

CALIFORNIA COASTAL COMMISSION

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CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

For the

January Meeting of the California Coastal Commission

MEMORANDUM

Date: January 10, 2013

TO: Commissioners and Interested Parties
FROM: Dan Carl, Central Coast District Deputy Director
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the January 10, 2013 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

EMERGENCY PERMITS

1. 3-12-051-G Zelda's Restaurant - Owner, Attn: John Ealy; Zelda's General Manager, Attn: Ed Leipelt (Capitola, Santa Cruz County)

TOTAL OF 1 ITEM

DETAIL OF ATTACHED MATERIALS

REPORT OF EMERGENCY PERMITS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13142 of the California Code of Regulations because the development is necessary to protect life and public property or to maintain public services.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
3-12-051-G Zelda's Restaurant - Owner, Attn: John Ealy Zelda's General Manager, Attn: Ed Leinelt	Emergency addition of approximately five to six loads of riprap (with 5 or 6 riprap rocks per load) to the existing riprap located seaward of Zelda's Restaurant. This additional riprap will be used to fill in voids in the existing riprap and replacde reirap that has sunk beneath the sand level, but will not increase the seaward extend or height of the existing riprap revetment.	203 Esplanade (seaward side), Capitola (Santa Cruz County)



California Coastal Commission

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency CDP 3-12-051-G (Zelda's Restaurant Riprap)

Issue Date: December 27, 2012

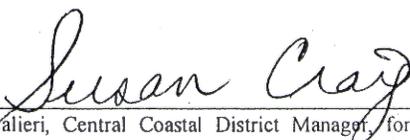
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This emergency coastal development permit (ECDP) authorizes the emergency addition of approximately five to six loads of riprap (with 5 or 6 riprap rocks per load) to the existing riprap located seaward of Zelda's Restaurant. This additional riprap will be used to fill in voids in the existing riprap and replace riprap that has sunk beneath the sand level, but will not increase the seaward extent or height of the existing riprap revetment. The project site is located on the seaward side of Zelda's Restaurant at 203 Esplanade in Capitola (all as more specifically described in the Commission's ECDP file).

Based on the materials presented by the Permittee and a site visit to the area, it appears that over time voids have opened up in the existing riprap due to slumping and sinking of individual riprap stones and erosion in the area has been ongoing for some time. In addition, series of recent storms with high wave action has washed logs and other large debris under Zelda's Restaurant with the potential to cause severe damage to the building. Thus, the Permittee wishes to add additional riprap to the existing voids in the revetment to provide adequate protection for the restaurant from wave run-up and damage from woody and other debris. Given the existing voids and the upcoming storm season, a continued threat to the restaurant (representing a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, and property) has been identified at the subject site, and the proposed emergency development is necessary to prevent the imminent loss of and/or damage to the restaurant. Therefore, the Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency development is hereby approved, subject to the conditions listed on the attached pages.


FOR: Madeline Cavaleri, Central Coastal District Manager, for Charles Lester Executive Director

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Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee where the emergency development authorized by this ECDP is located and returned to the California Coastal Commission's Central Coast District Office within 15 days of the date of this permit (i.e., by January 11, 2013). This ECDP is not valid unless and until the acceptance form has been received in the Central Coast District Office.
2. Only that emergency development specifically described in this ECDP is authorized. Any additional and/or different emergency and/or other development requires separate authorization from the Executive Director and/or the Coastal Commission.
3. The emergency development authorized by this ECDP must be completed within 30 days of the date of this permit (i.e., by January 26, 2013) unless extended for good cause by the Executive Director.
4. The emergency development authorized by this ECDP is only temporary, and shall be removed if it is not authorized by a regular CDP. Within 60 days of the date of this permit (i.e., by February 25, 2013), the Permittee shall submit a complete application for a regular CDP to have the emergency development be considered permanent. The Permittee is encouraged to submit an application that also requests regular CDP authorization to provide for future maintenance of any authorized shoreline protection. The emergency development shall be removed in its entirety within 180 days of the date of this permit (i.e., by June 25, 2013) unless before that time the California Coastal Commission has issued a regular CDP for the development authorized by this ECDP. The deadlines in this condition may be extended for good cause by the Executive Director.
5. In exercising this ECDP, the Permittee agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., California State Lands Commission, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.
7. The emergency development shall be limited in scale and scope to the addition of five to six loads of riprap (five to six riprap rocks per load) as identified in the submittal documents dated received in the Coastal Commission's Central Coast District Office on December 13, 2012.
8. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to abate the emergency.
9. All emergency construction activities shall limit impacts to beach recreational access to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements (which may be adjusted by the Executive Director if such adjustments: (1) are deemed necessary due to extenuating circumstances; and (2) will not adversely impact coastal resources):



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- a. All work shall take place during daylight hours. Lighting of the beach area is prohibited.
- b. Construction work and equipment operations shall not be conducted seaward of the mean high water line unless tidal waters have receded from the authorized work areas.
- c. Grading of intertidal areas is prohibited.
- d. Any construction materials and equipment delivered to the beach area shall be delivered by rubber-tired construction vehicles. When transiting on the beach, all such vehicles shall remain as high on the upper beach as possible and avoid contact with ocean waters and intertidal areas.
- e. All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the construction area) as necessary to contain rock and/or sediments in the construction area, where such controls are placed as close to the toe of the bluff area as possible, and are minimized in their extent; and (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult. Any larger materials intended to be left on the beach area overnight must be approved in advance by the Executive Director, and shall be subject to a contingency plan for moving said materials in the event of tidal/wave surge reaching them.
- f. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach, etc.).
- h. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment are prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and sediment controls used shall be in place prior to the commencement of construction as well as at the end of each work day.
- i. All beach areas and all shoreline access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand in the area that is impacted by construction shall be filtered as necessary to remove all construction debris.
- j. All contractors shall insure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall



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contain appropriate penalty provisions sufficient to offset the cost of retrieval/clean up of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.

- k. The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office immediately upon completion of construction and required beach-area restoration activities. If planning staff should identify additional reasonable measures necessary to restore the beach and beach access points, such measures shall be implemented immediately.
10. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
11. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and his/her contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
12. Within 30 days of completion of the construction authorized by this ECDP (i.e., by January 26, 2013), the Permittee shall submit site plans and cross sections prepared by a licensed civil engineer with experience in coastal structures and processes clearly identifying all development completed under this emergency authorization (comparing any previously permitted condition to both the emergency condition and to the post-work condition), and a narrative description of all emergency development activities undertaken pursuant to this emergency authorization.
13. This ECDP shall not constitute a waiver of any public rights which may exist on the property. The Permittee shall not use this ECDP as evidence of a waiver of any public rights which may exist on the property.
14. Failure to comply with the conditions of this approval may result in enforcement action under the provisions of Chapter 9 of the Coastal Act.
15. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the subject site without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Chapter 9 of the Coastal Act.

As noted in Conditions 4 and 5 above, the emergency development carried out under this ECDP is at the Permittee's risk and is considered to be temporary work done in an emergency situation to abate an emergency. If the property owner wishes to have the emergency development become a permanent



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development, a regular CDP must be obtained. A regular CDP is subject to all of the provisions of the California Coastal Act and may be conditioned or denied accordingly.

If you have any questions about the provisions of this ECDP, please contact the Commission's Central Coast District Office at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

