated dome detectable warning ramp is shown at the transition between the public viewing area paving and the pathway through the parking lot. A visualization of the proposed improvements for this area are shown on detail A, sheet 4.2, Attachment 4.

5.2 Public Viewing Area #2

As noted in Section 2.1, this proposed viewing area is located within the area of the unpermitted "upper" patio. This viewing area is built into the existing slope, complementing the existing grades, rather than projecting above them. A large bench wraps the back of the viewing area, and a transparent glass or polycarbonate guardrail sits above a $\pm 1.35'$ tall retaining wall along the seaward side of the patio to ensure safety while maintaining views. A detailed enlargement of this viewing area is shown on detail C, sheet 4.1, Attachment 4, and a detailed section through this area and the riprap slope below is shown on detail D on that same page.

The proposed retaining wall under the guardrail is not considered a "structural component" by the County of San Mateo or by the California Building Code. Attachment 8 contains a portion of Section 9026 of the County of San Mateo Building Regulations entitled "Work Exempted From Permits", and attachment 9 contains an excerpt from the 2016 version of the California Building Code. Both references, though they use different slightly text and terms, are clear that a $\pm 1'-4"$ retaining wall falls well below the threshold requiring permits and related structural drawings.

The San Mateo County Planning Commission is scheduled to hear an application for Design Review and Use Permit amendment for the work scope outlined in the Orders at their regular meeting on September 27, 2017. After approval is granted by the Planning Commission, a determination on the need for building permits will be made.

If permits are required, structural drawings will be prepared at that time. Any proposed revisions will be issued for the review and approval of the Executive Director of the CCC.

The paving in this viewing area shall be constructed of porous concrete paving (see Figure 2), with an infiltration rate exceeding 100 inches per hour. The depth of the permeable subgrade below the paving shall be determined by the results of soil tests, but in all cases shall be designed to ensure a paving infiltration rate of 100 inches per hour.

Due to the permeability of the material, no surface runoff is anticipated. To further prevent the potential for erosion in the unlikely event of surface runoff, new paving shall slope towards the planting area located between the viewing area and the existing concrete walkway. While viewing area paving shall not exceed 2% across the direction of travel, this viewing area is not ADA accessible due to the non-compliant slope of the existing concrete walkway.

5.3 Public Viewing Area #3

As described in Section 4.5, Public Viewing Area #3 is located at the northwestern corner of the Property, at the terminus of the proposed Segment #2 of the CCT. A public bench is provided. A detailed enlargement of this viewing area is shown on detail E, sheet 4.1, Attachment 4, and a detailed section through this area and the riprap slope is shown on detail F on that same page. No impact to the existing rock revetment or rip rap is expected with the construction of this public viewing area.

The paving in this viewing area shall be constructed of porous concrete paving (see Figure 2), with an infiltration rate exceeding 100 inches per hour. The depth of the permeable subgrade below the paving shall be determined by the results of soil tests, but in all cases shall be designed to ensure a paving infiltration rate of 100 inches per hour.

Due to the permeability of the material, no surface runoff is anticipated. To further prevent the potential for erosion in the unlikely event of surface runoff, new paving shall slope away from the top of bank line delineated on the Public Viewing Area Plan. In general, walkway shall slope as required to conform to existing site grades, but in no cases shall exceed 2% across the direction of travel to ensure ADA accessibility.

To ensure pedestrian safety in Public Viewing Area #3, new 6" high concrete wheel stops will be added 2'-0" from the edge of the trail. The 5 northernmost parking stalls in this location will be realigned and re-stripped to accommodate the viewing area (with no loss of parking), helping to avoid disturbing existing vegetation and riprap, and to ensure that the viewing area lies well back from the delineated top of bank.

5.4 Completion and Documentation

Implementation of the Public Viewing Area Plan shall commence within 90 days of written approval by the Executive Director of the CCC. Within 30 days of commencing implementation, work shall be completed. Within 10 days of completion, photographs shall be taken and submitted along with a report documenting completion of the Public Viewing Area Plan to the Executive Director of the CCC for approval.

6 PUBLIC ACCESS SIGNAGE PLAN

The Public Access Signage Plan, per Section 6.2(C) of the Orders, is detailed on sheet 5.0, Attachment 5, and includes all the wayfinding and interpretive signage required by the Orders. Three different sign types are proposed: general public access signage (sheet 5.1, Attachment 5), Coastal Trail identifying signage (sheet 5.2, Attachment 5), and public interpretive signs (sheet 5.3, Attachment 5).

6.1 Public Access Signage

Per the Section 6.2(C) of the Orders, public access signs are to be located at or near the entrances to the north and south parking lots. In both proposed locations, the signs are located within Caltrans' right-of-way, and will require an encroachment permit. Attachment 7 provides a copy of Caltrans' Standard Encroachment Permit application for the proposed work within Caltrans' right-of-way, dated August 8, 2017, and submitted for their review shortly thereafter. If Caltrans requires changes to the location or size/shape of the public access signage, proposed revisions will be prepared for the review and approval of the Executive Director of the CCC.

To facilitate Caltrans' approval, signs have been selected from the California Sign Specifications manual dated November 7, 2014. Sign #1 and #2 are similar, only differing by the direction of the arrow. To assist in visibility for vehicles traversing the highway at a high rate of speed, the proposed signs are 48" x 48", with 6" tall lettering stating "COASTAL ACCESS". Each sign contains the CCC's traditional footprint logo at 14" tall. See details A and B on sheet 5.1, Attachment 5. Below each Coastal Access sign is a 16" tall x 48" wide sign containing the following text: "PUBLIC BEACH AND RESTAURANT PARKING" (detail G, sheet 5.1, Attachment 5).

Signs are to be mounted with a minimum of 7'-0" clear from the bottom of the sign to the grade below, and shall be mounted on two wood posts per Caltrans' Manual on Uniform Traffic Control Devices (2014 edition). No other information, such as advertisements, shall be contained on the Public Access Signage.

6.2 California Coastal Trail Signage

While the Order requires a minimum of three signs indicating the location of the California Coastal Trail, the disparate locations of the proposed trail sections shown on the Coastal Trail Plan (sheet 3.0, Attachment 3) require additional signs. Enlargements

of the six locations for proposed trail and public viewing area signs are shown on details B-G on sheet 5.2, Attachment 5.

Five separate signs are proposed, though differences are minor, and involve the directional arrows. Two signs (details H and I, sheet 5.2, Attachment 5) identify the trail; two signs (details J and K, sheet 5.2, Attachment 5) identify both the trail as well as the beach access route; and one sign (detail L, sheet 5.2, Attachment 5) identifies the public viewing areas.

Trail signs shall be made of a minimum 7-gauge (0.1443" thick) aluminum with 3M Engineer Grade Reflective Sheeting finish in #3290 White. The text, arrows, and CCT logo shall be in Pantone 660 blue. In general, the logo, colors, and materials shall match the specifications contained in the document entitled "California Coastal Trail Emblem and Signage Applications" provided by the California Coastal Conservancy (see Attachment 10). Sign manufacturer shall be as determined, but no deviation from the specifications and standards above shall be allowed.

The signs shall all be 4-1/2" wide, with a variable height to accommodate the required text and arrows. Signs shall be attached to a redwood or cedar 6x6 bollard with a chamfered top, as shown on detail A, sheet 5.2, Attachment 5. Similar signs are in wide use in the recently completed CCT section at Mirada Surf, south of Pillar Point Harbor (see Figure 3). Each bollard shown on the enlargement plans (details B-G on sheet 5.2, Attachment 5) will contain one, two, or three signs, depending on its location and/or the direction of public view.

CCT signs #3 and #4 both occur within Caltrans' Highway 1 right-of-way, and are subject to Caltrans approval and conditions. Attachment 7 provides a copy of Caltrans' Standard Encroachment Permit application for the proposed work within Caltrans' right-of-way, dated August 8, 2017, and submitted for their review shortly thereafter. If Caltrans requires changes to the location or size/shape of either CCT sign

within the right-of-way, proposed revisions will be prepared for the review and approval of the Executive Director of the CCC.

6.3 Interpretive Signage

Per the Orders, three public interpretive signs shall be installed on the Property. The interpretive signs shall be approximately 24" x 36", oriented horizontally, and shall generally conform to the National Park Service's Visitor Information Sign System "low profile series" standards. See sheet 5.4, Attachment 5, for typical details.

Interpretive signs frames shall be constructed of painted tubular aluminum, with sign panels positioned at a 45° angle to provide broad visibility. The bottom of the sign panel shall be set 32" above adjacent grade to conform to ADA accessibility standards. The sign legs shall be directly embedded into concrete footings.

Sign panels shall be 0.090 - 0.125" thick high-pressure laminate graphic panel as required to fit the specified frame. Sign panels shall be protected by a 10-year (minimum) UV inhibitor, and shall be meet NEMA LD3-1991 standards for resistance to wear, boring water, high temperature, cigarette burns, fading, dimensional stability, staining, appearance, and formability. Furthermore, sign panels shall be resistant to common household products and solvents, and shall be easily cleaned by the use of these same products. Typical specifications for this type of sign panel can be found on Attachment 11.

The images and graphics shown on sheet 5.3, Attachment 5, are considered placeholders. La Costanera is working with designated interpretive and cultural staff contacts at State Parks on language and graphics refinements. Those Parks designates are Linda Hitchcock (interpretive) and Mark Hylkema (cultural and Native American information). La Costanera will provide an update regarding specific proposed interpretive sign language and graphics when received from State Parks.

Figure 1. Site Location

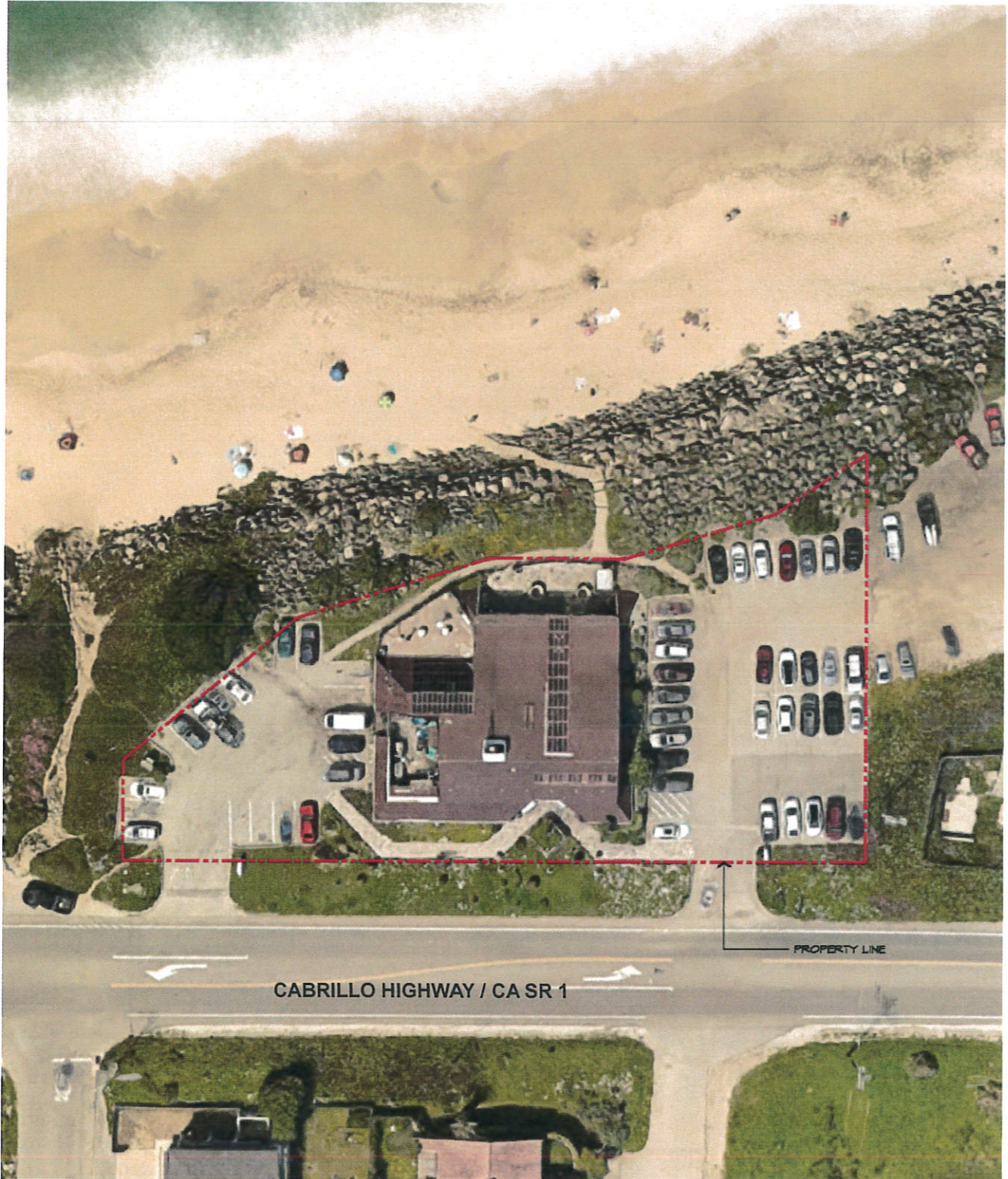
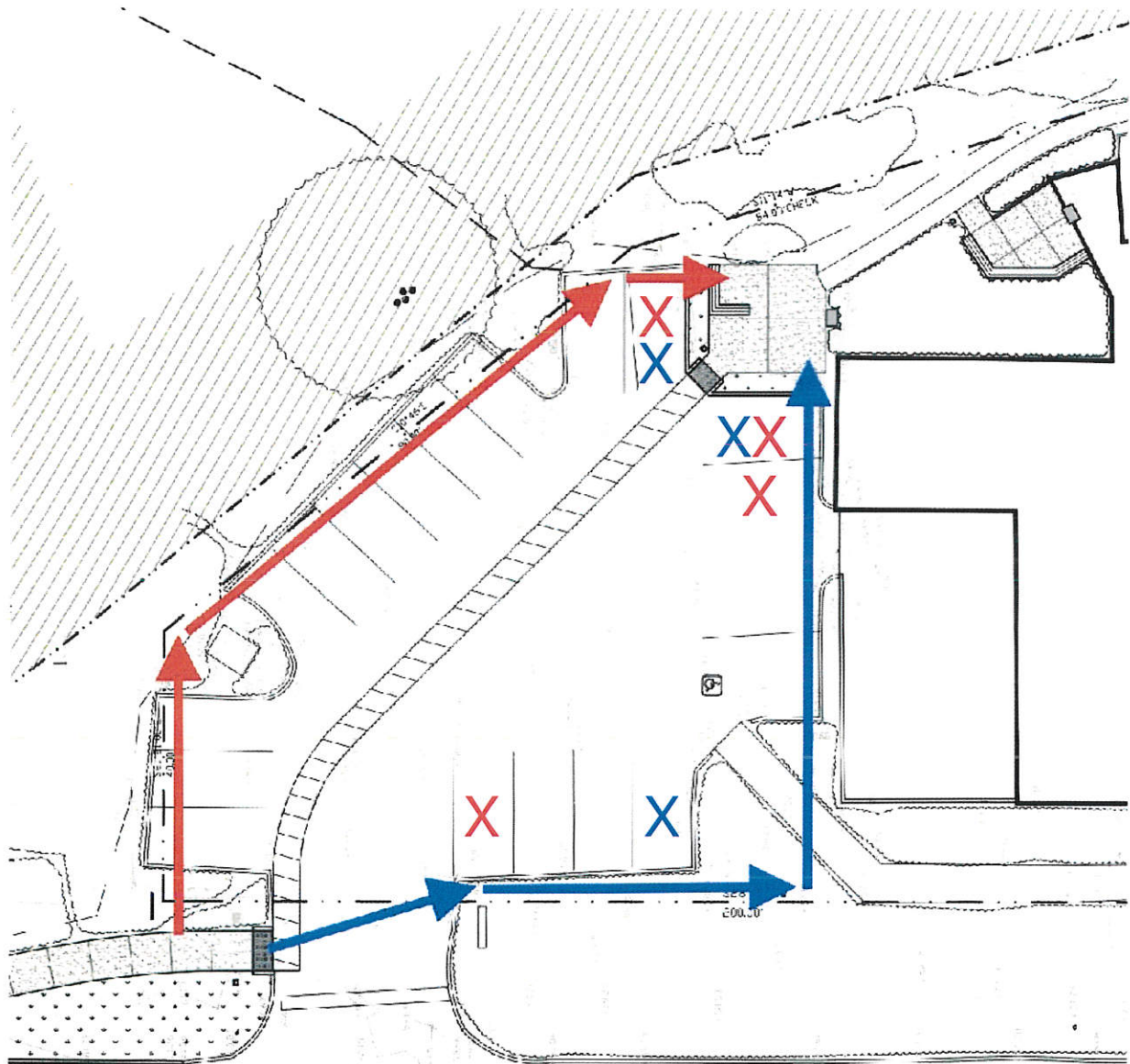


Figure 2. Porous Concrete Paving (typical)



Figure 3. Alternate California Coastal Trail Alignments at South Parking Lot



-  Alternate Route #1/#1a
-  Alternate Route #2

CABRILLO HIGH

Figure 4. California Coastal Trail sign (typical)



Attachment 1. Removal Plan

Attachment 6. Correspondence btwn. Sheila Branon and Mark Massara
*re: State Parks' Conditional Approval of the proposed coastal
access improvements required by the Orders*

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA

REMOVAL PLAN




CONSENT AGREEMENT
CCC-17-CD-01



**Kikuchi + Kankel
Design Group**

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Environmental Design
Site Planning

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Revisions:  0.29-2017
Date: 6/6-2017 6:52 SUBMITTA
Sheet No. **0.1**

01

SHEET INDEX

- 01 : COVER SHEET, LOCATION MAP
- 1 : PROJECT DIRECTORY
- 11 : RESTORATION GRADING / REVEGETATION PLAN
- 12 : EROSION CONTROL / PLANTING DETAILS

PROJECT DIRECTORY

PROPERTY OWNER: A I S, LLC
10000 S. MOUNTAIN AVENUE
REDWOOD CITY, CA 94063-1402

APN: 088-244-020
088-244-310
088-244-320
088-244-400
088-244-410

PROPERTY LOCATION: 8150 CABRILLO HIGHWAY
MONTARA, CA 94031

LANDSCAPE ARCHITECT: KIKUCHI + KANKEL DESIGN GROUP
HALF MOON BAY, CA 94019
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 Half Moon Bay, CA 94019
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CONSENT AGREEMENT
 CCC-17-CD-01

LA COSTANERA RESTAURANT

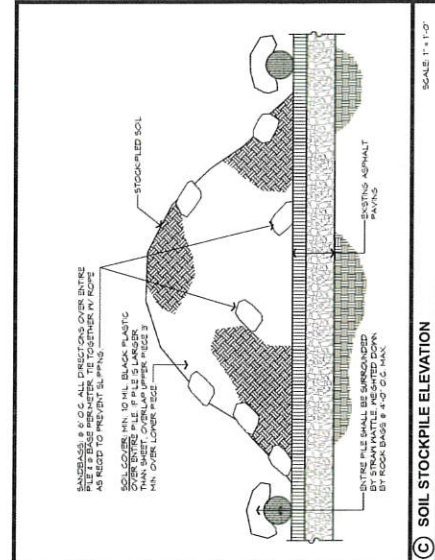
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 MONTARA, CA

APNs:
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 036-046-010
 036-046-030
 036-046-400
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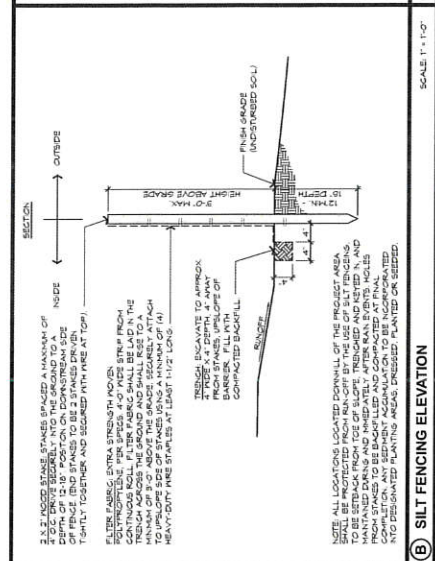
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Scale:	AS NOTED
Checked By:	TKC/AL

EROSION CONTROL & PLANTING DETAILS

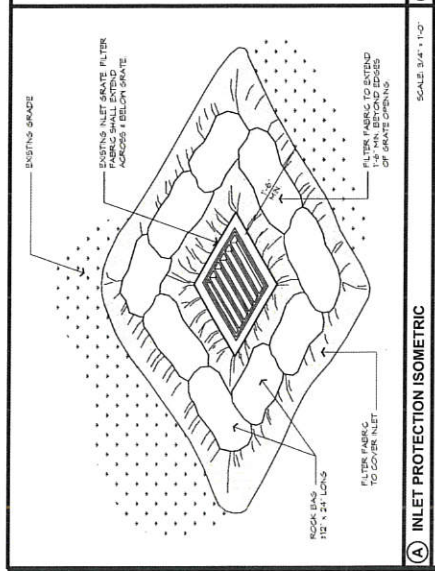
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 of 1



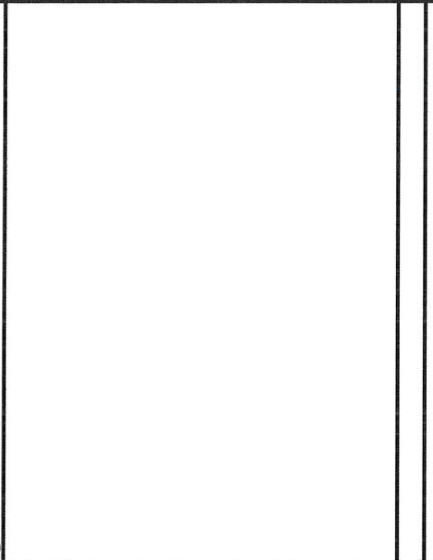
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 SCALE: 1" = 1'-0"



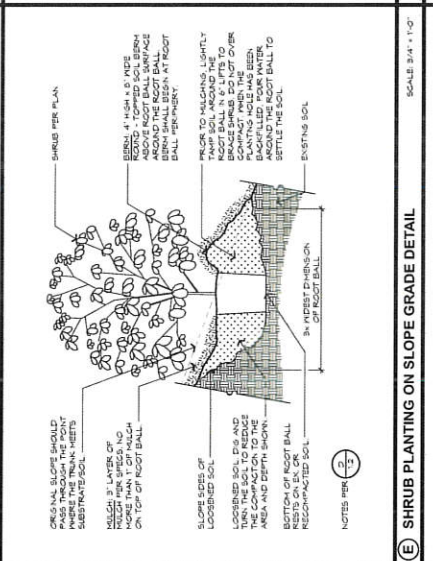
B SILT FENCING ELEVATION
 SCALE: 1" = 1'-0"



A INLET PROTECTION ISOMETRIC
 SCALE: 3/4" = 1'-0"



E SHRUB PLANTING ON SLOPE GRADE DETAIL
 SCALE: 3/4" = 1'-0"



D SHRUB PLANTING ON LEVEL GRADE DETAIL
 SCALE: 3/4" = 1'-0"

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Attachment 2. Public Access Stairs Plan

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA

PUBLIC ACCESS STAIRS PLAN



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CCC-17-CD-01



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CCC-17-CD-01

Date: 6/16/2011 CCC-17-CD-01

Sheet No.

0.2

of

SHEET INDEX

- 0.2 : COVER SHEET, LOCATION MAP
- 0.3 : PUBLIC ACCESS STAIRS PLAN
- 2.0 : PUBLIC ACCESS STAIRS PLAN
- 2.1 : PUBLIC ACCESS STAIRS DETAILS

PROJECT DIRECTORY

PROPERTY OWNER: J.S. U.S.
232 CALVERTON WAY
REDWOOD CITY, CA 94063-1409

APNS: 036-046-020
036-046-030
036-046-040
036-046-050
036-046-060

PROPERTY LOCATION: 8150 CABRILLO HIGHWAY
MONTARA, CA 94031

LANDSCAPE ARCHITECT: KIKUCHI + KANKEI DESIGN GROUP
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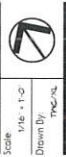
CONSENT AGREEMENT
CCC-17-CD-01

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY
MONTAÑA, CA

APNs:
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038-446-310
038-446-320
038-446-330
038-446-400
038-446-998

Revisions:
Date: 6-19-2017
Scale: 1/8" = 1'-0"
Drawn By: TNC/ML
TNC/ML



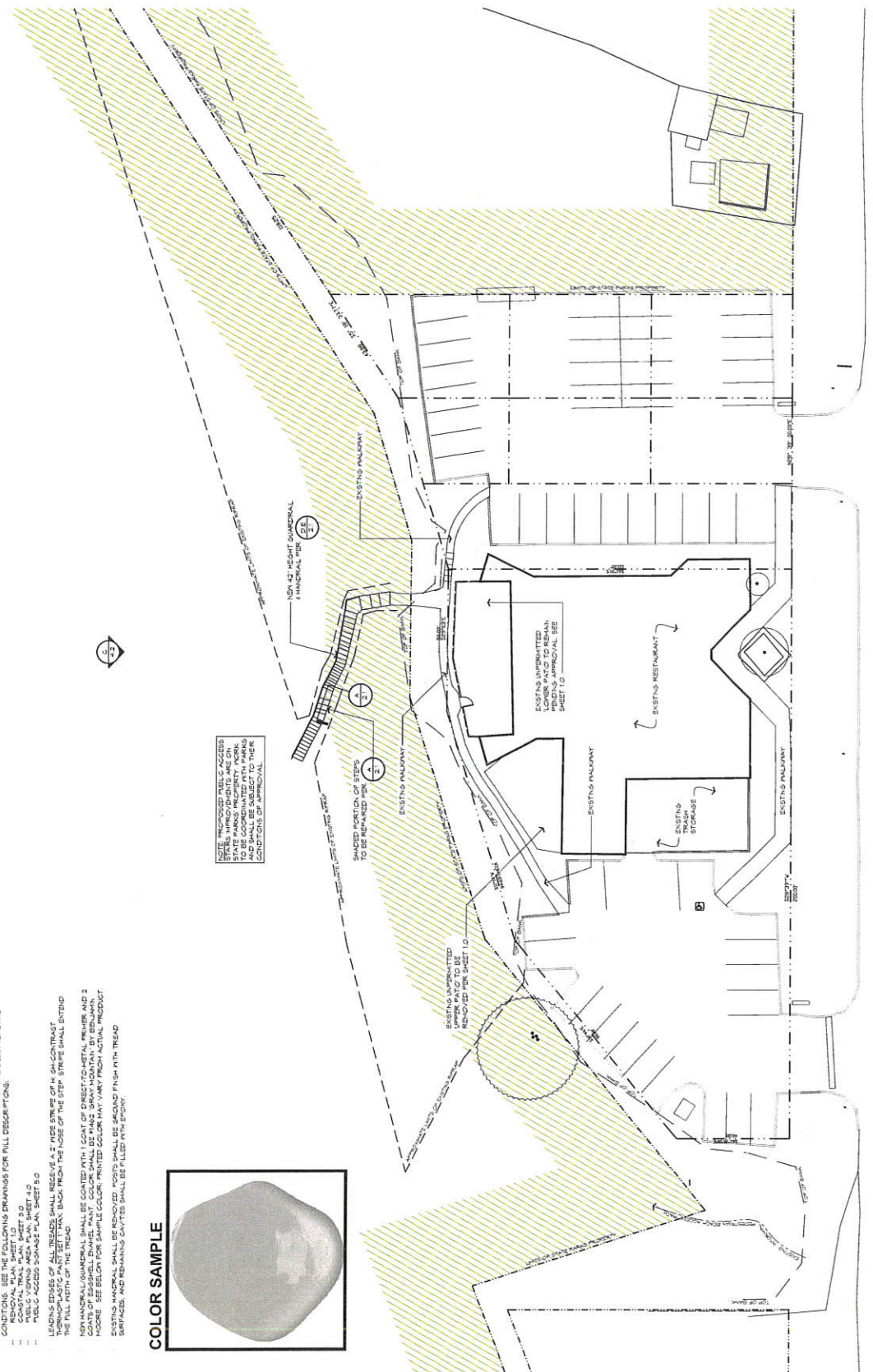
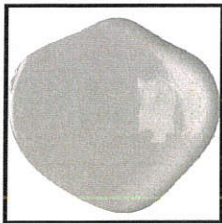
PUBLIC ACCESS STAIRS PLAN

Sheet No: **2.0**
Of: 01

PUBLIC ACCESS STAIRS PLAN NOTES

- PROPOSED PUBLIC ACCESS APPROXIMATIONS ARE SHOWN IN A SHADDED LINE BELOW EXISTING CONDITIONS. SEE THE FOLLOWING DRAWINGS FOR FULL DESCRIPTIONS:
- EXISTING STAIRS: SEE SHEET 1.0
- EXISTING TRAIL: SEE SHEET 3.0
- PUBLIC VIEWING AREA PLAN: SHEET 4.0
- PUBLIC ACCESS SIGNAGE PLAN: SHEET 5.0
- EXISTING STAIRS SHALL BE RECONSTRUCTED TO MEET ADA COMPLIANCE. ALL STAIRS SHALL BE THROUGH GLASS RAILINGS WITH 4" DIA. RAILS. RAILS SHALL BE 36" HIGH FROM THE FULL WIDTH OF THE TREAD.
- NEW HANDRAIL GUARDRAIL SHALL BE COATED WITH A COAT OF DIRECT-TO-METAL PRIMER AND 2 COATS OF EXTERIOR GRAHNSURF. ALL GUARDRAIL SHALL BE BROWN. ALL GUARDRAIL SHALL BE 42" HIGH FROM THE FULL WIDTH OF THE TREAD. ALL GUARDRAIL SHALL BE 4" DIA. RAILS. RAILS SHALL BE 36" HIGH FROM THE FULL WIDTH OF THE TREAD.
- EXISTING HANDRAIL SHALL BE REMOVED. MOOSE SHALL BE 60000 PPM WITH TREAD SURFACES, AND REMAINING GAVETS SHALL BE FILLED WITH TREAD.

COLOR SAMPLE



NOTE: NO WORK PROPOSED IN SHADDED AREA

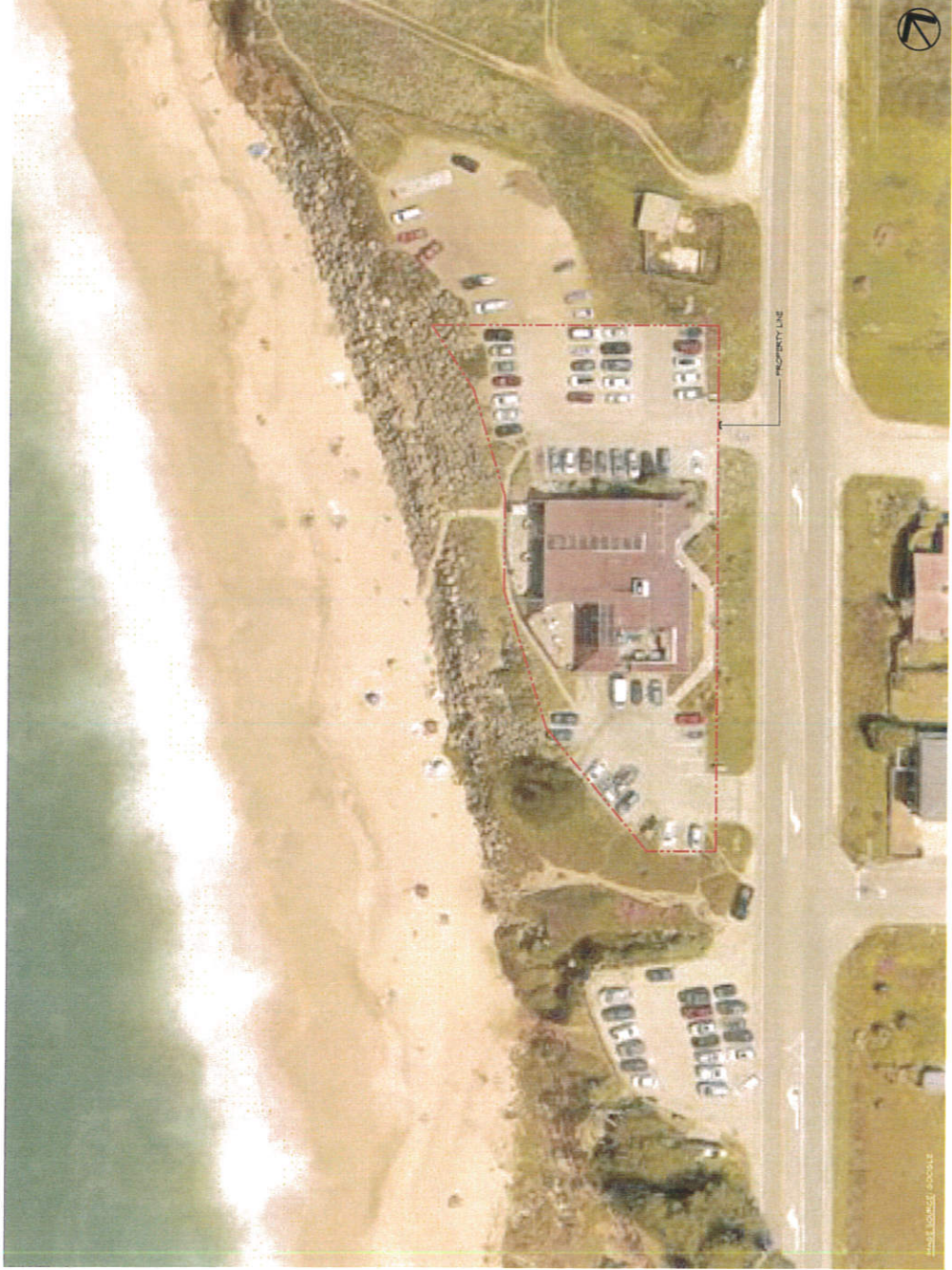
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Attachment 3. Coastal Trail Plan

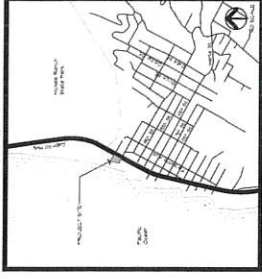
LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA

COASTAL TRAIL PLAN



LOCATION MAP



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- 03 - CONSENT AGREEMENT MAP
- 04 - PROJECT DIRECTORY
- 30 - COASTAL TRAIL PLAN
- 31 - CONSENT AGREEMENT
- 32 - COASTAL TRAIL PLAN DETAILS

PROJECT DIRECTORY

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370 CONVENT PARK
REDWOOD CITY, CA 94063-1405

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CONSENT AGREEMENT
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Date: 04/20/21 655 4818174

Sheet No: **0.3**

OF

COSTAL TRAIL PLAN LEGEND

- NEW POROUS CONCRETE PAVES 2% MAX. GRADES SLOPE
- NON INFILL PLANTING AREAS SEE SHEET 3.1
- BASE RIMS, JOURNAL COLUMNS MODEL 210-11 BY COLUMBIA CASCADE BLACK CONCRETE FROM ELEVON LINE COMPANY
- DRINKING FOUNTAIN, MODEL 145W DRINKING FOUNTAIN, AS MANUFACTURED BY HOFST SPRINGFIELD FONTAINS, INC.
- INDICATES CALIFORNIA COASTAL TRAIL DIRECTIONAL/WAYFINDING SIGN PER SIGN SET, SHEET 5.0
- INDICATES PUBLIC INTERPRETIVE SIGN PER SIGN SET, SHEET 5.0
- INDICATES PUBLIC ACCESS SIGN PER SIGN SET, SHEET 5.0

COASTAL TRAIL PLAN NOTES

- PARCEL BOUNDARY SHOWN ON THIS DRAWING CORRESPOND TO THE TRAIL PLAN, APPLICANTS PROPERTY WITHIN THE COUNTY OF SAN MATEO. A TOPGRAPHIC SURVEY PERFORMED BY S&P ENGINEERS, DATED 7/20/2011, AND INFORMATION PROVIDED BY CALIFORNIA STATE PARKS.
- ALL NEW PAVING SHOWN HEREIN IS TO BE POROUS WITH AN INFILTRATION RATE NO LESS THAN 100 INCHES PER HOUR. ALL EXISTING PAVING SHALL BE REPAIRED TO MEET THE INFILTRATION RATE OF 100 INCHES PER HOUR.
- ALL NEW PAVING SHALL SLOPE TO EXISTING PAVINGS, THROUGH NO SLOPE OFF IS DIRECTED DUE TO THE POROUS CONCRETE INFILTRATION RATE.
- THE FOUNDED CONCRETE INFILTRATION RATE SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE TRAIL. ALL EXISTING PAVING SHALL NOT BE REPAIRED TO EXCEED THE INFILTRATION RATE OF 100 INCHES PER HOUR.
- PROPOSED SEGMENT #1 OF THE COASTAL TRAIL IS FULLY WITHIN CALTRANS PUBLIC RIGHT-OF-WAY. SEGMENT #2 INCLUDES EXISTING ASPHALT CARPETS, EXISTING ASPHALT DRIVEWAYS, AND EXISTING ASPHALT DRIVEWAYS. SEGMENT #3 INCLUDES EXISTING ASPHALT DRIVEWAYS, EXISTING ASPHALT DRIVEWAYS, AND EXISTING ASPHALT DRIVEWAYS. SEGMENT #4 INCLUDES EXISTING ASPHALT DRIVEWAYS, EXISTING ASPHALT DRIVEWAYS, AND EXISTING ASPHALT DRIVEWAYS.
- PROPOSED SEGMENT #5 SHALL BE VISUALLY CONSISTENT TO THE EXISTING DRIVEWAY THAT LEADS THROUGH THE EXISTING SOUTH PARKING LOT. PAINT SHALL BE HIGH-CONTRAST THERMOPLASTIC. ALL PAVED AREAS SHALL BE MAINTAINED TO A 2% MAX. GRADE SLOPE TO MAINTAIN THE VISIBILITY OF PAVEMENT.



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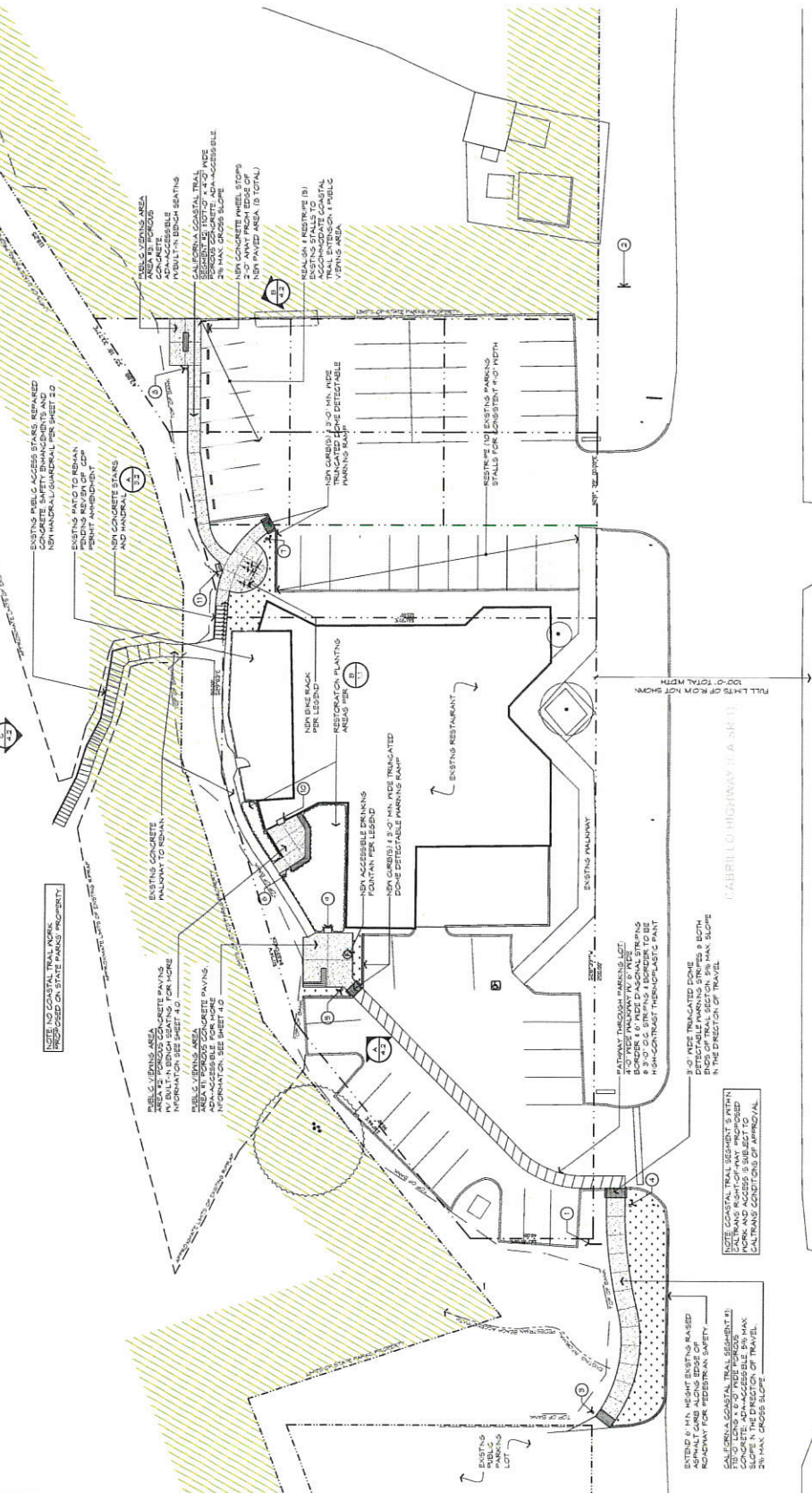
**CONSENT AGREEMENT
CCC-17-CD-01**

LA COSTANERA RESTAURANT

8156 CABRILLO HIGHWAY
MONTARA, CA
APNs:
038-046-090
038-046-300
038-046-310
038-046-390
038-046-400
038-046-590

Revision: 5/2/2012
Date: 6/9/2011 CCG SUBMITTAL
Scale: 1/8" = 1'-0"
Drawn By: TJC
Title: COASTAL TRAIL PLAN

COASTAL TRAIL PLAN
Sheet No: **3.0**





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LA COSTANERA
RESTAURANT

8150 CABRILLO HIGHWAY
 MONTARA, CA
 APNs:
 03E-046-000
 03E-046-310
 03E-046-320
 03E-046-330
 03E-046-400
 03E-046-998

Revised: 8/25/2011
 Date: 8/18/2011
 Scale: 1/8" = 1'-0"
 Drawn By: TNC-RL

COASTAL TRAIL
REVEGETATION
PLAN
 Sheet No. **3.1**

COASTAL TRAIL PLANT KEY & QUANTITIES

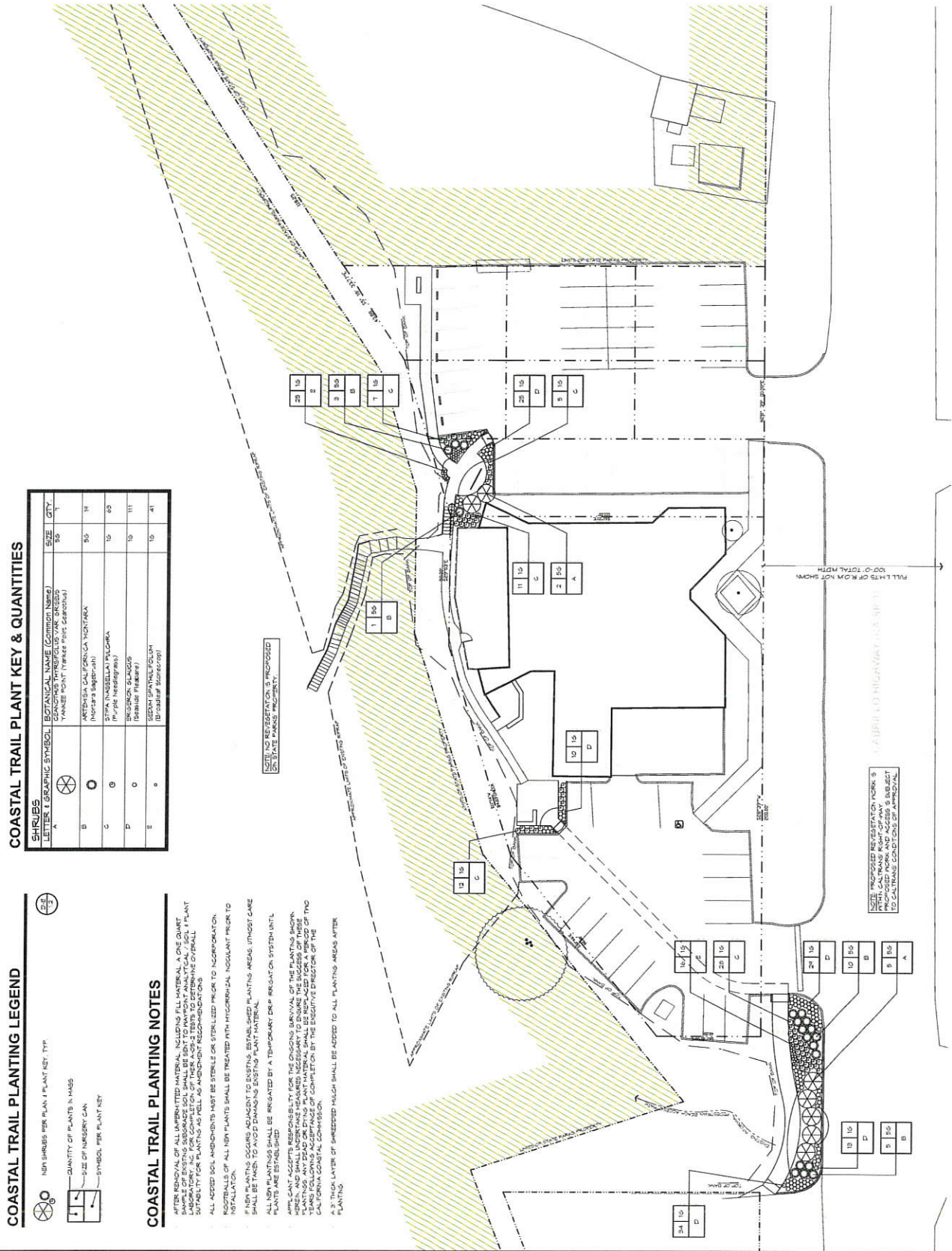
LETTERS & GRAPHIC SYMBOL	BOTANICAL NAME (Common Name)	SIZE	QTY.
A	GRACIOSA HYDRANGEA (WAX HYDRANGEA)	5.0	11
B	ARTEMISIA CALIFORNICA (MONTANA MONARDRA)	5.0	14
C	STIPA NASSELLIANA (PURPLE HEATHER)	1.0	60
D	BRUGERIA SPANISH (SERRANO PLUM)	1.0	111
E	SEROTINUM SPANISH (SERRANO SCORPION)	1.0	41

COASTAL TRAIL PLANTING LEGEND



COASTAL TRAIL PLANTING NOTES

- AFTER REMOVAL OF ALL UNWANTED MATERIAL, INCLUDING FILL MATERIAL, A ONE QUART SAMPLE OF EXISTING SUBGRADE SOIL SHALL BE SENT TO AN ACCREDITED ANALYTICAL LABORATORY FOR PLANTING AS WELL AS AN ACCREDITED RECOMMENDATIONS.
- ALL ACCORD SOIL AMENDMENTS MUST BE STERILE OR STERILIZED PRIOR TO INCORPORATION.
- ROOTBALLS OF ALL NEW PLANTS SHALL BE TREATED WITH MICROBIAL INOCULANT PRIOR TO INSTALLATION.
- IF NEW PLANTS OCCUR ADJACENT TO EXISTING ESTABLISHED PLANTING AREAS, UNMUST CARE SHALL BE TAKEN TO AVOID DAMAGING EXISTING PLANT MATERIAL.
- ALL NEW PLANTINGS SHALL BE IRRIGATED BY A TEMPORARY DRIP IRRIGATION SYSTEM UNTIL PLANTS ARE ESTABLISHED.
- PLANTINGS SHALL BE MONITORED BY THE DESIGNER FOR THE FIRST YEAR AFTER PLANTING. ANY DEAD OR DYING PLANT MATERIAL SHALL BE REMOVED FOR A PERIOD OF TWO MONTHS AFTER COMPLETION BY THE EXECUTIVE DIRECTOR OF THE CALIFORNIA COASTAL COMMISSION.
- A 3" THICK LAYER OF SHREDDED MULCH SHALL BE ADDED TO ALL PLANTING AREAS AFTER PLANTING.





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**LA
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8150 CABRILLO HIGHWAY
MONTANA, CA

APN:
038-046-050
038-046-051
038-046-330
038-046-339
038-046-400
038-046-998

Revisions: 2/2/2011
G.S. Costanera

Date: 6/8/2011 6:55 AM-PTAL

Scale: AS NOTED

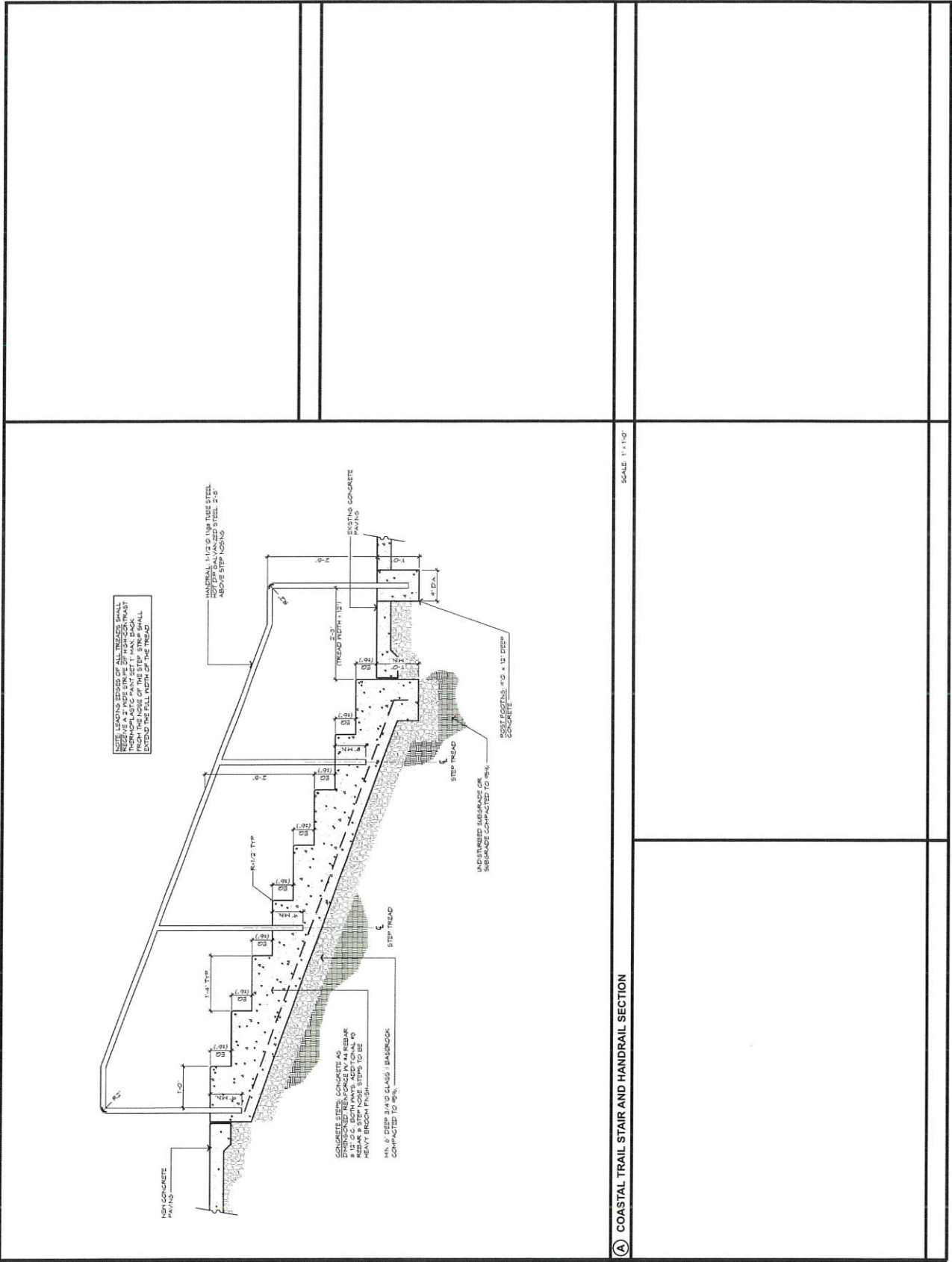
Drawn By: TNC-NL

**COASTAL TRAIL
STAIR DETAILS**

Sheet No.

3.2

Of



Attachment 4. Public Viewing Area Plan

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA

PUBLIC VIEWING AREA PLAN



SHEET INDEX

- 04 - COVER SHEET, LOCATION MAP
- 1 - PROJECT DIRECTORY
- 2 - PUBLIC VIEWING AREA PLAN, ENLARGEMENT
- 3 - PUBLIC VIEWING AREA PLAN, VISUAL SIMULATION
- 4.1 - PUBLIC VIEWING AREA PLAN, VISUAL SIMULATION
- 4.2 - PUBLIC VIEWING AREA PLAN, VISUAL SIMULATION

PROJECT DIRECTORY

PROPERTY OWNER: A. S. LLC
1850 CABRILLO HWY.
MONTARA, CA 94028-4425

APNS: 026-046-090
026-046-380
026-046-390
026-046-400
026-046-410

PROPERTY LOCATION: 8150 CABRILLO HIGHWAY
MONTARA, CA 94028

LANDSCAPE ARCHITECT: KIKUCHI + KANKEL DESIGN GROUP
HALF MOON BAY, CA 94019
(850) 726-7100

CONSENT AGREEMENT
CCC-17-CD-01



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Design Group**

Landscape Architecture
Environmental Design
Site Planning

730 Mill Street
Half Moon Bay, CA 94019
(650) 726-7100
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Revision: 6.28.2017
Date: 6.8.2017 CCC Agreement
Sheet No. **0.4** Of



Kikuchi + Kankel Design Group

Landscape Architecture
Environmental Design
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730 Mill Street
Hayward, CA 94541-0119
(650) 726-7100
www.kkdesigngroup.com

CONSENT AGREEMENT
CCC-17-CD-01

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY
MONTARA, CA

APNs:
036-646-000
036-646-001
036-646-002
036-646-003
036-646-004
036-646-005

Revisions: 5/22/2017
6/22/2017
6/22/2017

Date: 6/19/2017 6:55 SUBMITTAL

Scale: 1/8" = 1'-0"

Drawn By: TPOCAL

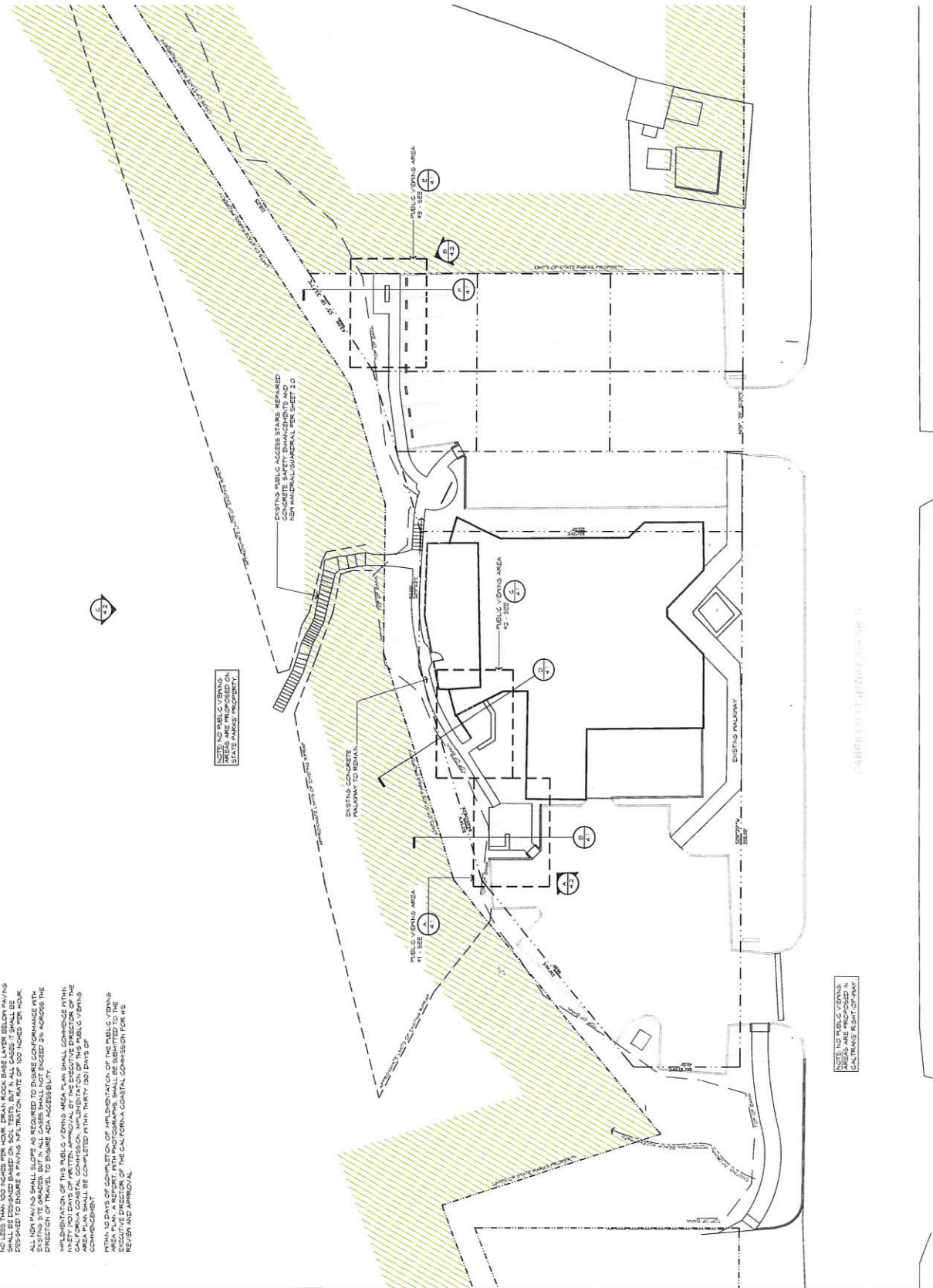
PUBLIC VIEWING AREA PLAN

Sheet No:
4.0

01

PUBLIC VIEWING AREA NOTES

- ALL NEW PAVINGS SHOWN HEREIN IS TO BE PROPOSED WITH A DRAINAGE RATE NO LESS THAN 600 INCHES PER HOUR DRAIN ROAD BASE LAYER BELOW PAVING TO BE PROPOSED TO ENSURE A PAVING INFILTRATION RATE OF 600 INCHES PER HOUR.
- ALL NEW PAVINGS SHALL SLOPE AS REQUIRED TO DRAIN CONFORMANCE WITH EXISTING SITE GRADIENTS, BUT ALL GRADIENTS SHALL NOT EXCEED 2% AWAY FROM DIRECTION OF TRAVEL TO MAINTAIN ADA ACCESSIBILITY.
- IMPLEMENTATION OF THIS PUBLIC VIEWING AREA PLAN SHALL COMPLY WITH THE CALIFORNIA COASTAL COMMISSION IMPLEMENTATION OF THE PUBLIC VIEWING AREA PLAN. A REPORT WITH PHOTOGRAPHS SHALL BE SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION WITHIN THIRTY (30) DAYS OF COMMENCEMENT.
- WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE PUBLIC VIEWING AREA PLAN, A REPORT WITH PHOTOGRAPHS SHALL BE SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION FOR HIS REVIEW AND APPROVAL.





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 Half Moon Bay, CA 94019
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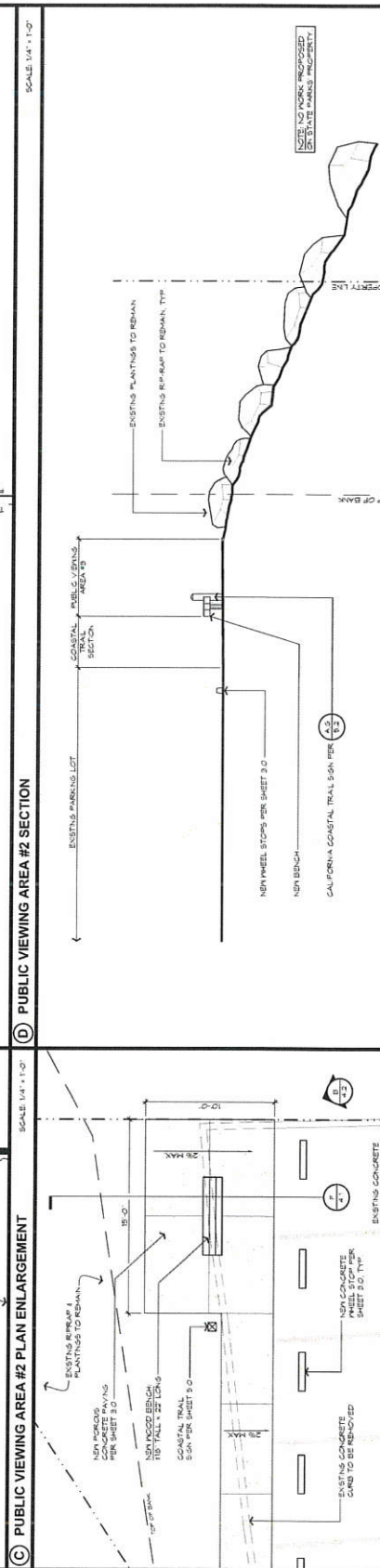
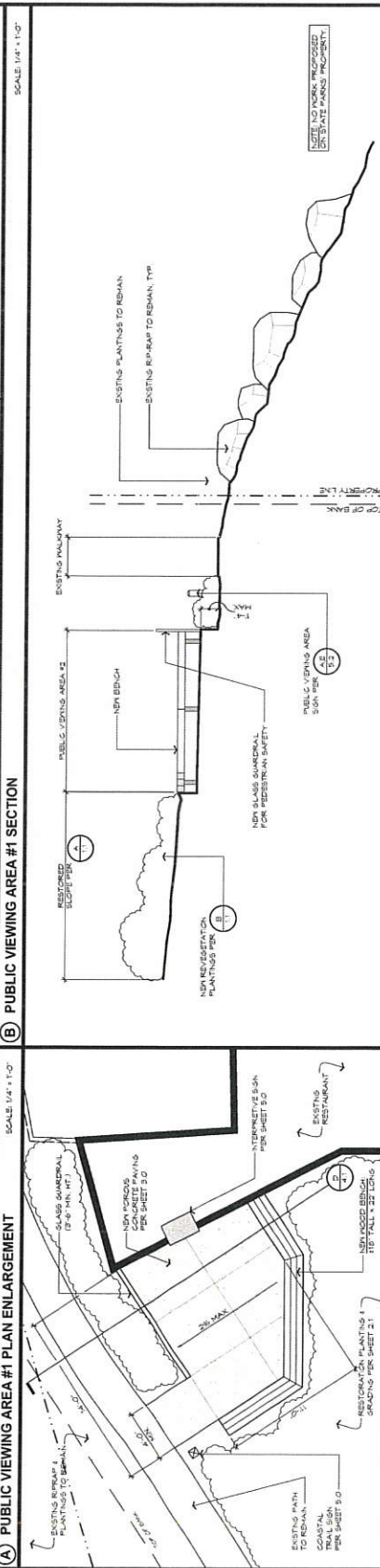
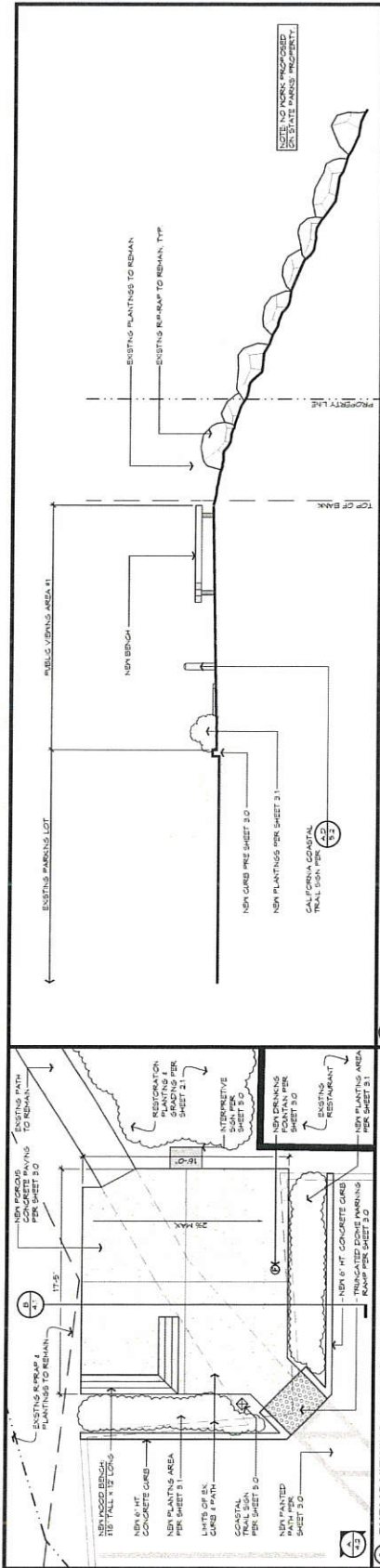
CONSENT AGREEMENT
 CCC-17-CD-01

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY
 MONTARA, CA
 APN: 038-046-000
 038-046-310
 038-046-300
 038-046-400
 038-046-998

Project:	LA COSTANERA
Date:	10/20/2017
Scale:	AS NOTED
Drawn by:	TVC/ML

PUBLIC VIEWING AREA PLAN ENLARGEMENT



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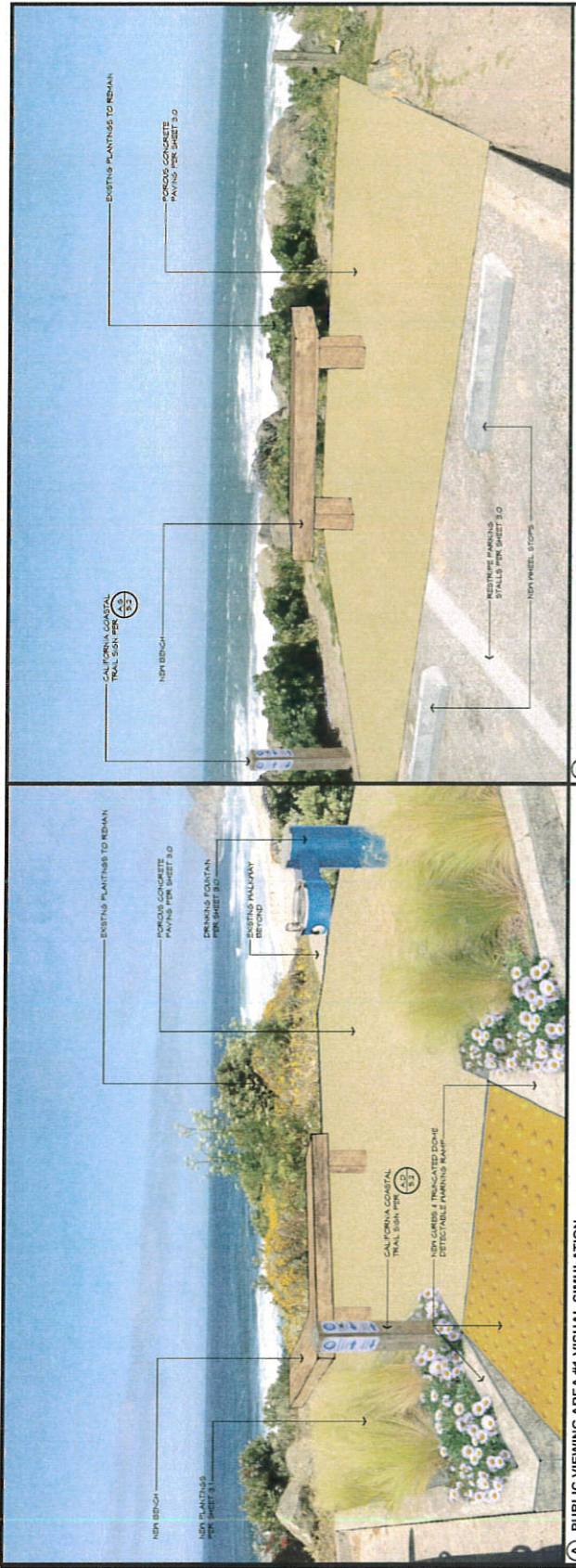
**LA
COSTANERA
RESTAURANT**

8150 CABRILLO HIGHWAY
 MONTARA, CA
 APRIL:
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 038-046-310
 038-046-320
 038-046-300
 038-046-400
 038-046-998

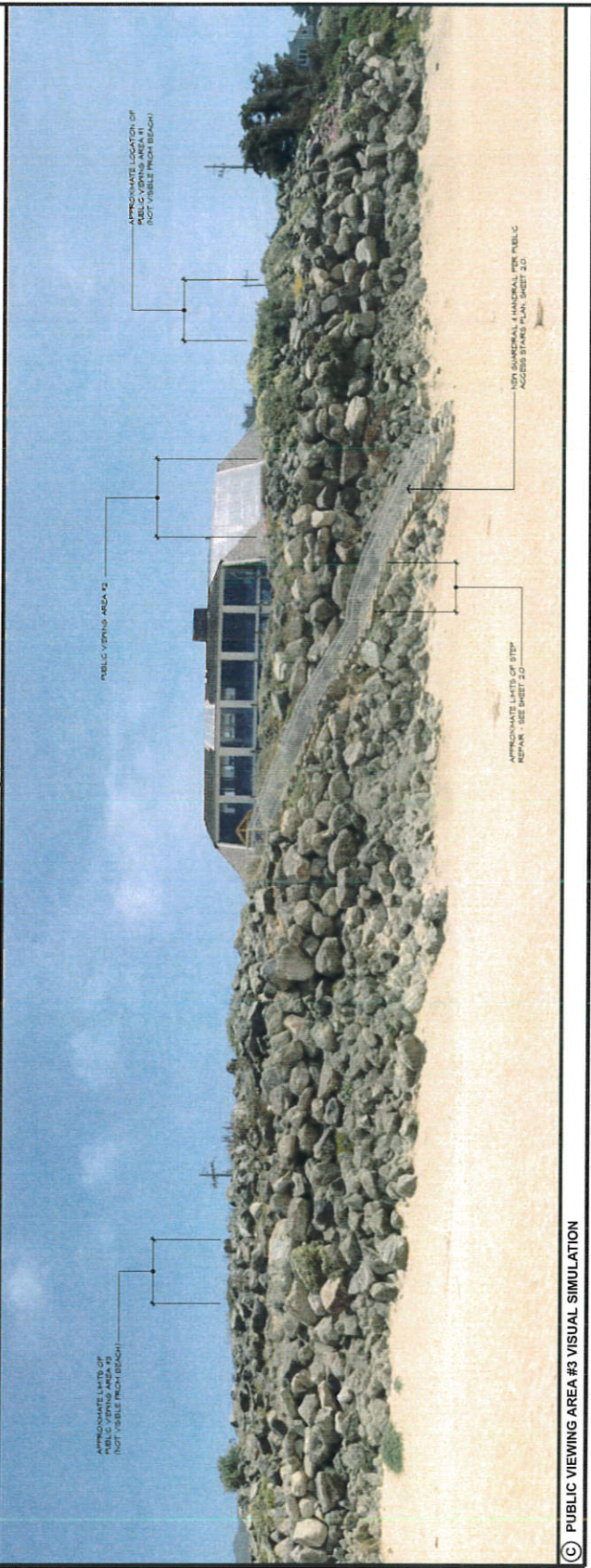
Revised:	02/28/2017
By:	CCC Comments
Date:	06/01/2017 022 SUBMITTAL
Scale:	AS NOTED
Drawn By:	TMC/ML

**PUBLIC VIEWING
 AREAS - VISUAL
 SIMULATIONS**

Sheet No: **4.2**
 of



(A) PUBLIC VIEWING AREA #1 VISUAL SIMULATION



(B) PUBLIC VIEWING AREA #2 VISUAL SIMULATION

(C) PUBLIC VIEWING AREA #3 VISUAL SIMULATION

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Attachment 5. Public Access Signage Plan

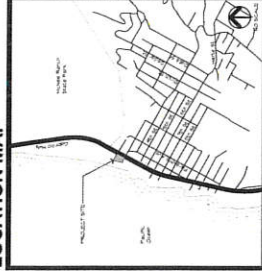
LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA

PUBLIC ACCESS SIGNAGE PLAN



LOCATION MAP



CONSENT AGREEMENT
CC-17-CD-01



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Site Planning
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Half Moon Bay, CA 94019
(650) 726-7100
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SHEET INDEX

- 08 : COVER SHEET, LOCATION MAP
- 09 : PROJECT DIRECTORY
- 10 : PUBLIC ACCESS SIGNAGE PLAN
- 11 : PUBLIC ACCESS SIGNAGE DETAILS
- 12 : INTERPRETIVE SIGN PANEL GRAPHICS
- 13 : INTERPRETIVE SIGN PANEL GRAPHICS
- 14 : INTERPRETIVE SIGN DETAILS

PROJECT DIRECTORY

PROPERTY OWNER: A.T.S. LLC, 10000 HWY
REDWOOD CITY, CA 94063-1409

APNS: 028-048-020
028-048-030
028-048-040
028-048-050
028-048-060

PROPERTY LOCATION: 8150 CABRILLO HIGHWAY
MONTARA, CA 94025
LANDSCAPE ARCHITECT: KIKUCHI + KANKEI DESIGN GROUP
730 MILL STREET
HALF MOON BAY, CA 94019
(650) 726-7100

Revisions: 8/20/2017
8/22/2017
Date: 8/8/2017 CC-17-CD-01
Sheet No: **0.5**

OF



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CCC-17-CD-01**

**LA
COSTANERA
RESTAURANT**

1160 CABRILLO HIGHWAY
MONTARA, CA
APNs:
031-046-050
031-046-310
031-046-380
031-046-400
031-046-480

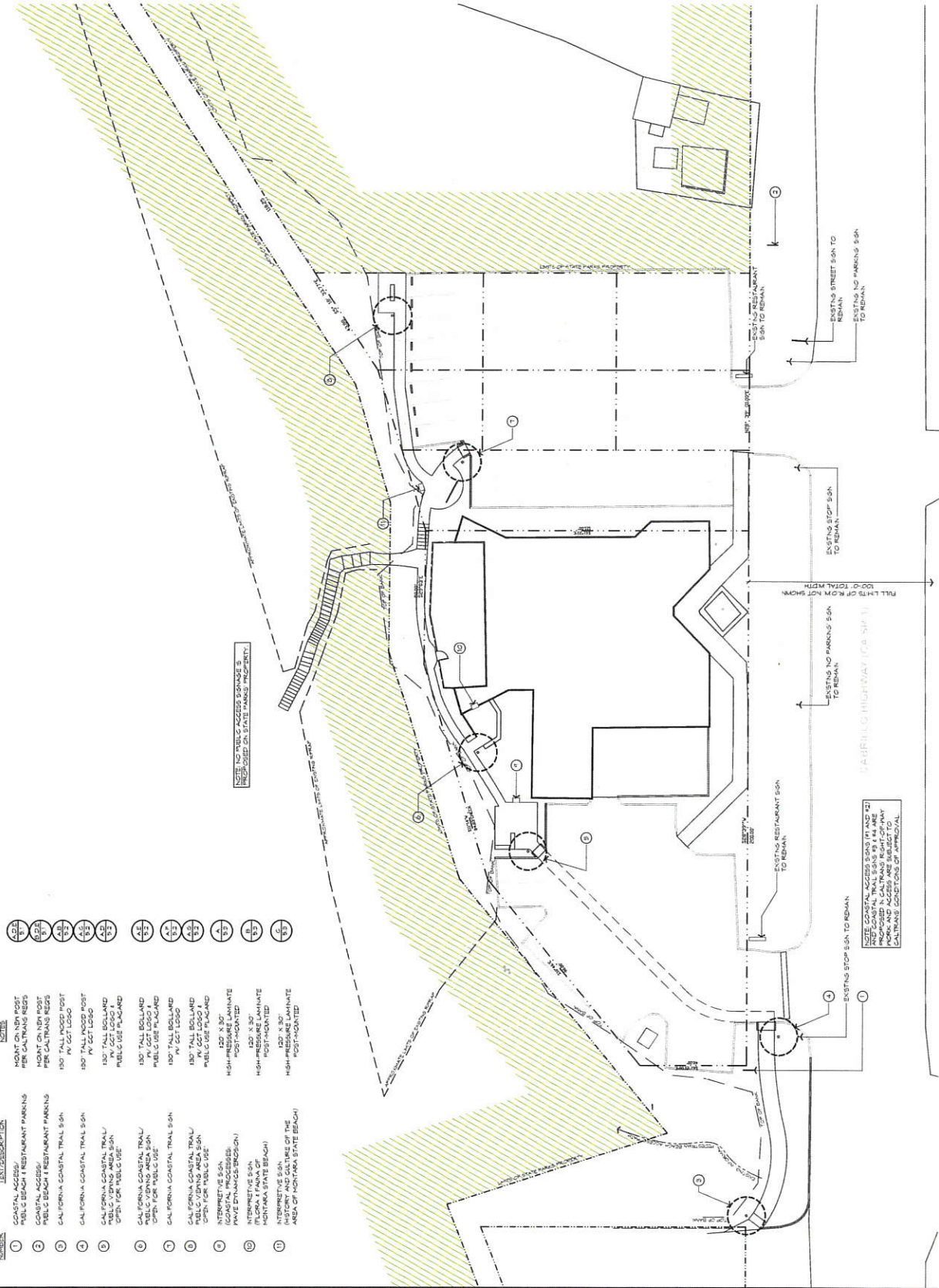
Revisions:
Date: 8/2/2017
Scale: 1/8" = 1'-0"
Drawn By: TMC/AL

**PUBLIC ACCESS
SIGNAGE PLAN**

Sheet No:
5.0

PUBLIC ACCESS SIGNAGE KEY

NUMBER	IDENTIFICATION	NOTE
1	COASTAL ACCESS PUBLIC BEACH + RESTAURANT PARKINGS	130' TALL POST PER CALTRANS SIGS
2	COASTAL ACCESS PUBLIC BEACH + RESTAURANT PARKINGS	130' TALL POST PER CALTRANS SIGS
3	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
4	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
5	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
6	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
7	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
8	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
9	CALIFORNIA COASTAL TRAIL SIGN	130' TALL POST PER CALTRANS SIGS
10	INTERPRETIVE SIGN HISTORY AND CULTURE OF THE AREA OF MONTARA STATE BEACH	120' X 30" POST-MOUNTED LAMINATE
11	INTERPRETIVE SIGN HISTORY AND CULTURE OF THE AREA OF MONTARA STATE BEACH	120' X 30" POST-MOUNTED LAMINATE



NOTE: COASTAL ACCESS SIGNS (1) AND (2) PROPOSED FOR CALTRANS RIGHT-OF-WAY WORK AND ACCESS ARE SUBJECT TO CALTRANS APPROVAL. MULTIPLE SIGNAGES BY APPROVAL.

NOTE: NO PUBLIC ACCESS SIGNAGE IS PROPOSED ON STATE PARKS PROPERTY.

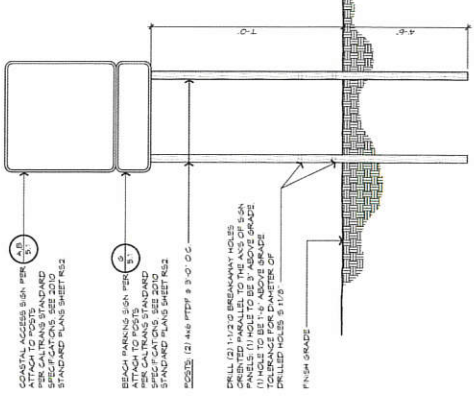


Kikuchi + Kantel
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 Half Moon Bay, CA 94019
 (650) 726-7100
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WITCH NUMBER: None
 STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 CODE: SG28 Grid



(C) COASTAL ACCESS LOGO ELEVATION
 N.T.S.
 THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE



REVISIONS:
 DATE: 6/9/2011
 DRAWN BY: TPK/SL
 CHECKED BY: TPK/SL
 SCALE: AS SHOWN
 PROJECT: 222 COMMENTS
 EGS SUBMITTAL

PUBLIC ACCESS SIGNAGE DETAILS

Sheet No. **5.1**

WITCH NUMBER: NONE
 STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 CODE: SG28 (Rt)



NOTES
 1. Alternate messages: COASTAL ACCESS: COASTAL VIEW or BAY ACCESS: COASTAL VIEW or BAY VIEW. See E-Series alphabet. Alternate message: BAY VIEW. See E-Series alphabet.
 2. For arrowhead dimensions, see Standard Arrowhead on Appendix Page 2 of 11.

SIGN SIZE (Inches)	DIMENSIONS (Inches)																					
	A	B	C	D	E	F	G	H	J	K	L	M	N									
48 X 48	48	1	3	6	6	0	E	5	12	2	1	7	9	12	6	3	8	1	1	5	8	14

SIGN SIZE (mm)	DIMENSIONS (Millimeters)																												
	A	B	C	D	E	F	G	H	J	K	L	M	N																
762 X 762	762	19	38	102	102	0	E	76	187	38	143	191	102	184	222	1219	1219	25	76	152	1502	127	305	64	229	305	182	295	356

COLORS
 BORDER & LEGEND - WHITE (REFLECTIVE)
 BACKGROUND - BROWN (REFLECTIVE)
 THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE

(B) COASTAL ACCESS SIGNAGE ELEVATION 2
 N.T.S.



(E) PUBLIC ACCESS SIGNAGE MOUNTING ELEVATION
 SCALE: 1" = 1'-0"

WITCH NUMBER: NONE
 STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 CODE: SG28 (Lt)



NOTES
 1. Alternate messages: COASTAL ACCESS: COASTAL VIEW or BAY ACCESS: COASTAL VIEW or BAY VIEW. See E-Series alphabet. Alternate message: BAY VIEW. See E-Series alphabet.
 2. For arrowhead dimensions, see Standard Arrowhead on Appendix Page 2 of 11.

SIGN SIZE (Inches)	DIMENSIONS (Inches)																					
	A	B	C	D	E	F	G	H	J	K	L	M	N									
48 X 48	48	1	3	6	6	0	E	5	12	2	1	7	9	12	6	3	8	1	1	5	8	14

SIGN SIZE (mm)	DIMENSIONS (Millimeters)																												
	A	B	C	D	E	F	G	H	J	K	L	M	N																
762 X 762	762	19	38	102	102	0	E	76	187	38	143	191	102	184	222	1219	1219	25	76	152	1502	127	305	64	229	305	182	295	356

COLORS
 BORDER & LEGEND - WHITE (REFLECTIVE)
 BACKGROUND - BROWN (REFLECTIVE)
 THE POLICY FOR INTENDED USAGE OF THIS SIGN IS SHOWN ON REVERSE SIDE

(A) COASTAL ACCESS SIGNAGE ELEVATION 1
 N.T.S.

(D) PUBLIC ACCESS SIGNAGE ELEVATION
 SCALE: 3" = 1'-0"



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Half Moon Bay, CA 94019
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LA COSTANERA RESTAURANT

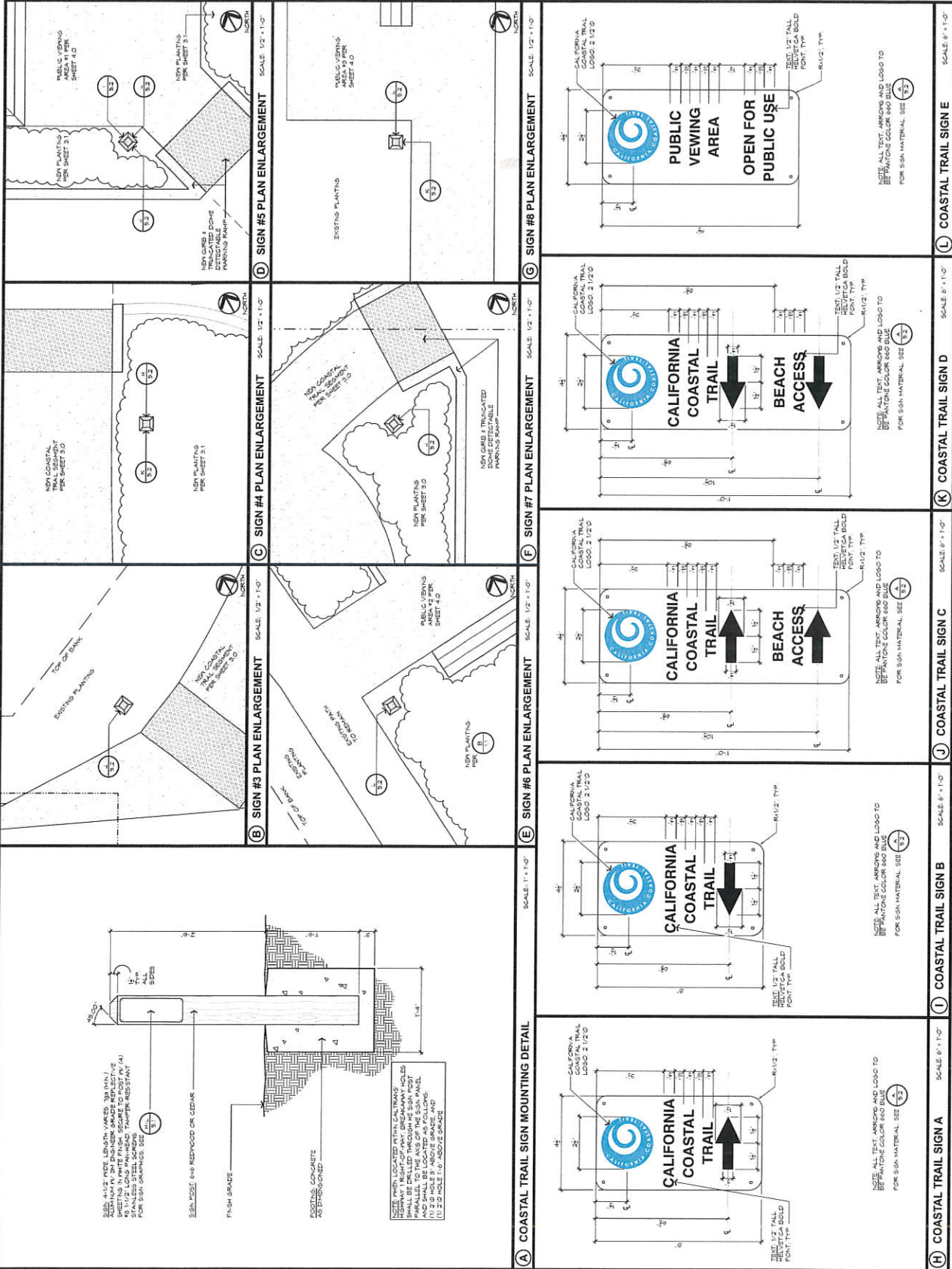
1818 CARRILLO HIGHWAY
MONTARA, CA

APNs:
038-046-000
038-046-300
038-046-330
038-046-400
038-046-500

Revisions:
Date: 6/20/2017
Scale: 6" = 1'-0"

Drawn By: AS/NOTED
Checked By: TPC/L
Scale: 6" = 1'-0"

CALIFORNIA COASTAL TRAIL SIGN DETAILS
Sheet No. 5.2



3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (B) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (C) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (D) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (E) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (F) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (G) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (H) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (I) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (J) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (K) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE (L) 3/8" x 1/2" x 1/2" VENEER LAMINATE 3/8" MIN. / 1/2" SHEETING 1/4" WHITE FINISH. SECURE TO POST AT (A) 5" x 1/2" LONG PANHARD TAMPER RESISTANT FOR SIGN GRAPHICS SIZE



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**LA
COSTANERA
RESTAURANT**

8150 CABRILLO HIGHWAY
MONTARA, CA

APNs:
036-446-050
036-446-310
036-446-330
036-446-390
036-446-400
036-446-990

Revisions	5/22/2017	552-2222
Date	6/8/2017	656-508-1744
Scale	AS NOTED	
Drawn By	TKC/SL	

**INTERPRETIVE SIGN
PANEL GRAPHICS**

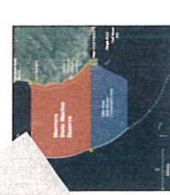
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5.3

of

MONTARA STATE BEACH

Flora & Fauna



The bluff tops above Montara state beach, as well as the east, are home to a wide variety of plants and animals. The coastal sage with a coastal bluff scrub community is a unique habitat. The area is home to many American coasts found in the more protected areas above, searching for moles, voles, and other small mammals. Offshore, the south inaccessibility shields reefs, in green anemones, purple sea urchins, and other marine life. Beaches provide habitat for crabs, and other marine life.

LA COSTANERA IS WORKING WITH DESIGNATED AT STATE PARKS ON CULTURAL STAFF CONTACTS REVISIONS AND APPROVAL OF THE XCP. PLACEHOLDER GRAPHICS AND TEXT WILL BE UPDATED FOR REVIEW AND APPROVAL OF THE XCP.

Further offshore, the ocean to the west and south of Montara State Beach are protected by two marine protected areas, which preserve the existing ecosystem, allow for greater biodiversity, yet still accommodate private recreation and scientific research.

PUBLIC SIGNS AND ACCESSWAYS PROVIDED IN COOPERATION WITH THE CALIFORNIA COASTAL COMMISSION

INTERPRETIVE SIGN B

MONTARA STATE BEACH

Coastal Features



One of the most striking things visitors encounter when they visit the wide stretch of pristine sand. The sand is a coarse-grained than other beaches in the area, as it is composed of granitic rocks of Montara Mountain immediately to the south along the coast. The grains grind and result in the fine sand found at Half Moon Bay. The sand supply from the eroding cliffs to the bluff face of the dunes found on the beach.

LA COSTANERA IS WORKING WITH DESIGNATED AT STATE PARKS ON CULTURAL STAFF CONTACTS REVISIONS AND APPROVAL OF THE XCP. PLACEHOLDER GRAPHICS AND TEXT WILL BE UPDATED FOR REVIEW AND APPROVAL OF THE XCP.

The loss of beaches due to sea level rise is a particular concern, as increased erosion reduces the coast's natural "buffer zone", which accelerates erosion inland.

PUBLIC SIGNS AND ACCESSWAYS PROVIDED IN COOPERATION WITH THE CALIFORNIA COASTAL COMMISSION

INTERPRETIVE SIGN A

MONTARA STATE BEACH

History



Long before the arrival of European explorers, the area to the northern edge of Big Sur, and east to the language, called Ohione. In the immediate Bay area of present-day Montara. At the time of the arrival of the Ohione people, it is believed that the Ohione people lived in the area.

LA COSTANERA IS WORKING WITH DESIGNATED AT STATE PARKS ON CULTURAL STAFF CONTACTS REVISIONS AND APPROVAL OF THE XCP. PLACEHOLDER GRAPHICS AND TEXT WILL BE UPDATED FOR REVIEW AND APPROVAL OF THE XCP.

The permanent arrival of missionaries and European settlers had a profound impact on the Ohione people. Introduced diseases and forced missionization disrupted the native way of life, leading to near extinction by the middle of the 19th century. Only four of the original eleven tribes are known to have surviving descendants.

PUBLIC SIGNS AND ACCESSWAYS PROVIDED IN COOPERATION WITH THE CALIFORNIA COASTAL COMMISSION

INTERPRETIVE SIGN C



Kikuchi + Kankel Design Group

Landscape Architecture
Environmental Design
Site Planning

730 Mill Street
Half Moon Bay, CA 94019
(650) 726-7100
www.kkdesigngroup.com

CONSENT AGREEMENT
CCC-17-CD-01

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY
MONTARA, CA

APNs:
038-044-000
038-044-010
038-044-310
038-044-330
038-044-400
038-044-098

Revisions: 5/25/2011
CCC-17-CD-01

Date: 5/8/2011 6:55:58 AM (TTAL)

Scale: 1/8" = 1'-0"
Drawn By: TMC/SL

INTERPRETIVE SIGN DETAILS (TYPICAL)

Sheet No
5.4
Of

Weathering Steel

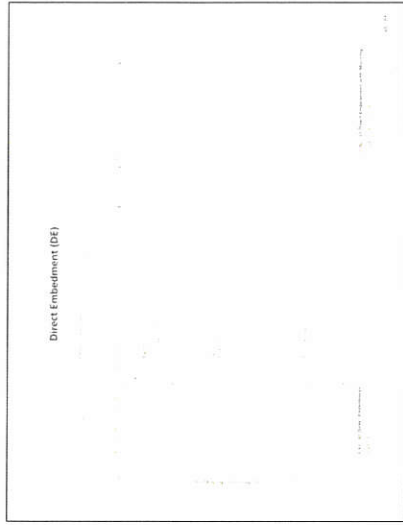
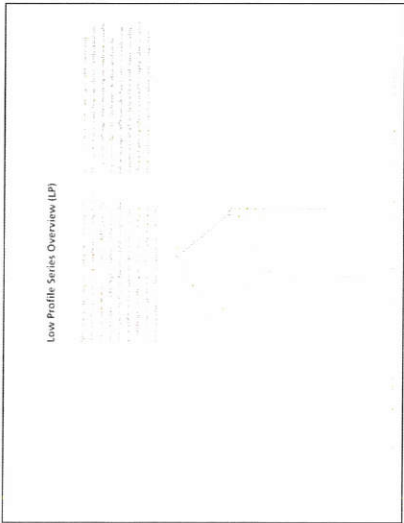
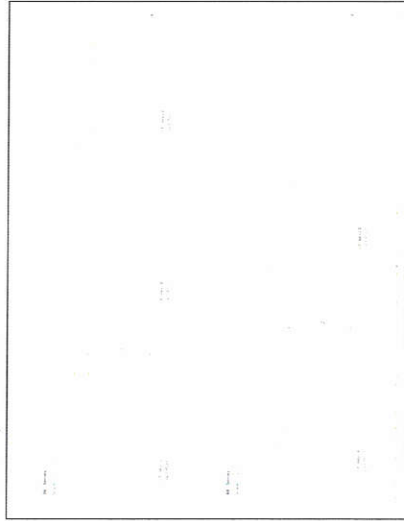
Weathering Steel
Weathering steel is a type of low alloy steel that has been designed to resist atmospheric corrosion. It is commonly used in outdoor applications where long-term durability is required. The steel forms a protective patina over time, which helps to prevent further corrosion. This material is ideal for signposts and other outdoor structures that need to withstand various weather conditions.

Aluminum Extrusion (Anodized)

Aluminum Extrusion (Anodized)
Anodized aluminum extrusion is a lightweight and durable material used for signposts. The anodizing process creates a thin, protective oxide layer on the surface of the aluminum, which helps to prevent corrosion and extends the life of the signpost. This material is commonly used for modern, minimalist sign designs.

Aluminum Extrusion (Painted)

Aluminum Extrusion (Painted)
Painted aluminum extrusion is another popular choice for signposts. It offers the same strength and durability as anodized aluminum but allows for a wider range of color options. The paint finish can be selected to match the sign design or provide a specific aesthetic look.



From: "Branon, Sheila@Parks" <Sheila.Branon@parks.ca.gov>
Subject: La Costanera Restaurant Project
Date: August 18, 2017 at 4:23:03 PM PDT
To: Mark Massara <markmassara@coastaladvocates.com>
Cc: "Spohrer, Chris@Parks" <chris.spohrer@parks.ca.gov>

Hi Mark,

State Parks has preliminary reviewed the plans provided in the "La Costanera Restaurant Removal of Unpermitted Development and Coastal Access Improvements" document as they pertain to State Parks. State Parks gives conditional approval of the concept but needs to submit final plans to our Service Center for ADA review and approval for the proposed repairs to the public access stairs. Please confirm that the plans in the abovementioned report are the plans you wish for us to submit to our ADA unit for review.

Once we have final approval of the design from our Service Center, we can begin to enter into the Right of Entry permit process with your contractor. The Right of Entry Permit process includes current scope of work, design/map, contractor contact information, any staging necessary on state park property, safety plan, insurance, and a fee.

As discussed, State Parks would be able to provide input for interpretive signage associated with this plan. Please provide me with your contact and we can have our State Park Interpreter Linda Hitchcock get in touch with them. In addition, our Archeologist Mark Hylkema could provide you with cultural and Native American information. Please let me know who you would like him to reach out to.

We look forward to seeing the improvements in this area and collaborating with you. Thank you.

Sheila Branon
Sr. Park and Recreation Specialist
Santa Cruz District
(831) 335-6385

Attachment 7. Caltrans Standard Encroachment Permit submittal

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
STANDARD ENCROACHMENT PERMIT APPLICATION
 TR-0100 (REV. 03/2015)

Please type or print clearly your answers. Complete ALL fields, write "N/A" if not applicable. This application is not complete until all requirements have been approved.

Permission is requested to encroach on the State Highway right-of-way as follows:

1. COUNTY <u>San Mateo</u>		2. ROUTE <u>1</u>	3. POSTMILE <u>SM 36.603</u>		FOR CALTRANS USE PERMIT NO. DIST/CORTE/PM SIMPLEX STAMP DATE OF SIMPLEX STAMP
4. ADDRESS OR STREET NAME <u>8150 CUBILLO Hwy</u>			5. CITY <u>Montara</u>		
6. CROSS STREET (Distance and direction from project site) <u>BETWEEN 1st & 2nd ST.</u>			7. PORTION OF RIGHT-OF-WAY <u>WESTERLY</u>		
8. WORK TO BE PERFORMED BY <input type="checkbox"/> OWN FORCES <input checked="" type="checkbox"/> CONTRACTOR		9. ESTIMATED START DATE <u>30 DAYS</u>		10. ESTIMATED COMPLETION DATE <u>60 days</u>	
11. EXCAVATION	MAX. DEPTH <u>12"</u>	AVG. DEPTH <u>6"</u>	AVG. WIDTH <u>3'</u>	LENGTH <u>20'</u>	SURFACE TYPE <u>Pavous Concrete ADA accessible</u>
12. ESTIMATED COST WITHIN STATE HIGHWAY RIGHT-OF-WAY <u>\$ 1,000</u>			FUNDING SOURCE(S) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE <input type="checkbox"/> LOCAL <input checked="" type="checkbox"/> PRIVATE		
13. PIPES	PRODUCT TYPE <u>N/A</u>	DIAMETER <u>N/A</u>	VOLTAGE / PSIG <u>N/A</u>		14. CALTRANS' PROJECT CODE (ID)

15. Double Permit Parent Permit Number _____
 Applicant's Reference Number / Utility Work Order Number CCC-17-CD-01

16. Have your plans been reviewed by another Caltrans branch? NO YES (If "YES") Who? _____

17. Completely describe work to be done within STATE Highway right-of-way:

Attach 6 complete sets of plans (folded to 8.5" x 11") and any applicable specifications, calculations, maps, etc.

Construction of improvements to existing coastal trail Between LA COSTANERA RESTAURANT AND Montara State Beach parking lot AT 8150 CUBILLO Hwy in Montara CA.
 Improvements include pavous concrete to existing dirt trail; Improvement to existing curb; Landscaping w/ vegetation and signage per Attached plans.

18. Is a City, County or other public agency involved in the approval of this project?

YES (If "YES", check type of project AND attach environmental documentation and conditions of approval)
 COMMERCIAL DEVELOPMENT BUILDING GRADING OTHER CALIFORNIA COASTAL Commission
 CATEGORICALLY EXEMPT NEGATIVE DECLARATION ENVIRONMENTAL IMPACT REPORT OTHER Consent Order

NO (If "NO", please check the category below which best describes the project AND answer questions A - K on page 2)
 DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE OR RESURFACING FENCE
 PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS MAILBOX
 FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS EROSION CONTROL
 OTHER _____ LANDSCAPING

PERMIT NO. _____

The following questions must be completed when a City, County or other public agency **IS NOT** involved in the approval of this project.

Your answers to these questions will assist Departmental staff in identifying any physical, biological, social or economic resources that may be affected by your proposed project within State Highway right-of-way and to determine which type of environmental studies may be required to approve your application for an encroachment permit.

It is the applicant's responsibility for the production of all required environmental documentation and supporting studies and in some cases this may be costly and time consuming. If possible, attach photographs of the location of the proposed project. Please answer these questions to the best of your ability. Provide a description of any "YES" answers (type, name, number, etc.)

A. Will any existing vegetation and/or landscaping within State Highway right-of-way be disturbed?

B. Are there waterways (e.g. river, creek, pond, natural pool or dry streambed) adjacent to or within the limits of the project or State Highway right-of-way?

C. Is the proposed project located within five miles of the coast line?

D. Will the proposed project generate construction noise levels greater than 86 dBA (e.g. jack-hammering, pile driving)?

E. Will the proposed project incorporate land from a public park, recreation area or wildlife refuge open to the public?

F. Are there any recreational trails or paths within the limits of the proposed project or State Highway right-of-way?

G. Will the proposed project impact any structures, buildings, rail lines or bridges within State Highway right-of-way?

H. Will the proposed project impact access to any businesses or residences?

I. Will the proposed project impact any existing public utilities or public services?

J. Will the proposed project impact existing pedestrian facilities, such as sidewalks, crosswalks or overcrossings?

K. Will new lighting be constructed within or adjacent to State Highway right-of-way?

19. Will this project cause a substantial change in the significance of a historical resource (45 years or older), or cultural resource? YES NO
(If "YES", provide a description)

20. Is this project on an existing State Highway or street where the activity involves removal of a scenic resource including a significant tree or stand of trees, a rock outcropping or a historic building? YES NO (If "YES", provide a description)

21. Is work being done on the applicant's property? YES NO (If "YES", attach 6 complete sets of site and grading plans.)

22. Will the proposed project require the disturbance of soil? YES NO
If "YES", estimate the area within State Highway right-of-way in square feet AND acres: 400 Sq. Ft. (ft²) AND 0.00918274 (acres)
estimate the area outside of State Highway right-of-way in square feet AND acres: 2000 Sq. Ft. (ft²) AND 0.0459137 (acres)

23. Will the proposed project require dewatering? YES NO
If "YES", estimate total gallons AND gallons/month. _____ (gallons) AND _____ (gallons/month)
SOURCE: STORM WATER NON-STORM WATER
(*See Caltrans SWMP for definitions of non-storm water discharge: <http://www.dot.ca.gov/hq/env/stormwater/index.htm>)

24. How will any storm water or ground water be disposed of from within or near the limits of the proposed project?
 Storm Drain System Combined Sewer / Storm System Storm Water Retention Basin
 Other (explain): Percolation

PERMIT NO. _____

PLEASE READ THE FOLLOWING CLAUSES PRIOR TO SIGNING THIS ENCROACHMENT PERMIT APPLICATION.

The applicant, understands and herein agrees that an encroachment permit can be denied, and/or a bond required for non-payment of prior or present encroachment permit fees. Encroachment Permit fees may still be due when an application is withdrawn or denied, and that a denial may be appealed, in accordance with the California Streets and Highways Code, Section 671.5. All work shall be done in accordance with the California Department of Transportation's (Department) rules and regulations subject to inspection and approval.

The applicant, understands and herein agrees to the general provisions, special provisions and conditions of the encroachment permit, and to indemnify and hold harmless the State, its officers, directors, agents, employees and each of them (Indemnitees) from and against any and all claims, demands, causes of action, damages, costs, expenses, actual attorneys' fees, judgments, losses and liabilities of every kind and nature whatsoever (Claims) arising out of or in connection with the issuance and/or use of this encroachment permit and the placement and subsequent operation and maintenance of said encroachment for: 1) bodily injury and/or death to persons including but not limited to the Applicant, the State and its officers, directors, agents and employees, the Indemnitees, and the public; and 2) damage to property of anyone. Except as provided by law, the indemnification provisions stated above shall apply regardless of the existence or degree of fault of Indemnitees. The Applicant, however, shall not be obligated to indemnify Indemnitees for Claims arising from the sole negligence and willful misconduct of State, its officers, directors, agents or employees.


An encroachment permit is not a property right and does not transfer with the property to a new owner.

COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990: All work within State Highway right-of-way shall be conducted in compliance with all applicable Federal, State and Local Access laws, regulations and guidelines including but not limited to the Americans with Disabilities Act Accessibility Guidelines (ADAAG), the Public Rights-of-Way Guidelines (PROWG), the Department's current Design Information Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects", the Department's Encroachment Permits Manual and encroachment permit.

DISCHARGES OF STORM WATER AND NON-STORM WATER: All work within State Highway right-of-way shall be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department, to govern the discharge of storm water and non-storm water from its properties. Work shall also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit. Compliance with the Department's NPDES permit requires amongst other things, the preparation and submission of a Storm Water Pollution Protection Plan (SWPPP), or a Water Pollution Control Program (WPCP), and the approval of same by the appropriate reviewing authority prior to the start of any work. Information on the requirements may also be reviewed on the Department's Construction Website at:

<http://www.dot.ca.gov/ha/construc/stormwater>

Mark Massera, Law offices of Mark Massera

25. NAME OF APPLICANT OR ORGANIZATION on behalf of A&G, LLC (AKA LA COSTANERA RESTAURANT)		
ADDRESS OF APPLICANT OR ORGANIZATION WHERE PERMIT IS TO BE MAILED (Include City and Zip Code) 1642 Grant Hwy San Francisco CA 94122		
E-MAIL ADDRESS markmassera@casmlaw.com	PHONE NUMBER 805 895 0963	FAX NUMBER
26. NAME OF AUTHORIZED AGENT / ENGINEER (A "Letter of authorization" is required if different from #25) Mark Massera		IS A LETTER OF AUTHORIZATION ATTACHED? <input type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS OF AUTHORIZED AGENT / ENGINEER (Include City and Zip Code) See above		
E-MAIL ADDRESS See above	PHONE NUMBER See above	FAX NUMBER
27. NAME OF BILLING CONTACT (Same as #25 <input checked="" type="checkbox"/> Same as #26 <input type="checkbox"/>)		
BILLING ADDRESS WHERE INVOICE(S) IS/ARE TO BE MAILED (Include City and Zip Code) See above		
E-MAIL ADDRESS See above	PHONE NUMBER See above	FAX NUMBER
28. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 	29. PRINT OR TYPE NAME Mark Massera	30. TITLE Attorney
		31. DATE 8-8-2017

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CERTIFICATION OF COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)
 TR-640 (REV 03/2012)

Permit No.
City/County

Encroachment permit projects that create, alter or affect pedestrian facilities are required to be designed and constructed in accordance with the policies and standards in the current Design Information Bulletin #1 (DIB #1). Certification of compliance must be submitted by the permittee or permittee's authorized representative **before** the issuance of an encroachment permit, or **after** after construction is completed. DIB #1 can be found at:

<http://www.dot.ca.gov/hq/eng/engdiv/dib/dib1.htm>

A separate TR-640 form must be used for the Design and Post Construction Certifications. A California Licensed Professional Engineer, Licensed Architect or Licensed Landscape Architects Stamp is required except when (1) an authorized utility company representative or (2) an authorized Caltrans representative signs the form (at the discretion of the District Permit Engineer).

Design Certification (prior to issuance of encroachment permit)

- Steven T. Kikuchi a California Licensed Professional Engineer, Licensed Architect or Licensed Landscape Architect, do hereby certify that
 - an authorized Caltrans representative, do hereby certify that
 - an authorized representative of _____ (utility company only) do certify that
- This project has been designed in accordance with DIB #1.
 An approved Exception to Accessibility Design Standards is attached.


SIGNATURE 	TITLE Landscape Architect	DATE 8/18/17
---	------------------------------	-----------------

Post Construction Certification

- _____ a California Licensed Professional Engineer, Licensed Architect or Licensed Landscape Architect, do hereby certify that
 - an authorized Caltrans representative, do hereby certify that
 - an authorized representative of _____ (utility company only) do certify that
- This project has been constructed in accordance with DIB #1.
 An approved Exception to Accessibility Design Standards is attached.

SIGNATURE	TITLE	DATE
-----------	-------	------

CA LICENSED PROFESSIONAL ENGINEER, LICENSED ARCHITECT
 OR LICENSED LANDSCAPE ARCHITECT'S STAMP

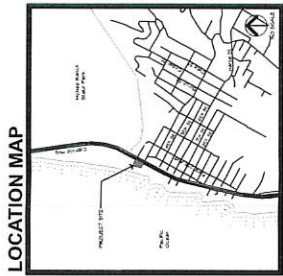


I attest to the truthful information contained herein and have signed the qualifications of all technical specialists providing engineering data used which recommendations, conclusions, and decisions were based

* A Licensed Architect or Licensed Landscape Architect may prepare this document and sign and seal it in lieu of a Registered Civil Engineer provided the same Licensed Architect or Licensed Landscape Architect designed the project improvements. Use the seal of the appropriate licensed profession or responsible charge.

LA COSTANERA RESTAURANT

8150 CABRILLO HIGHWAY, MONTARA, CA



LOCATION MAP

SHEET INDEX

- 1.0 - COVER SHEET, LOCATION MAP
 - 3.0 - PROJECT DIRECTORY
 - 3.1 - GENERAL TRAIL PLANTING PLAN
 - 3.2 - PUBLIC ACCESS SIGNAGE DETAILS
 - 3.3 - CASUAL TRAIL SIGNAGE DETAILS
- NOTE: SOME SHEETS MAY REFER TO DRAWINGS OR DETAILS NOT WORK PROPOSED IN CALTRANS RIGHT-OF-WAY HAVE BEEN ATTACHED.

PROJECT DIRECTORY

PROPERTY OWNER: A I O, LLC
 310 COWLEY WAY
 SAN JOSE, CA 95128-4025
 APN: 026-048-010
 026-048-010
 026-048-010
 026-048-010
 026-048-010

PROPERTY LOCATION: 8150 CABRILLO HIGHWAY
 MONTARA, CA 94027

LANDSCAPE ARCHITECT: KIKUCHI + KANDEL DESIGN GROUP
 730 MILL STREET
 HALF MOON BAY, CA 94020
 (650) 726-7100

ENCORCHMENT PERMIT SUBMITTAL



Kikuchi + Kandel
Design Group

Landscape Architecture
 Environmental Design
 Site Planning
 730 Mill Street
 Half Moon Bay, CA 94019
 (650) 726-7100
 www.kidesigngroup.com

Revisions:
 Date: 8/18/2011 ENCOURCHMENT PERMIT
 Sheet No.

1.0

of

COSTAL TRAIL PLAN LEGEND

NEW POROUS CONCRETE PAVING, 2% MAX. CROSS SLOPE

NEW W/LL PLANTING AREAS: SEE SHEET 3.1

BIKE RACKS: ORIGINAL DETAILED MODEL 2103-11 BY COLUMBIA CASCADE BLACK FOUNDRY 504T FINISH ELEVATION LIKE CAPACITY

FOUNTAINS: FOUNTAINS, 10504- DRINKING FOUNTAIN, AS MANUFACTURED BY HOBAS PERSIMMON FOUNTAINS, INC.

NOGATES CALIFORNIA COASTAL TRAIL DIRECTIONAL PAINTING SIGN PER SIGN KEY, SHEET 3.0.

NOGATES PUBLIC INTERPRETIVE SIGN PER SIGN KEY, SHEET 3.0.

NOGATES PUBLIC ACCESS SIGN PER SIGN KEY, SHEET 3.0.

COASTAL TRAIL PLAN NOTES

ALL NEW PAVING SHALL BE TO THE FINISH SURFACE OF THE PAVING. ALL NEW PAVING SHALL BE TO THE FINISH SURFACE OF THE PAVING. ALL NEW PAVING SHALL BE TO THE FINISH SURFACE OF THE PAVING.

PROPOSED SEGMENT 11 OF THE COASTAL TRAIL IS FULLY WITHIN CALTRANS PUBLIC RIGHT-OF-WAY. ALL IMPROVEMENTS TO THIS SEGMENT SHALL BE COMPLETED WITHIN THIRTY (30) DAYS OF THE DATE OF COMPLETION OF THE TRAIL PLAN. A REPORT WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN, A REPORT WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN, A REPORT WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN.

PROPOSED SEGMENT 12 OF THE COASTAL TRAIL IS FULLY WITHIN APPLICANT'S PROPERTY WITHIN THE PUBLIC ACCESS STORAGE PLAN. FOR MORE INFORMATION SEE SHEET 3.0. IMPLEMENTATION OF THIS COASTAL TRAIL PLAN SHALL COME WITHIN NINETY (90) DAYS OF THE DATE OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN. A REPORT WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN, A REPORT WITHIN 10 DAYS OF COMPLETION OF IMPLEMENTATION OF THE TRAIL PLAN.



Kikuchi + Konkel
Design Group
Landscape Architecture
Environmental Design
Site Planning
710 Mill Street
Half Moon Bay, CA 94019
(650) 726-7100
www.kidsgroup.com

CONSENT AGREEMENT
CCC-17-CD-01

LA COSTANERA RESTAURANT

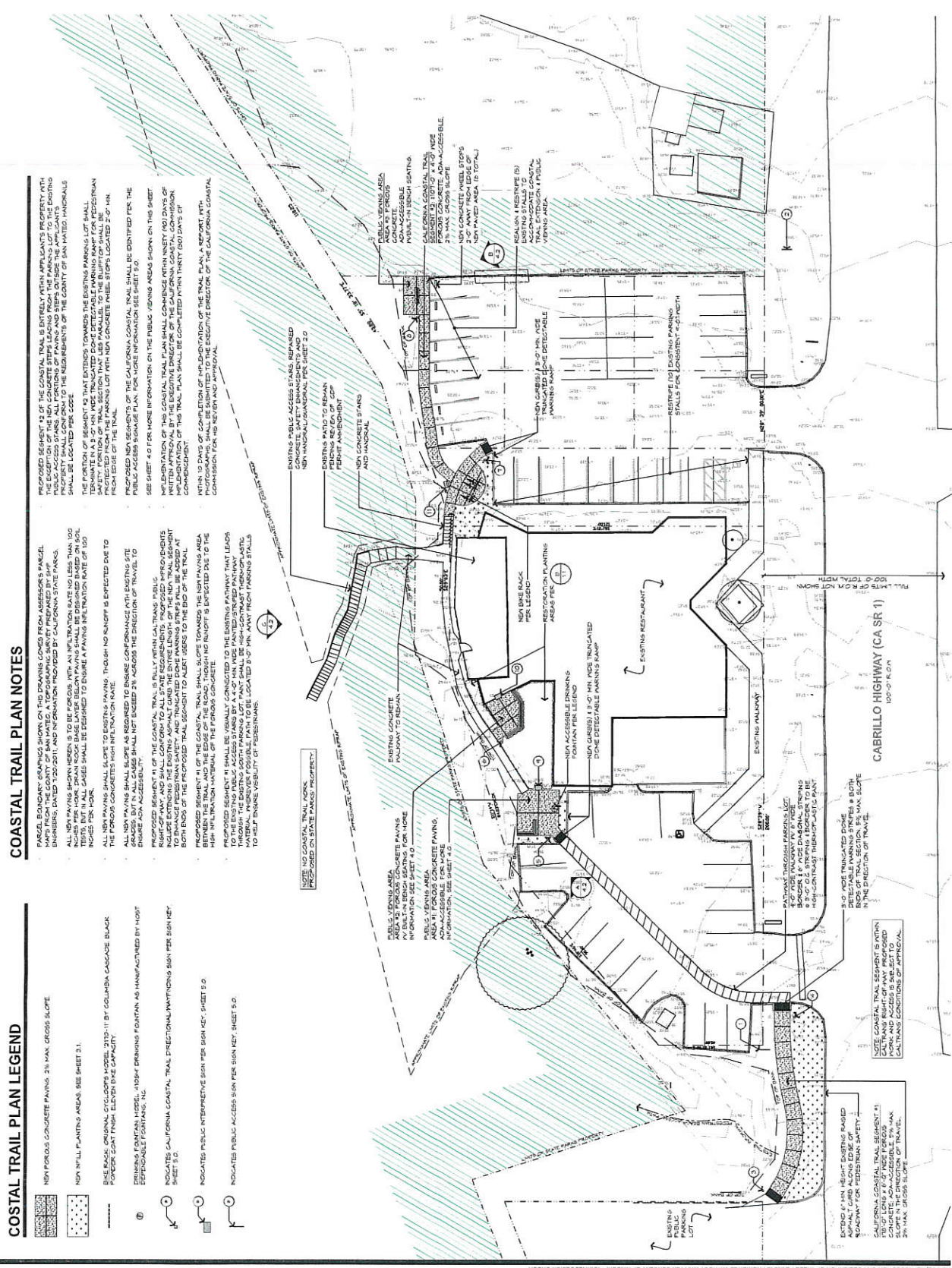
1835 CABRILLO HIGHWAY
MONTARA, CA
ATTN:
831-446-480
831-446-510
831-446-380
831-446-480
831-446-998

NOT FOR CONSTRUCTION

Revised: 8/18/2011
Date: 8/18/2011
Scale: 1/8" = 1'-0"
Drawn By: TJC/AL

ENCLOSURE PERMIT
ENCLOSURE PERMIT
ENCLOSURE PERMIT

COASTAL TRAIL PLAN
Sheet No. **3.0** of



REUSE, REPRODUCTION OR PUBLICATION OF THESE PLANS IS PROHIBITED WITHOUT WRITTEN CONSENT OF KIKUCHI + KONKEL DESIGN GROUP

COASTAL TRAIL PLANTING LEGEND

	NEW SHRUBS PER PLANT KEY, TYP.
	QUANTITY OF PLANTS IN MASS
	SIZE OF NURSERY CAN
	SYMBOL PER PLANT KEY

COASTAL TRAIL PLANTING NOTES

1. AFTER REMOVAL OF ALL WEEDS, ALL PLANTING AREAS SHALL BE FULLY PREPARED WITH PLANTING MATERIAL. A ONE QUART SAMPLE OF EXISTING SUBGRADE SOIL SHALL BE SUBMITTED TO THE COUNTY PLANT LABORATORY FOR COMPLETION OF THEIR AAS-2 TESTS TO DETERMINE OVERALL NUTRIENT AND PHOSPHORUS LEVELS FOR NURSERY RECOMMENDATIONS.
2. ALL EXISTING SOIL IMPROVEMENTS MUST BE STERILE OR STERILIZED PRIOR TO INCORPORATION.
3. PLANTING AREAS ADJACENT TO EXISTING, REFINISHED PLANTING AREAS MUST BE TREATED WITH HYDROGEL. ALL NEW PLANTS SHALL BE TREATED WITH HYDROGEL. REGULAR IRRIGATION SHALL BE TAKEN TO AVOID DRAINING EXISTING PLANT MATERIAL.
4. ALL NEW PLANTINGS SHALL BE IRRIGATED BY A TEMPORARY DRIP IRRIGATION SYSTEM UNTIL PERMANENT IRRIGATION IS ESTABLISHED.
5. APPLICANT ACCEPTS RESPONSIBILITY FOR THE Ongoing SURVIVAL OF THE PLANTING SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF PLANTINGS AND DEAD OR DYING PLANT MATERIAL SHALL BE REPLACED FOR THE CALIFORNIA CONDOLAS COMMISSION OF COMPLETION BY THE EXECUTIVE DIRECTOR OF THE CALIFORNIA CONDOLAS COMMISSION.
6. A 3" THICK LAYER OF SHEEZED MULCH SHALL BE APPLIED TO ALL PLANTING AREAS AFTER PLANTING.

COASTAL TRAIL PLANT KEY & QUANTITIES

LETTER	GRAPHIC SYMBOL	BOTANICAL NAME (COMMON NAME)	SIZE	QTY
A		SPANISH OLEANDER (COMMON NEROL)	5.0	1
B		ANTHERA CALIFORNICA (YONKAWA)	5.0	14
C		STIPA (MAGELLAN PLUGMA)	10.0	43
D		ERIGON (SANDWICH)	10.0	111
E		ERIGON (SANDWICH)	10.0	41



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CONSENT AGREEMENT
CCC-17-CD-01

**LA
COSTANERA
RESTAURANT**

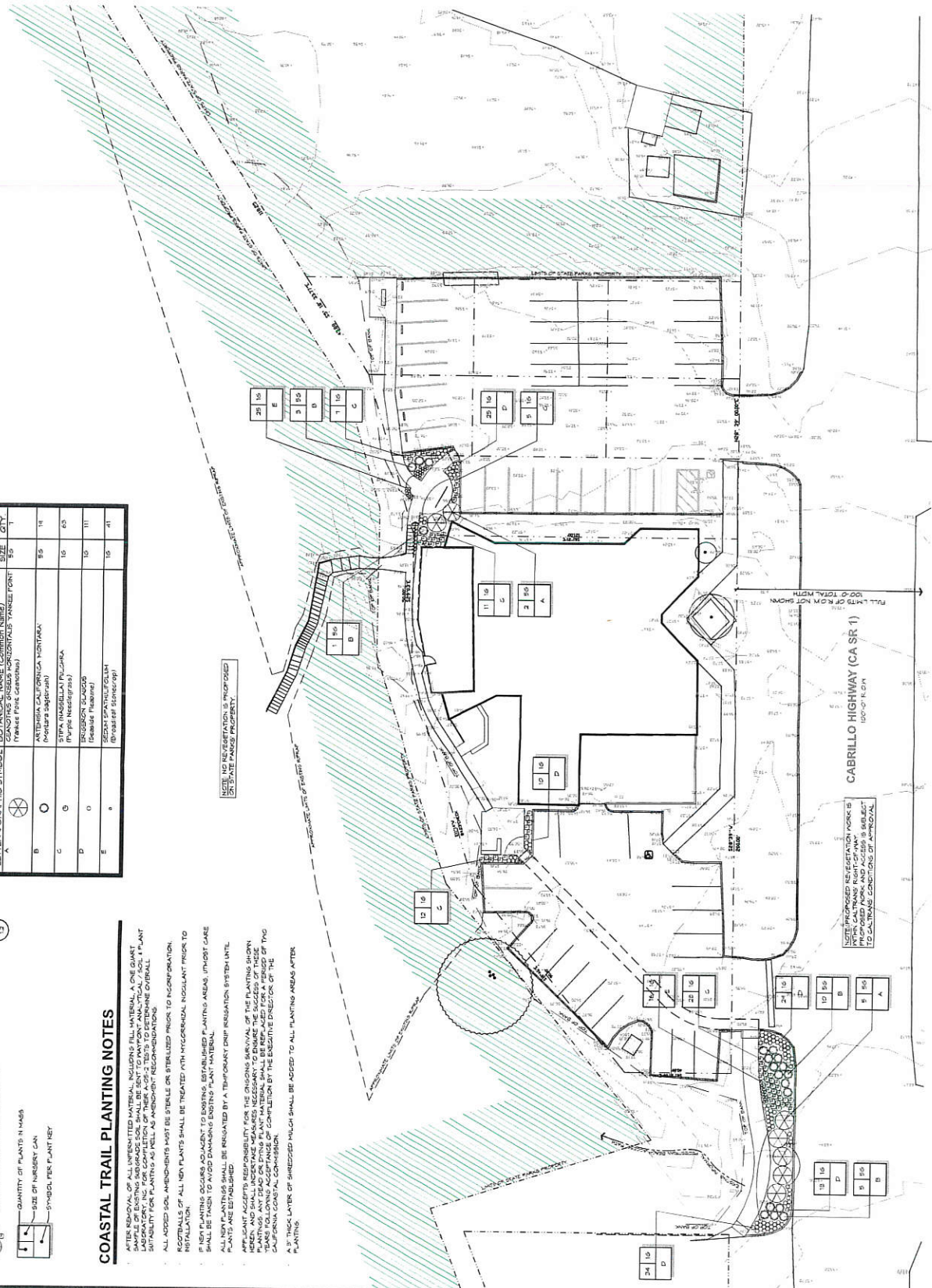
9155 CABRILLO HIGHWAY
MONTANA, CA
APNs:
038-046-050
038-046-051
038-046-330
038-046-339
038-046-400
038-046-098

NOT FOR
CONSTRUCTION

Revisions:
Date: 8/19/2017, ENCLAVE PROJECT
Scale: 1/8" = 1'-0"
Drawn By: P. COOK

**COASTAL TRAIL
REVEGETATION
PLAN**

Sheet No.
3.1
of



NOTE: NO REVEGETATION IS PROPOSED ON STATE PARKS PROPERTY.

CABRILLO HIGHWAY (CA SR 1)
100'-0" R.O.W.

NOTE: PROPOSED REVEGETATION WORK IS SUBJECT TO CALIFORNIA CONDOLAS COMMISSION APPROVAL AND IS SUBJECT TO CHANGING CONDITIONS OF APPROVAL.



**Kikuchi + Kankel
Design Group**

Landscape Architecture
Environmental Design
Site Planning

730 Mill Street
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CONSENT AGREEMENT
CCC-17-CD-01

**LA
COSTANERA
RESTAURANT**

1552 CABRILLO HIGHWAY
MONTARA, CA

VP: 035-846-400
035-846-310
035-846-380
035-846-400
035-846-998

NOT FOR
CONSTRUCTION

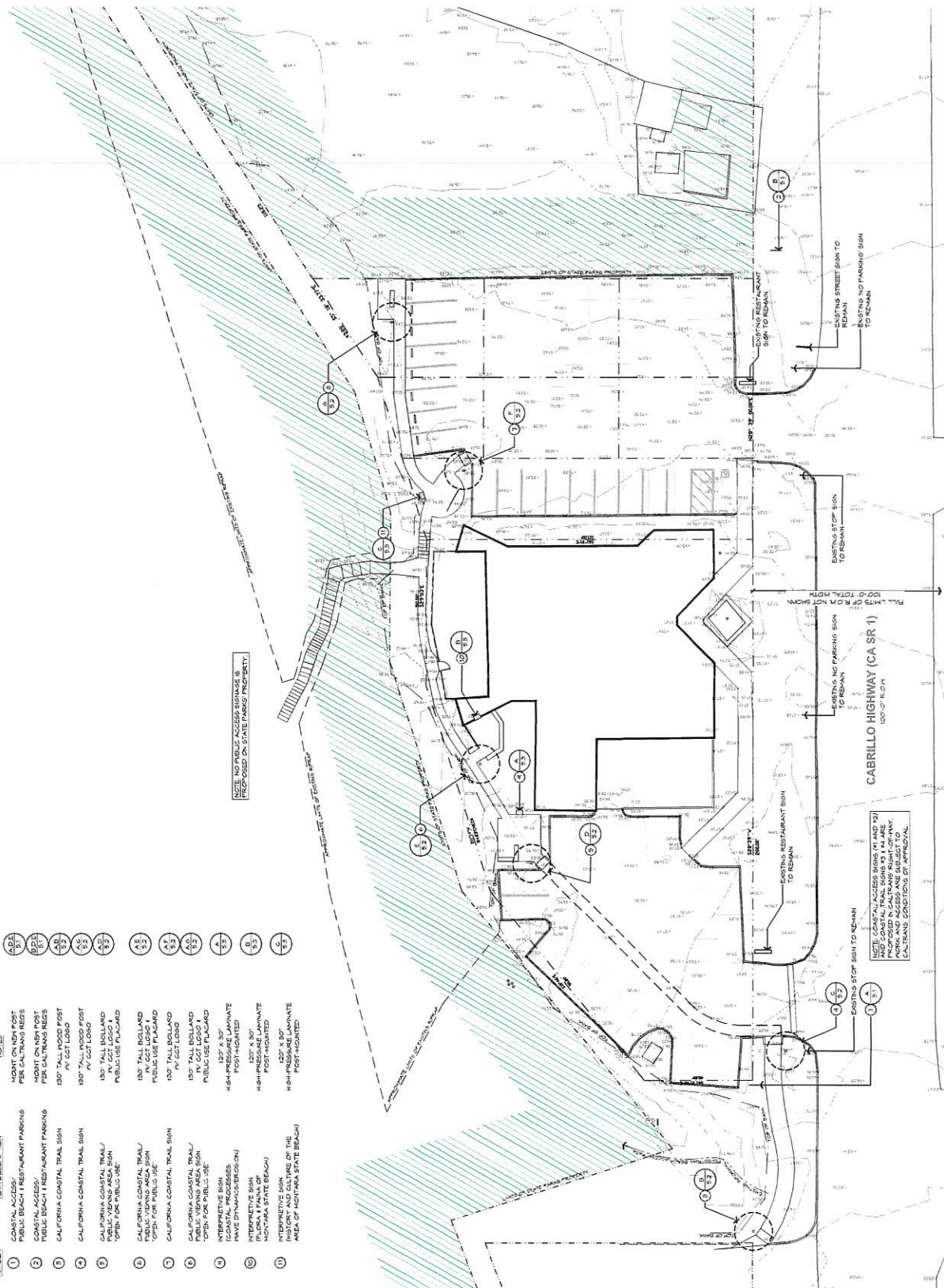
Revised: _____
Date: 8/18/2011 Background
Scale: 1/8" = 1'-0"
Drawn By: TNC/AL

**PUBLIC ACCESS
SIGNAGE PLAN**

Sheet No. **5.0**

PUBLIC ACCESS SIGNAGE KEY

NUMBER	TEXT/DESCRIPTION	NOTE
1	COASTAL ACCESS PUBLIC BEACH RESTAURANT PARKING	130" ON DEN POST FOR CALTRANS NEEDS
2	PUBLIC BEACH RESTAURANT PARKING	130" TALL WOOD POST FOR CALTRANS NEEDS
3	CALIFORNIA COASTAL TRAIL SIGN	130" TALL WOOD POST W/ 6CT LOG
4	CALIFORNIA COASTAL TRAIL SIGN	130" TALL WOOD POST W/ 6CT LOG
5	CALIFORNIA COASTAL TRAIL/ OPEN FOR PUBLIC USE	130" TALL WOOD POST W/ 6CT LOG
6	CALIFORNIA COASTAL TRAIL/ OPEN FOR PUBLIC USE	130" TALL WOOD POST W/ 6CT LOG
7	CALIFORNIA COASTAL TRAIL/ OPEN FOR PUBLIC USE	130" TALL WOOD POST W/ 6CT LOG
8	CALIFORNIA COASTAL TRAIL/ OPEN FOR PUBLIC USE	130" TALL WOOD POST W/ 6CT LOG
9	CALIFORNIA COASTAL TRAIL/ OPEN FOR PUBLIC USE	130" TALL WOOD POST W/ 6CT LOG
10	INTERPRETIVE SIGN (COASTAL PROCESSED WOOD SIGN)	122" X 30" POST-MOUNTED
11	INTERPRETIVE SIGN (MONTARA STATE BEACH)	122" X 30" POST-MOUNTED
12	INTERPRETIVE SIGN (MONTARA STATE BEACH)	122" X 30" POST-MOUNTED
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100	INTERPRETIVE SIGN (MONTARA STATE BEACH)	122" X 30" POST-MOUNTED



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Kikuchi + Kankel
Design Group

Landscape Architecture
Environmental Design
Site Planning
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(650) 726-7100
www.kkdesigngroup.com

CONSENT AGREEMENT
CCC-17-CD-01

LA COSTANERA RESTAURANT

1585 CARROLL HIGHWAY
MONTARA, CA
APR: 0409
031-846-310
031-846-380
031-846-400
031-846-499
031-846-998

NOT FOR CONSTRUCTION

Revisions:	
Date:	07/20/17
Drawn By:	TKC/ML
Checked By:	
Scale:	AS NOTED
Project:	ENCANTAMIENTO
Sheet No.:	5.1

PUBLIC ACCESS SIGNAGE DETAILS

5.1

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
MUTCD NUMBER: NONE
NOTE: SC28 Grid
CODE: SC28 (Ri)

THE PROPORTION WIDTHS BASED ON THE SIGN IS SHOWN OVERLAYS ONE.

(C) COASTAL ACCESS LOGO ELEVATION

NTS

COASTAL ACCESS SIGN PER CALTRANS STANDARD SPECIFICATIONS, SEE 200 STANDARD PLANS SHEET P622

POST: 12" DIA. 10' H. 3" O.D. 5/8"

SHALL BE 1/2" TO BREAKAWAY HOLES ORIENTED PARALLEL TO THE AXIS OF SIGN. FINISH TO BE 1/4" ABOVE SPACE TOLERANCE FOR CHANNEL OF CHANNEL HOLES & 1/8" FINISH GRACE

APPLY FINISH SIGN PER CALTRANS STANDARD SPECIFICATIONS, SEE 200 STANDARD PLANS SHEET P622

POST: 12" DIA. 10' H. 3" O.D. 5/8"

SHALL BE 1/2" TO BREAKAWAY HOLES ORIENTED PARALLEL TO THE AXIS OF SIGN. FINISH TO BE 1/4" ABOVE SPACE TOLERANCE FOR CHANNEL OF CHANNEL HOLES & 1/8" FINISH GRACE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
MUTCD NUMBER: NONE
NOTE: SC28 (L)

SP-602, PER (C)

NOTES:
1. Alternate messages: COASTAL ACCESS, COASTAL VIEW or BAY ACCESS. Use 'D' Series alphabet. Alternate message: BAY VIEW, use 'E' Series alphabet.
2. For arrowhead dimensions, see Standard Arrowhead on Appendix Page 2 of 11.

SIGN SIZE (Inches)	DIMENSIONS (Inches)													
	A	B	C	D	E	F	G	H	J	K	L	M	N	
48 X 48	40	1	3	0	60	E	5	12	2-1/2	9	12	6-3/8	11-5/8	14

SIGN SIZE (mm)	DIMENSIONS (Millimeters)													
	A	B	C	D	E	F	G	H	J	K	L	M	N	
762 X 762	762	19	38	102	100	E	76	107	38	143	191	102	184	222
1219 X 1219	1219	25	76	152	150	E	127	305	64	229	305	162	295	356

COLONS BORDER & LEGEND - WHITE (REFLECTIVE) BACKGROUND - BROWN (REFLECTIVE)

- THE POLICY FOR INTERIOR VALUE OF THIS SIGN IS SHOWN ON REVERSE SIDE.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
MUTCD NUMBER: NONE
NOTE: SC28 (Ri)

SP-602, PER (C)

NOTES:
1. Alternate messages: COASTAL ACCESS, COASTAL VIEW or BAY ACCESS. Use 'D' Series alphabet. Alternate message: BAY VIEW, use 'E' Series alphabet.
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	A	B	C	D	E	F	G	H	J	K	L	M	N	
48 X 48	40	1	3	0	60	E	5	12	2-1/2	9	12	6-3/8	11-5/8	14

SIGN SIZE (mm)	DIMENSIONS (Millimeters)													
	A	B	C	D	E	F	G	H	J	K	L	M	N	
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1219 X 1219	1219	25	76	152	150	E	127	305	64	229	305	162	295	356

COLONS BORDER & LEGEND - WHITE (REFLECTIVE) BACKGROUND - BROWN (REFLECTIVE)

- THE POLICY FOR INTERIOR VALUE OF THIS SIGN IS SHOWN ON REVERSE SIDE.

(A) COASTAL ACCESS SIGNAGE ELEVATION 1

NTS

(B) COASTAL ACCESS SIGNAGE ELEVATION 2

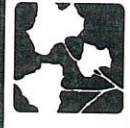
NTS

NTS

(C) PUBLIC ACCESS SIGNAGE ELEVATION

SCALE: 3" = 1'-0"

LEGEND:
BORDER: 1" REF. WHITE (REFLECTIVE)
TEXT: 3" TALL, CALTRANS SERIES D ALPHABET, WHITE (REFLECTIVE)
BACKGROUND: BROWN (REFLECTIVE)



Kikuchi + Kankel
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 Landscape Architecture
 Environmental Design
 Site Planning
 730 Mill Street
 Half Moon Bay, CA 94019
 (650) 726-7100
 www.kkdsgroup.com

CONSENT AGREEMENT
 CCC-17-CD-01

LA COSTANERA RESTAURANT

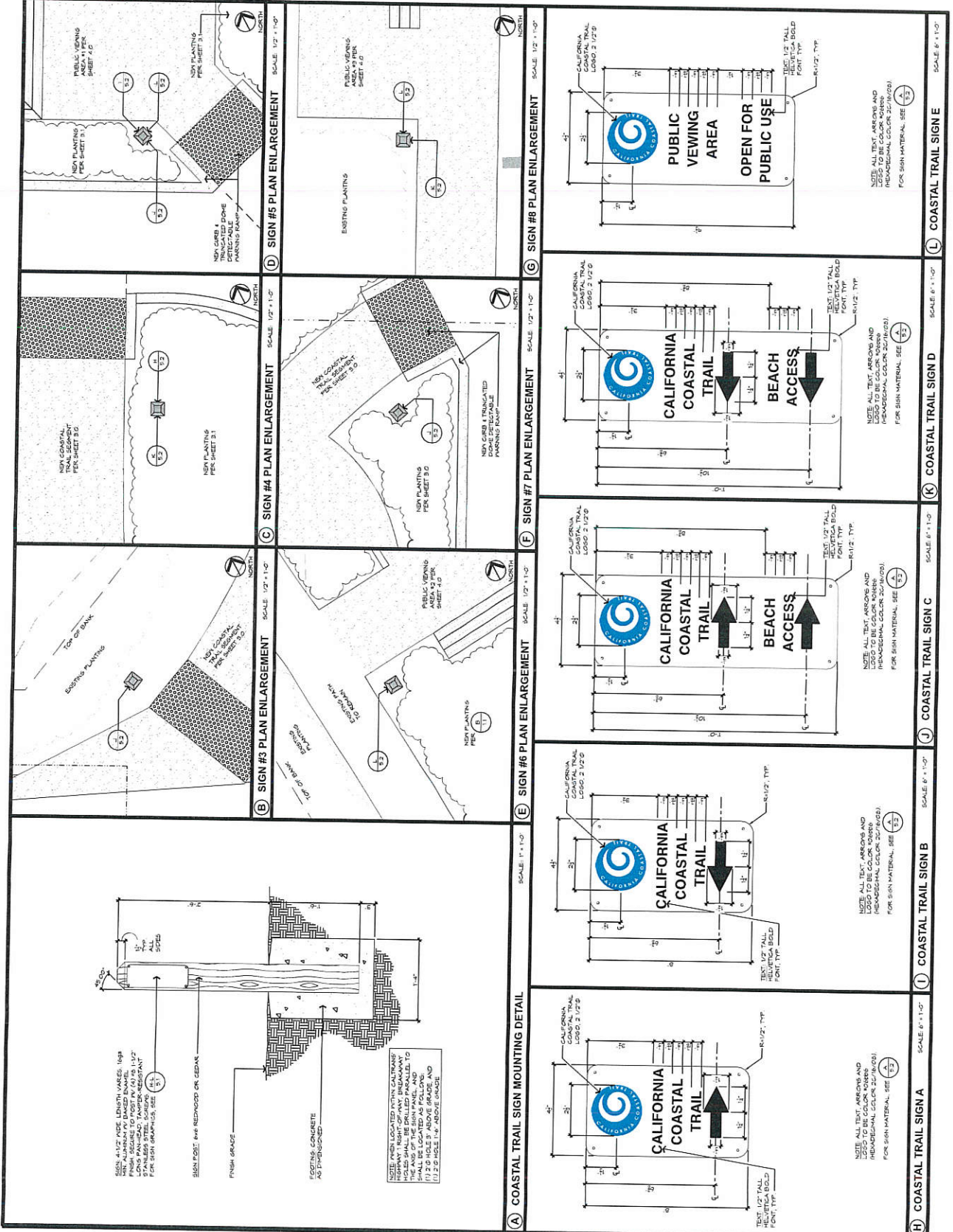
8150 CABRILLO HIGHWAY
 MONTEREY, CA

APNs:
 038-046-009
 038-046-010
 038-046-030
 038-046-400
 038-046-998

NOT FOR CONSTRUCTION

Revisions	Date	By	Checked

CALIFORNIA COASTAL TRAIL SIGNAGE DETAILS
 Sheet No. 5.2



Attachment 8. Section 9026: "Work Exempted From Permits" [excerpt]
(Building Regulations of San Mateo County)

These temporary storage units shall comply with all local building and zoning regulations.

SECTION 9026. WORK EXEMPTED FROM PERMITS. A building permit shall not be required for the following:

1. A one-story detached accessory building not exceeding eight (8) feet in height used as tool and storage sheds, playhouses and similar uses, provided that the projected roof area does not exceed 120 square feet and is in compliance with any zoning regulations pertaining to setbacks, lot coverage and use. This exemption is limited to a maximum of one (1) structure per parcel.
2. Exterior decks or walkways which do not exceed 120 square feet and are not greater than eighteen (18) inches in height from the deck walking surface to natural grade, provided all zoning, including design review, requirements have been met.
3. Confined animal structures, including stables or stalls, providing that:
 - a. The structure does not exceed ten (10) feet in height, and 150 sq. ft. projected roof area, and
 - b. The project does not involve installation of any of the following:
 - (1) Heating, ventilating or cooling equipment that requires a mechanical permit.
 - (2) Electrical wiring or equipment that connects to an electricity supply and requires an electrical permit.
4. Wood or chain-link fences not exceeding six (6) feet in height, provided all zoning, including design review, requirements have been met.
5. Retaining walls not exceeding three (3) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.
6. Painting, papering and similar finish work.
7. Prefabricated swimming pools accessory to a Group R, Division 3 occupancy in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons and further provided that no pumps, filters or similar devices are attached.
8. Oil derricks.

Attachment 9. Section 105: "Permits" [excerpt] (2016 California Building Code)

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. *[DSA-SS, DSA-SS/CC & OSHPD 1, 2 & 4] Alternative system shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.*

[DSA-SS, DSA-SS/CC] Alternative systems shall also satisfy the California Administrative Code, Section 4-304.

[OSHPD 1, 2 & 4] Alternative systems shall also satisfy the California Administrative Code, Section 7-104.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Peer review. *[OSHPD 1 & 4] When peer review is required, it shall be performed pursuant to Section 3414A.*

104.11.4 Earthquake monitoring instruments. *[OSHPD 1 & 4] The enforcement agency may require earthquake monitoring instruments for any building that receives approval of an alternative system for the Lateral Force Resisting System (LFRS). There shall be a sufficient num-*

ber of instruments to characterize the response of the building during an earthquake and shall include at least one tri-axial free field instrument or equivalent. A proposal for instrumentation and equipment specifications shall be forwarded to the enforcement agency for review and approval.

The instruments shall be interconnected for common start and common timing. Each instrument shall be located so that access is maintained at all times and is unobstructed by room contents. A sign stating "MAINTAIN CLEAR ACCESS TO THIS INSTRUMENT" shall be posted in a conspicuous location.

The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

[A] 105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.

3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] 105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] 105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] 105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar

Attachment 10. California Coastal Trail Emblem and Signage Applications



emblem and signage applications

California Coastal Trail Emblem and Signage Applications





Marin County, California

emblem and signage applications

California Coastal Trail

The California Coastal Trail ("The CCT") is one of the great trails of our nation. Once completed, it will extend 1,200 miles from Oregon to Mexico. While informal trails along our coast have been used for centuries, the CCT's more recent history began in 1972 when Californians passed Proposition 20 recommending that a trails system be established along or near the coast. In 1999, the CCT was designated at the state and federal level as California's Millennium Legacy Trail, and in 2001 state legislation called for its completion. Today, roughly half of the CCT is complete. The emblem will provide a much-needed identity for the trail, while serving as a useful tool to build public support for its completion.





Santa Barbara County, California

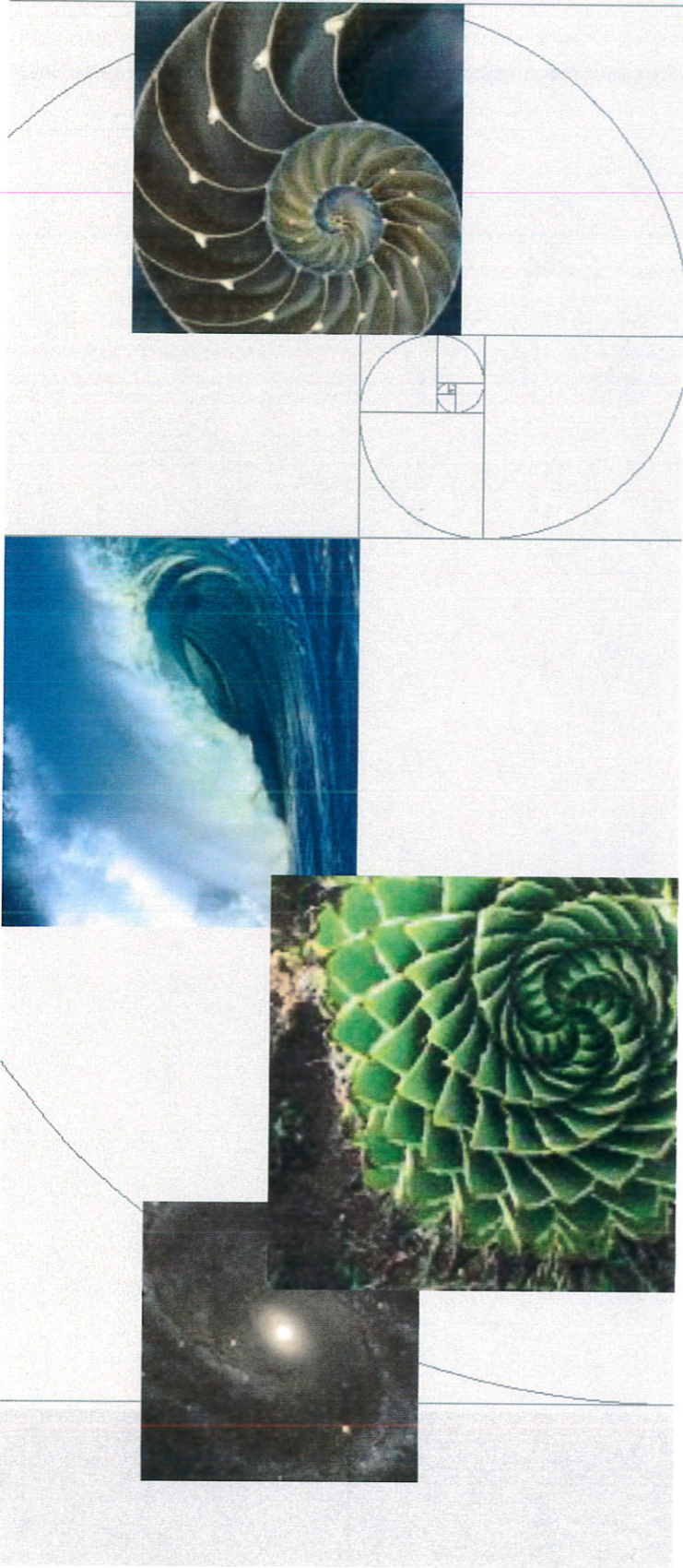
emblem and signage applications

Public Design Process

The design of the CCT emblem took place over a six month period in 2005. The Coastal Conservancy, in conjunction with Coastwalk, worked with design consultants to identify a variety of factors and elements that would be critical to a successful emblem design. Beginning with over 100 alternatives, the design options were narrowed down with input from public agencies and the public at meetings in Long Beach and San Francisco, and through responses sent via the internet. All of this input was integrated into the final design endorsed by the Coastal Conservancy Board in December of 2005.

→ Objectives of the Emblem

- ~ Simple and Striking
- ~ Versatile and functional
- ~ Represents all parts of the State
- ~ Understandable to all cultures, ages and languages
- ~ Beautiful and Distinctive
- ~ Harmonious (with other signs)
- ~ Recognizable at a distance
- ~ Timeless



The Emblem

A Form Found in Nature

The emblem design is an abstract image of a spiral. The spiral shape is found throughout nature. Mathematicians define this shape as the Golden Mean, which reflects the natural balance between symmetry and asymmetry. The emblem is designed with shapes instead of words so language is not a barrier to its usefulness. Simplicity is one of its strengths. The emblem is easy for anyone to recognize from near or far. The design was influenced by trail's surroundings: the balance of land and sea, of cycles of tides and seasons, and by the remarkable diversity of nature, human settlement and wildlife all set to the backdrop of the majestic Pacific Ocean.



Sonoma County, California

emblem and signage applications

Marking the Trail

The length of the Coastal Trail and diversity of environments within which it weaves makes it a spectacular trail to hike, as well as a challenge to mark. For example, the trail extends through the densely built coastline typical of the Los Angeles area to the remote forested lands north of San Francisco. The trail passes through a myriad of local, state and federal parks, and a variety of other public and private lands. There are multi-agency jurisdictions and varying regulations. But for people on the trail these distinctions don't matter. And they shouldn't. The goal is to create a consistent and easy-to-use trail marker system. It will be compatible with other trail marker systems and scaled to people on foot moving at the remarkable speed of three miles per hour.

© 2006, California State Coastal Conservancy

09.06



Version A: emblem on 7-gauge
(0.1443 in.) brush finished aluminum



Version B: emblem on 3M Engineer
Grade Reflective Sheeting, White 3290



Version C: emblem on
Pantone Warm Gray 3



Emblem color:
Pantone 660

CMYK mix:
90% cyan
57% magenta
0% yellow
0% black

emblem and signage applications

Specifications

In signage applications along the CCT the preferred application of the emblem is on a brushed aluminum background, as illustrated in Version A above. In situations where that is not possible, the alternate recommendation is to apply the emblem on a reflective gray vinyl background using 3M Engineer Grade Reflective Sheeting – White 3290, as shown in Version B above. In situations where neither of those options are possible, the third recommendation is to apply the emblem on a background of PMS Warm Gray 3, as shown in Version C above. No other variations of the emblem are authorized as a trail marker along the CCT.

In all uses of the emblem the circular blue symbol is surrounded by either a brushed aluminum or solid gray background and a square border with rounded corners as shown in the above. The background square must extend beyond the edge of the emblem a distance equal to the height of the lettering in the symbol. Thus, the minimum width of the background square will increase proportionately with the size of the emblem. There is no maximum border area.

The emblem has been applied to a brushed aluminum substrate as a screened graphic for use in signage applications. It is available in a 3-inch size drilled with four holes for tamper proof screws or without holes for use with epoxy adhesives. Contact the Coastal Conservancy for more information.

The emblem artwork can be downloaded in various formats (see File Formats & Resolution page in these guidelines) and used to produce plaques in other sizes as well.

DO: use one of the three approved surfaces for all signage applications.



DON'T: use variations of the emblem for signage applications.



DON'T: apply the emblem directly to a background other than the three approved surfaces (brushed aluminum, 3M Engineer Grade Reflective Sheeting – White 3290, or PMS Warm Gray 3). Below are some examples that show how using other backgrounds reduces legibility.



emblem and signage applications

Applications

Signage Applications:

There are many uses of the emblem as signage. These include trail markers, trail heads, interpretative signs, coastal access road markers, and more. In all these cases the emblem must be used per the specifications stated on the previous page.

Other Applications:

In addition to signage, the California Coastal Trail emblem can be used in brochures, websites, guides, public awareness materials, newsletters, apparel and more. See www.scc.ca.gov/Programs/cct/emblem.htm for more complete information.

→ Insignia Alignment

The emblem is oriented properly when a horizontal line runs through the O of CALIFORNIA and the A of TRAIL.



JPEG FORMAT

JPEG (pronounced jay-peg) is a commonly used standard method of compression for storing and transmitting photographic images on the web. The name stands for Joint Photographic Experts Group. The most common file extension for this format is .jpg.

PDF FORMAT

Portable Document Format (PDF) is a file format that is a complete description of a document including text, fonts, images and graphics. A pdf file is not altered by software, hardware or transmission making it an ideal format for handling graphic material. The file extension is .pdf.

EPS FORMAT

Encapsulated PostScript, or EPS, is a graphic file format that is a PostScript file. It was developed to save file space when rendering graphic images on a screen. The growing capacity of computers and networks has reduced the use of eps files. The file extension is .eps.

RESOLUTION

The resolution of an image is a measure of sharpness. Computer monitors measure resolution in pixels and printing technologies in dots per inch (dpi). A rule of thumb: the faster it travels the lower the resolution. So a small web image is typically "low res" while a printed brochure or physical sign is "high res."

File Formats & Resolution

The California Coastal Trail emblem is available in all the commonly used digital file formats and resolutions. They are available on the Conservancy's website for viewing and downloading. The file formats are largely interchangeable but do have slightly different underlying technologies. If the artwork is going to be used by a fabricator to make signs, patches, clothing or printed material they will know which format to use. Jpegs and pdf formats (see explanations above) are most common for digital uses like websites, on-line newsletters or email communications. General guidelines for appropriate image resolution are 72 dpi for web or other screen displays and 300 dpi for offset or digital printing.

→ Instructions for Downloading Digital Files

Digital art of the emblem can be downloaded in the above formats from the following web page. The instructions for downloading the files can be found on the website as well.

www.scc.ca.gov/Programs/cct/emblem.htm



San Luis Obispo County, California

emblem and signage applications

Contact Information

California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612-2530
phone: (510) 286-1015
fax: (510) 286-0470
www.coastalconservancy.ca.gov

Timothy Duff, Project Manager
direct line: (510) 286-3826
email: tduff@scc.ca.gov

Coastwalk
825 Gravenstein Highway North #8
Sausalito, CA 94965
800-550-6854
www.coastwalk.org

For more information about the
California Coastal Trail visit:
www.californiacoastaltrail.info



The Coastal Conservancy acts with others to preserve, protect and restore the resources of the California Coast. Our vision is of a beautiful, restored and accessible coastline.

Attachment 11. Typical High-pressure Laminate Sign Specifications

FOSSIL

I N D U S T R I E S

FOSSIL TECHNICAL SPECIFICATIONS

For Products Description for Custom High Pressure Laminate (CHPL)

Solid Composite Panels

General Description.

Fossil solid composite panels are, fire retardant, impervious to moisture, extremely resistant to UV rays, scratching, impact, and graffiti. Fossil outdoor panels are protected with a 10 year UV inhibitor. Graphics are made using 12-Color High Definition printing technology. Panels are entirely made in the U.S.A. Thickness from 0.028" to 1". Grades over 1/2" are self-supporting and can be fitted with threaded inserts.

Laminate Grades

General Description.

Laminate grades are manufactured with a smooth sub-surface image on one side and a sanded surface on the other side to allow proper bonding to the supporting substrate. Bonding FOSSIL laminate panels to substrate materials should be done according to the proven principles of veneering. Particleboard and MDF are among the many suitable substrates on which a FOSSIL laminate grade panels can be bonded. Fossil 0.028" panels can be formed to simple bends and profiles. FOSSIL 0.048" is a general purpose panel suitable for practically all flat (horizontal or vertical) applications. Panels are fire retardant, resistant to moisture, extremely resistant to UV rays, scratching, impact, and graffiti. Fossil outdoor panels are protected with a 10 year UV inhibitor. Graphics are made using 12-Color High Definition printing technology. Panels are entirely made in the U.S.A.

Thickness

0.028"	(.889mm)
0.048"	(1.2mm)
1/16"	(1.5mm)
1/8"	(3mm)
1/4"	(6mm)
1/2"	(12mm)
3/4"	(19mm)
1"	(25mm)

Weight

Grade	Pounds Per Sq. Ft.
0.028"	= 0.30
0.048	= 0.34
1/16"	= . 0.45
1/8"	= . 0.91
1/4"	= 1.8
1/2"	= 3.6
3/4"	= 5.4
1"	= 7.2

Surface Finish

Semi-Gloss: A reflective finish that accentuates detail and diminishes reflective light. Reflectivity of 30 + or - 5 gloss units. UV Inhibitors added to outdoor finish.

Core Color:

Black

Strength:

M.D. Machine Direction Length of the sheet

C.D. Cross Direction Width of the sheet

P.S.I. Pounds Per Square Inch

Ft/Lbs/IN Foot Pounds Per Inch

Comprehensive Strength:

M.D. 193,064 Kpa (31,000 PSI) C.D. 172,378 Kpa (25,000 PSI)

Tensile Strength:

M.D. 151,693 Kpa (22,000 PSI) C.D. 110,322 Kpa (16,000 PSI)

Flexural Strength:

M.D. 158,588 Kpa (23,000 PSI) C.D. 103,427 Kpa (15,000 PSI)

Impact (Edgewise):

M.D. 0.6 FT/LBS/IN C.D. 0.5 FT/LBS/IN

Rockwell Hardness M Scale:

95 to 115

PRODUCT PROPERTIES:

Product Description:

Custom High Pressure Decorative Laminate consisting of decorative surface papers, impregnated with melamine resins, bonded under heat and pressure to kraft papers impregnated with phenolic resins.

NEMA:

FOSSIL CHPL panels exceed the standards for decorative laminates established by the National Electrical Manufacturers Association NEMA LD3-1991. These standards establish the minimum criteria for resistance to wear, boiling water, high temperature, cigarette burns, fading, dimensional stability, staining, appearance and formability (bending and postforming grades).

Chemical & Stain Resistant:

FOSSIL panels are perfectly suited for commercial use where chemical products are used. They are resistant to common house-hold products, solvents, mild alkalis, and diluted mild acids. Some staining agents, especially those with grease bases paint or ink, will require the use of a solvent for removal. These stains can be removed using turpentine, 100% mineral spirits, isopropyl "rubbing alcohol", Goof Off "Graffiti Remover" or WD-40, lacquer thinner, acetone or MEK.

Static Electricity:

FOSSIL CHPL panels do not store static electricity and are therefore suitable for use in controlled environments where accumulation and retention of static electricity must be avoided.

Fire Retardant:

FOSSIL CHPL & CFBL interior panels are suitable for application where fire retardant properties are required by building codes.

CHPL Sheet thickness: 0.028" (.889mm)

1. Class A Rating.
2. Meet or Exceeding performance requirements of NEMA LD 3-2005 Grade VGF.
3. Surface burning characteristics in accordance with ASTM E 84; unbonded: Flame spread 25-40; Smoke developed 100-170.

CHPL Sheet thickness: 0.048" to 1/16" (1.2mm to 1.5mm)

1. Class A Rating.
2. Meet or Exceeding performance requirements of NEMA LD 3-2005 Grade HGF.
3. Surface burning characteristics in accordance with ASTM E 84; unbonded: Flame spread 25; Smoke developed 95-120.

CHPL Sheet thickness: 1/8" to 1" (8.5mm to 25.4mm)

1. Class A Rating.
2. Meet or Exceeding performance requirements of NEMA LD 3-2005.
3. Surface burning characteristics in accordance with ASTM E 84; unbonded: Flame spread 10; Smoke developed 95.

Toxicity Test: LC50 Pittsburgh Protocol Toxicity Test. Equal to and no more toxic than wood or paper.

Dimensional Change:

- Thickness: .028". NEMA STD. VPG: Machine Direction 1.1 (Max). Cross Direction 1.4 (Max).
- Thickness: .048". NEMA STD. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 1/16". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 1/8". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 1/4". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 1/2". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 3/4". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).
- Thickness: 1". NEMA LD3. HGS: Machine Direction 0.50% (Max). Cross Direction 0.80% (Max).

NSF Product Listing: NSF/ANSI Standard 35 - Laminated Plastics for Surfacing Food Service Equipment

DISCLAIMER:

This information is presented to assist you in determining what grades of material may meet the requirements of your project. Purchaser shall determine the suitability of the product for its' intended use, and purchaser assumes all risks and liability whatsoever in connection therewith. All statements, technical advice and recommendations contained herein are based on tests and information believed to be reliable, but the accuracy there of is not guaranteed, and is made in lieu of all warranties, express or implied: seller's and manufacturer's only obligation shall be to replace the quantity of product proven to be defective. Neither seller nor manufacturer shall be liable for any injury, loss or damage, direct or consequential, arising out of the use of or the inability to use the product.

(Updated: 11-1-2016)

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Th5.1&Th5.3

Staff: J. Del Arroz-SF
Staff Report: 3/1/2017
Hearing Date: 3/9/2017

STAFF REPORT: Recommendations and Findings for Consent Cease and Desist Order No. CCC-17-CD-01 and Consent Administrative Civil Penalty CCC-17-AP-01

Consent Cease and Desist Order: CCC-17-CD-01

Consent Administrative Penalty: CCC-17-AP-01

Related Violation File: V-2-11-008

Property Owner: A&G LLC

Property Location: 8150 Cabrillo Highway, Montara, San Mateo County
 (Assessor's Parcel Numbers 036-046-050, 036-046-310,
 036-046-380, 036-046-390, 036-046-400, and 036-046-
 998¹)

Violation Description: Non-compliance with conditions of CDP P-77-579 that were designed to protect public access to and use of Montara State Beach by limiting the commercial use of the site, which non-compliance includes conducting various unpermitted activities that increase the capacity and use of the restaurant, such as: operating the restaurant during restricted, peak beach-use times (prior to 5:00 PM) and construction of an unpermitted 1,276 sq. ft. and a 850 sq. ft. patio addition to the restaurant. Additional violations include the unpermitted construction of a retaining wall, three raised masonry firepits, and glass windscreens

¹ This final APN refers to a roughly 0.03-acre property, located immediately to the north of part of APN 036-046-400, and immediately to the west of part of APN 036-046-380, which is not assessed and therefore does not have a formal APN. It is denoted here by a placeholder APN assigned by the County Assessor's Office for convenience purposes, only, and use of such APN in this document is not an acknowledgment of any legal status of this property.

surrounding and on the unpermitted patios; and placement of fill.

Substantive File Documents:

1. Public documents in Cease and Desist Order file CCC-17-CD-01 and Administrative Civil Penalty Action file No. CCC-17-AP-01
2. Coastal Development Permit No. P-77-579 and County CDP No. 83-67
3. Exhibit Nos 1 through 22 and Appendix A of this staff report

CEQA Status:

Exempt (CEQA Guidelines (CG) §§ 15060(c)(2) and (3)) and Categorically Exempt (CG §§ 15061(b)(2), 15307, 15308, and 15321)

SUMMARY OF STAFF RECOMMENDATION AND FINDINGS

This matter involves public access violations related to a restaurant in the Montara area of unincorporated San Mateo County. The La Costanera Restaurant is located at 8150 Cabrillo Highway (“the Property”) (Exhibit 1), and owned by A&G, LLC (“Respondents”). The restaurant is located immediately adjacent to Montara State Beach, a very popular sandy beach that is most easily accessed via a stairway seaward of the restaurant that descends down the bluff seaward of the Property. Parking is very limited in this area, and the unpermitted development, described below, is inconsistent with multiple conditions of a coastal development permit (“CDP”) issued by the Commission requiring shared parking and imposing limits on hours and on restaurant capacity. The unpermitted development has increased the number of restaurant patrons and parking demands, reduced available parking for the public beach, and impacted public access, inconsistent with the Coastal Act. However, Respondents have cooperated with Commission Enforcement staff to amicably reach a proposed resolution to this important Coastal Act violation that will, if approved, provide significant public benefits, and improve access amenities in the area. Through the Consent Agreement (Appendix A), Respondents agree not only to address the impacts of the Unpermitted Development, but also to pay a monetary penalty to resolve their civil liabilities under the Coastal Act, and to provide significant new improvements to improve public access, including enhanced public trails, a public viewing area, and interpretive and directional signage.

Unpermitted Development

In this case, Respondents have continued to violate CDP P-77-579 (the “CDP”) and the Coastal Act, including the Public Access policies of the Coastal Act, over a period of years, including after they had been reminded of the conditions of their permit that were specifically designed to protect public access and parking in this area, as early in 2004 when they bought the property, and then again in response to an application to San Mateo County for a Use Permit in 2010 (Exhibits 10 and 11). Moreover, after becoming aware of the violations in 2011, the Commission staff contacted Respondents numerous times, including writing ten more letters

since that time also reminding them of the permit conditions and seeking resolution of the violations.

The unpermitted activities², which have the effect of increasing the capacity of and intensifying the use of the restaurant, and which, in turn, has an adverse impact on public access, include: 1) the unpermitted construction of two patios, which expand the restaurant by over 2,100 square feet of new restaurant capacity, through a 1,276 sq. ft. “lower” patio and a 850 sq. ft. “upper patio”, and placement of associated windscreens, firepits, retaining walls, and fill material, and using those patios for restaurant and bar service (Exhibit 2); 2) operation of the restaurant prior to 5:00 P.M. inconsistent with Special Condition No. 2 of the CDP, which was, as discussed further herein, specifically designed to protect public access to the beach during the daytime ; and 3) exceeding the 189 person capacity of the restaurant by serving in excess of 300 persons at a time³ (Exhibit 3) (“Unpermitted Development”). Collectively, the Unpermitted Development increases the parking demands of the restaurant, reduces the parking available for public beach parking, and impacts public access to Montara State Beach, inconsistent with the CDP and in violation of the Coastal Act.

The public parking supply is a critically important resource for ensuring the availability of public access in this area. Unlike other, more developed regions of the coast, only limited public transit service is available in this area, and most members of the public access the coast via private automobile. Whenever parking demand for access to the beach exceeds the available parking supply, such as during peak beach use periods, public access is very limited or not available at this stretch of coastline.

By expanding the demand for restaurant parking, Respondents have impacted public access to Montara State Beach, located adjacent to the Property, each day that the restaurant operates with the unpermitted, enlarged capacity. Although the restaurant is authorized by the CDP to operate only after 5 pm, this time occurs before sunset for most of the year, and three and a half hours prior to sunset in the summer. Thus, even during regular operation of the restaurant, the expansion of the restaurant and the corresponding increase to parking demands have had significant impacts to public access, and the ability of members of the public to use the beach or park and watch a sunset. Furthermore, the Unpermitted Development also includes the operation of the restaurant with its expanded capacity prior to 5:00 P.M., inconsistent with the CDP, extending these impacts to the time when public use of the beach is at its highest. Therefore, the Unpermitted Development has resulted in significant impacts to public access.

As described further in Section D (2) (b), below, public access impacts are also an environmental justice issue. Along the coastline in general, and in this region in particular, there are few access points that provide public access to the beach and shoreline, especially when compared to the numbers of residents and visitors in California. Those few access points that are open are critical

² Other violations have occurred on the property over the years; however, this action addresses specifically those pertaining to the unpermitted expansion of the restaurant and unauthorized hours of the operation and the concomitant impacts to public parking and public access.

³ Respondents have advertised on their website that the capacity of the restaurant is “up to 300 seated guests”, and other websites have reported that the capacity of the restaurant is between 280 seated guests to 320 seated guests (Exhibit 3)

for providing a unique recreational opportunity for people that don't have the means to live along the coast or secure an alternative means of reaching it. Curtailing such access therefore has a disproportionate impact on those of lesser means, who also tend to be disproportionately people of color. Access in this area is incredibly limited and the Unpermitted Development had the unfortunate effect of further limiting public access, thus preventing the public, including people living in inland communities, from reaching the beach. Securing open public access for all citizens provides low-cost, outdoor recreation that can improve the overall quality of life of all the public, including lower income and minority communities.

Coastal Development Permit History

In 1977, the Commission approved the CDP, for an extensive remodel of an existing 260 seat restaurant and 18 unit motel that reduced the size and mass of the building to protect coastal views by reducing the size of the restaurant and bar to 189 seats, eliminating the motel units, and providing parking lot improvements, native landscaping, and improvements to an existing beach access path.

Based upon the configuration of the restaurant proposed at that time, the Commission found that the parking provided by the restaurant was inadequate, in that 75 parking spaces would be needed for the 189 seat restaurant, but only 53 were provided in the proposed application. Therefore, it was feared that the restaurant patrons would displace public access parking. Therefore, the Commission, in its approval, required several conditions to offset and mitigate the impacts to public access, among other things, caused by the proposed restaurant and to maintain public access to the adjacent Montara State Beach. The CDP prohibited the applicant from opening the restaurant for anything other than dinner service, after 5 P.M., to avoid impacts to the parking supply at the adjacent Montara State Park parking lot, especially during peak daytime hours. Through a separate agreement between the applicant, State Parks, and San Mateo County, the restaurant owner agreed that beach users could park in the restaurant parking lot during the day when the restaurant was closed, and restaurant users could park in the beach parking lot in the evenings. The Commission's findings state: "As conditioned to hours of operation and reciprocal use, the project is consistent with Section 30252 of the Coastal Act which requires adequate parking." and "As conditioned, the proposed development is consistent with those portions of the Coastal Act relevant to public access and commercial recreation (Sections 30210, 30211 and 30213)" (Exhibit 4).

In 1981, a few years after the restaurant was approved, the Commission considered an amendment request seeking permission for increased hours of operation of the restaurant, during the day on Sundays (Exhibit 5). The Commission reviewed the impacts of expanding hours of operation of the restaurant, and rejected the amendment because it found that: "Day use of the restaurant would reduce the parking available to the public for beach access and directly conflicts with the original parking agreement with the County. Therefore, the amendment is inconsistent with Section 30252 of the Coastal Act ... and Section 30210 which requires that development not interfere with the public's right of access to the sea." (Exhibit 5). Thus the Commission considered the potential impacts of a use that would expand the parking demands of the restaurant, and it specifically found that such expansion was inconsistent with the Coastal Act.

Enforcement History

Commission enforcement staff learned of the Coastal Act violations impacting public access, and informed Respondents that they were in violation of the Coastal Act, in April 2011 (Exhibit 12). Over the next few years, through numerous phone calls, letters, and site visits, Enforcement Staff requested that Respondents cease performing unpermitted development and comply with their CDP. Respondents did not remove the unpermitted patios that expanded the restaurant capacity and use and increased parking demands, and also continued to operate the restaurant during times inconsistent with the CDP, including operating the restaurant on numerous occasions for special events that had the effect of limiting public parking at Montara State Beach. On January 28, 2015, Commission enforcement staff sent Respondents a letter informing them of the applicability of administrative civil penalties pursuant to Coastal Act Section 30821 for the public access violations on the Property. However, the violations continued even after notification of the accrual of 30821 penalties in that letter and in subsequent communications. Since Respondent chose not to resolve the matter at the district enforcement level, in late 2015, in order to again try and resolve the violations, the case was elevated to the statewide enforcement unit for formal enforcement action.

Throughout 2016 and early 2017, Commission enforcement staff worked closely with Respondents to reach an amicable resolution of these matters to resolve the Coastal Act violations described herein. Through the execution of this Consent Agreement, Respondents have agreed to, among other things: 1) cease and desist from conducting any further unpermitted development on the Property; 2) cease use of the restaurant prior to 5:00 p.m.; 3) remove the “upper” 850 sq. ft. patio and associated development and return the impacted area to original grade and install native landscaping in this location; 4) request after-the-fact approval of the lower, 1,276 sq. ft. patio, glass windscreen and masonry firepits on the patio, and remove that development if said approval is denied by the Commission; and 5) resolve their civil liabilities pursuant to the Coastal Act by paying a total of \$500,000 and by completing public access improvement projects, including installing public access signage, installing a public viewing area, and constructing pedestrian improvements on and near the property to create a portion of the California Coastal Trail.

Therefore, staff recommends that the Commission issue this Consent Cease and Desist Order and Consent Administrative Civil Penalty Action, which would establish a process for Respondents to resolve this matter. Motions and resolutions are found on page 8 of this staff report.

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APPENDIX

Appendix A Proposed Consent Cease and Desist and Consent Administrative Penalty Action

EXHIBITS

Exhibit 1	Vicinity map
Exhibit 2	Photographs depicting unpermitted development
Exhibit 3	Excerpts of websites showing hour and capacity violations
Exhibit 4	Staff Report for CDP P-77-579
Exhibit 5	Staff Report for Denial of CDP Amendment P-77-579-A
Exhibit 6	County CDP 83-67
Exhibit 7	October 14, 2015 Letter from Rahim Amidi to San Mateo County Planning Dept.
Exhibit 8	Public Access In Area
Exhibit 9	April 25, 2016 Letter from John Del Arroz to San Mateo County Planning Dept.
Exhibit 10	December 23, 2004 Letter from Jo Ginsberg to A&G, LLC
Exhibit 11	April 14, 2010 Letter from Jo Ginsberg to A&G, LLC
Exhibit 12	April 25, 2011 Notice of Violation letter from Jo Ginsberg to A&G, LLC
Exhibit 13	November 30, 2011 letter from Jo Ginsberg to A&G, LLC
Exhibit 14	March 23, 2012 letter from Jo Ginsberg to A&G, LLC

- Exhibit 15 December 5, 2012 letter from Jo Ginsberg to A&G, LLC
- Exhibit 16 June 24, 2013 letter from Jo Ginsberg to A&G, LLC and Michael McCracken
- Exhibit 17 April 25, 2014 letter from Jo Ginsberg to A&G, LLC and Michael McCracken
- Exhibit 18 January 28, 2015 letter from Jo Ginsberg to A&G, LLC and Michael McCracken
- Exhibit 19 March 12, 2015 letter from Jo Ginsberg to A&G, LLC, Michael McCracken, and Farhad Mortazavi
- Exhibit 20 July 13, 2015 letter from Jo Ginsberg to Rahim Amidi, Dave Holland, and Michael McCracken
- Exhibit 21 April 25, 2016 NOI letter from Acting Executive Director John Ainsworth to A&G, LLC and Dave Holland
- Exhibit 22 Aerial Photograph of Area

NOTE: Exhibits are excluded in this staff report.
but are available at:

[https://documents.coastal.ca.gov/reports/2017/3/
Th5.1s-3-2017.pdf](https://documents.coastal.ca.gov/reports/2017/3/Th5.1s-3-2017.pdf)

I. MOTION AND RESOLUTION

Motion 1: Consent Cease and Desist Order

*I move that the Commission **issue** Consent Cease and Desist Order No. CCC-17-CD-01 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in adoption of the resolution immediately below and issuance of the Consent Cease and Desist Order. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution to Issue Consent Cease and Desist Order:

The Commission hereby issues Consent Cease and Desist Order No. CCC-17-CD-01, as set forth below, and adopts the findings set forth below on grounds that development has occurred without the requisite coastal development permit, and in violation of CDP No. P-77-579, in violation of the Coastal Act, and that the requirements of the Order are necessary to ensure compliance with the Coastal Act.

Motion 2: Consent Administrative Civil Penalty Action

I move that the Commission issue Consent Administrative Civil Penalty Order No. CCC-17-AP-01 pursuant to the staff recommendation.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in issuance of the Consent Administrative Civil Penalty Order. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution to Issue Consent Administrative Civil Penalty Order:

The Commission hereby issues Consent Administrative Penalty Order No. CCC-17-AP-01, as set forth below, and adopts the findings set forth below on the grounds that activities have occurred on property owned and operated by A&G LLC without a coastal development permit and/or in violation of CDP No. P-77-579 and the Coastal Act, and these activities have limited or precluded public access and violated the public access policies of the Coastal Act.

II. HEARING PROCEDURES

The procedures for a hearing in which the Commission issues a Cease and Desist Order under Section 30810 are described in Section 13185 of Title 14 of the California Code of Regulations (“14 CCR”). Additionally, Section 30821(b) states that the imposition of administrative civil penalties by the Commission shall take place at a duly noticed public hearing in compliance with the requirements of Section 30810, 30811, or 30812. Therefore, the procedures employed for a hearing to impose administrative penalties may be the same as that for a Cease and Desist Order.

For a Cease and Desist Order and an Administrative Civil Penalty Action, the Chair shall announce the matter and request that all parties or their representatives present at the hearing identify themselves for the record. The Chair shall then have staff indicate what matters are parts of the record already, and the Chair shall announce the rules of the proceeding, including time limits for presentations. The Chair shall also announce the right of any speaker to propose to the Commission, before the close of the hearing, any question(s) for any Commissioner, at his or her discretion, to ask of any other party. Staff shall then present the report and recommendation to the Commission, after which the alleged violator(s), or their representative(s), may present their position(s) with particular attention to those areas where an actual controversy exists. The Chair may then recognize other interested persons, after which time staff typically responds to the testimony and any new evidence introduced.

The Commission will receive, consider, and evaluate evidence in accordance with the same standards it uses in its other quasi-judicial proceedings, as specified in 14 CCR Sections 13186, incorporating by reference Section 13065. The Chair will close the public hearing after the presentations are completed. The Commissioners may ask questions of any speaker at any time during the hearing or deliberations, including, if any Commissioner so chooses, any questions proposed by any speaker in the manner noted above. The Commission shall determine, by a majority vote of those present and voting, whether to issue the Cease and Desist Order and impose an Administrative Penalty, either in the form recommended by staff, or as amended by the Commission. Passage of the motions above, per the staff recommendation, or as amended by the Commission, will result in issuance of the Cease and Desist Order and imposition of an Administrative Penalty.

III. FINDINGS FOR CONSENT CEASE AND DESIST ORDER NO. CCC-17-CD-01 AND CONSENT ADMINISTRATIVE PENALTY NO. CCC-17-AP-01⁴

A. PROJECT LOCATION AND VICINITY

The Property is located in the Montara area of unincorporated San Mateo County (Exhibit 1), and consists of 6 parcels, identified by the San Mateo County Assessor's Office as APN's 036-046-050, 036-046-310, 036-046-380, 036-046-390, 036-046-400, and 036-046-998¹. Totalling an aggregate of about 0.74 blufftop acres between Highway 1 (also known as Cabrillo Highway) and Montara State Beach, these parcels are occupied by the La Costanera restaurant and bar and adjacent restaurant parking lots, which were constructed pursuant to Commission CDP P-77-579.

Residential development and open space is located to the east, across Highway 1, and about 0.15 miles downcoast of the Property. Immediately to the north, south, and west of the Property are

⁴These findings also hereby incorporate by reference the section "Summary of Staff Recommendation and Findings" at the beginning of this March 1, 2017 staff report ("STAFF REPORT: Recommendations and Findings for Consent Cease and Desist and Consent Administrative Civil Penalty") in which these findings appear.

public lands owned by the state of California; a dirt lot used for public parking is located to the north⁵, a paved public parking lot is located to the south, and the public beach is located to the west of the Property. The two lots on State Parks property currently provide parking for Montara State Beach and provide extra parking in the evenings for the La Costanera restaurant.

Montara State Beach, located seaward of the property, consists of about 0.8 miles of vegetated bluffs and sandy beach that is used by the public for surfing, fishing, sunbathing, strolling, nature study, and picnicking. A public stairway crosses the bluff on the Property, just seaward of the La Costanera restaurant. This stairway, (Letter C on Exhibit 8) which was required to be constructed and maintained pursuant to County CDP 83-67 and Use Permit 20-77, provides the most direct access to Montara State Beach, requiring just a short walk from the adjacent parking lots. Public access to Montara State Beach is also available via a State Parks public parking lot located about 0.5 miles north of the Property (Letter A on Exhibit 8), which requires walking along about 300 feet of trail, descending a stairway, and crossing a stream to get to the beach, and via informal parking areas located along the shoulder of Highway 1 (Letter B on Exhibit 8), which requires walking along about 500 feet of unofficial, pioneered trails and climbing down the bluff edge.

B. PERMIT HISTORY

CDP No. P-77-579

On July 11, 1977, the Commission approved, with five special conditions, a CDP for the remodel of an existing 260 seat restaurant and 18 unit motel to create a 189 seat restaurant/bar, parking lot improvements, and landscaping (CDP P-77-579). The Commission's findings with respect to visual resources were that the design of the structure (as reviewed at that time) had less impact on scenic views than the previous development (motel/restaurant), and that the new restaurant was more compatible with the physical setting and less obtrusive along this stretch of the coast. In its approval, the Commission found that the proposed 53-space parking area was not sufficient to serve the approved seating capacity of the restaurant/bar, and specifically considered the issue of impacts that the restaurant would have on public access to the adjacent public beach. The Commission's approval of the CDP relied upon an agreement between the applicant, San Mateo County, and State Parks to allow restaurant patrons to park on State Parks property in the evenings when the dinner restaurant would be open, and for beach users to park on the restaurant's property during the daytime, when the restaurant would be closed. The applicant proposed, and the Commission required, limited restaurant hours through Special Condition No. 2 of the CDP, which states: "In order to assure adequate parking accommodations both for the restaurant and adjacent public beach, the hours of operation of the restaurant/bar shall be limited to that period between 5:00 p.m. and normal closing time." The CDP also required that public access to the beach through the property be maintained and improved. The Commission found

⁵ The dirt lot located to the north of the Property is currently used for beach and restaurant parking. Based on the available information, it is unclear whether use of the lot for parking has been fully authorized under the Coastal Act.

that only as conditioned to ensure that public access was not impacted by the proposed restaurant could the proposed restaurant be found consistent with the Coastal Act.

CDP AMENDMENT P-77-579-A

On May 11, 1981, the Commission denied the request of the property owner at that time to amend the CDP to allow the restaurant to open at 10 A.M. on Sundays. In the adopted findings to support the denial, the Commission found that daytime use of the restaurant would reduce the available public parking beach access, would directly conflict with the original parking agreement with the County and State Parks, and would therefore be inconsistent with Sections 30210 and 30252 of the Coastal Act.

COUNTY CDP 83-67 AND USE PERMIT 20-77

On February 17, 1984, the County approved, with four special conditions, CDP 83-67⁶ to construct a 460 linear-foot rock revetment across the coastal bluff, reconstruct two parking lots, and install a storm drainage system in the parking lots of the existing restaurant (Exhibit 6). Condition No. 2 of the County's CDP required the construction of "an access ramp from the top of bluff to the beach...", which resulted in the construction of the cement public access stairway immediately seaward of the restaurant that is still in existence today. Condition No. 3 of the CDP required the property owner to maintain public access on a walkway between the north and south parking lots that serve the restaurant. At the same hearing, the County also approved an amendment to the County's Use Permit that included six conditions, including a condition requiring that free public access to the beach be maintained; and a condition requiring that the restaurant open only after 5:00 P.M. (Exhibit 6)

CDP AMENDMENT P-77-579-A1⁷

On December 29, 2011, in response to a letter from Commission Enforcement staff, Respondents submitted a CDP Amendment application requesting authorization to install parking signs and requesting authorization for: installation of new outdoor lighting and to authorize, after-the-fact, and the construction of two outdoor patios. Since this time, the permit application has never been deemed "complete" by Commission permit staff since certain, specific items have not been submitted to staff by Respondent⁸, and therefore, the permit application remains unfiled. As described in Section D(2)(c), below, pursuant to this Consent Agreement, Respondents have agreed to modify their proposed project and submit all requested information to "complete" their CDP application, including the payment of fees for an after-the-fact permit application, within 60 days of issuance of the Consent Agreement.

⁶ The County's LCP was certified on November 5, 1980, and the County issued new Coastal Development Permits after that date. Coastal Development Permit 83-67 was issued by the county in this case as it was determined that the proposed development did not affect the Commission's CDP.

⁷ Although this is the second amendment request, this amendment request was incorrectly numbered as P-77-579-A1 when it was received. To avoid confusion, it will be referred to by this number in this report, and the application number will be renumbered at a later date by Commission Permit staff.

⁸ The items include, but are not limited to, the lack of the appropriate application fee, lack of information regarding proposed signage, and the lack of local approvals by San Mateo County

B. DESCRIPTION OF UNPERMITTED DEVELOPMENT

As described in further detail below, the Unpermitted Development includes, but may not necessarily be limited to: Non-compliance with conditions of CDP P-77-579 that were designed to protect public access to and use of Montara State Beach by limiting the commercial use of the site, which non-compliance includes conducting various unpermitted activities that increase the capacity and use of the restaurant, such as: operating the restaurant during restricted, peak beach-use times (prior to 5:00 PM) and construction of an unpermitted 1,276 sq. ft. and a 850 sq. ft. patio addition to the restaurant. Additional violations include the unpermitted construction of a retaining wall, three raised masonry firepits, and glass windscreens surrounding and on the unpermitted patios; and placement of fill.

CONSTRUCTION AND USE OF PATIOS

Prior to the Unpermitted Development, the areas where the lower and upper patios are now located were occupied by architectural features of the building and landscaping. Without a CDP as required, between 2008 and 2009 Respondents removed the architectural features and landscaping, and constructed 1) a 1,276 sq. ft. lower patio, and 2) an 850 sq. ft. upper patio and 3) placed glass windscreens, masonry firepits, and tables and chairs on and surrounding the patios, and placed a retaining wall, and fill material at the site of the 850 sq. ft. upper patio. The upper and lower patios, which lack Coastal Act authorization, have been used to serve restaurant patrons for regular restaurant and bar service. While outdoor patios are typical of restaurants and do provide patrons of the restaurant an enjoyable atmosphere, in this particular case, because of the limitations on parking supply and the proximity of the restaurant to the popular Montara State Beach, the patios in their current state have impacted and continue to impact public access by increasing capacity of the restaurant and thereby increasing parking demand for the limited spaces in this location of the coast. See Exhibit 2 for images depicting the unpermitted development.

HOURS OF OPERATION

As described in Section B, above, Special Condition No. 2 of CDP P-77-579, and the condition of the County's Use Permit, require that the restaurant open only after 5:00 P.M., as was provided in the original permit, specifically to protect public access to Montara State Beach. In this case, Respondents have repeatedly violated the CDP by opening the restaurant prior to 5:00 P.M, including multiple occasions for private events during peak summer time beach use. For instance, on May 24, 2015, Respondents hosted an event at their restaurant at which signage regarding valet parking, a kiosk, and parking staff were present at 10:30 A.M. on a Sunday, thus occupying parking intended for public beach access and also precluding public parking at the site.

The violations have occurred multiple times per year, since at least May 2010 (Exhibits 2, 3), based on evidence from Respondents, San Mateo County, members of the public, Commission staff site visits, and through information posted on websites regarding events, hours of operations, and use of the patios. For example, Respondents have advertised opening earlier than 5:00 P.M. on its public restaurant website and social media pages (Exhibit 3). Despite

repeated requests by Commission staff requesting that Respondents cease such activity, as described in Section C, below, Respondents continued to open the restaurant outside of the authorized hours, in violation of their permit, in the years since this time. Use of the restaurant outside of the authorized hours creates a parking demand for the restaurant that would not otherwise exist at that time, and thereby impacts the availability of parking for public access to the coast at a location where public beach parking is already a limited resource, and in direct contravention of permit conditions designed to protect public access.

INTENSIFICATION OF USE OF THE RESTAURANT

The Unpermitted Development that consists of physical improvements has also intensified the use of the Property without the required Coastal Development Permit. The addition of the patios, including over 2,100 square feet of new restaurant capacity, provides significant, new, additional area for restaurant and bar service and for patrons waiting to be served, expanding the capacity of the restaurant. The expansion of the restaurant increases the number of patrons that can be hosted and/or served at one time thus increasing the demands on parking in the area and reducing the amount of parking available for public access, each day that the restaurant operates. As noted above, even if the restaurant is in compliance with the hourly restrictions, it is still regularly open at times when there is a demand for public beach use, such as in the early evenings. Thus, this increased restaurant parking demand has an impact on public access even if the restaurant is in compliance with its hourly restrictions.

Additionally, construction of the patios increases the available restaurant space that can be used for private events, which occur regularly at the restaurant⁹. Advertisements on Respondent's website, as well as other websites regarding the restaurant, have stated that the restaurant hosts events of up to 300 seated guests (Exhibit 3). The advertised capacity of 300 guests far exceeds the 189 seat capacity of the restaurant established by the Commission's CDP, thus violating the permit, and greatly exceeds the parking supply that could be met by the 53 parking spaces that are provided on-site, thus displacing the parking for public beach access in the area for the private use of the restaurant patrons. Therefore, Respondents have additionally impacted public access by expanding the capacity of the restaurant, without a permit.

C. ENFORCEMENT HISTORY

In December 2004, as a courtesy, Commission staff sent a letter to Respondents just after they purchased the property to inform them of the requirements of CDP P-77-579 and to inform them that a CDP amendment was required for any changes to the permit or the hours of operation (Exhibit 10). In April 2010, after Respondents applied to San Mateo County to amend their local use permit, Commission enforcement staff sent a second letter as a courtesy, reiterating the requirements of CDP P-77-579 and again informing Respondents that an amendment to CDP P-

⁹ On a website containing a description of a small business conference in San Francisco on May 12-14, 2014, the event manager of La Costanera is described as scheduling 70 weddings in 2013 at the La Costanera Restaurant. (<https://www.eventbrite.com/e/tales-from-the-trenches-the-truth-about-running-a-small-business-tickets-11325295263?aff=eorg>, accessed on November 19, 2015)

77-579 would be required for any changes to restaurant hours (Exhibit 11), and that any activities inconsistent with the permit would be a violation of the permit and Coastal Act.

In April 2011, Commission staff became aware of multiple violations on the Property, and sent a letter notifying Respondents that they were in violation of the Coastal Act and the CDP (Exhibit 12). Since that time, Commission staff has attempted on numerous occasions to work with Respondents to resolve the violations of the Coastal Act on the Property, including by sending additional letters in November 2011, March 2012, December 2012, June 2013, April 2014, January 2015, March 2015, July 2015, and April, 2016 (Exhibits 13-21). Within these letters, and in the many phone calls, meetings, and other correspondence over the past five years, Commission staff has repeatedly informed Respondents that the Unpermitted Development was occurring without the required CDP, in violation of the Coastal Act, and inconsistent with CDP P-77-579, and requested that Respondents remove the physical items of Unpermitted Development, cease operating the restaurant during prohibited hours, and cease performing additional unpermitted development.

After being notified of the Unpermitted Development in April 2011, and after many phone calls and letters from Commission Enforcement staff, between May 2013 and March 2015, Respondents removed some of the unpermitted items, consisting of spotlights, signs that discouraged public parking and other restaurant signs, and other violations. This portion of the violations was resolved and has therefore been excluded from this matter.

However, other actions that are addressed in this proceeding and inconsistent with the CDP continued. In response to numerous requests from Commission staff to comply with the authorized hours for the restaurant, on February 12, 2015, Respondent's counsel informed Commission enforcement staff that they would "cease all future activity prior to 5 pm." However, despite this assertion, on July 22, 2015, Respondents sent a letter to San Mateo County affirmatively stating that they would perform additional violations by opening the restaurant prior to 5 P.M. on four specific dates in the following three months: September 7, September 12, October 3, and October 10, 2015 (Exhibit 7). That letter also asserted that no other violations besides those dates would occur. However, despite the assurances made to Commission and County staff, Commission staff subsequently obtained evidence indicating that the restaurant continued to open prior to 5:00 P.M., for not just the dates they stated they were planning to be open despite the prohibition, but also on additional dates, including but not necessarily limited to August 29, 2015, September 26, 2015, March 13, 2016, and March 26, 2016¹⁰.

In addition, the two unpermitted patios remain on the Property and use of the unpermitted patios continued to occur, with the effect of increasing the number of patrons and a concomitant increase in parking demands and constraint on public use of the beach parking lots. In June, 2016, San Mateo County planning staff directed Respondents to cease usage of the unpermitted patios. The patios remain in usage during events held at the restaurant, some of which occurred in July, October, and November, 2016.

¹⁰ These violations were reported by members of the public or confirmed via a site visit by Commission Enforcement Staff. They are not an exhaustive list of dates, but merely reflect the dates that were reported to or observed by the Commission staff.

Recent Discussions

The violation was elevated to the Statewide Enforcement unit in late 2015, and discussions with Respondents regarding a potential resolution began shortly thereafter. In February 2017, Respondents hired new counsel and discussions regarding the terms of a potential Consent Agreement intensified. On February 28, 2017, Respondents, after working closely with Enforcement staff, agreed to resolve this matter amicably and without the need for litigation, and signed the proposed Consent Agreement (see Attachment A).

D. BASIS FOR ISSUANCE OF CEASE AND DESIST ORDER

1) STATUTORY PROVISION

The statutory authority for issuance of this Consent Cease and Desist Order is provided in Section 30810 of the Coastal Act, which states, in relevant part:

(a) If the commission, after public hearing, determines that any person or governmental agency has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the commission without securing the permit or (2) is inconsistent with any permit previously issued by the commission, the commission may issue an order directing that person or governmental agency to cease and desist...

(b) The cease and desist order may be subject to such terms and conditions as the Commission may determine are necessary to ensure compliance with this division, including immediate removal of any development or material...

2) FACTUAL SUPPORT FOR STATUTORY ELEMENTS

The following pages set forth the basis for the issuance of this Consent Cease and Desist Order by providing substantial evidence that the Unpermitted Development meets all of the required grounds listed in Coastal Act Sections 30810 for the Commission to issue a Cease and Desist Order.

(a) Development has occurred without a Coastal Development Permit that would have been needed from the Commission, and in violation of CDP P-77-579, which the Commission previously issued

The Property is located within unincorporated San Mateo County, within the Coastal Zone. Section 30600(a) of the Coastal Act states that, in addition to obtaining any other permit required by law, any person wishing to perform or undertake any development in the Coastal Zone must obtain a coastal development permit. "Development" is broadly defined by Section 30106 of the Coastal Act, as well in the San Mateo County LCP in relevant part as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure...; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act

(commencing with Section 66410 of the Government Code), and any other division of land, including lot splits...change in the intensity of use of water, or of access thereto...and the removal or harvesting of major vegetation other than for agricultural purposes...

Unpermitted Development, as described in Section B above, has occurred on the Property without a CDP, and inconsistent with a previously issued CDP. The actions performed by Respondents included physical development as well as changes in the intensity of use of land and changes in the intensity of use of water and access thereto. Thus, they clearly constituted “development” within the meaning of the above-quoted definition and therefore those actions are subject to the permit requirements of Section 30600(a) of the Coastal Act, and required a CDP from the Commission. The development occurred within 50 feet of a coastal bluff and within an area designated as highly scenic in the certified San Mateo County Land Use Plan, and therefore, pursuant to Section 13253(b)(1) of the Commission’s Regulations, there is no applicable exemption to the permit requirements for the physical improvements, nor is there any other basis for an exemption.

The Commission has enforcement jurisdiction over the violations at issue herein. The violations addressed in this action pertain directly to CDP No. P-77-579, which was issued by the Commission prior to certification of the San Mateo County Local Coastal Program; the Commission has jurisdiction to enforce its own permits. In addition, any change to the operations governed by that permit would have required a permit amendment, which would have had to come from the Commission as well. Thus, the changes also constituted development that required a permit from the Commission and that occurred without securing such a permit.

The San Mateo County Land Use Plan and Local Implementation Plan (which together form the LCP) were certified by the Commission on November 5, 1980, after CDP No. P-77-579 was issued by the Commission; the County now issues permits for development and ensures compliance with the LCP within its geographic limit. Commission staff has coordinated with San Mateo County regarding enforcement of the Commission’s 1977 permit. For example, in a letter dated April 25, 2016, Commission staff memorialized a phone conversation with San Mateo County planning staff in which County Planning Staff agreed that the Commission had enforcement jurisdiction regarding its CDP and asked Commission staff to take the lead on enforcement of the Coastal Act violations on the Property (Exhibit 9). Commission staff has continued to communicate with San Mateo County Planning staff to keep the County apprised of the potential parameters of the pending resolution.

As discussed above, the Unpermitted Development is inconsistent with a CDP issued by the Commission. The Commission found, through its approval of CDP P-77-579 and its denial of the amendment to CDP P-77-579, that the limited restaurant hours required by Special Condition 2 of CDP P-77-579 were necessary to ensure that the restaurant did not impact public access. However, despite the requirements of the permit, the restaurant has repeatedly opened for business prior to the authorized hours, in violation of Special Condition 2 of CDP P-77-579, and inconsistent with the public access policies of the Coastal Act. No amendment or new permit was approved by the Commission (or the County) for the development subject to this Consent Cease and Desist Order. Therefore, the criterion for issuance of the Consent Cease and Desist Order has been met. As it is only necessary to find that development has been undertaken

without a required permit or in violation of a previously issued permit in order for the Commission to issue a Cease and Desist Order, the following Section b is for background purposes only.

(b) The Unpermitted Development at Issue is not Consistent with the Coastal Act's Access Provisions and Principles of Environmental Justice

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30211 states:

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

Coastal Act Section 30252 states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

That all of the public should enjoy access to coastal areas for recreational purposes is an important concept for environmental justice precepts in California. Just last year, the Legislature passed a bill¹¹ to add explicit environmental justice provisions to the Coastal Act, including adding section 30013, which states that no one in the state may be “unlawfully denied full and equal access to the benefits of . . . any program or activity that is conducted, operated, or administered pursuant to [the Coastal Act]” on the basis of a protected class status. Public access and opportunities for coastal recreation continue to be threatened by private development, illegal encroachments, and other restrictions on beach or coastal access. These burdens of restricted access are disproportionately borne by low-income and minority communities, while coastal property owners benefit from the privatization of the public spaces of beaches, coastal areas, and public easements. Securing open public access for all citizens provides low-cost, outdoor recreation that can improve the overall quality of life of all the public, including low income and minority communities.

Although no single access point will solve all environmental justice problems, ensuring that free public access to the coast is maintained and that no new impacts occur, especially by ensuring those accessways already acquired by the State for public recreation remain available, will cumulatively ensure that public access is protected and reduce environmental injustice concerns.

a. ¹¹ AB 2616 (Burke), Chap. 578, Stats. 2016.

Public recreation and the ability for the public to access the beach are a major cornerstone of the Coastal Act. The expansion in capacity of the restaurant and expansion of hours of operation collectively have the effect of dissuading the public from accessing the public State beach. As discussed in Section A, above, insufficient parking was proposed as part of CDP P-77-579, and the Commission required measures to prevent impacts to public access. Those measures include an agreement to allow parking for the State Beach to occur on the restaurant parking lot, a requirement that the restaurant only be open after 5 P.M. to avoid peak beach use, and a requirement for improvement and maintenance of public access to the beach. Only as conditioned did the Commission find that the construction of the restaurant was consistent with the public access policies of the Coastal Act. In this case, those conditions were violated. Instead, Respondents expanded the hours of their restaurant on multiple occasions and expanded the restaurant capacity, increasing parking demand for the restaurant, and impacting public access to the adjacent public beach, in violation of Special Condition 2 of the CDP and the public access provisions of the Coastal Act. The unpermitted actions taken at the Property have the potential to not only have a negative impact on public access to this portion of Montara State Beach, but can also have the effect of dissuading the public from accessing other portions of Montara State Beach due to the consistent lack of availability of public parking in the area.

E. BASIS FOR ISSUANCE OF ADMINISTRATIVE PENALTY

1) STATUTORY PROVISIONS

The statutory authority for imposition of administrative penalties is provided in Section 30821 of the Coastal Act, which states, in relevant part:

(a) In addition to any other penalties imposed pursuant to this division, a person, including a landowner, who is in violation of the public access provisions of this division is subject to an administrative civil penalty that may be imposed by the commission in an amount not to exceed 75 percent of the amount of the maximum penalty authorized pursuant to subdivision (b) of Section 30820 for each violation. The administrative civil penalty may be assessed for each day the violation persists, but for no more than five years.

Through the proposed settlement, Respondents have agreed to resolve their financial liabilities under Section 30821 of the Coastal Act.

2) FACTUAL SUPPORT FOR STATUTORY ELEMENTS

This case, as discussed above, includes violations of the public access provisions of the Coastal Act. These provisions include, but are not necessarily limited to, Section 30210, which states in part that “maximum access ... and recreational opportunities shall be provided for all the people”, Coastal Act Section 30211, which states in part, “Development shall not interfere with the public’s right of access to the sea . . .” and Coastal Act Section 30252, which states “The location and amount of new development should maintain and enhance public access to the coast by... providing adequate parking facilities....”

The Commission found, through the approval of CDP P-77-579 and the denial of the first proposed amendment to CDP P-77-579, that the limitation on restaurant hours, which was required by Special Condition 2 of CDP P-77-579, was necessary to ensure that the restaurant did not impact public access, by limiting the hours the restaurant patrons would occupy parking that would otherwise be available for public access use, and thus, that compliance with these limitations was necessary to achieve consistency with the public access provisions of the Coastal Act. However, the restaurant has repeatedly opened for business prior to the authorized hours, in violation of Special Condition 2, and inconsistent with the public access policies of the Coastal Act. This includes the opening of the restaurant at unauthorized hours on multiple dates.

Additionally, the restaurant was expanded through the unpermitted construction of two new patios, increasing the total square footage of the restaurant by a total of 2,126 sq. ft. This unpermitted expansion has increased the capacity of the restaurant by increasing the area available for restaurant and bar use, and the area available for use as a waiting and lounge area, increasing the number of persons using the restaurant, and, correspondingly, increasing the parking demand with corresponding impacts to public access. The Unpermitted Development has increased the parking demand for the restaurant without providing any additional parking facilities to meet the additional demand. Patrons of the restaurant share available parking spaces with members of the public using Montara State Beach, and an increase in restaurant parking directly displaces parking for public access. Access to the beach is very limited at this location and the impact from the Unpermitted Development has significantly impacted the public's ability to access the beach. Thus, the violations of the Coastal Act are negatively impacting public access and are inconsistent with Coastal Act provisions that protect public access, including Sections 30210, 30211, 30212, 30213 and 30252. Section 30821 of the Coastal Act is therefore applicable.

(a) 30821 (h) Notice

Under 30821(h) of the Coastal Act, under certain specified circumstances, imposition of administrative penalties may be avoided when a violation is corrected within 30 days of written notification from the Commission regarding the violation. However, this Section is inapplicable to the matter at hand. There are three requirements for 30821(h) to apply: 1) the violation must be remedied within 30 days of notice, 2) the violation must not be a violation of permit conditions, and 3) the violation must be able to be resolved without requiring additional development that would require Coastal Act authorization. None of the requirements are met here; therefore Section 30821(h) does not apply. Respondents were notified of violations in 2011 and were even specifically notified of the potential applicability of Section 30821 on January 28, 2015, and any 30 day period since that date has long since run. Further, this action is to enforce the terms and conditions of CDP P-77-579, and a 30821(h) cure is not available for permit violations. Finally, removal of some of the physical structures would require a permit, so the violation cannot be fully resolved without authorization.

Additionally, Section 30821(f) of the Coastal Act states:

(f) In enacting this section, it is the intent of the Legislature to ensure that unintentional, minor violations of this division that only cause de minimis harm

will not lead to the imposition of administrative penalties if the violator has acted expeditiously to correct the violation.

Section 30821(f) is inapplicable in this case. As discussed above, the expansion of the restaurant and change in hours of operation is significant because the requirements regarding parking in CDP P-77-579 were designed to protect public access and Respondents violated those requirements and impacted public access, and because loss of access is very significant under the Coastal Act. Therefore, the violation cannot be considered to have resulted in “de minimis” harm to the public.

(b) Penalty Amount

Pursuant to Section 30821(a) of the Coastal Act, the Commission may impose penalties in “an amount not to exceed 75 percent of the amount of the maximum penalty authorized pursuant to subdivision (b) of Section 30820 for each violation.” 30820 (b) authorizes civil penalties that “shall not be less than one thousand dollars (\$1,000), not more than fifteen thousand dollars (\$15,000), per day for each day in which the violation persists.” Therefore, the Commission may authorize penalties in a range up to \$11,250 per day for each violation.

Section 30821(a) sets forth the time for which the penalty may be collected by specifying that the “*administrative civil penalty may be assessed for each day the violation persists, but for no more than five years.*” In this case, the violation has persisted since 2009. Commission staff is recommending that the time period in this case be calculated from July 1, 2014 – the effective date of Section 30821 - to the date that the County directed the property owner to cease all usage of the patios, April 26, 2016, and including 14 days where the restaurant operated at unauthorized hours for private events. The recommended period is therefore currently 679 days. The Commission could thus impose penalties as high as \$11,250 per day for 679 days for a total penalty of \$7,638,750.

As discussed immediately below, Commission staff has considered the various factors set forth in section 30820(c) of the Coastal Act in negotiating a settlement proposal for the Commission’s approval. Given the context that Respondents have agreed to provide some key additional public access amenities to improve public access on the Property and its surroundings, including enhanced public trails, a public viewing area, and interpretive and directional signage to support additional public access at this section of the coast, the proposed penalty amount in the proposed settlement is a total of \$500,000, which is comprised of payment to the Violation Remediation Account of the California Coastal Conservancy.

For background, we also provide an analysis of the factors referenced in Section 30821(c) as they would apply to an access violation here. Under Section 30821(c), in determining the amount of administrative penalty to impose, “the commission shall take into account the factors set forth in subdivision (c) of Section 30820.”

Section 30820(c) of the Coastal Act states:

In determining the amount of civil liability, the following factors shall be considered:

(1) The nature, circumstance, extent, and gravity of the violation.

- (2) Whether the violation is susceptible to restoration or other remedial measures.*
- (3) The sensitivity of the resource affected by the violation.*
- (4) The cost to the state of bringing the action.*
- (5) With respect to the violator, any voluntary restoration or remedial measures undertaken, any prior history of violations, the degree of culpability, economic profits, if any, resulting from, or expected to result as a consequence of, the violation, and such other matters as justice may require.*

Applying the factors of Section 30820(c)(1) and (3), the violation at hand should warrant the imposition of substantial civil liability; the property has been in violation of its underlying CDP for over 7 years, and the violation has meant that the public has been at many times unable to access the public beach at this location. Moreover, the resource affected by the violation, access, is a scarce and important resource across the State, and in this coastal region in particular. The stairway adjacent to the Property is one of only about 7 points of access to the sandy beach within a 7 mile stretch between the City of Pacifica and the Pillar Point Marina.

Also factored into the consideration of the penalty calculation is Section 30820(c)(2), which cuts both ways here; the violation is susceptible to restoration, and moving forward compliance with the permit will ensure that adequate public parking is available and public access is maintained at this location. On the other hand, there are years of public access losses that can never be recovered, and many public users have been denied public access to the coast that they cannot now regain.

With regard to Section 30820(c)(4), there have been significant costs to the state involved in bringing this violation to resolution. The State has had to expend its limited resources in order to provide access where it should have already existed had the CDP been complied with. Commission staff has spent numerous hours, over a number of years, on phone calls, letters, and site visits to persuade Respondents to cease performing unpermitted development, comply with their permit, and resolve the violation of their permit and the Coastal Act.

With regard to 30820(c)(5), Respondents are responsible for performing the Unpermitted Development, which directly resulted in increased economic profits for Respondents, and for continuing to do so despite repeated warnings. A substantial civil liability is therefore warranted to deter Respondents and potential future violators from undertaking future violations of the Coastal Act. A restaurant is a commercial visitor serving use, and increased use of such use might provide some benefit to public access. However, such benefit is limited to those persons with the ability to pay, and also reduces free public access to the beach, a no-cost recreational activity that is protected by Coastal Act Section 30213.

However, Respondents have agreed to voluntarily resolve the violation and the associated civil liabilities, and to cease and desist from performing future violations of their permit and the Coastal Act in the future, thus obviating the need for significant additional costs associated with litigation. In sum, while the violation is significant, some consideration should be given to the voluntary resolution of this violation by Respondents. Therefore, staff has recommended a penalty amount of \$500,000, to be directed towards the Violation Remediation Account of the State Coastal Conservancy, and requiring Respondents to finance, construct, and maintain

enhanced public trails, a public viewing area, and interpretive and directional signage on and near the Property.

F. CONSENT AGREEMENT IS CONSISTENT WITH CHAPTER 3 OF THE COASTAL ACT

The Consent Agreement, attached to this staff report as Appendix A, is consistent with the resource protection policies found in Chapter 3 of the Coastal Act and the corresponding policies of the San Mateo County LCP. This Consent Agreement requires and authorizes Respondents to, among other things, cease and desist from conducting any further unpermitted development on the Property, and perform public access improvements including enhanced public trails, a public viewing area, and interpretive and directional signage and remove the upper 850 sq. ft. patio, retaining wall, and fill, and tables and chairs. This Consent Agreement also allows for Respondents to apply for approval after-the-fact of the lower, 1,276 sq. ft. patio, glass windscreen and masonry firepits on the patio, and require the removal of that development if said approval is denied. Therefore, this Consent Agreement is consistent with the Chapter 3 policies of the Coastal Act, and their issuance is consistent with Coastal Act Section 30810(b).

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission finds that issuance of this Consent Agreement, to compel the removal of the Unpermitted Development, among other things, and implementation of this Consent Agreement is exempt from the requirements of the California Environmental Quality Act of 1970 (CEQA), Cal. Pub. Res. Code §§ 21000 *et seq.*, for the following reasons. First, the CEQA statute (section 21084) provides for the identification of “classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from [CEQA].” The CEQA Guidelines (which, like the Commission’s regulations, are codified in 14 CCR) provide the list of such projects, which are known as “categorical exemptions,” in Article 19 (14 CCR §§ 15300 *et seq.*). Because this is an enforcement action designed to protect, restore, and enhance natural resources and the environment, and because the Commission’s process, as demonstrated above, involves ensuring that the environment is protected throughout the process, three of those exemptions apply here: (1) the one covering actions to assure the restoration or enhancement of natural resources where the regulatory process involves procedures for protection of the environment (14 CCR § 15307); (2) the one covering actions to assure the restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment (14 CCR § 15308); and (3) the one covering enforcement actions by regulatory agencies (14 CCR § 15321).

Secondly, although the CEQA Guidelines provide for exceptions to the application of these categorical exemptions (14 CCR § 15300.2), the Commission finds that none of those exceptions applies here. Section 15300.2(c), in particular, states that:

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CEQA defines the phrase “significant effect on the environment” (in Section 21068) to mean “a substantial, or potentially substantial, adverse change in the environment.” This Consent Agreement is designed to protect and enhance the environment, and they contain provisions to ensure, and to allow the Executive Director to ensure, that they are implemented in a manner that will protect the environment. Thus, this action will not have any significant effect on the environment, within the meaning of CEQA, and the exception to the categorical exemptions listed in 14 CCR section 15300.2(c) does not apply. An independent but equally sufficient reason why that exception in section 15300.2(c) does not apply is that this case does not involve any “unusual circumstances” within the meaning of that section, in that it has no significant feature that would distinguish it from other activities in the exempt classes listed above. This case is a typical Commission enforcement action to protect and restore the environment and natural resources.

In sum, given the nature of this matter as an enforcement action to protect and restore natural resources and the environment, and since there is no reasonable possibility that it will result in any significant adverse change in the environment, it is categorically exempt from CEQA.

H. SUMMARY OF FINDINGS OF FACT

1. A&G, LLC is the owner of the property identified by the San Mateo County Assessor’s office as APNs 036-046-050, 036-046-310, 036-046-380, 036-046-390, 036-046-400, and 036-046-998. The above-listed properties are located within the Coastal Zone.
2. In its approval of CDP P-77-579, the Commission found the project consistent with the Coastal Act and approved the CDP relying on the fact that, as proposed, the capacity was limited to a set number of patrons, and the CDP included conditions to protect public access, including the requirement that the restaurant hours be limited, and because a parking agreement with the County, State Parks, and the property owner provided that public beach users could park at the restaurant parking lots during the day, and restaurant users could park at the beach parking lots in the evenings.
3. Coastal Act Section 30810 authorizes the Commission to issue a cease and desist order when the Commission determines that any person has undertaken, or is threatening to undertake, any activity that (1) requires a permit from the Commission without securing a permit or (2) is inconsistent with any permit previously issued by the Commission.
4. Unpermitted development and development inconsistent with the CDP has occurred on the Property. Therefore, the jurisdictional requirement for the issuance of a cease and desist order has been met.
5. The work to be performed under this Consent Agreement, if completed in compliance with the Consent Agreement and the plan(s) required therein, will be consistent with Chapter 3 of the Coastal Act.

6. The statutory authority for imposition of administrative penalties is provided in Section 30821 of the Coastal Act. Sections 30820 and 30822 of the Coastal create potential civil liability for violations of the Coastal Act more generally.
7. As stated in #4, above, unpermitted development and development inconsistent with a CDP has occurred on the Property, which is owned by Respondents. These actions are also inconsistent with the public access provisions of the Coastal Act and therefore subject Respondents to penalties under Section 30821 of the Coastal Act. Through the Consent Agreement, Respondents have agreed to resolve their financial liabilities under all of these sections of the Coastal Act.

APPENDIX A
(PROPOSED CONSENT AGREEMENT)

CONSENT CEASE AND DESIST ORDER CCC-17-CD-01 AND CONSENT ADMINISTRATIVE PENALTY ORDER CCC-17-AP-01

1.0 CONSENT CEASE AND DESIST ORDER CCC-17-CD-01

Pursuant to its authority under California Public Resource Code (“PRC”) Section 30810, the California Coastal Commission (“the Commission”) hereby orders and authorizes A&G LLC and any of its current or future members, including, but not necessarily limited to, Rahim Amidi, Hamid Rafiei, and their successors in interest, lessees, heirs, assigns, employees, agents, contractors, any persons acting in concert with any of the foregoing, including any future owners of the property located at 8150 Cabrillo Highway, Montara, San Mateo County (hereinafter referred to as the “Property”), more specifically designated as San Mateo County Assessor’s Parcel Numbers (“APNs”) 036-046-050, 036-046-310, 036-046-380, 036-046-390, 036-046-400, and 036-046-998¹ (hereinafter collectively referred to as “Respondents”), to take all actions required by Consent Cease and Desist Order No. CCC-17-CD-01 including, but not limited to, those requirements in Sections 4 through 5, below, and the following:

- 1.1 Cease and desist from engaging in any further development, as that term is defined in PRC Section 30106, on the Property, unless authorized pursuant to the Coastal Act (PRC Sections 30000 to 30900), which includes pursuant to this Consent Agreement, as that phrase is defined in Section 3.3, below, or for which Commission Staff has confirmed in writing that it is exempt.
- 1.2 Remove, pursuant to and consistent with the terms of Section 4.0, below, and pursuant to the conditions set forth herein, all the physical structures and materials that were placed and remain on the Property, as a result of the Unpermitted Development, as that phrase is defined in Section 3.2, below.
- 1.3 Refrain from undertaking any activity in violation of the Coastal Act or in violation of Coastal Development Permit (“CDP”) P-77-579 (hereinafter “the CDP”), including any operation of the restaurant on the Property or allowing its use by patrons of the restaurant prior to 5:00 PM, expanding the capacity of the restaurant beyond what was approved pursuant to the CDP, or interfering with the public’s ability to park on the Property or adjacent publicly owned property.

¹This final APN refers to a roughly 0.03-acre property, located immediately to the north of part of APN 036-046-400, and immediately to the west of part of APN 036-046-380, which is not assessed and therefore does not have a formal APN. It is denoted here by a placeholder APN assigned by the County Assessor’s Office for convenience purposes, only, and use of such APN in this document is not an acknowledgment of any legal status of this property.

- 1.4 Respondents shall comply with Special Condition 3 of the CDP, Special Condition 3 of County CDP 83-67, and Condition 5 of Use Permit 20-77, requiring ongoing maintenance of safe public access through the Property and to the beach, by continuing to maintain the public walkway and public access stairs. Within 30 days of issuance of this Consent Cease and Desist Order, Respondents shall submit a Public Access Stairs Plan for the review and approval of the Executive Director, that provides an assessment of the measures necessary to maintain safe access on the existing stairway and a plan for implementing those measures. Measures may include painting existing hand railing, installing a new hand railing at the top of the stairway, and texturizing steps to ensure safety of pedestrians. Respondents shall commence implementation of the approved plan within 30 days of written approval by the Executive Director and complete implementation of any initial work within 30 days of commencing implementation. Respondents shall submit photographic evidence of completion of the plan within 10 days of completion.
- 1.5 Refrain from any attempts to limit or interfere with public use of state park property or access to Montara State Beach.

2.0 CONSENT ADMINISTRATIVE PENALTY ORDER CCC-17-AP-01

Pursuant to its authority under PRC Section 30821 and its authority to authorize development, the Commission hereby orders and authorizes Respondents to pay an administrative civil penalty and orders and authorizes Respondents to take other actions *in lieu* of paying a larger penalty, by complying with the terms and conditions listed herein, including taking all actions described in Section 6, and Respondents have agreed to the same.

3.0 DEFINITIONS COMMON TO BOTH ORDERS

3.1 “Property”

The properties that are subject to this Consent Agreement are as follows: 8150 Cabrillo Highway, Montara, San Mateo County, APNs 036-046-050, 036-046-310, 036-046-380, 036-046-390, 036-046-400, and 036-046-998¹.

3.2 “Unpermitted Development”

All “development” as that term is defined in the Coastal Act (PRC Section 30106) that occurred on the Property without the authorization required under the Coastal Act and/or that did not comply with the terms and conditions of Coastal Development Permit No. P-77-579, including, but not limited to, use of the restaurant prior to 5:00 PM inconsistent with

Special Condition 2 of CDP P-77-579; construction of a 1,276 sq. ft. and a 850 sq. ft. patio addition to the restaurant; construction of a retaining wall, three raised masonry firepits, and glass windscreens surrounding and on the patios; placement of fill; and change in the intensity of use of adjacent State Parks' property due to increased private restaurant parking; all of which has the effect of increasing the capacity of the restaurant beyond that which was authorized by the CDP.

3.3 "Consent Agreement"

Consent Cease and Desist Order No. CCC-17-CD-01 and Consent Administrative Penalty Order CCC-17-AP-01 is collectively referred to as this Consent Agreement.

4.0 REMOVAL OF UNPERMITTED DEVELOPMENT

- 4.1 Within 30 days of issuance of this Consent Agreement, Respondents shall submit a Removal Plan for the review and written approval of the Executive Director to govern the removal of all physical items placed or allowed to come to rest on the Property as a result of the Unpermitted Development that are required to be removed pursuant to this Consent Agreement, including the 850 sq. ft. patio and the associated retaining wall, fill material, glass windscreens, and tables and chairs.
- A. The Removal Plan shall indicate that Respondents shall commence removal of the physical items resulting from the Unpermitted Development by commencing implementation of the Removal Plan within (30) days of approval of the Removal Plan, and complete all removal activities within 30 days of commencement.
 - B. The Removal Plan shall include a site plan showing: 1) the location and identity of all physical items placed or allowed to come to rest on the Property as a result of the Unpermitted Development; 2) the location of designated areas for staging of construction equipment and materials, including receptacles and temporary stockpiles of materials; 3) the location of temporary erosion control measures that will be installed to ensure protection of water quality and avoid erosion; and 4) the location of photo points where photographs shall be taken pursuant to Section 4.3, below. Staging areas and stockpiles shall not be located on publicly owned property.
 - C. The Removal Plan shall include a narrative report describing all temporary run-off and erosion control measures to be used during removal activities. The Removal Plan shall provide that all stock piles and construction materials shall be covered, enclosed on all

sides, located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or runoff erosion and dispersion.

D. The Removal Plan shall describe in detail all equipment to be used. All tools utilized shall be hand tools unless Respondents demonstrate to the satisfaction of the Executive Director that mechanized equipment is needed and will not impact resources protected under the Coastal Act, including but not limited to: geological stability, integrity of landforms, freedom from erosion, and existing native vegetation. If mechanized equipment is proposed, the Removal Plan shall provide for:

1. Limitations on the hours of operations for all equipment and a contingency plan that addresses at a minimum: 1) impacts from equipment use, including disturbance of areas where revegetation and/or mitigation will occur, and the responses thereto; 2) potential spills of fuel or other hazardous releases that may result from the use of mechanized equipment and the responses thereto; and 3) any potential water quality impacts.

2. Designated and confined areas for maintaining and washing machinery and equipment specifically designed to control runoff. Thinners or solvents shall not be discharged anywhere on the Property, including into sanitary or storm sewer systems. The discharge of hazardous materials into any receiving waters is prohibited.

E. The Removal Plan shall identify the location of the site(s) for the off-site disposal of all materials removed from the Property and all waste generated during removal activities pursuant to this Consent Agreement. If a disposal site is located in the Coastal Zone and is not an existing sanitary landfill, a CDP is required for such disposal. All hazardous waste must be disposed of at a suitable licensed disposal facility.

F. The Removal Plan shall include a plan for the revegetation of the areas from which unpermitted development will be removed pursuant to this Consent Agreement and the approved Removal Plan. Only plant species native to this portion of coastal San Mateo County shall be included in the plan. Respondents are responsible for ensuring the ongoing survival of the plantings, shall undertake measures necessary to ensure the success of such plantings, and

shall replace any dead or dying plants with native plants approved through this Removal Plan. Two years from the issuance of this Consent Agreement, Respondents shall submit a report, for the review and approval of the Executive Director documenting the success of the plantings. If the report shows that any of the plantings have failed, in whole or in part, Respondents shall submit a request to amend the Removal Plan to perform additional revegetation of the slope consistent with this Section.

- G. The Removal Plan shall demonstrate that areas where unpermitted development will be removed pursuant to this Consent Agreement and the approved Removal Plan will be returned to grades that existed prior to the Unpermitted Development. The Removal Plan shall include topographic maps and photographic documentation.
- H. If Respondents demonstrate to the satisfaction of the Executive Director that revegetation or regrading required under Section 4 of this Consent Agreement would be inconsistent with the provision of public access improvements specified in Section 6.2, below, alternative revegetation or grading may be proposed.

- 4.2 Respondents shall commence removal activities, complete all removal activities listed in the Removal Plan, and perform all removal activities consistent with the Removal Plan and consistent with the timeline established by Section 4.1(A), above.
- 4.3 Within 10 days of completion of removal activities, Respondents shall submit photographic evidence taken from the pre-designated locations identified on the map submitted pursuant to Section 4.1, above, of the completed removal to the Executive Director for his review and written approval. After review of the evidence, if the Executive Director determines that the removal did not, in whole or in part, comply with the Removal Plan, this Consent Agreement, or the Coastal Act, the Executive Director shall specify any measures necessary to ensure that the removal complies with the approved Removal Plan, this Consent Agreement, and the Coastal Act. Respondents shall implement any specified measures, within the timeframe specified by the Executive Director.

5.0 AFTER THE FACT CDP AMENDMENT APPLICATION

- 5.1 Within 60 days of the effective date of this Consent Agreement, Respondents shall modify their application for Coastal Development Permit Amendment P-77-579-A1 that is currently pending with the Commission's North Central District Office to request the retention of only the "lower" 1,267 sq. ft. patio and glass windscreens and firepits, and

remove the request to retain the “upper” 850 sq. ft. patio and glass windscreens and firepits from the application. Respondents shall, within 60 days of the effective date of this Consent Agreement, submit all information, materials, and payments necessary to complete the application. Respondents shall not withdraw or impede final action in any way on, the complete coastal development permit amendment application that has been submitted to the Commission.

- 5.2 Respondents shall comply with the terms and conditions of any permit amendment issued pursuant to the application submitted under Section 5.1, above, within two (2) years of final Commission action on the permit, unless such terms and conditions require compliance sooner.
- 5.3 Within 60 days of the effective date of this Consent Agreement, Respondents shall submit, for the review and approval of the Commission’s Executive Director, a Removal Plan for removal of any development listed in Section 5.1 that Respondents do not apply to retain in the permit amendment application required by Section. This removal plan shall be consistent with the provisions set forth in Section 4.0, above, including the timing for implementing and completing such removal efforts, and the revegetation and grading elements contained therein.
- 5.4 Respondents shall also submit, for the review and approval of the Commission’s Executive Director, a Removal Plan for the removal of any development listed in Section 5.1 for which they do seek authorization but such authorization is denied. This removal plan shall be submitted within 30 days of final action on said denial, and shall be consistent with the provisions set forth in Section 4.0, above, including the timing for implementing and completing such restoration efforts, and the revegetation and grading elements contained therein.
- 5.5 Any use by restaurant patrons of the development described in Section 5.1 that occurs prior to the issuance of the CDP Amendment and satisfaction of all imposed conditions shall constitute a violation of this Consent Agreement and result in stipulated penalties, as provided for in Section 6.3, below.

6.0 PAYMENT OF CONSENT ADMINISTRATIVE CIVIL PENALTY

- 6.1 Respondents shall pay, a monetary penalty in the amount of \$500,000. Respondents shall pay the monetary penalty in 3 payments, with the first payment of \$100,000 made by November 1, 2017, the second payment of \$100,000 made by July 1, 2018, and the third payment of \$300,000 made by April 1, 2019. The monetary penalty shall be deposited in the Violation Remediation Account of the California State Coastal Conservancy Fund (see Public Resources Code Section 30823) or into such other public

account as authorized by applicable California law at the time of the payment, and as designated by the Executive Director. Respondents shall submit the payment amount in accordance with the deadlines set above to the attention of John Del Arroz of the Commission, at the address provided in Section 18.0, below, and payable to the account designated under the Coastal Act. The payment shall include a reference to this Consent Agreement by number.

- 6.2 Respondents shall finance, construct and maintain the following improvements pursuant to the final approved plans, as described further below:
- A. **Coastal Trail Plan.** Respondents shall prepare a plan pursuant to the requirements of this section (the “Trail Plan”), for the purposes of improving a section of the California Coastal Trail.
1. The proposed Trail Plan shall be submitted within 60 days of approval of this Consent Agreement for the review and approval of the Executive Director.
 2. The Trail Plan shall provide proof of approval by, or proof that no approval is required by, CalTrans for any development that is located adjacent to Highway 1. The Trail Plan shall provide proof of approval by, or proof that no approval is required by, the California Department of Parks and Recreation (“Parks”) for those improvements located on property owned by Parks. Respondents shall comply with the requirements of San Mateo County, CalTrans and/or Parks, consistent with this Consent Agreement.
 3. The Coastal Trail shall extend from the north-eastern boundary of the Parks parking lot located directly south of the Property, across or adjacent to the south parking lot on the Property, proceed along the existing walkway located seaward of the restaurant, and terminate at the northwestern boundary of the Property.
 4. The Trail Plan shall demonstrate that the following improvements will be provided: Adequate separation from Highway 1 to ensure public safety; striping, demarcations, and other measures to provide safe pedestrian access in areas where the trail crosses paved areas such as parking lots; one or more public water fountains; two or more public benches; railings, where appropriate, that are designed to minimize impacts to coastal views; bike racks located as close as possible to the public stairs to the beach; and locations of public access signage as further described in the Public Signage Plan section, below.

5. Respondents shall commence implementation of the Trail Plan within 90 days of written approval of the Trail Plan by the Executive Director. Within 30 days of commencing implementation of activities under the Trail Plan, Respondents shall complete implementation of the Trail Plan. Within 10 days of completion of the Trail Plan, Respondents shall submit a report, with photographs, documenting completion of the Trail Plan.

B. **Public Viewing Area Plan.** Respondents shall submit, within 120 days of issuance of this Consent Agreement, a Public Viewing Area Plan for the purposes of creating an area for public viewing of the coast and ocean, such as an area with decomposed granite or a wood deck, for the review and approval of the Executive Director.

1. The Public Viewing Area Plan shall include plans depicting the location of the viewing area. If the Viewing Area has structural components, the Public Viewing Area Plan shall include structural plans depicting how the proposed viewing area will be constructed that are prepared and stamped by a licensed engineer.

2. The Public Viewing Area shall be located on the Property; however if Parks agrees within 90 days of issuance of this Consent Agreement the viewing area may instead be located on property owned by Parks that is near the Property. If the Public Viewing Area is located on Parks property, Respondents shall comply with all requirements of State Parks including the payment of any funds required.

3. The public viewing area shall not be located on the bluff edge or face. The Public Viewing Area Plan shall demonstrate that the public viewing area will be consistent with policies of the Coastal Act and the San Mateo County LCP, and demonstrate compliance with requirements of San Mateo County.

4. Respondents shall commence implementation of the Public Viewing Area Plan within 90 days of written approval of the Trail Plan by the Executive Director. Within 30 days of commencing implementation of activities under the Public Viewing Area Plan, Respondents shall complete implementation of the Public Viewing Area Plan. Within 10 days of completion of the Public Viewing Area Plan, Respondents shall submit a report, with photographs, documenting completion of the Public Viewing Area Plan.

C. Public Access Signage Plan. Within 60 days of issuance of the Consent Agreement, Respondents shall submit a Public Access Signage Plan for the review and approval of the Executive Director.

1. The Public Access Signage Plan shall include, at a minimum, the construction of: a sign at the entrance of the north parking lot on the Property and a sign at the entrance of the south parking lot on the Property that are visible from Highway 1, which state “Public Beach and Restaurant Parking.” The signs shall include the Commission’s traditional footprint public access logo, and shall not place restaurant or other private advertisement on the sign. In addition the Public Access Signage Plan shall include the placement of three signs indicating the location of the California Coastal Trail, and including the California Coastal Trail logo, and the placement of at least two signs identifying the location of the public viewing area and stating that the viewing area is open for public use.

2. The Public Access Signage Plan shall also include the placement of three public interpretive signs located adjacent to the Coastal Trail or on or adjacent to the Viewing Area, in locations that minimize impacts to public views. The interpretive signs shall provide educational information regarding the area through photographs, diagrams, and text. One interpretive sign shall describe the flora and fauna of habitats in and around Montara State Beach, the second interpretive sign shall describe coastal processes such as erosion, sand transport, wave dynamics, and/or sea level rise, and the third interpretive sign shall describe the history and culture of the area of Montara State Beach and the surroundings.

i. The Public Access Signage Plan shall include evidence that the interpretive sign regarding biological resources has been prepared by a qualified biologist or ecologist, the interpretive signage regarding coastal processes has been prepared by a licensed coastal engineer and that the history and culture sign has been prepared with input by a historian and in consultation with local Native American tribal group(s).

ii. The interpretive signage shall include details regarding the size and construction of the proposed signage and identify the size that text will appear on the signage.

5. All public access signs placed on the Property pursuant to the Public Access Signage Plan shall include the language:

“Accessways provided in cooperation with the California Coastal Commission”, and all interpretive signs placed on the Property pursuant to the Public Access Signage Plan shall include the language: “Signage provided in cooperation with the California Coastal Commission”.

6. If any signs are proposed to be placed on property owned by Parks or CalTrans, Respondents must first receive approval from the relevant property owner prior to submitting the Public Access Signage Plan. Respondents shall comply with requirements of the relevant property owner, and with requirements of San Mateo County, consistent with this Consent Agreement.

7. Respondents shall commence implementation of the Public Access Signage Plan within 90 days of written approval of the Public Access Signage Plan by the Executive Director. Within 30 days of commencing implementation of activities under the Public Access Signage Plan, Respondents shall complete implementation of the Public Access Signage Plan. Within 10 days of completion of the Public Access Signage Plan, Respondents shall submit a report, with photographs, documenting completion of the Public Access Signage Plan.

D. **Public Access Deed Restriction.** Respondents shall record a deed restriction in a form and content approved by the Executive Director, and consistent with standard Commission practice, as follows:

1. The purpose of the deed restriction shall be to prohibit any limitations or restrictions on public access to, or use of, any of the public amenities included in this Consent Agreement, including: the trail to and along the bluff edge, viewing area, benches, signs, interpretive signs, water fountains, stairway to the beach, and bike racks or their designated locations; as well as access to and use of other public improvements on the property; including by ensuring public access from Highway 1 to and along access trails to and along the bluff edge, and to the beach, and use of public trails and public viewing areas on the property in locations approved by the Executive Director.

2. Prior to recordation of this deed restriction, Respondents shall provide Commission staff with any information requested to help in the preparation of the deed restriction, including a formal metes and bounds legal description and a corresponding graphic depiction prepared by a licensed surveyor of the deed restricted portion of this property, as well as a current Preliminary Report issued by a licensed title insurance company within the prior 30 days.

3. This deed restriction must be recorded against the entire legal parcels of the subject property within 60 days of receipt of the deed restriction approved in writing by the Commission.
4. This deed restriction must be recorded free of all prior liens, and encumbrances that the Executive Director determines would affect the interest being conveyed. Following recordation of this deed restriction, Respondents must provide evidence, including a Certified copy of the recorded deed restriction obtained from the San Mateo County Recorder's Office for the review and approval of Commission staff, as well as an updated Preliminary Report dated after the date of recordation, reflecting this deed restriction running in the chain of title for the subject property and recorded free of prior liens and encumbrances.
5. If the area designated for public access, described above, is subject to erosion or otherwise becomes unusable, Respondents shall work with Commission staff to ensure the recordation of a new deed restriction, in the same manner as described above, showing the new locations of the public access areas.

- 6.3 Strict compliance with this Consent Agreement by all parties subject hereto is required. Failure to comply with any term or condition of this Consent Agreement, including any deadline contained in this Consent Agreement, unless the Executive Director grants an extension under Section 19.0, will constitute a violation of this Consent Agreement and shall result in Respondents being liable for stipulated penalties in the amount of \$500 per day per violation. Violations of this Consent Agreement resulting from the use of the Property at hours that are not consistent with the hours authorized by CDP P-77-579 as it exists now or may be amended by the Commission in the future, or from the use of the Property in excess of the restaurant capacity authorized by CDP P-77-579 as it exists now or may be amended by the Commission in the future, shall result in Respondents being liable for additional stipulated penalties in the amount of \$10,000 per day per violation. Respondents shall pay stipulated penalties regardless of whether Respondents subsequently comply. If Respondents violate this Consent Agreement, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, including the imposition of civil penalties and other remedies pursuant to PRC Sections 30820, 30821, 30821.6, and 30822, as a result of the lack of compliance with this Consent Agreement and for the underlying Coastal Act violations as described herein.

7.0 RECORDATION OF A NOTICE OF VIOLATION

Respondents have not objected, and do not object, to recordation by the Executive Director of a notice of violation, pursuant to PRC § 30812(b). Accordingly, a

notice of violation will be recorded after issuance of this Consent Agreement. No later than 30 days after the Commission determines that Respondents have fully complied with this Consent Agreement, the Executive Director shall record a notice of rescission of the notice of violation, pursuant to PRC § 30812(f). The notice of rescission shall have the same effect as a withdrawal or expungement under Code of Civil Procedure § 405.61.

8.0 PERSONS SUBJECT TO THIS CONSENT AGREEMENT

A&G LLC, and any of its current and future members, including, but not necessarily limited to, Rahim Amidi, and Hamid Rafiei, and their successors in interest, lessees, heirs, assigns, employees, agents, and contractors, and any persons acting in concert with any of the foregoing are jointly and severally subject to all the requirements of this Consent Agreement, and shall undertake work required herein according to the terms of this Consent Agreement. Respondents shall provide notice to all successors, assigns, and potential purchasers of the Property of any remaining obligations or restrictions under this Consent Agreement.

9.0 COMMISSION JURISDICTION

The Commission has jurisdiction over resolution of these Coastal Act violations on the Property pursuant to PRC Sections 30810 and 30821. In light of the desire to settle these matters, Respondents agree not to and shall not contest the Commission's jurisdiction to issue or enforce this Consent Agreement at a public hearing or any other proceeding by or before the Commission, any other governmental agency, any administrative tribunal, or a court of law.

10.0 EFFECTIVE DATE AND TERMS OF THIS CONSENT AGREEMENT

The effective date of this Consent Agreement is the date the Commission votes to approve this Consent Agreement. This Consent Agreement shall remain in effect permanently unless and until rescinded by the Commission.

11.0 FINDINGS

This Consent Agreement is issued on the basis of the findings adopted by the Commission, as set forth in the document entitled "Staff Report: Recommendations and Findings for Consent Cease and Desist Order No. CCC-17-CD-01 and Consent Administrative Penalty No. CCC-17-AP-01." The activities authorized and required under this Consent Agreement are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Commission has authorized the activities required in this Consent Agreement and has determined them to be consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act, if carried out in compliance with the terms of this Consent Agreement.

12.0 RESOLUTION OF MATTER VIA SETTLEMENT

In light of the intent of the parties to resolve these matters in settlement, Respondents have not submitted a “Statement of Defense” form as provided for in Sections 13181 of Title 14 of the California Code of Regulations (“14 CCR”) and have agreed not to contest the legal and factual bases for, the terms of, or the issuance of this Consent Agreement, including the allegations of Coastal Act violations contained in the Notice of Intent to Commence Cease and Desist Order Proceedings dated April 25, 2016. Specifically, Respondents have agreed not to, and shall not, contest the issuance or enforcement of this Consent Agreement at a public hearing or any other proceeding.

13.0 SETTLEMENT VIA CONSENT AGREEMENT

In light of the desire to settle this matter via this Consent Agreement and avoid litigation, pursuant to the agreement of the parties as set forth in this Consent Agreement, Respondents hereby agree not to seek a stay pursuant to PRC Section 30803(b) or to challenge the issuance and enforceability of this Consent Agreement in a court of law or equity.

14.0 SETTLEMENT OF CLAIMS

The Commission and Respondents agree that this Consent Agreement settles the Commission’s monetary claims for relief from Respondents for the violations of the Coastal Act specifically enumerated in Section 3.2, above, occurring prior to the date of this Consent Agreement, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under PRC Sections 30805, 30820, 30821, and 30822), provided that the Removal Plan discussed in Section 4.0 is fully implemented and the obligations of this Consent Agreement are fully satisfied, and with the exception that, if Respondents fail to comply with any term or condition of this Consent Agreement, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violation of this Consent Agreement.

15.0 SITE ACCESS

Respondents shall provide Commission staff and staff of any agency having jurisdiction over the work being performed under the Consent Agreement with access to the Property. Nothing in this Consent Agreement is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Commission and other relevant agency staff may enter and move freely about the following areas: (1) the portions of the Property on which the violations are located and within the restaurant, (2) any areas where work is to be performed pursuant to this Consent Agreement or pursuant to any

plans adopted pursuant to this Consent Agreement, (3) adjacent areas of the Property and any other area in order to view the areas where work is being performed pursuant to the requirements of this Consent Agreement, (4) any other area where evidence of compliance with this Consent Agreement may lie for purposes including but not limited to, inspecting records, logs and contracts relating to the Property; and overseeing, inspecting, documenting, and reviewing the progress of Respondents in carrying out the terms of this Consent Agreement.

16.0 GOVERNMENT LIABILITY

Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondents in carrying out activities pursuant to the Consent Agreement, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by Respondents or their agents in carrying out activities pursuant to this Consent Agreement.

17.0 REVISION OF DELIVERABLES

The Executive Director may require revisions to deliverables under this Consent Agreement, and Respondents shall revise any such deliverable consistent with the Executive Director's specifications, and resubmit them for review and written approval by the Executive Director, by the deadline established by the modification request from the Executive Director. The Executive Director may extend the time for submittals upon a written request and a showing of good cause, pursuant to Section 19.0, of this Consent Agreement.

18.0 SUBMITTAL OF DOCUMENTS

All documents and payments submitted pursuant to this Consent Agreement shall be sent to:

California Coastal Commission
Attn: John Del Arroz
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

With a copy to:
California Coastal Commission
Attn: Jo Ginsberg
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

19.0 MODIFICATIONS OF DEADLINES

Prior to the expiration of any of the deadlines established by this Consent Agreement, Respondents may request from the Executive Director an extension of any such unexpired deadline. Such a request shall be made in writing ten (10) days in advance of the deadline and directed to the Executive Director, care of John Del Arroz at the Commission's San Francisco office address identified in Section 18.0, above. The Executive Director may grant an extension of deadlines

upon a showing of good cause, if the Executive Director determines that Respondents have diligently worked to comply with their obligations under this Consent Agreement but cannot meet deadlines due to unforeseen circumstances beyond their control. A violation of deadlines established pursuant to this Consent Agreement will result in stipulated penalties, as provided for in Section 6.3, above.

20.0 SEVERABILITY

Should any provision of this Consent Agreement be found invalid, void, or unenforceable, such illegality or unenforceability shall not invalidate the whole, but this Consent Agreement shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.

21.0 SUCCESSORS AND ASSIGNS

This Consent Agreement shall run with the land, binding Respondents and all successors in interest, lessees, heirs, and assigns of Respondents, and future owners of the Property. Respondents shall provide notice to all successors, lessees, heirs, and assigns and future owners of the Property of any remaining obligations under this Consent Agreement.

22.0 MODIFICATIONS AND AMENDMENTS TO THIS CONSENT AGREEMENT

Except as provided in Section 19.0, and for minor, immaterial matters upon mutual written agreement of the Executive Director and Respondents, this Consent Agreement may be amended or modified only in accordance with the standards and procedures set forth in 14 CCR Sections 13188(b).

23.0 GOVERNMENT JURISDICTION

This Consent Agreement shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

24.0 NO LIMITATION OF AUTHORITY

24.1 Except as expressly provided herein, nothing in this Consent Agreement shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, including the authority to require and enforce compliance with this Consent Agreement and the authority to take enforcement action for Coastal Act violations beyond those that are specified in Section 3.2 of this Consent Agreement.

24.2 Correspondingly, Respondents have entered into this Consent Agreement and agreed not to contest the factual and legal bases for issuance of this

Consent Agreement, and the enforcement thereof according to its terms. Respondents have agreed not to and shall not contest the Commission's jurisdiction to issue and enforce the Consent Agreement.

25. NATURE OF ORDERS AND OF CONSENT

- 25.1 Through the execution of this Consent Agreement, Respondents agree to comply with the terms and conditions of this Consent Agreement. This Consent Agreement authorizes and requires removal activities, among other things, outlined in this Consent Agreement. Nothing in this Consent Agreement conveys any right to development on the Property other than the work expressly authorized by this Consent Agreement. Any development subject to Coastal Act permitting requirements that is not specifically authorized under this Consent Agreement requires a coastal development permit. Nothing in this Consent Agreement will restrict the submittal of any future application(s) by Respondents for coastal development permits for proposed development on the Property. Nothing herein provides any assurance of the County of San Mateo or the Commission's approval of any future application(s) by Respondents for coastal development permits or coastal development permit amendments, or any other type of permit.
- 25.2 Respondents further agree to condition any contracts for work related to this Consent Agreement upon an agreement that any and all employees, agents, and contractors, and any persons acting in concert with any of the foregoing, adhere to and comply with the terms and conditions set forth herein.

26.0 CONTRACTUAL OBLIGATION

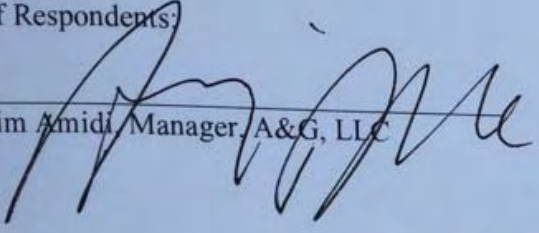
This Consent Agreement constitutes both an administrative order issued to Respondents personally and a contractual obligation between Respondents and the Commission, and therefore shall remain in effect until all terms are fulfilled, regardless of whether Respondents own the Property upon which the violations exist.

27.0 INTEGRATION

This Consent Agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified except as provided in this Consent Agreement.

IT IS SO STIPULATED AND AGREED:

On behalf of Respondents:


Rahim Amidi, Manager, A&G, LLC

FEB 28, 2017
Date

Executed in _____ on behalf of the California Coastal Commission.

By: _____
John Ainsworth, Executive Director

Date _____

8888 Cabrillo Hwy
Montara, CA 94037
O: 650-728-3545
F: 650-728-8556
mwwad@coastside.net; web page: www.mwwad.montara.org

FAXED
3/31/17

Montara Water &
Sanitary District

Fax



To: Building Department SMC **From:** Clemens Heldmaier
Fax: 650-363-4849 **Pages:** 1
Phone: **Date:** 3/30/17

Urgent For Review Please Comment Please Reply Please Recycle

• **Comments:**

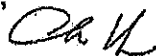
OK TO CONSTRUCT

RE: APN 036-046-050, 036-046-310, 036-046-380, 036-046-390 & 036-046-400, La Costanera Restaurant; Owner: A&G LLC (Manid Rafael - Representative of A&G LLC).

Please be advised that the Montara Water and Sanitary District (MWSD) has approved the submitted revised remodel plan to cover the wash down area and modify plumbing and control rain water drainage as required by MWSD codes and specifications and will provide the property with sewer service for the construction at above situs address, subject to final inspection and approval by MWSD.

For the purpose of obtaining a SMC Building Permit MWSD has Issued a Sewer Remodel Connection Permit. The District recommends allowing the Contractor to complete construction, but does not yet recommend final approval until final inspections are completed and all required fees are paid. If you have any questions please let me know.

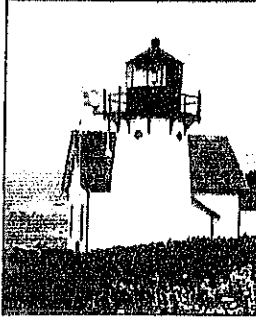
Thank you,



Clemens Heldmaier

General Manager

ATTACHMENT K



MONTARA WATER & SANITARY DISTRICT

Serving the Communities of Montara and Moss Beach

P.O. Box 370131
8888 Cabrillo Highway
Montara, CA 94037-0131

Tel: (650) 728-3545

Fax: (650) 728-8556

E-mail: mwsd@coastside.net

Visit Our Web Site: <http://www.mwsd.montara.com>

March 30, 2017

A&G LLC
<Mailing Address Here>

For:

La Costanera
Cabrillo Hwy
Montara, CA 94038
(650) 216-2317, FX: (650)

RE: La Costanera Restaurant 036-046-050, 036-046-310, 036-046-380, 036-046-390 & 036-046-400, CABRILLO HWY, MONTARA.

Reference: County of San Mateo Planning: PLN2015-00297

Dear Manid Rafiei (Representative of A&G LLC),

In reviewing the County Planning case number PLN2015-00297 and your revised construction plans for the proposed remodel and correction of violations of wash water draining to the parking lot and rain water entering the sanitary sewer at La Costanera, in Montara, CA, (Montara Water and Sanitary District (MWSD) Codes sections: 3-2.300, 3-3.100, 3-3.200, 3-4.700 apply), the following *approval for construction* and revised comments and requirements are made to the existing Sewer Remodel Connection Permit for the property stated above and are listed herein:

- All requirements presented in the Sewer Remodel Connection Permit letter to you from MWSD, Dated November 24th 2015, apply and will need to be checked off with District staff before final approval,
- The submitted revised roof plan including covering the existing wash down area, together with other plumbing improvements and rainwater drainage control measures are approved as proposed, subject to final site inspection after construction,
- **Any additional District Inspection and Fixture Unit Fees** that apply must be paid in full before the Building Permit Hold is released for final approval.

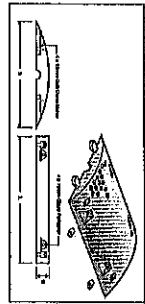
- Construction is approved: Please make sure you coordinate the repair of your sewer lateral with the District Staff, the District Sewer Engineer (Pippin Cavagnaro, Nute Engineering, 415-453-4480x203) and with County Building ((650) 363-4161) and Environmental Health Services ((650) 363-4798.) They must also approve the repairs and approved the locations to insure that there is the required separation of all sewer lines and the area water lines and wells. This should be done as soon as possible.

THIS IS NOT AN IMPLIED APPROVAL OF THE APPLICATION. AS THE APPLICATION IS PROCESSED NEW ITEMS MAY BE REVEALED WHICH MUST BE PROVIDED. If you have any questions please give me a call.

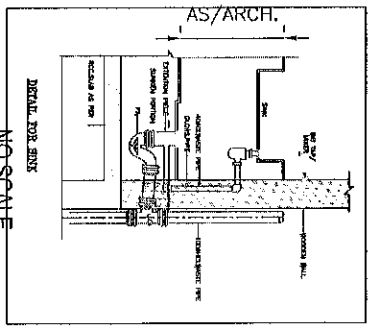
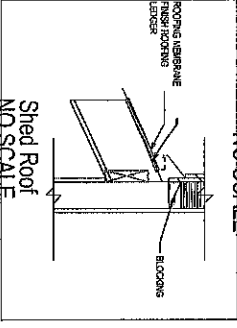
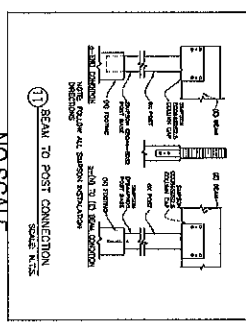
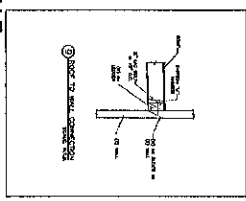
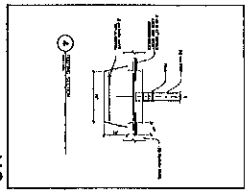
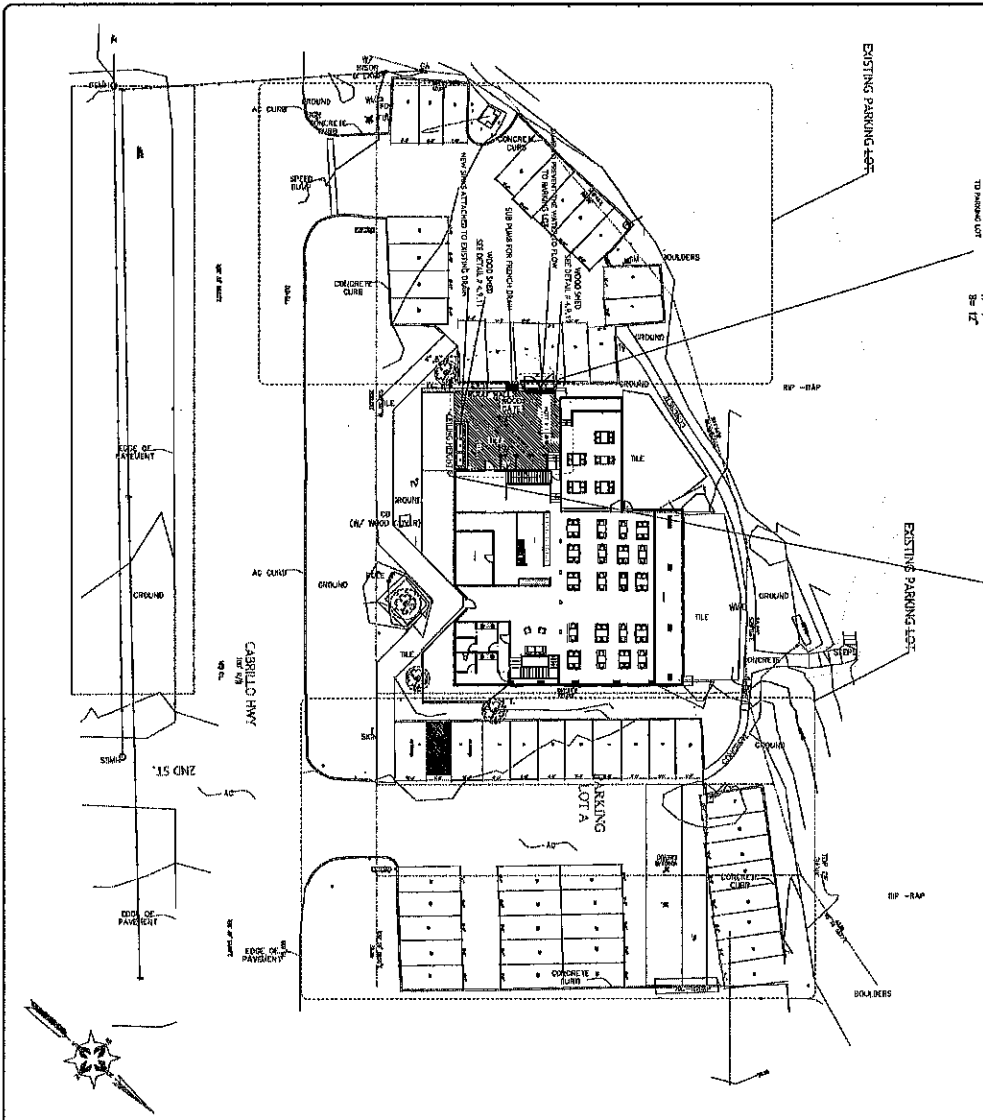
Sincerely,



Clemens Heldmaier
General Manager



NOTE 1 :
 EXTEND THE EXISTING ROOF TO COVER THE EXISTING WASH DOWN TO EXISTING PREMIER FOUNDATION AND RELOCATE EXISTING DRAIN COLECTOR FOR SEWAGE PUMP UNDER THE ROOF EAVE
 ADD CURB/ BUMPS TO STOP WATER DERIVATION TO PROVIDE SEARATION BETWEEN SEWAGE AND RAIN WATER.



REVISIONS	BY

OWNER:
 A&G LLC
 8510 CABRILLO HWY
 MONTERA, CA 94028

A&G LLC
 8510 CABRILLO HWY
 MONTERA, CALIFORNIA 94038

SHEET TITLE :

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

NO.	REVISIONS	BY

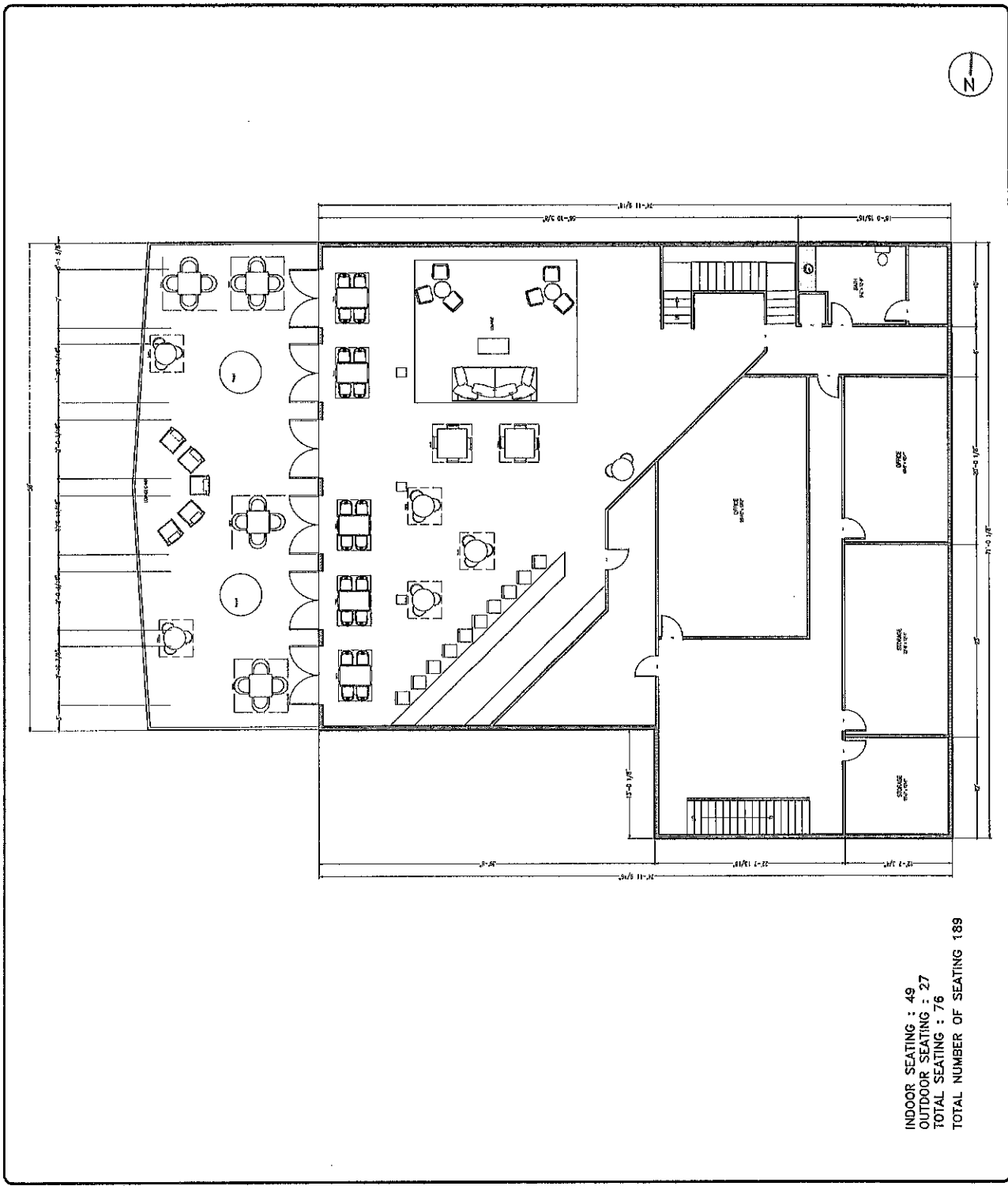
OWNER:
A&G LLC

LA COSTANERA RESTAURANT
8150 CABRILLO HWY
MONTARA, CALIFORNIA 94037

SHEET TITLE :
PROPOSED
LOWER FLOOR
SEATING
CONFIGURATION

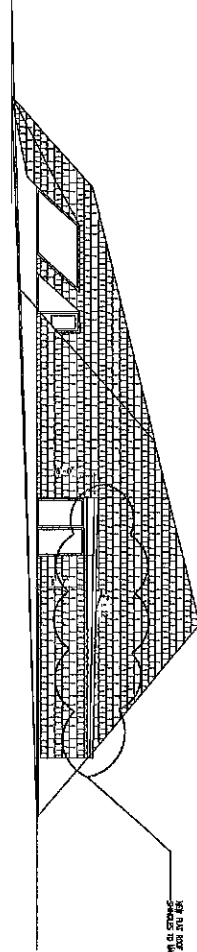
DRAWN (HUMB) DATE:
DATE: JULY, 2010
SCALE:
1/8" = 1'-0"
250 MAG.
SHEET

A-2.0



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

SOUTH ELEVATION



RIP THE ROOF FROM EXISTING ROOF - STRUCS TO MATCH THE CORNER

DATE	NO.
1/20/11	1
1/20/11	2
1/20/11	3
1/20/11	4
1/20/11	5
1/20/11	6
1/20/11	7
1/20/11	8
1/20/11	9
1/20/11	10

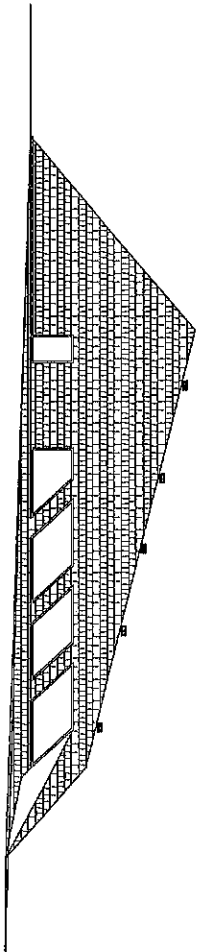
SHEET TITLE :
LIGHTING
ELEVATION

A&G LLC
8510 CABRILLO HWY
MONTARA, CALIFORNIA 94038

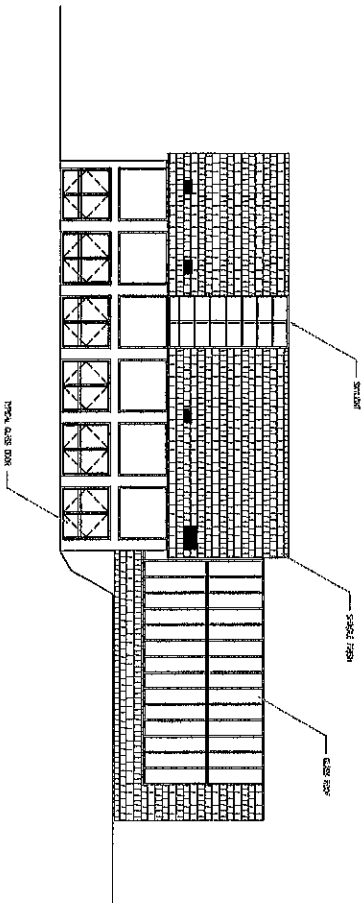
A&G LLC
ARCHITECTS INC.
MONTARA, CA

REVISIONS	NO.

A-0



NORTH ELEVATION



WEST ELEVATION

DATE	NO.

OWNER:
 A&G LLC
 8510 CABRILLO HWY
 MONTARA, CA
 94038

A&G LLC
 8510 CABRILLO HWY
 MONTARA, CALIFORNIA 94038

SHEET TITLE:
 LIGHTING
 ELEVATION

OWNER: N/A
 DATE: OCT - 2011
 SCALE: 1/4" = 1'-0"
 SHEET: A-0