

# Midcoast Community Council

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

Lisa Ketcham   Dave Olson   Claire Toutant   Laura Stein   Dan Haggerty   Chris Johnson   Brandon Kwan  
Chair   Vice-Chair   Secretary   Treasurer

**Th5.1 & Th5.3  
Hearing Date 3/9/2017**

March 3, 2017

Dayna Bochco, Chair and Members  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

**Subject: La Costanera Restaurant, 8150 Cabrillo Highway, Montara,  
Cease and Desist Order CCC-17-CD-01 and  
Administrative Civil Penalty Action CCC-17-AP-01**

Dear Chair Bochco and Commissioners:

On behalf of the Midcoast Community Council (MCC), I write to **support the staff recommendation** to approve the Consent Agreement reached between Respondents and Commission Enforcement staff to resolve the long-standing issues of operating outside permitted hours, expansion of restaurant capacity without permits, repeated placement of customer-only parking signs at shared beach parking lot, and otherwise interfering with public access to Montara State Beach.

Since 2011 the MCC has appealed repeatedly to San Mateo County Planning and CCC staff for code and permit compliance at La Costanera restaurant (attached). The local community has been witness to the many long-standing violations. A citizen Change.org petition in 2013 was at least successful in getting the beach floodlights removed:

<https://www.change.org/p/la-costanera-restaurant-coastal-act-violations>

In 2016 the County Planning Commission denied a Use Permit amendment to legalize the patios and the Board of Supervisors delayed their decision on an appeal due to the many long-standing code violations at the restaurant.

The Consent Agreement is what is needed to finally bring the restaurant into compliance with their permit and to protect public access at this popular beach.

Thank you,

Lisa Ketcham, Chair  
MIDCOAST COMMUNITY COUNCIL

# Midcoast Community Council

*An elected Municipal Advisory Council to the San Mateo County Board of Supervisors*

*Serving 12,000 coastal residents*

Post Office Box 248, Moss Beach, CA 94038-0064

<http://mcc.sanmateo.org>

**Len Erickson**

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Vice-Chair

**Neil Merrilees**

Secretary

**David Vespremi**

Treasurer

**Bob Kline**

**Deborah Lardie**

**Leonard Woren**

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April 8, 2011

Mike Crivello  
Camille Leung  
San Mateo County Planning Department  
455 County Center,  
Redwood City, CA 94063

Jo Ginsberg  
California Coastal Commission  
45 Fremont St., Ste. 2000  
San Francisco, CA 94105-2219

Re: Code Enforcement – La Costanera Restaurant - 8150 Cabrillo Highway

The Midcoast Community Council is writing to request that the Department of Planning enforce the zoning and other laws regarding outdoor lighting, signage and other issues at La Costanera restaurant. The responsibility for code enforcement involves both the San Mateo County Planning Department and the California Coastal Commission. We address this letter to the staff of both agencies and ask you to insure collaboration and coverage of these issues. The restaurant is adjacent to Montara State Beach. It is within the designated County Scenic Corridor and must therefore comply with LCP Visual Resource Policies as well as Section 30252 of the Coastal Act.

The lighting and signage are not compliant with current coastal regulations or the operating permit:

1. LCP Policy 8.18 (a) Development Design requires that “Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed and shielded so as to confine direct rays to the parcel where the lighting is located.”

Contrary to this requirement, the floodlights on the South and East side of the building are not shielded to confine direct rays to the parcel. Rather they illuminate a much larger area, including a significant stretch of Highway One. Drivers on Highway One experience glare, which can create a safety hazard.

The floodlights on the West side of the building are also are not confined to the parcel, rather they are directed at the beach and ocean beyond. Lighting of the beach and ocean can be a hazard for avian species, particularly migrating birds.

2. Coastal Act Sections 30210, 30211, and 30212 require that development between the first public road and the sea provide maximum public access to the shore. Condition 2 of the Coastal Development Permit (P-77-579) issued in 1977 by the Regional Coastal Commission, requires the following “in order to assure adequate parking accommodations for both 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 Coastal Development permit does not allow exclusive use of the parking lot during that time.

The current, unapproved, parking signs warn the public that if they park after 5:00 they will be towed. There is no attempt to distinguish when the restaurant is open or closed-when the lot could be used by the public. They do not say the public is allowed to park there prior to 5:00 or when the restaurant is not open. The signage is against the spirit of shared parking intended by the operating permit: “As conditioned to the hours of operation and reciprocal use”.

The same no-parking signage on the north parking lot discourages the public from parking on an adjoining lot that is public property.

Condition 4 of the Coastal Development permit (P-77-579) issued by the Coastal Commission requires “Applicant shall submit, for staff review and approval, final plans for all signs and lights to be erected on the site”. The current signs and lights and signs have not been reviewed and approved by either the Commission or County Planning.

The MCC supports business on the Coast. We believe all businesses should be subject to the same enforcement of use regulations. All of these restrictions pre-existed the current lease. Other restaurants on the coast are required to be compliant with the use permits, zoning laws and the LCP. While we believe other restaurants may also be in violation of their CDP in respect to parking signs and lights we will address that in a separate letter. At this time we ask that this one be required to do the same.

Thank you for your assistance

Sincerely,

[SIGNED]

Len Erickson  
Chair, Midcoast Community Council

cc:

Don Horsley, San Mateo County District 3 Supervisor  
Jim Eggemeyer, Director, San Mateo County Planning Department  
Eric Canupp, Events Director, La Costanera  
Ruby Pap, California Coastal Commission  
Midcoast Community Council

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

September 22, 2014

San Mateo County Planning Commission  
via email : [planning-commission@smcgov.org](mailto:planning-commission@smcgov.org)

Subject: **La Costanera Restaurant, 8150 Cabrillo Highway, Montara (PLN2006-00494)**

Planning Commissioners:

The Midcoast Community Council (MCC) recommends **against** certification of the Initial Study and Negative Declaration and **against** approval of the Use Permit Amendment to extend restaurant hours to daytime on Fridays and weekends.

**Parking calculations are inaccurate.** As viewed on historical aerial photos, the informal State Parks lot has for many decades provided 20 or more beach parking spaces, yet calculations credit only 10 existing spaces to this lot. This understates lost weekend parking spaces by 10 and overstates spaces gained on weekdays by the same amount. Gaining weekday parking does not mitigate for loss of weekend parking. Improving the dirt lot is nice, but does not create new parking, nor mitigate for loss of beach parking.

**South Lot C cannot accommodate 11 new parking spaces.** The proposed restriping and valet parking plan (incorrectly labeled as “existing parking configuration” in Attachment E) lacks accurate measurements. The only parking space measurements shown on the plan are correct for existing spaces, but not for the proposed restriping as depicted, which would give the following:

- 3 additional ocean-front spaces: 11 spaces at 6.5 feet wide
- 1 additional highway-fronting space: 5 spaces at 7.3 feet wide
- 1 additional restaurant-fronting space: 5 spaces at 7.6 feet wide (plus ADA space)

Even compact spaces are generally required to be at least 8 feet wide. Parked vehicles block access to sidewalks in front and back of the restaurant (particularly ADA access). The two proposed valet parking spaces closest to the lot entrance appear physically impossible to maneuver and they block the lot entrance. Valet parking in lot access areas would block existing required pedestrian and bicycle beach access through the lot.

**Parking plans are unrealistic and unenforceable.** Loss of beach parking will most likely be greater than 19 spaces because the exclusive restaurant valet parking plan is unrealistic in its layout, planned implementation and enforcement. Restaurant operators have continuously demonstrated their disregard for regulations across the board and by going so far as to post restaurant-only tow-away signage at all three lots repeatedly, including the State Parks lot. No matter how much sign clutter is

added to the lots, license plate numbers collected, or citizen enforcers recruited, beach parking in Lots A&B will be impacted during daytime restaurant hours. Where will these 19 displaced beach goers park? Along the highway? On Montara residential streets? Or will they just give up on visiting the beach?

**Traffic analysis is inadequate.** Traffic counts on a rainy winter weekend, before the tunnel opened, do not adequately evaluate traffic and parking impacts. At the entrance to the restaurant south Lot C there is no shoulder space for southbound right turn, nor center northbound left turn lane into the lot, so any queuing will block Highway 1 traffic flow. Potential future recreational parking, as suggested conceptually in the Highway 1 Safety & Mobility Studies, is a premature assumption. There are no specific projects planned in the vicinity.

**Existing restaurant parking is inadequate.** The County permitted the “dinner house” in 1977 by allowing evening parking use in the First Street right-of-way, plus granting a 10-car reduction in the off-street parking requirement. If the County did actually abandon First Street, we would like to know what conditions the Board Resolution contained. Where were the 10 cars of the parking exception expected to park along a stretch of highway without shoulders, and no nearby parking except across the highway in a residential neighborhood? The Coastal Commission denied a 1981 application for daytime Sunday operating hours because the amount of available parking had not changed. Nor has it changed in this proposal.

MCC **recommends** requiring the applicant to comply with the existing Use Permit, the Local Coastal Program, and current Planning and Building Regulations. The community has waited a long time since 2006 to see some code compliance, as unpermitted site construction and modifications have continued unabated, daytime beach parking has been impacted by illegal daytime restaurant use and tow-away signage, and the whole area has been lit up like a football field in the evenings. The only real success in all these years has been as a result of direct citizen efforts, particularly the Change.org petition requesting removal of the roof-mounted beach and parking lot floodlights.

The Scenic Corridor’s coastal viewshed, from mountain ridge to ocean, from Devil’s Slide to Montara Gateway, has been preserved as natural open-space parkland. The restaurant site is highly visible from highway and beach and is the only commercial use in the entire viewshed. Rather than minimizing visual impacts, the applicant makes every effort to call attention to the commercial use with added bright colors, multiple flags and advertising banner, proliferation of unpermitted advertising signage and glaring lighting.

MCC is concerned at the prospect of continued delay in addressing unpermitted work until the end of this long multi-jurisdictional permitting process, whenever that may be. Some specific issues are:

- Sections of neglected or illegally maintained riprap appear unstable and hazardous to beach goers.
- Unpermitted 4-foot-high retaining wall construction and fill to create the upper patio (which used to be a steep slope) is not mentioned anywhere. How was this missed?
- Bright white exterior accent paint recently added to gutters, ventilation and lighting fixtures, and deck panels, on the purposefully subdued building exterior should be

returned to brown color. There is confusion in the staff report requiring painting the monument signs brown instead (Condition 15).

- Exterior Lighting (Condition 12) “placed, designed, shielded and downward directed so as to confine direct rays to the parcel where the lighting is located”. This wording should override any conflicting wording in other conditions (#34-36). The privately owned street light fixtures on the two utility poles north and south of the restaurant should be replaced with shielded downward-directed type.
- Landscape Plan (Condition 13): On west side of parking lots, only low-growing landscaping should be planted so as not to obstruct ocean viewing from parked cars. Utility box screening planting should be replenished in the south parking lot. Invasive *Pittosporum* should be removed from existing landscaping and from where it is colonizing the riprap and coastal bluff.
- Bicycle rack and walk/bike paths through Lots A&C (Condition 16 & 33): Keep these conditions regardless of restaurant hours.
- Trash/storage area cover, berm, and drainage to sewer (Condition 18) and Environmental Health Conditions 56-58: These need to be addressed ASAP. The area currently drains to the beach and trash is piled so high it can be seen over the screening wall from the highway.
- Closing time: MCC supports staff recommended clarification of 10:00 PM.

In conclusion, the MCC respectfully requests that the Planning Commission **not** certify the Negative Declaration and **deny** the Use Permit Amendment to allow daytime hours on Fridays and weekends. No new parking will be created to mitigate for loss of beach parking and the proposed parking conditions are unenforceable and do not comply with the public access and recreation policies of the Local Coastal Program and Coastal Act.

Sincerely,

MIDCOAST COMMUNITY COUNCIL  
s/Lisa Ketcham, Chair

cc. Camille Leung, Project Planner  
Paul Keel, Sector Superintendent, CA State Parks  
Supervisor Don Horsley  
CCC Staff Nancy Cave, Renée Ananda, Jo Ginsberg

Attachments:

- Photo PDF
- Web quotes re lack of compliance on hours, seating capacity; shortage of parking

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Chair                      Vice-Chair                      Secretary                      Treasurer

Date: August 26, 2015  
To: SMC Planning Dept: Erica Adams, Camille Leung  
Cc: Coastal Commission staff Renée Ananda, Nancy Cave, Jo Ginsberg  
From: Midcoast Community Council/ Dave Olson, Chair

Subject: **PLN2015-00297 – La Costanera restaurant, 8150 Cabrillo Highway, Montara**  
**Project Description:** *After-the-fact Use Permit Amendment (UP20-77) & Design Review Permit for the following changes to La Costanera restaurant: Use of two outdoor patios while maintaining the same number of seats (189) at the restaurant. In order for the Use Permit amendment to go into effect, a Coastal Development Permit is required under the permit authority of the CA Coastal Commission.*

**Code Violations:** Prior to allowing use of the outdoor patios, the applicant must fully address the long-standing, repeated code violations most recently described in correspondence from the County on July 10 and Coastal Commission on July 13. Undeterred, applicant's July 22 letter schedules future violations of their Use Permit and public access provisions of the Coastal Act on four weekends this fall. The same letter promised that trim paint (PLN2015-00179) would be restored to approved earth-tone color by August 10, but as of this date, roof vents, gutters, and downspouts, remain bright white. Stored items in the trash enclosure area should not extend above the screening wall, where a bright green tarp has been added that is visible from the scenic highway. Wet paving and puddles observed in the afternoon of August 20 indicate that washdown water at the trash enclosure area continues to be directed to the stormwater drain.

**Upper patio construction** included a wood retaining wall and fill to level the slope, which does not appear to have a building permit. How was drainage addressed? After-the-fact construction detail shows concrete pavers laid over a sand base. The pavers are individually sinking and tilted in places, particularly near the retaining wall, creating trip hazards and indication of further failure to come. The glass windbreak supports are attached to the retaining wall and at least one is visibly out of plumb. It is not clear whether it was constructed that way or the wall has started to lean. Before opening the upper deck to the public, these issues should be assessed and addressed with appropriate geotechnical review to ensure stability.

**Appropriate outdoor lighting** will be key for these patios overlooking the beach. Lighting must be downward directed and well shielded so as not to shine any direct rays off the patios. The lighting plan included in the planning referral includes roof-mounted floodlights for the parking lots which would shine outward across the parking lot and off the property, blinding pedestrians in the lot and motorists on the highway and adding light pollution to the surrounding area. There remain several floodlights in the landscaping around the building directed up at the sky or the building. It should be noted that the adjacent streetlight fixtures on PG&E poles (2 at north lot, 1 at south lot) are private fixtures billed directly to the property owner, and should be included in the lighting plan. These should be shielded downward-directed fixtures also. A good example of well-shielded and dispersed parking lot lighting is found at Sam's Chowderhouse on Highway 1 in El Granada.

Thank you for the opportunity to submit these initial comments on the application.

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Chair   Vice-Chair   Secretary   Treasurer

April 13, 2016

President Warren Slocum and Members  
San Mateo County Board of Supervisors  
400 County Center  
Redwood City, CA 94063  
(via email)

Subject: **PLN2015-00297** – La Costanera restaurant, Montara Beach  
Use Permit Amendment to legalize unpermitted construction and use of two patios  
Appeal of Planning Commission Decision to Deny

Dear President Slocum and Members of the Board:

The Midcoast Community Council **supports the Planning Commission decision to deny** the Use Permit amendment to legalize unpermitted construction and use of two outdoor patios.

Given the many long-standing and repeated code violations at the restaurant, there is no assurance that the owner will comply with conditions of approval or the original 189-seat capacity. The patio seating is an intensification of use that has significant impact on public beach access and nearby residential neighborhoods. We recommend you deny the appeal.

Sincerely,

MIDCOAST COMMUNITY COUNCIL

s/ Chris Johnson, Chair