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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-09-016, City of Capitola Fireworks Display

Applicant.....City of Capitola

Project locationAt the seaward end of Capitola Wharf, which extends over the Monterey Bay along Capitola Beach in the City of Capitola.

Project description.....30-minute fireworks display to celebrate the City of Capitola’s 60th anniversary.

Local ApprovalsCity of Capitola Special Events Permit.

File documents.....City of Capitola certified Local Coastal Program (LCP).

Staff Recommendation ..Approval with Conditions

A. Staff Recommendation

1. Summary of Staff Recommendation

The City of Capitola is proposing a 30-minute fireworks show to be launched from the end of the City-owned Capitola Wharf as a one-time free event on September 2, 2009 to celebrate the City’s 60th anniversary. Because it will affect access in and around the prime visitor destinations of Capitola’s Central Village and Capitola Beach, and because it involves fireworks out over the wharf and ocean, the proposed project raises public recreational access and marine resource issues.

In terms of public recreational access, no public streets will be closed for the fireworks event, and the City will operate its free shuttle service to allow spectators to park for free in remote parking lots and attend the event without bringing their cars into the Central Village area. Other than the end of the wharf being off-limits for a limited period of time on the day of the event, the general public will be able to recreate in Capitola as normal. As such, the event should not adversely affect coastal visitors generally, and will provide a free attraction to them. With conditions to ensure that the Capitola Wharf, Capitola Beach, and surrounding waters are adequately cleaned up following the event, the proposed event is consistent with the Coastal Act’s public access and recreation policies.

In terms of marine resources, the fireworks would be launched up over the wharf and ocean in an area



that is part of the Monterey Bay National Marine Sanctuary (Sanctuary). However, impacts to Sanctuary marine resources should not be significant, including because the Capitola Wharf area is located in a densely developed urban area where wildlife activity is more limited than other less urban and more remote areas. In addition, the fireworks event is planned for early September, when the nesting season for birds in the area is complete. Furthermore, there are no haul-out areas for marine mammals located in this urbanized area of Capitola. Any noise disturbances from the fireworks display to birds in the area or to marine mammals in the Sanctuary waters located offshore of the Capitola Wharf are expected to be temporary and short-term. Nine years of monitoring of a similar event held on a yearly basis at Seacliff State Beach (which includes a rookery and marine mammal haul-out area at the end of the pier where the fireworks are launched) has not identified discernable marine resource and/or habitat impacts, and that Seacliff event is held at a location that is less urbanized and more isolated than the Capitola Wharf. With conditions to ensure that the Capitola Wharf, Capitola Beach and surrounding waters are adequately cleaned up following the event to protect water quality and wildlife from event debris, to prohibit the use of certain types of pyrotechnics (including specifically during the beginning of the fireworks show) and pyrotechnic materials, and to require Sanctuary and other-agency approvals, the proposed event is consistent with the Coastal Act's marine resource policies.

With these conditions, staff recommends that the Commission approve a coastal development permit (CDP) for the proposed fireworks event. The motion and resolution to approve the CDP are found directly below.

2. Staff Recommendation on Coastal Development Permit

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below.

Motion: I move that the Commission approve coastal development permit number 3-09-016 pursuant to the staff recommendation.

Staff Recommendation of Approval: Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit: The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.



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B. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description and Location

The City of Capitola is proposing to launch fireworks from the end of the City-owned Capitola Wharf as a one-time event on Wednesday, September 2, 2009 to celebrate the City's 60th anniversary of incorporation. The fireworks display will take place over the water at the end of the wharf and will be visible from Capitola Beach, which is located directly south of Capitola's Central Village, as well as from other locations upcoast and downcoast. The location of the proposed fireworks event is within the boundaries of the Monterey Bay National Marine Sanctuary (Sanctuary). The display will begin at about 8:30 p.m. and last approximately 30 minutes. It is estimated that about 3,000-4,000 spectators will view the free fireworks event.

Please see Exhibit A for a location map and Exhibit B for a photograph of the site.

2. Prior Commission Fireworks Actions

The Commission has processed several CDPs for fireworks displays, including those that involve



potential impacts to public use of sandy beaches or other public access areas, and to marine and habitat resources. For example, since 2000 the Commission has conditionally approved four CDP applications and one CDP amendment¹ to allow the Monte Foundation to close a portion of Seacliff State Beach in Santa Cruz County to allow a fee-based fair and fireworks display in October of each year. The Commission attached conditions to these CDPs requiring cleanup after the events (including but not limited to all fireworks detritus), post-event monitoring of impacts to wildlife (given this site's location near marine mammal haul-out areas and nearby bird habitat on the bluff), other agency approvals, as well as restrictions on the types and amount of fireworks that can be used.

In 2002, the Commission approved an LCP amendment² to the certified Mission Bay Park Master Plan (San Diego) that addressed fireworks programs at Sea World. The City of San Diego established a program for the fireworks, setting the limit on the number of displays per year at 150. The Commission did not take issue with the number of displays, but required suggested modifications to the LCP amendment addressing cleanup of debris, monitoring of overall effects and, at the wildlife agencies' requests, movement of the barge from which the fireworks would be launched further east so that fireworks debris would not land as heavily on Fiesta Island. The Commission also required a better water cleanup system, including the use of divers each morning following a display, and the submission of annual monitoring reports.

The Commission has also waived permit requirements for a fireworks event when it has determined that, based upon the submitted application, the specific planned event does not raise issues of consistency with the relevant Chapter 3 policies of the Coastal Act. For example, in 2003 the City of Morro Bay requested a Commission determination as to whether or not the City's proposed fireworks display would qualify as a temporary event. Due to concerns raised by the Audubon Society and by the Commission, the City proactively took action to move the display from the planned location near Morro Rock (where there are nesting falcons and western snowy plovers) to another location within the bay where there was less potential for disturbance to avian and marine species. The City also offered to implement a number of measures to direct access away from sensitive areas, provide information to attendees regarding the sensitivity of the area, clean up after the display, and to allow third party monitoring of sensitive sites in conjunction with the Audubon Society and relevant state agencies. Based upon the City's actions specifically taken to address Coastal Act concerns, the Commission determined that the event qualified as a temporary event and no CDP was required.

3. Standard of Review

The proposed project is located within the Coastal Commission's retained coastal permitting jurisdiction. Because of this, the City's certified LCP can provide non-binding guidance, but the standard of review for the proposed coastal development permit is the Coastal Act.

¹ CDPs 3-00-117, 3-01-058, 3-02-027, 3-03-034, and 3-03-034-A1.

² City of San Diego Major LCP Amendment Number 2-2001-C.



4. Coastal Development Permit Determination

A. Marine Resources

The Coastal Act protects the marine resources and habitat offshore of the City of Capitola. Coastal Act Sections 30230 and 30231 provide:

Section 30230: *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The City's proposed fireworks display would be launched from the Capitola Wharf and over the Monterey Bay National Marine Sanctuary. The Sanctuary has historically expressed concern about the potential cumulative impacts to marine wildlife and the environment from fireworks displays, particularly if they proliferate to multiple sites within the Sanctuary. Because of this concern, and to provide guidance for future proposed fireworks events in the Sanctuary, in 2001 the Sanctuary developed an Assessment of the impacts of fireworks displays.³ This Assessment recognized the historical use of fireworks in certain locations (including Capitola)⁴ and authorized future fireworks in four discrete areas within the Sanctuary (including Capitola), while noting that fireworks displays would be prohibited within the remainder of the Sanctuary. On March 26, 2001, the Sanctuary requested formal programmatic consultation from the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) within the context of both the Endangered Species Act and the Marine Mammal Protection Act as to the potential for "take" of listed species and/or protected mammals due to fireworks displays within the Sanctuary's boundaries. On June 22, 2005, USFWS provided its biological opinion and concurred that the Sanctuary's authorization of fireworks events within four discrete areas⁵ within the Sanctuary would not likely substantially reduce the overall populations of

³ *Assessment of Pyrotechnic Displays and Impacts within the Monterey Bay National Marine Sanctuary 1993-2001*, dated March 2001.

⁴ Fireworks displays were typically held on Independence Day in Capitola throughout the 1970s, and possibly in the decades preceding the 1970s. The City discontinued the Independence Day fireworks displays due to safety and crowd control concerns. Since creation of the Sanctuary in 1993, only a single fireworks display has been held in Capitola. That event took place in 1999 to celebrate the City's 50th anniversary.

⁵ These four areas consist of: 1) Half Moon Bay; 2) Northern Monterey Bay Area (including Santa Cruz, Capitola, and Aptos; 3) Southern Monterey Bay Area; and 4) Cambria.



endangered or threatened species located within these areas. On July 19, 2006, NMFS likewise issued a letter of authorization to the Sanctuary authorizing professional fireworks displays within Sanctuary waters. Both USFWS and NMFS recommended that the Sanctuary include appropriate mitigation and conservation measures when authorizing fireworks displays within the Sanctuary to minimize or avoid impacts to special status species. Both the Commission and the Sanctuary have authorized fireworks within Sanctuary waters based in part on the Assessment and its recommendations.⁶

Regarding the proposed fireworks event, a biotic report⁷ was prepared to evaluate the potential impact of the proposed fireworks display on sensitive bird and mammal species. The report's study area included an approximately 1.5 mile stretch of coastline in Capitola, including the Capitola Wharf, terrestrial environments along the beach and shoreline, the mouth of Soquel Creek, and coastal cliffs and bluffs where accessible on foot. Segments of inaccessible shoreline, including coastal cliffs and bluffs, offshore kelp forests, and the underside of the Capitola wharf were observed from a boat. According to the biotic report, ten special-status species have the potential to occur within the study area. Seven of these special status species were specifically identified as present within the study area during late January 2009.⁸

In terms of potential bird impacts, the biotic report indicates that potential bird impacts are limited to the potential for impacts to nesting birds (as opposed to other types of bird use), and recommends that the City plan the event for September when the nesting season for birds, including sensitive bird species, in the area is complete. The fireworks display is planned for September 2nd and, as a result, is not expected to impact nesting birds. As to potential impacts to non-nesting birds, these impacts would be temporary and short term. Birds would be expected to retreat from the area when the fireworks start, and to return afterwards. Nine years of monitoring for similar fireworks events at Seacliff State beach in Aptos has not shown significant adverse bird impacts.

Regarding marine mammals, the biotic report notes that unlike other piers and wharves that are located in Santa Cruz County (e.g., the Municipal Wharf in Santa Cruz and the Seacliff Beach Pier and the "cement ship" at Seacliff State Beach in Aptos), the Capitola Wharf lacks supportive platforms below the wharf that can be used by marine mammals to haul out. Also, the shoreline in the immediate vicinity of the Capitola Wharf is highly urbanized, actively used by beach goers, and generally lacks isolated sites that could be used by marine mammals to haul out. Thus, the proposed event will not impact any marine mammal haul-out sites.

Regarding marine mammals located in the waters offshore of the Capitola Wharf, while it is likely that

⁶ See, for example, CDPs 3-00-117, 3-01-058, 3-02-027, 3-03-034, and 3-03-034-A1 (Monte Foundation Fireworks at Seacliff State Beach).

⁷ *Supplemental Environmental Report for the City of Capitola 60th Anniversary Fireworks Event Permit Application, Santa Cruz County, California* by Ecosystems West Consulting Group, April 2, 2009.

⁸ The following is the list of the ten special status species that could be present within the study area; those in **bold** were observed during the late January 2009 site visits: (1) steelhead; 2) tidewater goby; 3) **Common loon** (nesting); 4) **Brown pelican** (nesting colony and communal roosts); 5) American peregrine falcon (nesting); 6) **Double-crested cormorant (rookery site)**; 7) **Brandt's cormorant (rookery site)**; 8) **Southern sea otter**; 9) **California sea lion**; and 10) **Pacific harbor seal**.



the noise from the fireworks display will disturb marine mammals that may be present in these offshore waters at the time of the event, this disturbance will be temporary and short-term. As with bird impacts, nine years of monitoring of fireworks impacts at Seacliff State Beach has not shown a discernable impact to marine mammals,⁹ even with a very active haul-out area at the end of the pier on the cement ship in that case. In this case, lacking an active haul-out area, and lacking any other indication that there is any kind of unusually high marine mammal activity at or near the Capitola Wharf, the proposed event is not expected to significantly impact marine mammals.

As a means to strictly limit the effect of fireworks on wildlife in the area, previous Commission actions in this area have included limitations on the types of fireworks that could be launched at the beginning of the event. The intent has been to open an event with more minimal fireworks that allow wildlife to ease into the event and flush more readily from the area without an immediate barrage of huge explosions and salutes that may exacerbate impacts. This limitation is appropriate in this case as well, and thus this approval is conditioned to limit the total number of “aerial salute” shells or devices to no more than 6% of the total number of aerial shells and/or special effect pyrotechnic devices combined, and to prohibit such aerial salute shells/devices during the first five minutes of the fireworks display (see special condition 2).

Event debris from a fireworks program can impair Sanctuary water quality as well as harm wildlife that may ingest and/or become entangled in such debris. The USFWS biological opinion noted that Sanctuary staff has documented the presence of a substantial number of fireworks casings in the ocean immediately following previous fireworks displays held over Sanctuary waters. Other fireworks debris that may enter the ocean includes cardboard cylinders, disks, and shell case fragments; paper strips and wadding; plastic wadding, disks, and tubes; aluminum foil; cotton string; and even whole unexploded shells (i.e. duds or misfires). It is likely that paper strips, cardboard, and cotton string are biodegradable and do not persist for long periods of time in the ocean environment. However, other materials, such as plastic, are likely to persist in the marine environment for lengthy periods if they are not washed ashore and removed by personnel. In previous permits for fireworks programs over Sanctuary waters, the Commission and the Sanctuary have prohibited the use of specific pyrotechnic devices, such as those containing an outer plastic casing, and have required that all plastic labels and wrappings be removed from the pyrotechnic shells before they are launched. Special Condition 2 incorporates these prohibitions into this permit. Additionally, Special Condition 3 requires the City to inspect Capitola Beach, the Capitola Wharf, and the water area surrounding the Capitola Wharf for a minimum of two days following the conclusion of the fireworks program to look for any remaining event debris, including but not limited to all fireworks detritus, and also that this debris be properly disposed of.

Finally, the Sanctuary is currently processing an application for the proposed project and indicates that an approval is expected with conditions similar to those required by the Commission and the Sanctuary in years past for other fireworks displays (e.g., prohibition on aerial “salute” shells, requirements for removal of plastic labels and packaging from shells, prohibition on plastic casings, inspection and cleanup of the beaches and waters in the event area for as long as it takes to effectively dispose of all

⁹ Id.



event-related debris, etc.). To ensure the Commission's CDP is effectively integrated with the Sanctuary authorization (as in past cases of fireworks CDPs that involved the Sanctuary), this approval is conditioned for evidence of Sanctuary approval (see special condition 1).

As so conditioned, the Commission finds that the proposed fireworks event will maintain water quality and marine resources in the vicinity of the Capitola Wharf and that the project can be found consistent with the marine resources policies of the Coastal Act.

B. Public Access and Recreation

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road and thus such a finding is required. Coastal Act Sections 30210 through 30213 and 30221 specifically protect public access and recreation. In particular:

***Section 30210.** 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.*

***Section 30211.** 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.*

***Section 30213.** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

***Section 30221.** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Coastal Act Section 30240(b) also protects parks and recreation areas, such as the beach area adjacent to the Capitola Wharf. Section 30240(b) states:

***Section 30240(b).** Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

These overlapping policies protect the beach (and access to and along it) and offshore waters for public



access and recreation purposes, including lower-cost access and recreational opportunities.

The proposed fireworks display is a free temporary event that will take place on September 2, 2009. All normally accessible areas (like Capitola Beach and the Central Village area) will remain open and available to the general public as usual with the exception of the wharf itself where public access will be restricted on the day of the event from 9 a.m. on to allow for pre-display setup and for actual fireworks launching. The wharf will reopen the following morning at 6 a.m.¹⁰ Parking will be provided in the City-owned Pacific Cove parking lot, the parking lots located along Cliff Drive, and on-street village parking. In addition, the City will operate its free shuttle service to allow spectators to park for free in remote parking lots along Bay Avenue (near Highway One) and to attend the event without bringing their cars into the Central Village area. As such, the event should not adversely affect coastal visitors generally, and in fact will provide a free attraction to them in an urban setting capable of handling such an event and potential attendees.

The project would temporarily impact the ability of boaters to use Monterey Bay waters around the wharf during the time of the event. However, this impact will be negligible. U.S. Coast Guard approval is, however, required, and this approval is conditioned for evidence of Coast Guard approval (see special condition 1).

The main public access issue in this case is really with respect to the cleanup of any fireworks and/or event debris following the event. It is possible that fireworks debris may make its way onto the beach, and it is possible that event attendees may leave other debris as well. Given that some debris may float, it may be that debris continues to be present even following initial cleanup activities. Some debris of this type can be avoided by simply prohibiting certain pyrotechnic devices (such as those that contain an outer plastic casing), and by requiring that all plastic labels and wrappings be removed from the pyrotechnic shells before they are launched. In addition, the Commission's experience with nearby fireworks events has been that aggressive and focused cleanup following the event is adequate to ensure that beach and offshore waters are returned to their pre-event state in a relatively short period of time. With conditions to limit certain types of shell materials and to ensure that the Capitola Wharf, Capitola Beach, and the surrounding waters are adequately cleaned up following the event, the proposed event is consistent with the Coastal Act's public access and recreation policies.

C. Fire Hazards

Coastal Act Section 30253 requires that fire risks be minimized. Section 30253 states in applicable part:

Section 30253. New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. ...

Launching fireworks during the fire season raises the question of whether such an activity could increase fire hazard. In this case, the fireworks would be launched over the water, but they would also

¹⁰ The Capitola Wharf is typically open for access from 6 a.m. (when the bait shop on the wharf opens for business) until about 10:00 p.m. (when the restaurant at the end of the wharf closes for the night).



be launched over a wooden wharf. There is also the potential for a misfire of some sort landing on nearby bluffs or buildings or other areas. The City indicates that an event permit is required from Central Fire Protection District (the local fire protection district) for the proposed fireworks display to ensure adequate precautions are taken to protect against fire hazard. This approval is conditioned for evidence of Central Fire Protection District approval (see special condition 1).

5. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Other Agency Approval.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval evidence of all permits, permissions or approvals granted for the fireworks display from: (1) Monterey Bay National Marine Sanctuary; (2) Central Fire Protection District of Santa Cruz County; and (3) United States Coast Guard. The Permittee shall inform the Executive Director of any changes to the project required by the any of the above-listed agencies. Such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally necessary.



2. Fireworks Limitations.

- a. **Device Maximum.** No more than a total maximum of 950 aerial shells and/or special effect pyrotechnic devices shall be launched and/or detonated.
- b. **Aerial Salute Limitations.** The total number of “aerial salute” shells or devices shall not exceed 6% of the total number of aerial shells and/or special effect pyrotechnic devices combined. Aerial salute shells/devices shall not be launched or detonated during the first five minutes of the fireworks display.
- c. **Plastic Labels and Wrapping Removed.** All plastic labels and wrappings shall be removed from all aerial shells and special effect pyrotechnic devices before they are launched or detonated.
- d. **Prohibited Devices.** Aerial shells and/or special effect pyrotechnic devices that include a plastic outer casing and/or non-biodegradable inner components that make up more than 5% of the mass of the shell/device shall be prohibited.

3. **Cleanup and Restoration of Capitola Beach and Wharf.** The Permittee shall inspect Capitola Beach, the Capitola Wharf, and the water area surrounding the Capitola Wharf for a minimum of two days following the conclusion of the fireworks (i.e., through Thursday and Friday) for any remaining event debris, including but not limited to all fireworks detritus. All such debris found shall be properly disposed of and the inspections shall continue for at least 24 hours from the time that any such fireworks debris is located, and indefinitely until such inspections do not identify any more fireworks debris.

C. California Environmental Quality Act (CEQA)

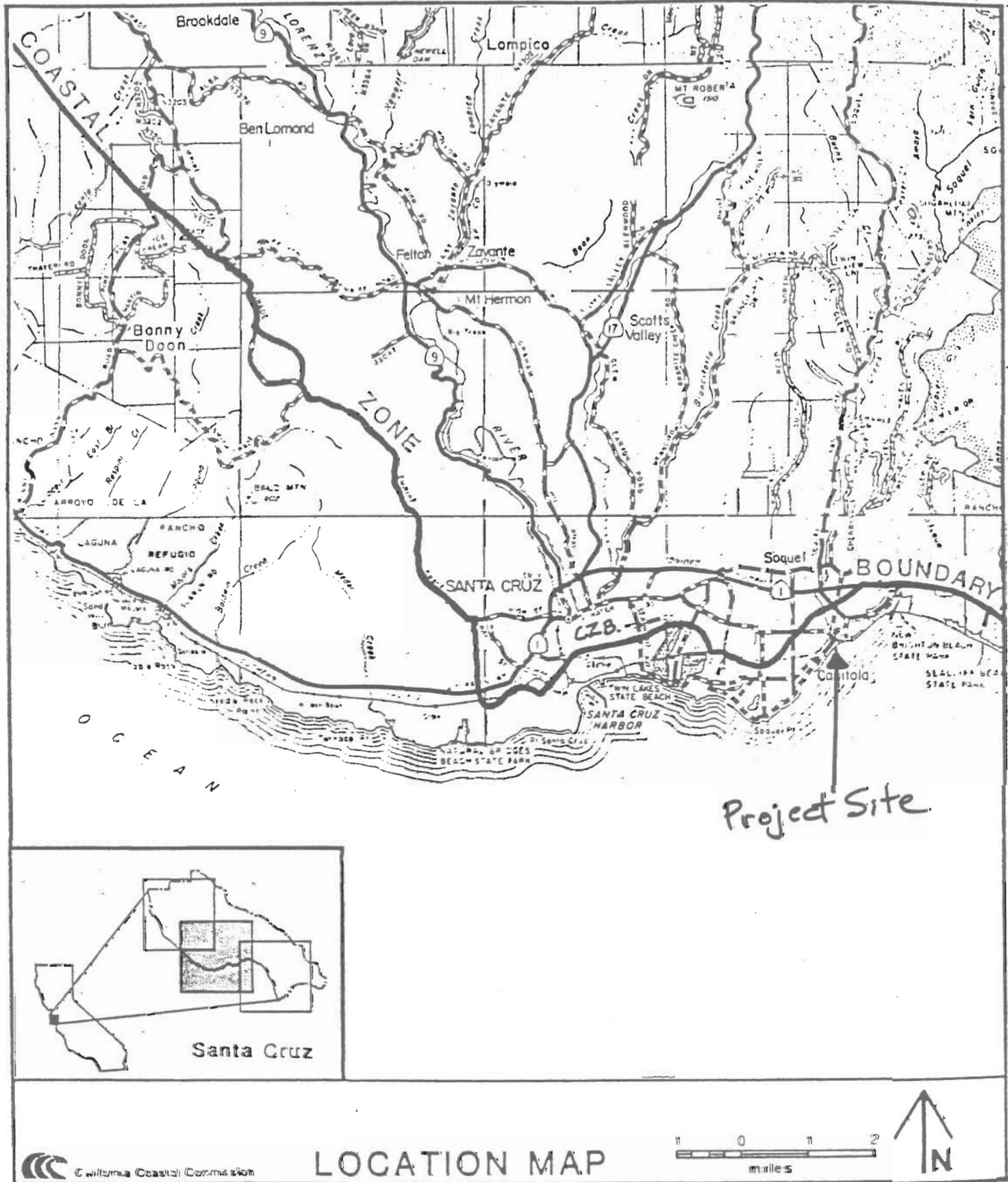
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Capitola, acting as the lead CEQA agency, found the project to be categorically exempt from CEQA requirements (per CEQA Guidelines Section 15323).

The Coastal Commission’s review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

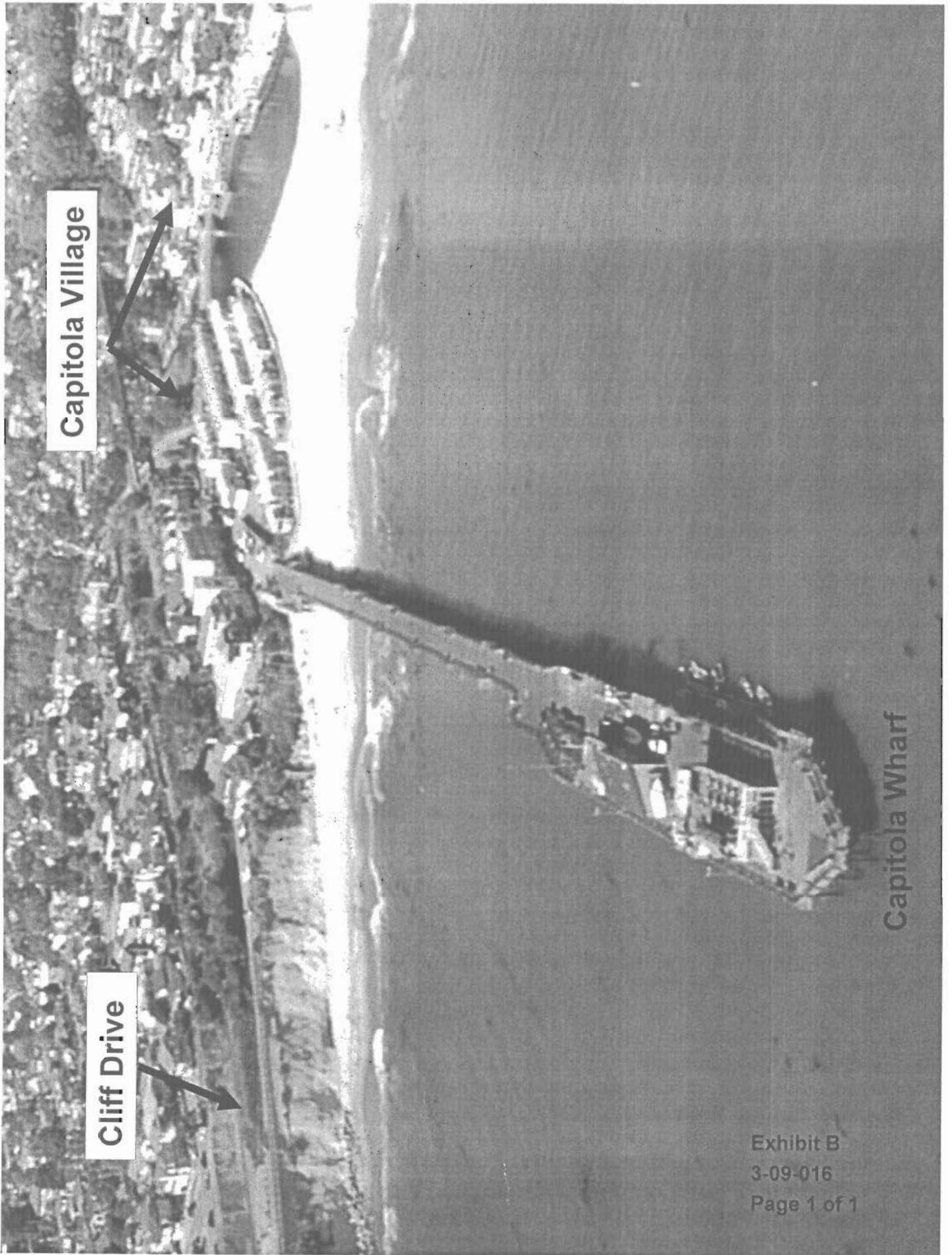


The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).





Project Site



Capitola Village

Cliff Drive

Capitola Wharf