

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

County Government Center  
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July 10, 2015

**CERTIFIED AND REGULAR MAIL**

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

Dear Mr. Amidi:

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

In a letter dated December 23, 2014, the County identified violations of the terms of the existing Use Permit (UP20-77), in the areas of outdoor lighting, hours of operation, unpermitted usage of patios, A-frame signs, and stormwater discharge at the subject property. Subsequently, there have been several meetings between you and/or your representatives and County Staff, including a meeting on March 5, 2015, that involved your representatives, County staff, Coastal Commission staff, and State Parks staff. The purpose of this letter is to provide you with the status of each violation (in italics) and to communicate the County's second request to resolve these violations. While there have been areas of progress, many of the identified violations remain unresolved, as described below:

**Lights: Patio and Roof**

On December 23, 2014, the County stated that, within 14 days, the property owner shall provide photographic evidence of the removal of unpermitted light fixtures along the wind screen of the lower patio and on the roof at the front of the building. Use of these lights is prohibited until such time as required permits are obtained. *To date, the applicant has not submitted any documentation to resolve this violation.*

**Hours of Operations**

On December 23, 2014, the County stated that, immediately, the property owner shall make changes to restaurant operations and the restaurant website to restrict all dining and events



to after 5:00 p.m. every day. Specifically, the County requested that, on a monthly basis, the property owner shall submit to the County a restaurant and event schedule, demonstrating compliance with approved hours of operation of "5pm to closing". *To date, the applicant has not submitted any documentation to resolve this violation. In addition, on May 24, 2015, the Coastal Commission and County staff received photographic and written evidence documenting a wedding event at the subject property taking place at approximately 2:00 p.m. The timing of the party and the closure and private use of on-site parking lots were in violation of the terms UP20-77.*

### **Restaurant Use of Unpermitted Outdoor Patios**

On December 23, 2014, the County stated that there shall be no use of the unpermitted patios until a Coastal Development Permit has been issued by the California Coastal Commission to allow their use. *To date, the applicant has not submitted any documentation to resolve this violation.*

### **Signs**

On December 23, 2014, the County stated that A-frame signs are prohibited and will be cited. *The owner has stated that the restaurant is no longer using A-frame signs.*

### **Stormwater Discharges**

On December 23, 2014, the County stated that washdown water is prohibited from pooling in on- or off-site areas which drain to the beach. 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 drainage plan for washdown and trash enclosure areas.** The drainage plan shall demonstrate that all washdown water will be directed to the sanitary sewer system. Once approved by the County, the plan shall be implemented within 30 days of the approval date. *To date, the applicant has not submitted any documentation to resolve this violation.*

**Within 30 days of the date of this letter, or other timeframe approved by the County, please address the above identified violations by submitting to the County documentation as requested in this letter and the County's letter dated December 23, 2014.** The County 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."

The County acknowledges that you had requested an After-the-Fact Design Review Permit Amendment (PLN 2015-00179) for the re-painting of the building trim, gutters and skylight, as well as three signs, from brown to white. The County approved the application on June 26, 2015 on the condition that the paint for the building trim, gutters, and skylight utilize an earth-toned color and blend with the existing brown building. A photograph showing the implementation of the approved color scheme was requested by County staff but, to date, has not been submitted.

In a meeting on May 19, 2015, you stated your intent to apply for a Use Permit Amendment to allow the restaurant's use of the outdoor patios, which will require Planning Commission review and approval. As has been stated in the past, the history of permit compliance at the property will factor significantly in whether the County allows for expanded uses under this permit.

If you have any questions, please contact Ana Santiago of the Code Compliance Section at [asantiago@smcgov.org](mailto:asantiago@smcgov.org) or by phone at 650/363-7832.

Sincerely,



Lisa Aozasa  
Acting Deputy Director

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cc: Hamid Rafiei, A&G, LLC  
Dave Holland, Conservation Connection  
Nicholas Calderon, Supervisor Horsley's Office  
Camille Leung, Senior Planner  
County Counsel  
Ana Santiago, Code Compliance Section  
Jo Ginsberg, California Coastal Commission  
Nancy Cave, California Coastal Commission  
Chet Bardo, State Parks Department  
Chris Spohrer, State Parks Department