

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

DATE: January 13, 2016

TO: Planning Commission

FROM: Planning Staff

SUBJECT: SUPPLEMENTAL STAFF REPORT: Consideration of 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 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 with 189 seats, owned by A&G, LLC, at 8150 Cabrillo Highway. 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 seating both inside the restaurant and on two outdoor patios without any change to number of total seats (189) allowed by the existing use permit. The two patios were constructed in 2008 and have been used by the restaurant for table service since that date to the present, 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 15 persons. The upper patio is approximately 740 sq. ft., is accessible from the main floor of the restaurant, and would seat 27 persons.

The applicant has made the subject application in response to violation notices from the County and the California Coastal Commission regarding illegal use of the patios for restaurant use since 2008.

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 this 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 the unpermitted construction and use of two patios at 8150 Cabrillo Highway, County File Number PLN 2015-00297, by making the required findings and adopting the conditions of approval in Attachment A.

DISCUSSION

On November 4, 2015, the Planning Commission received a presentation from Planning staff, as well as comments from the applicant and the public. In its review of the project, the Planning Commission discussed the following concerns:

Violation History

1. Timing - Planning Commission review of this application is premature due to the continued presence of unresolved violations at the property, such as changes to the building's trim color and continued use of the patios.
2. Responsiveness - The owner should demonstrate compliance with all existing permit conditions. The County and the Coastal Commission have expended significant resources to gain compliance, but have been only partially successful in this regard.
3. Reliability - While use of the patio is a reasonable request, as several other Coastside restaurants have outdoor patios, there is a lack of confidence that the owner will comply with the conditions of the amended permit.
4. Precedence - Granting forgiveness where the owner has a history of unpermitted work creates a negative impression that the County does not enforce its regulations.

Other Concerns

1. Restaurant capacity should be limited to the amount of required parking that is provided at the site.
2. Neighbors have been impacted by parking and other impacts of the restaurant's non-compliance with its use permit.

After this discussion, the Planning Commission continued its review of the item to a future hearing date, directing staff to prepare findings of denial. A finding for the denial of the use permit amendment is included in Attachment B of this report.

As discussed at the November 4, 2015 meeting, a final decision of project denial would prohibit use of the patios for restaurant or other uses. As to the patios physical

existence, only those aspects that were constructed pursuant to approved building permits may remain. All other unpermitted improvements would need to be removed and subject to enforcement procedures.

Should the Planning Commission desire to approve the project, findings for project approval are included in Attachment A. Condition No. 10 has been modified to address the Montara Water and Sanitary District's (MWSD) concerns regarding the introduction of stormwater and wash water into the sanitary sewer system, as described in an email from Clemens Heldmaier, General Manager, dated November 4, 2015 (Attachment C), and to include MWSD's requirements as stated in its letter dated November 24, 2015 (Attachment D).

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval, with Exhibit A (Summary of MWSD Codes)
- B. Alternative Finding for Denial
- C. Email from Clemens Heldmaier, General Manager, Montara Water and Sanitary District, dated November 4, 2015
- D. Letter from Clemens Heldmaier, General Manager, Montara Water and Sanitary District, dated November 24, 2015

NOTE: The Staff Report prepared for the November 4, 2015 hearing of this project is available on the Planning and Building Department's website at:
http://planning.smcgov.org/sites/planning.smcgov.org/files/events/PLN2015-00297_PCC20151104_SR%20for%20web.pdf

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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: January 13, 2016

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, 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 impacts to surrounding neighborhood, beach, or ocean environments. Use of the patios would not intensify the restaurant use and associated parking impacts. The patios are not visible from Cabrillo Highway. The patios are 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). As discussed in Section B.3 of the November 4, 2015 Planning Commission staff report, as proposed and conditioned, 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 with the surrounding environment. Condition No. 3 requires windbreaks to be painted to match the

building. Proposed patios will be visible from public lands (Montara State Beach) and a public water body (Pacific Ocean). Patios are attached to the restaurant building, blending in with the existing building in both color and materials. Patios are located on the west elevation of the structure behind the existing restaurant and, as such, do not add any mass to the structure as viewed from Highway 1. The clear plexi-glass windscreens allow for wind blocking without the appearance of bulk or massing in views of the restaurant from the beach.

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 January 13, 2016. 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 and final County building permit(s) for:

- a. Legalization of retaining walls, drainage systems, windscreens, and any other improvements associated with the two outdoor patios.
- b. Drainage improvements associated with 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 property owner's diligent pursuit of building permit final approval.

At the time of the Current Planning Section's final approval of the building permit(s), the property owner shall demonstrate that: (1) 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); (2) painting of the windbreaks shall match the building; and (3) painting of trash storage area door(s) shall 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).

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. and public access to associated structures (e.g., ramp, stairs, railings) necessary for beach access for the life of the project through the recordation of an access easement. Proof of recordation of access easement is required prior to the Current Planning Section's final approval of any building permit for this project.~~
6. Original Condition No. 7: Construct and maintain all improvements in accordance with approved plans. Once confirmed, all unpermitted work, changes in the intensity of the use (e.g., hours of operation, number of seats), or other types of violations will be referred to the Planning and Building Department's Code Compliance Section and to the California Coastal Commission. Any and all violations of this permit shall be subject to authorized penalties, including but not limited to those established in Chapter 1.40 (Administrative Remedies).
7. Original Condition No. 8: The owner of the restaurant site shall M~~m~~aintain 53 parking spaces.
8. Original Condition No. 9: Maintain free public access through the parcel to the beach. The property owner of the restaurant site shall maintain the access improvements necessary for beach access and all associated structures (ramp, walkway, stairs, railings, etc.) for the life of the project through the recordation of a maintenance agreement with the California Department of Parks and Recreation. The maintenance agreement shall be recorded prior to the Current Planning Section's final approval of any building permit for this project. All repair work or replacement of access structures shall be subject to the issuance of a Coastal Development Permit or Permit Exemption from the Coastal Commission.
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.

10. Trash storage areas (including recycling or food compactor areas or similar areas) shall be 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. The owner shall obtain a building permit for the drainage improvements necessary to comply with these requirements, and complete the work in compliance with Condition No. 3.

Other Current Planning Section Conditions:

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. 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, as determined by the Community Development Director, such as individual table lights.
12. The owner shall assign staff to monitor 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 riprap and to perform necessary repairs. The applicant shall submit the plan to the Community Development Director within one (1) year of the project final approval date of this Use Permit Amendment.

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

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 outdoor patios 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. 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 and all heat and smoke detectors. The system will also include an exterior bell and interior horn/strobes, which are required to be wired to the alarm system and the flow switch for the fire sprinkler system. The Fire Alarm Control Panel (FACP) shall be protected with a smoke detector as per NFPA 72, Section 1-5.6 and a manual pull station. A wiring inspection is required to be conducted by the Fire District prior to covering walls and ceiling areas. All systems and components must be tested per manufacturer's specifications and NFPA 72. Battery backup shall meet or exceed requirements for amp-hour rating and must be tested as per manufacturer's specification and NFPA 72.
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 hours' 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.
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 patios, until California ABC's licensing requirements are met. Evidence of an active license shall be provided to the Current Planning Section.

Montara Water and Sanitary District (MWSD)

35. In reviewing the County Planning case number PLN 2015-00297, plans for the proposed use permit change, and violations 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, 3-4.700; a summary of relevant code references is shown in Exhibit A (Summary of MWSD Codes). The improvements required under PLN 2015-00297, including a change in use permit and 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 and the referenced remodel for the property stated above are listed below:

- a. 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.
- b. A copy of the Coastal Development Permit or Exemption by the County of San Mateo may be required.
- c. Copy of approved County Planning PLN 2015-00297 application is required and must be submitted to MWSD.
- d. 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.**
- e. 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.
- f. Please submit a worksheet calculating all fixtures and their strength factors, including the proposed wash down area, flow rated and strength factors 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.**
- g. 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 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.
- h. 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 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.**

- i. 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.
- j. 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.
- k. A Sewer Connection Permit 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.
- l. 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 \$3,288** to start the review process. **Additional District Inspection and Fixture Unit Fees may apply.**
- m. 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) and with County Building Inspection Section (650/363-4161) and Environmental Health Services (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 wells. This should be done as soon as possible.

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Exhibit A: 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 all waste must be deposited in a sanitary manner.

3-3.200: **Treatment of Waste Required** describes 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, residential are excepted), and they must be maintained and permitted.

County of San Mateo
Planning and Building Department

ALTERNATIVE FINDING FOR DENIAL

Permit or Project File Number: PLN 2015-00297 Hearing Date: January 13, 2016

Prepared By: Camille Leung
Project Planner

For Adoption By: Planning Commission

FINDING FOR DENIAL

Regarding the Use Permit Amendment, Find:

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.

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Attachment C

From: "Clemens" <mwsd@coastside.net>
To: "Camille Leung" <CLEung@smcgov.org>
CC: "Chris Hunter" <CHunter@smcgov.org>, <don@donhorsley.com>, "Scott Boyd..."
Date: 11/4/2015 8:22 AM
Subject: La Costanera

Camille,

I am writing to you today in my function as MWSD General Manager as well as Sewer Authority Mid-Coastside Acting Manager. I've also tried to get ahold of you today by phone this morning.

The following staff report was sent to me today and it looks like a hearing is scheduled for today.
http://planning.smcgov.org/sites/planning.smcgov.org/files/events/PLN2015-00297_PCC20151104_SR%20for%20web.pdf

I have not received any notice and will not be able to attend the meeting. Conditions in the report refer to storm water and wash water being introduced into the Sanitary Sewer System. Introduction storm water, wash water, or for that matter any other runoff is strictly PROHIBITED in the entire SAM area and MWSD. These conditions are unacceptable and need to be revised IN COORDINATION with MWSD and SAM. Other conditions involve modification to garbage disposal container and service to La Costanera. MWSD governs solid waste disposal in the area. SMC needs to coordinate with the governing agency before placing conditions that potentially affect disposal service.

I request that conditions affecting sewer and solid waste for La Costanera will be drafted in cooperation with MWSD.

In the future, please notify and coordinate with SAM, MWSD, and any other SAM member agency before drafting conditions affecting local sewer and water systems or solid waste disposal.

Thanks,

Clemens

Clemens Heldmaier

General Manager

Montara Water & Sanitary District

8888 Cabrillo Hwy.

Montara, CA 94037

PHONE: 650-728-3545

<<mailto:mwsd@coastside.net>> mwsd@coastside.net

PRIVILEGED COMMUNICATION:

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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

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E-mail: mwsd@coastside.net

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

November 24, 2015

Recommended Conditions of Approval for PLN2015-00297, La Costanera Restaurant 036-046-050, 036-046-310, 036-046-380, 036-046-390 & 036-046-400, CABRILLO HWY, MONTARA.

In reviewing the County Planning case number PLN2015-00297, plans for the proposed use permit change, and violations wash water draining to the parking lot of La Costanera, in Montara, CA, are also in violation the following of Montara Water and Sanitary District Codes: 3-2.300, 3-3.100, 3-3.200, 3-4.700; a summary of relevant code references is shown in MWSD Attachment A. The improvements required under PLN2015-00297 including a change in Use Permit and 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 and the referenced remodel for the property stated above are listed below:

- A cleanout with a water tight lid, properly enclosed in a watertight utility box, is required with-in 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.
- A copy of the Coastal Development Permit or Exemption by the County of San Mateo may be required.
- Copy of approved County Planning PLN2015-00297 application is required and must be submitted to MWSD.
- The existing grease traps and grease interceptors must be inspected and their NDWSCP/FOG permit with Sewer Authority Mid-coastside (SAM) must be up to date. **Additional FEES may apply. Contact Kishen Prathivadi (650) 726-0124.**
- 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.

- Please submit a worksheet calculating all fixtures and their strength factors, including the proposed wash down area, flow rated and strength factors for District review. Independent testing of the waste discharge from the property may be required to determine the 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.**
- 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 San Mateo Building and Planning.) The design of the roof cover and the wash down pad shall prevent storm water and surface drainage water from entering the sanitary sewer system.
- 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 1200 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.**
- The existing lateral for the property must be inspected with CCTV and the completed video and log must be submitted to the District for review.
- The lateral must be water tight, free of roots and in sound condition, made of cast iron pipe, 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.
- A Sewer Connection Permit 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.
- 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 \$3,288** to start the review process. **Additional District Inspection and Fixture Unit Fees may apply.**

- The repair of the sewer lateral needs to be coordinated with 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clemens Heldmaier".

Clemens Heldmaier
General Manager

Attachments